

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Hour of twelve having arrived, the Senate will please come to order. Will the Members and their guests in the gallery please rise. Our prayer today is by Pastor Frank Gillett, Elliott Avenue Baptist Church, Springfield. Pastor Gillett.

PASTOR FRANK GILLETT:

(Prayer by Pastor Frank Gillett)

PRESIDENT PHILIP:

Thank you, Pastor. Very well done. Reading and approval of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, March 4th; Tuesday, March 9th and Wednesday, March 10th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to -- postpone the reading and approval of the Journal, pending the arrival of printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to Committees: Agriculture and Conservation - Senate Bills 841; Appropriations - Senate Bills 872, 873, 874, 875, 876, 877, 882, 883, 884, 885, 895, 923, 944, 945, 946, 947, 948, 953, 1015, 1099 and 1103; Commerce and Industry - Senate Bills 736, 743, 772, 787, 814, 815, 833, 834, 910, 931, 965, 973, 974, 975, 980, 1000, 1014, 1057, 1063, 1065, Senate Amendment No. 1 to Senate Bills 96 and 97; Education - Senate Bills 696, 715, 717, 729, 730, 735, (791), 792, 795, 800, 802, 812, 819, 822, 838, 839, 840, 846, 862, 863, 881, 915, 925, 926, 928, 950, 987, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1016, 1053, 1071, 1073, 1074, 1089, 1090, 1092,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

1093, 1094, 1095, 1096, 1097, 1098 and 1104; Environment and Energy - Senate Bills 686, 710, 723, 757, 764, 769, 770, 789, 806, 820, 821, 865, 940, 952, 961, 976, 1060, 1091 and 1100; Executive - Senate Bills 684, 693, 700, 703, 705, 718, 741, 797, 808, 835, 836, 837, 845, 852, 854, 858, 878, 899, 900, 912, 921, 922, 924, 937, 941, 949, 954, 955, 960, 962, 985, 1003, 1006, 1009, 1019, 1024, 1025, 1044, 1045, 1046, 1047, 1051, 1056, 1077, 1082, 1084, 1101 and 1106; Financial Institutions - Senate Bills 746, 747, 748, 886, 888, 891, 916, 935, 1021, 1023, 1035, 1061, 1064 and 1069; Insurance, Pensions and Licensed Activities - Senate Bills 680, 681, 687, 688, 689, 691, 695, 716, 742, 751, 756, 758, 766, 767, 768, 774, 777, 788, 794, 803, 827, 828, 829, 830, 831, 853, 879, 930, 951, 966, 978, 979, 1031 and 1105; Judiciary - Senate Bills 678, 682, 683, 685, 711, 719, 726, 739, 744, 745, 753, 759, 771, 773, 775, 778, 779, 780, 781, 784, 786, 793, 799, 805, 810, 811, 813, 832, 842, 847, 850, 855, 856, 864, 869, 870, 880, 893, 898, 902, 911, 914, 918, 934, 938, 939, 942, 956, 957, 958, 959, 968, 969, 988, 1002, 1004, 1032, 1033, 1034, 1041, 1042, 1052, 1054, 1055, 1068, 1070, 1076 and 1078; Local Government and Elections - Senate Bills 679, 704, 706, 713, 714, 720, 722, 724, 728, 740, 749, 750, 785, 796, 798, 817, 818, 823, 824, 843, 844, 851, 867, 871, 892, 913, 917, 919, 929, 990, 1010, 1022, 1026, 1027, 1029, 1043, 1049, 1075, 1079, 1080, 1081, 1083 and 1085; Public Health and Welfare - Senate Bills 694, 698, 702, 708, 712, 721, 732, 733, 765, 776, 816, 848, 849, 859, 860, 861, 887, 889, 897, 920, 927, 936, 964, 967, 971, 972, 977, 1001 and 1028; Revenue - Senate Bills 699, 707, 725, 731, 755, 760, 761, 762, 763, 783, 790, 804, 890, 970, 981, 982, 983, 1007, 1008, 1011, 1012, 1018, 1020, 1036, 1037, 1038, 1039, 1040, 1050, 1062, 1067, 1072, 1086, 1087 and 1088; State Government Operations and Executive Appointments - Senate Bills 690, 692, 697, 701, 709, 801, 807, 826, 866, 894, 932, 933, 984, 986, 1005, 1013, 1066 and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

1102; and Transportation - Senate Bills 727, 734, 737, 738, 752, 754, 782, 809, 825, 857, 868, 896, 901, 903, 904, 905, 906, 907, 908, 909, 943, 963, 989, 1030, 1048, 1058 and 1059. (Bill within parentheses inadvertently not read into record)

Senator Woodyard, Chair of the Committee on Agriculture and Conservation reports Senate Bills numbered 169, 210, 213 and 277 Do Pass; and Senate Bill 105 Do Pass, as Amended.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 186, 216, 230, 232, 290 and 377.

Passed the House, March 10, 1993.

PRESIDENT PHILIP:

Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I just wish to announce that Senator Robert Raica is still recovering from surgery and is -- won't be here because of surgery -- recovery.

PRESIDENT PHILIP:

Thank you, Senator Geo-Karis. The record will so indicate. Mr. Secretary, 2nd Readings.

SECRETARY HARRY:

House Bill 157.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted one amendment.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Any Floor amendments?

SECRETARY HARRY:

No amendments have been reported, Mr. President.

PRESIDENT PHILIP:

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

SENATOR JONES:

Thank you, Mr. President. I wish you would recognize Senator Cullerton, because amendments have been filed on the bill.

PRESIDENT PHILIP:

Senator Cullerton, for what purpose do you arise?

SENATOR CULLERTON:

Yes, just a procedural question. I know we're on 2nd Reading. I've filed two amendments. As I understand it, those amendments would be going to the Rules Committee. I also just am curious. Does -- doesn't the Clerk -- or the Secretary read that the amendments were at least filed?

PRESIDENT PHILIP:

The -- the Secretary reads the rules that were -- the amendments that were adopted by that committee. Senator Cullerton, for what purpose do you arise?

SENATOR CULLERTON:

Well, then, there's a second issue, and I filed a motion asking that this bill remain on 2nd Reading, pending the Rules Committee or any other committee's report on the amendments that I filed.

PRESIDENT PHILIP:

Senator Cullerton, you've asked to go to Motions. Mr. Secretary, do we have any motions filed?

SECRETARY HARRY:

Yes, there is a motion on file, Mr. President.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Read the motion.

SECRETARY HARRY:

I move that House Bill 157 remain on the Order of 2nd Reading until the Rules Committee or the applicable standing committee makes a report to the Senate on the Floor amendments numbered as Amendments 2 and 3 to House Bill 157.

Signed by Senator Cullerton.

PRESIDENT PHILIP:

Senator McCracken, what purpose do you arise? Senator McCracken.

SENATOR MCCRACKEN:

For a parliamentary inquiry, Mr. President.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Is the motion in order? Let me put it this way: I submit that the motion is out of order and ask the Chair to so rule.

PRESIDENT PHILIP:

Thank you, Senator Cullerton <sic>. The Chair rules that this motion is out of order. It makes a request that is contrary to the Senate Rules, without seeking to suspend those Rules. That's the ruling of the Chair. This ruling has been made. Any further discussion is out of order. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Thank you, Mr. President. The motion that was filed by Senator Cullerton, who is a hyphenated sponsor of House Bill 157, is a motion to deal with the serious issue that we, the Members of the General Assembly, are confronted with. And for you to arbitrarily rule that motion out of order, doesn't really make sense. We are trying to cooperate to deal with a serious, serious problem that has been brought to our attention. And -- and what

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

you are doing, Mr. President... What you are... And I...

PRESIDENT PHILIP:

Could we have a little order, please.

SENATOR JONES:

I suggest to you, Mr. President, as well as the Members on the other side of the aisle, is that we are attempting to resolve a problem that was brought to us by the Governor, and we do not want to rush through hastily in passing this legislation, because in doing so, we may create a bigger problem than what we are attempting to solve. And to play behind some rules, and not permitting that motion to be considered or the amendments that are on file, is not in the best interests of this Body and is not in the best interests of the people of the State of Illinois. So we -- I recognize that you do have thirty votes, but those same rules that you are hiding behind will not only strangle this Body, it's going to strangle the 2nd Floor. So I suggest, Mr. President, that you reconsider that ruling that you made, because these amendments to this Act are very important to the people of Illinois, and we might as well deal with that issue and deal with it today.

PRESIDENT PHILIP:

Senator Jones, your -- your comments will certainly be noted. Senator Hawkinson, for what purpose do you arise?

SENATOR HAWKINSON:

Thank you, Mr. President. Just to indicate that the bill that myself and Senator Cullerton has sponsored, that my understanding is there's still ongoing discussions about trying to reach an agreed amendment, and it's my understanding that upon adjournment of this general Session, that those meetings will continue. And we appreciate their cooperative attitude on that agreed amendment.

PRESIDENT PHILIP:

Thank you, Senator Hawkinson. Now, with leave of the Body,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

we'll go to 3rd Readings. 3rd Readings. At this point, we're going to 3rd Readings on page 3. Any Member wanting their bill called, if they would please indicate. Senator -- Senate Bill 13. Senator Butler. Read the bill, Mr. Secretary.

SECRETARY HARRY:

...(machine cutoff)...Bill 13.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Senate Bill 13 allows -- it's a permissive bill that allows the municipal manager of a municipality that has a 9-1-1 surcharge to serve on the Emergency Telephone System Board. The...

PRESIDENT PHILIP:

Could we please have some order, please. We're on 3rd Readings, and we ought to be paying a little attention to what Senator Butler's saying.

SENATOR BUTLER:

The board consists of at least five members, and up to this point, the city manager, who would be a representative of the -- of the city administration, was not a permitted member. So this bill merely includes the city manager into -- permits the city manager to join a 9-1-1 board. I would move for its approval.

PRESIDENT PHILIP:

Further discussion? If not, the question is, shall Senate Bill 13 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? On Senate Bill 13 -- take the record. On Senate Bill 13, there are 46 Ayes, no Nays, 7 voting Present and 7 not voting -- 6 not voting. Having received the constitutional majority, I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

declared Senate Bill 13 passed. Senator Demuzio, what purpose do you arise?

SENATOR DEMUZIO:

Senator -- Mr. President, I had my light on to speak on that issue. I mean, I know you've stifled the debate on 2nd Reading with amendments, and you've stifled the debate on everything around here. I guess now you're going to stifle the Members whose lights are on. Thank you.

PRESIDENT PHILIP:

Senator Demuzio, I apologize for that. I did not see your light on. I certainly would have recognized you. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. In response to Senator Demuzio, I just wanted to say, for he who was in committee, and anybody that was in Executive Committee yesterday, knows we're not stifling any debate, 'cause that went on forever.

PRESIDENT PHILIP:

Senate Bill 36. Senator O'Malley, do you want your bill called? Read the bill.

SECRETARY HARRY:

Senate Bill 36.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, Ladies and Gentlemen of the Senate, this bill amends the Municipal Code to authorize municipalities to establish a building code hearing department. If there's any questions, I'm prepared to answer them.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Any questions of the sponsor? Senator Cullerton, for what purpose do you arise?

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

The sponsor indicates he'll yield. Senator Cullerton.

SENATOR CULLERTON:

Could you give us -- could you give us a little background as to where you expect this to apply? I mean, in other words, who asked for this bill and who will use it? What municipalities do you expect to use it?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Senator Cullerton, this -- this particular bill grew out of a request of a suburban community that's within my Senate district. And as originally proposed, this -- this bill was to apply to any community with a population of twenty thousand or more. The current legislation permits -- the bill -- or the -- the law that's in effect currently allows any municipality of a hundred thousand or more. After I proposed this bill, I agreed to amend it to -- to expand it to include any municipality in the State. That was the -- that was the overwhelming request of municipalities throughout the State that contacted me about it.

PRESIDENT PHILIP:

Senator -- Senator Cullerton, any further questions? Senator Cullerton.

SENATOR CULLERTON:

Well, you know, we're -- we're always concerned, especially this Session, about any -- any mandates for local governments. So there was some concern, I understand, that DCCA expressed, that the municipalities affected by this bill would need some financial

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

assistance to establish and maintain some code departments. So, could you address the issue of whether or not we're imposing a mandate on local government?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Senator, that's an excellent question, and it's something we were very concerned about - to make sure that it was not a mandate. This is an option that's available to communities. They must address it on their own and make the decision at their own level. It does not require State funding.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

A question of the sponsor.

PRESIDENT PHILIP:

The sponsor indicates he will answer.

SENATOR DeANGELIS:

Senator O'Malley, I noticed that Senator Shaw is your hyphenated sponsor on this bill. I have two questions. One, was this bill prompted by his brother, who's the alderman in the City of Chicago? And if not, could you not have found a more suitable hyphenated sponsor?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

I would yield to Senator Shaw, if he'd like to answer that question.

PRESIDENT PHILIP:

Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yes. Would the sponsor yield?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Jones.

SENATOR JONES:

Senator O'Malley, the -- what local unit of government made this request for this change?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

The City of Blue Island.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Well, you know, the City of Blue Island has been in my senatorial district for a number of years, and -- and I -- I haven't heard from the mayor of that town. And so -- and this is in my district - not all of Blue Island under redistricting, but most of it. So I wonder why I didn't hear from them. Did they ask you about Senator Jones, or are you expanding your district to include that portion which I represent? 'Cause the -- the City of Blue Island, which is part of my district. And I want to know. Can you tell me?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Senator, I -- I don't know whether they contacted you or not. I would assume that they didn't, by your comments. However, they did make the request of me, and I thought it made a lot of good -- good sense. So I was very much in favor of sponsoring it. Senator Shaw approached me, because he does represent a part of Blue Island as well, and asked if he could support it. And I was very appreciative for that support. Had I known you were interested, I would have requested your support as well.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Senator Jones, you know, we could always add you for a cosponsor, if you so desired. Senator Jones.

SENATOR JONES:

Okay. In response to that, because I do have a stack of mail on my desk from the aldermen, the mayors of the City of Blue Island, but they haven't come to me. I don't know how Senator Shaw jumped over my district to get to Blue Island. You know, it's very strange. But -- but -- but let me ask you another question. In order for these local units of government to set up those code departments, it would require revenue, as such, to do such. Am I correct? And could you tell us, in light of what the Governor's doing to these units of government, in pulling money from them, where are they going to get the revenue to set up these various code departments?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Senator, this -- this bill is not a mandate. It permits each community, on their own, to make a decision as to whether or not they wish to avail themselves of this. They would probably look at it in the same way that the City of Chicago did when it -- when it enacted such a -- such a local hearing within their -- within their own municipality. I would assume that they would be raising -- if -- if they were to make the decision as to whether or not they were going to enact this, they would carefully look at whether or not it --- it would be beneficial in -- in generating revenue on its own. This is not a State mandate, nor is it going to require State support.

PRESIDENT PHILIP:

Senator... Are you through, Senator Jones? Senator Jones.

SENATOR JONES:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Well, it's a very strange thing to me, and -- as one who has been out there in the suburbs for quite some time - very strange. I intend to vote Present on this, because many requests come from Blue Island, and I -- I really feel it's an insult to me, as the Senator from that area, that they haven't even discussed this issue with me. And I intend to vote Present on this matter.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am certain that the people of Blue Island would have been happy to have you sponsor this bill, but you probably were unavailable, because you were so very, very busy, Senator Jones. And consequently, this is a permissive bill, and I speak now as a former mayor. It's a very good bill. It's permissive. It will allow any municipality to adopt and create a code hearing department to hear building code violations, and I think we have plagued the young Senator, who represents Blue Island now, long enough, and I move for its passage.

PRESIDENT PHILIP:

Senator Shaw. Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is -- I, too, met with the Mayor of Blue Island, which happens to be a part of my district, and the Mayor informed me that he wanted this. I've also conferred with the Mayor of Harvey, Illinois. They also want this. And it's a -- it's a bill that -- where that if they want to enact it, put it into effect, they can; if they don't, they don't have to. And it does not cost the State any additional dollars in order to pass this legislation. And I urge -- I urge an Aye vote on the legislation.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Thank you, Senator Shaw. Any further discussion? If not, Senator O'Malley, to close. Oh. Excuse me. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

He indicates he will. Senator Fawell.

SENATOR FAWELL:

Senator -- Senator O'Malley, I was the spokesman on Local Government and -- and, therefore, these bills always interest me. Is this your -- is this your first bill that you are attempting to pass now?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

It is, indeed. Yes, it is.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Well, seeing as this is your first bill, I -- I certainly hope that my colleagues know what to do with it. And I wish you luck.

PRESIDENT PHILIP:

Any further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

It's obvious from the debate we've had that Blue Island is a very well-represented community here in the Illinois State Senate, and I would ask for a roll call -- a favorable vote, please.

PRESIDENT PHILIP:

The -- the question is, shall Senate Bill 36 pass. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Has everybody voted who wish? Has everybody voted who wish? Has

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

everybody voted who wish? Take the record. Senate Bill 36, there are 49 Ayes, 3 Nays, 2 Present, 5 not voting. Senate Bill 36, having received the constitutional majority, is declared passed. Senate Bill 48. ...(machine cutoff)... Senator Topinka. Senate Bill 62. Read the bill.

SECRETARY HARRY:

Senate Bill 62.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Smith, for what purpose do you arise?

SENATOR SMITH:

...President, I'd like for the record to show that my vote of No, please reverse it to a Yes. I certainly want to welcome Senator O'Malley. Thank you.

PRESIDENT PHILIP:

With leave of the Body, the record will so indicate. Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 62 is very, very simple. It amends the Bingo License and Tax Act to allow alternate nights for holidays. At this point, when a holiday occurs on the night of a licensee, they -- they don't have the bingo game because of the holiday, and this would give them the option to hold it on another night so that -- that they can get their full quota in. And that's all the bill does.

PRESIDENT PHILIP:

Any discussion? Any questions? If not, Senator Topinka, to close.

SENATOR TOPINKA:

I'd just seek a favorable vote.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

The question is, shall Senate Bill 62 -- those in favor, vote Aye. Those opposed, Nay. The voting is open. ...you all voted who wish? Have you all voted who wish? Take the record. On that question, 54 Ayes, no Nays, 1 voting Present. Declared Senate Bill 62 -- has received the constitutional majority, declared it passed. Senate Bill 63. Senator Topinka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 63.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, what this bill does is it amends the Municipal Code and the Public Utilities Act to provide that municipalities may exempt other local governments and school districts from their municipal utility taxes. It is strictly voluntary; it is completely permissive, and I don't know that anybody has any objection to it. If this does not occur, what happens is that the municipality has to start taxing school districts and park districts, and so on, on the basis of their municipal tax, collect it, wait till the utilities get back to the municipality, then they have to rebate it to these units of local government, and we wind up a taxing body taxing another taxing body and creating paperwork as a result. We solve this problem by just making it direct. Nobody is in opposition that I know of.

PRESIDENT PHILIP:

Any further discussion? Senator Jacobs, did you have your light on? If not, Senator Topinka -- excuse me. Senator Demuzio.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

SENATOR DEMUZIO:

If the sponsor would yield, I'd like to ask a quick question.

PRESIDENT PHILIP:

The sponsor indicates she will yield. Senator Demuzio.

SENATOR DEMUZIO:

Senator -- Senator, did I hear you say that the -- that -- that a municipality, if you had a enterprise zone or a federally designated foreign trade zone or a subzone, could exempt businesses operating from those zones from a utility tax? And what impact does that have on the schools, did you say?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

At this point, we have municipalities in the State who indeed have to, by virtue of the law, tax other taxing bodies, using the municipal tax as part of the base. What happens is, then, they tax the schools; they tax other units of local government. When the utilities collect the money and send it to the municipality as a total tax package, they then have the ability, if they so wish, to rebate it to those other units of local government which they wish to make exempt from that -- from that municipal tax. To have to do it though, they have to wait and it involves a lot of paperwork, and then they do it anyway. So you get a very complex paperwork circle that allows one taxing body to tax another taxing body, when indeed it does not wish to tax them in the first place.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

Just a favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 63 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have you

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

all voted who wish? Have you all voted who wish? Take the record. There are 51 Ayes, 1 Nay, no voting Present. Senate Bill 63, having received the constitutional majority, is declared passed. Senator Burzynski. Senate Bill 91. Read the bill.

SECRETARY HARRY:

Senate Bill 91.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill just ensures good government practices by enacting a -- an elected forest preserve board for those districts that are in the Downstate Forest Preserve District. I would answer any questions anyone might have.

PRESIDENT PHILIP:

Any questions? Senator Jacobs.

SENATOR JACOBS:

Senator, is this strictly a -- a merely bill?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Excuse me, Senator. I didn't understand that.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Is this bill strictly a merely bill?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Would you explain that to me, Senator, please?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Senator Jacobs. I think he...

SENATOR JACOBS:

Merely -- merely, as in, you know, Mairzy, Mairzy, Mairzy Doats. No, merely - that it just merely does this. Is that what it -- what this is? Is this a merely bill?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, Senator, it's a merely bill. Yes, thank you.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. I have a question, if he'd yield.

PRESIDENT PHILIP:

The sponsor indicates he'll yield.

SENATOR CULLERTON:

If I understand the bill - and what you're taking is, right now, a downstate forest preserve district which are appointed - you are calling for an election. And I assume that there is some costs involved with an election. So the local authorities would then have to conduct this election, and therefore, I assume that there would be State reimbursement to the local governments for the cost of the election.

PRESIDENT PHILIP:

Senator -- Senator Burzynski.

SENATOR BURZYNSKI:

Thank you for the question. Of course, this would follow regular election codes, and reimbursements would be as such. So, this will take place at the next general election.

PRESIDENT PHILIP:

Senator Cullerton.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

SENATOR CULLERTON:

So your answer is that -- that you don't believe there will be any additional cost? And my question then would be: If there is some minor additional cost, would the State reimburse them?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

There could be some additional minor costs the county would incur in the publishing or the printing of the ballots.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, then, are -- does this bill exempt the State Mandates Act, or does it authorize reimbursement by the State to the local governments for the cost of the election - the minor cost that you referred to?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Senator, as -- as you are already aware, counties have the authority to levy to cover the cost of their elections, and this would fall under that same Statute.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, I understand that. I understand that counties can raise money by a property tax increase to cover the cost of elections. What we're concerned about this year, especially, is State mandates. The Governor's made it clear. He doesn't want to sign anymore State mandates, and I wouldn't want him to veto your first bill. So, I'm just suggesting that if there is additional cost, as you have admitted, that we make it clear that the State shall

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

reimburse them. And if you haven't exempted the State Mandates Act, that's fine. We'll just have a record here that the State shall be responsible for reimbursing the local counties for the additional cost, if any, of now having a newly mandated election for the forest preserve districts.

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

We have -- as you've indicated, we have not exempted this from the State Mandates Act; however, if you'd like to amend this bill in the House to do so, we'd be more than happy to oblige that.

PRESIDENT PHILIP:

Senator Luft.

SENATOR LUFT:

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

PRESIDENT PHILIP:

The sponsor indicates he will answer. Senator Luft.

SENATOR LUFT:

Thank you. Senator, you require five commissioners. Does that reduce or increase any of the present board?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

My understanding, Senator, is that it maintains the same number of commissioners that currently serve in those districts.

PRESIDENT PHILIP:

Senator Luft.

SENATOR LUFT:

In your judgment, would it not be better to make this permissive, rather than mandating that this take place in all the different forest districts -- or park -- forest preserve districts?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

In my judgment, it's better to make this an elected position, rather than an appointed position, at this time, because I feel that it -- it increases the opportunity to have better local control and good government.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

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

PRESIDENT PHILIP:

Indicates that he will. Senator...

SENATOR CARROLL:

Senator, am I correct that basically all of these forest preserve districts are coterminous with counties?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

That's incorrect, Senator. These are not coterminous with county boundaries.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Can you give me an idea of how many are and how many are not?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, sir. My understanding are there -- there are approximately five of these in downstate Illinois, consisting of very small territories within the current boundaries of the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

counties in which they are.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Then are you saying in the other hundred -- or other -- other ninety-six counties, they are coterminous?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

My understanding is that they are and that those would still be governed under -- as county board forest preserves, rather than downstate forest preserve districts.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Then am I correct then that in all of those that are coterminous, there is no election for forest preserve district commissioner?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

From my understanding and my knowledge, those commissioners also serve as the county board members within those county boundaries.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Is -- is that in all cases? 'Cause that was going to be my suggestion if that was not the case.

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

That is my understanding.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Excuse me. Thank you, Mr. President, Ladies and Gentlemen of the Senate. A parliamentary procedure, if I might. It appears that this bill preempts home rule. Will this take thirty-six votes? Ruling of the Chair, please.

PRESIDENT PHILIP:

Senator Jacobs, it's the opinion of the Parliamentarian and the Chair, it does not. So it takes thirty votes. Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield to a question?

PRESIDENT PHILIP:

Senator Hall, he indicates he will yield. Senator Hall.

SENATOR HALL:

Senator Burzynski, are you trying to do this just for your county? I mean, why are you including everything downstate?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Senator Hall, I think that it's probably in the best interest of the State as a whole that we have these as elected positions. There are only five of these downstate that -- that we know of. So, it doesn't involve that many districts.

PRESIDENT PHILIP:

Senator Hall.

SENATOR HALL:

Well, I mean, that's your opinion. I mean, did you get a request from the other counties for this?

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Senator Burzynski.

SENATOR BURZYNSKI:

No. I've only received a request from one district at this time that's -- that was very concerned about this issue. If that creates another concern, perhaps we can look at that as this bill proceeds through the House.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the appointed commissioners in a county levy taxes without any direct accountability to voters. What this bill is trying to do is rectify the situation and make the commissioners accountable to the voters, just like they are in Cook County - they're elected by the voters; like they are in Lake County - they're elected by the voters; McHenry County, other counties. There's nothing wrong with this bill. And I think we've labored it long enough, and trying to take advantage of a young, new Senator, as we have been trying to do, has gone far enough. I think it's a good bill. It's responsible. And I move for its passage, and call for a vote.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

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

PRESIDENT PHILIP:

The sponsor indicates he'll yield. Senator Hendon.

SENATOR HENDON:

Sponsor -- yes. I wanted to know, does this include St. Clair County?

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Senator Burzynski.

SENATOR BURZYNSKI:

It would if St. Clair County had a downstate forest preserve district.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you. That's all.

PRESIDENT PHILIP:

Any further -- Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. I rise in support of the Gentleman's motion, as a cosponsor of this bill. And as -- with a district that adjoins Senator Burzynski's district, I'm aware of the voters' concern about the amount of levy this -- this forest preserve district makes each year without direct accountability to the taxpayers in that district. This is an important issue with the taxpayers that are helping support this forest preserve district, and they feel very strongly that if this district is going to levy taxes on them, they should have the opportunity to -- to directly elect their board members. So, I rise in support and commend the sponsor on a fine piece of legislation.

PRESIDENT PHILIP:

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

SENATOR BURZYNSKI:

I would just request a favorable vote. Thank you.

PRESIDENT PHILIP:

The -- the question is, shall Senate Bill 91 pass. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Everybody voted who wish? Has everybody voted who wish? Has everybody voted who wish? Take the record. Senate Bill 91, having received 36 Ayes, 11 Nays, 8 voting Present, having reached

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

the constitutional majority, is declared passed. Senate Bill 102.
Read the...

SECRETARY HARRY:

Senate Bill 102.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 102 amends the Civil Administrative Code of the State of Illinois. This bill would permit certain enumerated nonprofit organizations to -- to permit them to place information that they would seek or -- or would desire to place into an envelope that a State agency would use in a mailing. The -- there would be no cost to the State of Illinois, as there is already an existing procedure for this type of mailing. This would provide that if there is any incremental increase in costs to the State agency that there would be a reimbursement from the designated charitable or nonprofit organization. I do believe that this is a bill that will assist and aid many fine organizations which have tilled very long and hard hours in the vineyard of Illinois - would permit them to enjoy the opportunity to solicit funds and get out information. Mr. Speaker, I would move for its adoption, and would be happy to answer any questions.

PRESIDENT PHILIP:

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. If the sponsor of the bill would yield, I'd like to direct a few questions.

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Garcia.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

SENATOR GARCIA:

Thank you, Mr. President. Senator Petka, do you know how many groups under this bill are presently eligible as a nonprofit group who could include their enclosures in State mailings?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Sir, I believe that the original enumerated groups includes ten, but there are certain umbrella organizations which are affiliated with those enumerated groups, which brings the number considerably higher than that, sir. The exact number I do not have.

PRESIDENT PHILIP:

Senator Garcia.

SENATOR GARCIA:

Senator Petka, do the State agencies have the ability to handle enclosures from this many groups without adding personnel numbers or costs to their agencies?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Most certainly. We're not talking about all of these people mailing in one envelope; we're talking about these groups being permitted to -- to mail on a rotational basis. So it would not add any costs to the State of Illinois. If, in fact, there were any costs, they would be borne by the groups that are affected, as provided in the language of the legislation.

PRESIDENT PHILIP:

Senator Garcia.

SENATOR GARCIA:

Mr. President, I'd like to also ask the sponsor: Is -- to what extent would passage of this bill preempt the Citizens

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Utility Board, better known as CUB, from the statutory mailing privileges that they have currently?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Sir, there is absolutely nothing in this legislation which would prevent CUB or any other organization from doing its duties. It currently has available to it other means of soliciting fees, of -- of expanding its membership rolls, and using the traditional and conventional means of -- of expanding such and soliciting funds. So nothing in this legislation would preclude them from doing just that.

PRESIDENT PHILIP:

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senator, however, if the group -- the number of organizations that apply for and acquire this privilege, it is possible that there could be dozens, if not hundreds, of groups who would be eligible. Would this mean that CUB would have to get in line with the rest of them in order to attain their mailing privileges?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Sir, what it would simply mean is that every organization that chooses to use this method to solicit fees and to provide information to the public would be permitted to do so on a rotational basis. There would be no monopoly granted to any single organization.

PRESIDENT PHILIP:

Senator Garcia.

SENATOR GARCIA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

To close, Mr. President and Senator Petka: I think that your bill is certainly well-intended; however, I think it will have a detrimental effect on the Citizens Utility Board. And I'm going to vote against it, as I did in committee, although I, for one, work with the American Cancer Society. I am a member -- a chairman of a unit, and although I think it may be well-intended, it will certainly have a detrimental effect on the voice and conscience of many ratepayers who are represented by the Citizens Utility Board in rate proceedings and in being the voice of ratepayers throughout the State of Illinois.

PRESIDENT PHILIP:

Senator Palmer. Senator Palmer.

SENATOR PALMER:

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

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Petka, when I look down the list of organizations that currently are qualified under the Act, I see three that I have been involved with personally, and this concerns me that -- and my question is: Have you given any thought to the fact that some of these organizations are small and some of them are -- at best, this is the only means that they have for raising funds? I draw your attention particularly to the Black United Fund of Illinois, which I helped bring to this State, the United Negro College Fund, and the Illinois Special Olympics. And I'm wondering if, in your efforts to open this process, you have given thought to the fact that these organizations could be put in serious jeopardy.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, Senator Palmer, I simply don't follow your logic on

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

that. This is not an attempt to put any organization in jeopardy. As a matter of fact, this would permit them if they choose. And I -- and the correct connotation is "if they choose" to avail themselves of the services of State agencies, to either expand their membership rolls or to directly solicit -- solicit funds using State mailing privilege. I simply don't think that the -- that there is any other intent from -- from this sponsor. And I simply don't see where we're -- we would be harming the organizations that you enumerated in any way.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Senator Petka, my logic is that, as I understand it - and please correct me if I'm wrong - you are opening the process to all of the organizations that are listed on our analysis; therefore, the new ones would be the United Way, Salvation Army, American Cancer Society, American Red Cross and Boy Scouts of America. If there is a rotating process, considering that United Way is a national organization with incredible means of raising its own money, and in fact is in some difficulty these days, the Black United Fund of Illinois cannot compete with the United Way of the United States of America, nor any of the rest of these. That is my logic for asking: Are you aware that smaller organizations, which have only one means, or limited means, of soliciting funds, will be in competition in ways that could put their organizations in jeopardy?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, thank you, Senator, for sharing your concern. But I believe that your analysis may be in error. A -- a amendment was adopted in committee which provides that all groups under the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

State and University Employee Combined Appeal, and the satellite and affiliated umbrella organizations, would have the opportunity to avail themselves of this service. And if I understand the -- the organizations which are listed, included among them is the United Negro Fund, the Illinois Black United Fund, and I believe the other -- what was -- I don't recall the other organization we mentioned, but I believe they're already covered under the terms of the amendment that was adopted in committee.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Mr. President, this afternoon I've noticed a lot of dialogue -- a lot of Floor discussion among the newest Members of the Senate. And I'd just like a response from the Chair; I have a parliamentary inquiry. Do our current rules allow for freshmen Senators who have not yet passed any legislation to question other freshmen Senators on their first bill? And if so, how come?

PRESIDENT PHILIP:

Well, I'm afraid the rules allow anybody to question anybody at any time. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentleman of the Senate. First of all, I see that a fiscal note may apply. Has that fiscal note been filed with the Secretary?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Mr. President, we're on 3rd Reading. I don't see where that applies.

PRESIDENT PHILIP:

I -- I'm afraid the question should have been asked on 2nd

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Reading. Senator Severns. Oh. Excuse me. Senator Jacobs.

SENATOR JACOBS:

Well, two points: Number one, I think even under our new rules, a fiscal note is always in order. And the way the rule has been pushed on 2nd Reading, there -- there truly is no vote on 2nd Reading, and there truly is no discussion on 2nd Reading. And I don't want to get in the same battle that some of our side of the aisle has been getting into, but I think a fiscal note should be responded to, and I think not to do so is derelict in our duty. And after that I have a question.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

There would be a minimal fiscal impact to the State of Illinois, but I may point out to the Senator, if he would -- on page 2 of the legislation, that the organization which seeks to -- to place an enclosure in the State agency mailings is responsible for all reasonable incremental costs above the department's normal mailing and handling costs. So there is no -- in my opinion, there is no net increase of cost to the State of Illinois.

PRESIDENT PHILIP:

Senator Jacobs, the Statute, I think, is clear on this. And I think it has to be in writing. This -- you did not file this in writing. Senator Jacobs.

SENATOR JACOBS:

First of all, it's not my fiscal note; it's in the index. So I assume someone has filed a fiscal note; otherwise, it's got no business being in the index. So -- I did not file it. I think it should be answered. What we're being told in effect, that fiscal notes make no difference. So, to the question, if I might -- a question of the sponsor.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Senator, the Secretary informs me nothing has been filed.

SENATOR JACOBS:

Well, it's in the...(machine cutoff)...you know, I don't know what else we can with, so... I guess we're not doing a very damn good job there either. To the question, if I -- a question of the sponsor, if I might.

PRESIDENT PHILIP:

The sponsor indicates he would yield. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. In -- in the bill, it -- it states, in effect, that the agency shall create a schedule giving preference to the entity that has not previously provided enclosures. When does that period start? In other words, those entities that already have been having enclosures, are they then preempted at the start of this legislation, or are -- do they go into the mix? And how is that first number to go into the mailings to be decided?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, the various agencies which would be primarily responsible for these mailings, their directors or the individuals who have been in -- in charge in the past would set up a schedule of -- on a rotating basis. That would be the only direction that we would give them, as far as how they would conduct this. They would maintain and retain some discretion, in terms of -- of handling this. But my -- in direct answer to your second question, the answer is No.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This -- this bill looks very

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

innocuous; it has a very good purpose, and that's raising money for some not-for-profit groups. But the effect of this bill is to kill off the Citizens Utility Board. And frankly, Ladies and Gentlemen, ten years ago, this Body sitting right here created the Citizens Utility Board with the purpose of helping to reduce utility rates. And within the last two years, the Citizens Utility Board has been successful in lawsuits to reduce utility rates of the citizens of the State of Illinois. And what this bill does is run an end around the process to kill off the Citizens Utility Board. It doesn't specifically say we're repealing their authority, but in effect it does it. It creates an additional ten groups that are going to be able to take money through solicitation. Those groups currently have their own solicitation process. Several of these groups have been on the Illinois Income Tax Return, where they didn't get sufficient support to stay on the tax return because they couldn't draw a hundred thousand dollars a year. So what we have here, if you vote for this, Ladies and Gentlemen, you're voting against the one organization in the State - whether you like them or not - the one organization in the State that exists solely to fight higher utility rates. We recognized that ten years ago; it's still true today. It's the only group fighting for residential homeowners to oppose higher utility rates. I don't think it's a good idea for us to pass this year, or in future years, a bill that will take away the one group that consumers have. We've seen all these lobbyists around the rail for the utility companies. We've heard in the last campaign about these special interests that people are trying to fight. That's who they're talking about. This group is to help individual citizens. I would urge a No vote on this bill.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Mr. President and Ladies and Gentlemen of the Senate, I was a cosponsor of the bill that set up the Citizens Utility Board. And I'm delighted, because I think it's a great board, and it does -- has done a great job. I also contribute every year to it. However, there's a question. If we do not pass this bill, then what we're doing is violating constitutional principles. How can we let one organization have the right to put its literature in there and deny another organization, like the Red Cross, and like the United Way, and like the Cancer Society? I think it has constitutional ramifications if we don't pass the bill. I think -- I know that the Illinois Public Action Council goes door-to-door in my area. I know the Citizens Utility Board can do the same. There's other ways they could make money. I mean, we're well-established there. I do feel that we cannot be unconstitutional about it, and that we would be unconstitutional if we denied this bill, because you cannot - you cannot - constitutionally deny another group, because that's class legislation, and yet allow one group to put its literature in the mailings. And therefore, I speak in favor of the bill.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

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

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Well, my first question to the sponsor is: How did you select -- or who selected the organizations that will now going to be qualified to be on the mailing?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

As the -- thank you, Senator. As the -- Committee Amendment No. 1 pointed out, all those organizations which currently have filed under the State and University Employees Combined Appeal, are organizations which are now eligible.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Is there any way that this list can be expanded or reduced?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, as long as they conform to specifications and qualifications which are found within the guidelines of the -- guidelines of our -- of the Appeal, they can do so.

PRESIDENT PHILIP:

Senator del Valle. Oh. Excuse me. You got another question, Senator Hendon? Go right ahead.

SENATOR HENDON:

I certainly do, Mr. President, because I consider that an incomplete answer. I didn't really get the answer. Is there any way that this list can be expanded or reduced?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

The answer is Yes.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

I would like to know: Where did this legislation originate?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Well, Senator, I -- I basically wrote the legislation.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Well, it's clear to me, Senator Petka, that you wrote the legislation, but where did it originate? Did -- did the lobbyists for the utility companies ask you to put this forth because they're tired of the Citizens Utility Board protecting the citizens? Or -- where did it come from?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, thank you, Senator. You give me opportunity to clear up a misunderstanding. I've never talked to one single individual or lobbyist or special interest in connection with this legislation, except some charitable organizations. The genesis of this legislation basically was August 28, 1990, when a terrible, terrible windstorm blew through my hometown - blew it apart - killed twenty-nine people, and American Red Cross and other volunteer organizations came and helped my people. It was a very, very nice gesture, I believe, on their part, and it gives -- gave me an opportunity, in a very small way, to say thank you to them.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Well, I, too, applaud the Red Cross for the great work that they did in your community, and Salvation Army for the work that they've done in my community. However, why does the legislation put -- force the Citizens Utility Board to be last on the list, when it comes to mailing, when in fact what they will do is exactly what my colleagues have said, and that is practically eliminate the Citizens Utility Board's opportunity to raise funds?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Why are they last? Why didn't the -- the legislation at least allow the Citizens Utility Board to remain first in this effort? ... (machine cutoff) ... why do the other organizations come before them?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

We are going to permit every organization -- it'll have equal footing under this Act. We are not going to permit any monopoly by any organization which would be included on this legislation, sir.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

To close: I'm certainly against monopoly in this Body or anywhere else, Senator Petka. However, it is clear to me that the one organization that stands up for the citizens in the State of Illinois - the one organization that stands up against the utilities, the gas company, the light company, and the big boys - are being hurt by this. And it is wrong for us to stand here and say, "Well, we're helping everybody else", when in fact what we're doing is hurting the people who have a right to tell the utility companies that their doggone rates are too damn high, and the one organization that's standing up against them -- you're not going to hurt that organization - and that's the bottom line. I urge my colleagues to vote No.

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. Chairman -- Mr. President. It's still not clear how this is going to operate, Senator Petka. And I have a question, Mr. President, if I may.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

He indicates that he will yield. Senator del Valle.

SENATOR DEL VALLE:

You indicated, Senator Petka, that the number of organizations that would qualify to participate in this can increase beyond your current projection. Is that correct?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

That is correct. There are -- there are more than ten organizations, under the amendment that was adopted. Yes, sir.

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Given that we're talking about participation on a rotating basis here, it is conceivable that enough organizations could participate in this and keep CUB from doing a mailing over a very extended period of time. Is that correct?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, first of all, I don't know what a very extended period of time is. And second of all, I haven't mathematically calculated that, sir. So -- I mean, if you say so, I'll -- I'll accept it.

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Well, if we're talking about a rotating basis, and the rule says that preference shall be given to organizations that have not previously been included, then it is conceivable that CUB could not get into a mailing for a year, two years?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

And it's also conceivable that these organizations who are permitted access under this legislation would waive their privilege and there would be no interruption in service whatsoever, sir.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

I've...

PRESIDENT PHILIP:

Excuse me, Senator del Valle. Excuse me.

SENATOR DEL VALLE:

Mr. President, to the bill: I think enough has been said here today about this issue, but I do want to remind the Members that CUB is the only organization with statutory responsibilities. I don't think any of these organizations that we're talking about here today, including in this mailing, have the statutory responsibilities. There's a tremendous difference here, and I think we ought to acknowledge that. And also, if someday this Body could pass a bill limiting the amount of money that utility companies can spend on rate cases, then maybe we wouldn't have to worry about this particular issue. Thank you.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senator Petka, I have a question for legislative intent, but before I ask it, I'd like to be added as a hyphenated cosponsor of this fine bill.

PRESIDENT PHILIP:

Leave is granted.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

SENATOR R. DUNN:

For legislative intent, Senator Petka: Is it your intent to exempt the Department of Revenue from being required to put nonprofit organizations' mailings enclosures in their mailings?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Yes.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, thank you very much, Mr. President, Members of the Senate. I've had an opportunity to listen to some of the arguments from the -- the other side of the aisle, and quite frankly, I believe they're just nonsense. There is nothing in this legislation which precludes any organization from going out and -- and raising funds and soliciting funds by the traditional methods that are currently used. They can go out and knock on doors. They can take out newspaper advertising. They can solicit by direct mail from their membership lists, and increase membership fees if they choose. One Senator couched this as a vote against an organization; I would say that if you don't vote for this bill, you are voting against many organizations. This is a -- a pro vote, or a Yes vote is a vote for the Veterans' Protective League, the Little City Foundation, the Black United Fund of Illinois, United Negro College Fund, the Public Interest Fund of Illinois, the Illinois Special Olympics, Combined Health Appeal, the Illinois Women's Funding Federation, International Service Agencies, United Way, and various and sundry-related and umbrella organizations. So, folks, you know, the -- the choice here is really very, very clear. You can single out an organization for special treatment or you can grant equal

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

protection to all of these various and fine organizations. And for that reason I solicit an Aye vote, and urge an adoption.

PRESIDENT PHILIP:

Senator Severns.

SENATOR SEVERNS:

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

PRESIDENT PHILIP:

The sponsor indicates he'll yield. Senator Severns.

SENATOR SEVERNS:

I -- thank you, Mr. President. Senator Petka, with your remarks that you just made about the various and sundry organizations, the effect of Amendment 1 to your bill - just in your own County of Will - just with the United Way agency - would permit 4-H of Will County, American Red Cross, Aunt Martha's Youth Center, Big Brothers and Big Sisters of Will County, Boys and Girls Club, Boy Scouts, the Rainbow Council, the Campfire Salt Creek Council, Catholic Charities, Catholic Youth Organizations, Center for Correctional Concerns, Child Sexual Abuse Treatment and Training Center, Community Services Council of Northern Will County, Cornerstone, Crisis Line of Will County, Easter Seal Rehabilitation, Family Counseling Agency, Girl Scouts - the Trailway's Council, Good Shepherd Manor, Guardian Angel Home, Hill Memorial, Joliet Area Hospice, Learning and Skills Center, Life Works Chemical Dependency Center, Lutheran Family Services of Joliet, Model Ex-offenders, Peter Claver - or Clover - Center, Retired Senior Volunteer Program, Salvation Army, Senior Services Center, South Suburban Council on Alcohol and Substance Abuse, Spanish Center, Special Recreation Association, Stepping Stones, Trinity Services, United Cerebral Palsy, Vilaseca Day Care Center, Warren-Sharpe Center, Will County Legal Assistance Program, Will County Emergency Housing Development Corporation, Will-Grundy

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Medical Clinic, Will-Grundy Center for Independent Living and the YMCA -- just from that one agency, not including all the other agencies that would be permitted under this bill. I think it goes far wider than what perhaps your intent is, and perhaps what has been suggested on this Floor. And I think we really have to think if this is what we want. I would suggest it's much more cumbersome, much wider, than what anything going out of this place should be. But to the bill: In my area, and certainly throughout many areas of the State, consumers - ordinary citizens - depend upon this -- this group to present testimony on their behalf. My concern, Senator Petka: If -- if they are not provided the opportunity - and that will be the impact of this bill, let's not kid ourselves - if they are not provided to appear to argue against the rate hikes and rate increase requests on behalf of the consumer, then who will? That's my question, Senator.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, if you can find any language in this bill that suggests, or remotely hints at, the -- this organization that you refer to as having any of their lobbying efforts curtailed in any way whatsoever, then you're simply seeing something that I don't see. There is nothing in the body of this bill which remotely suggests that, sir -- ma'am.

PRESIDENT PHILIP:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senator, I'm speaking specifically, not to the lobbying efforts that any of us in this Chamber or the other Chamber are familiar with - and whether, again, as other Members have said, you like the organization or not - for the ordinary consumer who depends upon this organization to testify on

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

their behalf at those rate case hearings, my question is: Who do you envision taking the place of CUB for such testimony on behalf of concerned consumers of this State?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

I am very confident that the Citizens Utility Board will remain a strong and viable organization, and do the fine job that it has done for the consumers of this State as -- for the past several years.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes, a question of the sponsor, if I may.

PRESIDENT PHILIP:

The -- the sponsor says he will yield. Senator Topinka.

SENATOR TOPINKA:

Yes. In one of the amendments that you adopted, you deleted the reference to the five groups who could -- who can provide enclosures, and instead inserts those nonprofit organizations who meet the terms of the Voluntary Payroll Deduction Act of 1983 or one of their benefiting member agencies. Could you tell us what the five groups are that -- that you have deleted reference to?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Excuse me, Senator, I did not hear the last part of your question.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Which -- which of these groups come under that Voluntary

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Payroll Deduction Act that -- that you do not refer to in this Act? That you've pulled from this Act?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, none of those groups were deleted. They were -- they are simply contained in the language of the -- of the amendment, which further expanded the organizations which could, if they choose, avail themselves of this privilege.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

I move the previous question.

PRESIDENT PHILIP:

I -- I believe we only have one more Senator.

END OF TAPE

TAPE 2

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

Would the Senator -- would the sponsor yield for one last question?

PRESIDENT PHILIP:

Senator Petka.

SENATOR MOLARO:

Thank you.

SENATOR PETKA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

If my voice holds out I will, yes, sir. Go ahead.

SENATOR MOLARO:

If we can crystallize the issue here, it seems that you want to include other charitable organizations - to take you at your word - and that certainly makes sense. Our side of the aisle here - a lot of us anyway - are worried about the fact that there is a possibility, even though your personal intentions may be good, that in fact it may really hurt the Citizens Utility Board. Would it not be a compromise possibly for you to ask leave of this Body to amend, to include the Citizens Utility Board, since they've been here six, seven years, or ten, and we've given them this apparatus to raise money, that to have in each of these rotating as each one rotates allow the Citizens Utility Board to use every mailing as they can now, four or five times a year, but rotate the other charities. This way these other charities all get their chance under your bill as they will now, they would not be hurt, yet CUB would have a chance and you'd only have two flyers in there, and CUB would not be hurt. So, therefore, you would allow CUB to have what they've always wanted and allow your charities to get in there and have their turn at bat.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, first of all, I do not share your concern about the harm that your side of the aisle sees. Second of all, Senator, if you wish to have such an amendment drafted on -- onto this bill, the 2nd Reading was last week, and the amendment stage is past. I'm at the stage of -- in this process where I think that these organizations who have -- who have contacted myself feel that -- at least at this point in time, that a door has been opened to them, and I'd like to open that door today - not next week - and so I would like to take the bill -- to go ahead as it's currently

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

written.

PRESIDENT PHILIP:

I hope that we can limit our -- our remarks. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Just a point that has been alleged: It's been alleged that in the ten years that CUB has been founded, they have done a wonderful job in keeping down the increases in utility rates. Well, if you're going to make this bill a referendum on their performance, it ought to have fifty-nine Yes votes.

PRESIDENT PHILIP:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'll try to be brief, and I'll tell you why I think you should vote No on this bill, and it has nothing to do with CUB. I'm not so sure, Senator, you're not correct and everybody should use the traditional way of soliciting funds. I'm not so sure the government should be involved in any charity, in any -- trying to raise any funds, and I think that may be the way to go. But I think what you're doing here is potentially setting a list up of, let's say, twenty, twenty-five, thirty charities that somebody - some committee somewhere - has got to decide what twelve, if that's the case, are going to be involved for the year. Now just think of the crush on these poor people that are going to have to decide - all the political pressure that will probably come from fifty-nine Senators on this little group, to try to get the Red Cross or somebody else involved for this year. They're going to see this as the same way the local governments saw TIF; they're going to see this as the same way the local governments saw the revenue-sharing, that the schools saw the revenue-sharing. And I truly feel sorry for this

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

group that's going to have to decide, out of perhaps hundreds of different charities throughout this State, to decide who's going to be twelve. Maybe it's just best if we go back - and I would agree with you - to the traditional way, and get the government out of this business. Now I may sound like a right-wing Republican, but I think that may be the way to go.

PRESIDENT PHILIP:

Very well said. If there's no further discussion, Senator Petka, to close.

SENATOR PETKA:

Thank you, Mr. President. I did close about fifteen minutes ago, and I will let my remarks stand. Thank you very much. I urge an Aye vote.

PRESIDENT PHILIP:

The question shall be on Senate Bill 102. All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Has everybody voted who wish? Has everybody voted who wish? Take the record. There are 30 Ayes, 24 Nays, 2 voting Present. Senate Bill 102, having received the constitutional majority, is declared passed. Senator Demuzio.

SENATOR DEMUZIO:

Let's see if everybody's here. I would request a verification of those Members who voted in the affirmative.

PRESIDENT PHILIP:

That certainly is in order. Verify the roll.

SECRETARY HARRY:

The following voted in the affirmative: Burzynski, Butler, Cronin, DeAngelis, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, McCracken, O'Malley, Peterson, Petka, Rauschenberger, Sieben, Syverson, Topinka, Watson, Weaver, Woodyard and Mr. President.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

PRESIDENT PHILIP:

Any question of the affirmative roll call? Senator Demuzio.

SENATOR DEMUZIO:

Senator Rauschenberger on the Floor?

PRESIDENT PHILIP:

Senator Rauschenberger is on the Floor.

SENATOR DEMUZIO:

Senator Mahar on the Floor?

PRESIDENT PHILIP:

Senator Mahar on the Floor? There he is - bigger than life.

SENATOR DEMUZIO:

Senator Woodyard.

PRESIDENT PHILIP:

Senator Woodyard is in the back. Not quite as big as life, but he's there.

SENATOR DEMUZIO:

Senator Sieben here?

PRESIDENT PHILIP:

Senator Sieben is standing in the back.

SENATOR DEMUZIO:

I don't recognize some of these folks, that's why I'm asking.

PRESIDENT PHILIP:

You know what, you -- you will get used to them. It'll take a little while.

SENATOR DEMUZIO:

Senator Watson here?

PRESIDENT PHILIP:

Senator Watson is here.

SENATOR DEMUZIO:

Is Senator Hasara here? All right.

PRESIDENT PHILIP:

There she is. Pretty as ever.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

SENATOR DEMUZIO:

Bigger than life?

PRESIDENT PHILIP:

Beg your pardon?

SENATOR DEMUZIO:

Bigger than life, they're all here, huh?

PRESIDENT PHILIP:

They're there.

SENATOR DEMUZIO:

Okay.

PRESIDENT PHILIP:

The roll has been verified. And Senate Bill 102 - the -- the Ayes are 30, the Nays are 24, 2 voting Present - having received the constitutional majority, declared passed. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. I'd like to make an announcement.

PRESIDENT PHILIP:

Make your announcement.

SENATOR WEAVER:

The Rules Committee will meet in approximately fifteen minutes in the President's Anteroom for the purpose of considering Floor amendments to House Bill 157.

PRESIDENT PHILIP:

Thank you, Senator Weaver. Senator Maitland, for purpose of an announcement.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Just an announcement that the Senate Committee on Appropriations will meet in Room 212 at -- at 2 o'clock.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Thank you, Senator Maitland. I'd like to advise the Members that we will now consider the report from the State Government Operations and Executive Appointment Committees. Mr. Secretary, please read the report.

SECRETARY HARRY:

Senator Ralph Dunn, Chairperson of the Committee on State Government Operations and Executive Appointments, to which was referred the Governor's Message of January 13, 1993, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I move the Senate resolve itself into an Executive Session for the purpose of acting on the Governor's appointments set forth in his Message of January the 13th, 1993. I will read the unsalaried appointments to which the Senate Committee on State Government and Operations and Executive Appointments recommend that the Senate so advise and consent.

PRESIDENT PHILIP:

May we have some order, please. Senator Dunn.

SENATOR R. DUNN:

Thank you. To be -- to be a member of the Bi-State Development Agency for a term ending January 20th, 1997: Robert Furmanek of Collinsville.

For the Illinois -- to be members of the Illinois Development Finance Authority for terms ending January 16th, 1995: Diane Cullinan of Peoria, Ed Czadowski of Chicago, Phillip Montalvo of Belleville, Courtney Munson of Galesburg, Michael Zavis of Chicago <sic>, I believe it is.

For members of the Board of Trustees of the Historic Preservation Agency for terms ending January 17th, 1994: Julie

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Cellini of Springfield, Pamela Daniels of Elmhurst, Frank Mason of Springfield, Sally Schanbacher of Springfield.

To be members of the Board of Trustees of the Historic Preservation Agency for a term ending January the 16th, 1995: Samuel Lilly of Bolingbrook, Carol Stein of Glencoe.

The Illinois State Board of Investment - to be members of that Board for terms ending January 16th, 1995: Dixie Axley of Normal, Marshall Burman of Chicago, William Fox of Champaign.

To be members of the Labor Management Cooperation Committee for terms ending July 1st, 1993: Joseph Angleton of Springfield, Brian Marsden of Palos Heights, Thomas Oetgen of Jacksonville, Alexander Scargall of Danville.

To be members of the Labor Management Cooperation Committee for terms ending July 1, 1994: Dale Benson of Decatur, Stephen Culen of Chicago, Eugene Moats of Chicago, Jerome VonderHaar of Moline, James Wilkes of Lake Forest.

To be members of the State Mandates Board of Review for terms ending June the 30th, 1993: Richard Joutras of Northfield, William Murphy of Woodridge, Herman <sic> (Bernard) Windon of Lake Forest.

To be members of the Racing Board for terms ending July the 1st, 1998: Richard Balog of St. Charles, Gary Starkman of Chicago.

To be members of the Southwestern Illinois Development Authority for terms ending January 17th, 1994: Gary Berkley of Belleville, Theodore Prehn of Bethalto, Terry Schaefer of Belleville.

To be a member of the Planning -- Southwest <sic> Illinois Development Authority for a term ending January 16th, 1995: George Willaredt of -- of Edwardsville.

Mr. President, I've read the unsalaried appointments. I now seek leave to consider these appointments on one roll call, unless

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

some Senator has an objection to the appointments. And, Mr. President, will you put the question as required by our rules?

PRESIDENT PHILIP:

Senator Dunn has requested to have us resolve ourselves in Executive Session to consider these nominees. If there's no objection, leave is granted. Any discussion? All right. The question is, does the Senate advise and consent to these nominees just made. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On that question, there are 53 Yeas, 2 Nays, no voting Present. A majority of the Senate elected concurred by a record vote, the Senate does advise and consent to the nominations just made. Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. With respect to the Governor's Message of January, 1993, I will read the salaried appointment to which the Senate Committee on State Government Operations and Executive Appointments recommend that the Senate so advise and consent:

To be a Director of the Department of Aging for a term ending January 16th, 1995: Maralee Lindley of Springfield.

Mr. President, having read the only salaried appointment who we have on -- I now seek leave to consider that appointment on a roll call, unless some Senator has an objection to this appointment. And, Mr. President, will you put the question as required by our rules?

PRESIDENT PHILIP:

Senator Dunn seeks leave to consider the nominee just read. Without objections, leave is granted. Any discussion? All -- Senator Karpziel.

SENATOR KARPIEL:

What -- is this -- yeah. Are we taking a vote on that? A

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

roll call?

PRESIDENT PHILIP:

We certainly are.

SENATOR KARPIEL:

Oh, thank you.

PRESIDENT PHILIP:

Thank you. All -- the question is, does the Senate advise and consent to the nominee just made. All those in favor... All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Take the record. On the question, there are 53 Ayes, 2 Nays, none voting Present. A majority of the Senators elected concurred by the record vote, the Senate does advise and consent to the nomination just made. Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I move that the Senate arise -- arise from Executive Session.

PRESIDENT PHILIP:

Senator Dunn has moved the Senate arise from Executive Session. All those in favor, indicate by saying Aye. Those opposed, Nay. Ayes have it. The Senate does arise. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would just -- wish to call to your attention that forty-three years ago today, Mother and Father Dudycz, in their little Ukrainian household, hatched what became one of our foremost Senators, and Senator Walter Dudycz is indeed celebrating his forty-third birthday today, and if we could just at least acknowledge that, because he has certainly grown in the job and in stature and in every other way.

PRESIDENT PHILIP:

Senator Watson, for what purpose do you arise?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

SENATOR WATSON:

Thank you. Just to announce the Education Committee hearing in A-1 in the Stratton Office Building at 2 o'clock. Thank you.

PRESIDENT PHILIP:

Senator Hawkinson, for what purpose do you arise?

SENATOR HAWKINSON:

Same purpose, Mr. President; that when the Senate adjourns, that the Judiciary Committee will convene immediately because it'll be apparently after 2 o'clock in Room 400.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, last week Senator Simon and Senator Carol Moseley Braun, together with two of our congressmen and a number of public officials and a number of people, met at the College of Lake County to support the -- the retention of Great Lakes Naval Training Center at Great Lakes. I'm joined -- and I've filed Senate joint resolution and I'm asking leave to discharge from committee. I've cleared this with the Minority Spokesman of the Executive Committee, the Chairman of the Executive Committee and with the Minority Leader, Emil Jones. And I'm joined in this resolution by Grace Mary Stern, Barkhausen, Peterson, Philip, Jones, Fitzgerald, Karpel and Severns. And I'd like to have leave to discharge it from Executive, because time is of the essence and the U.S. Senators have urged us to do everything we can to alert Congress that we want to keep the naval base alive, because it's a very important installation.

PRESIDENT PHILIP:

Senator Geo-Karis, I understand you have spoken with the Minority Spokesman on Executive and she has no objections. Senator Geo-Karis moves to suspend the rules for the purpose of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

the immediate adoption of Senate Resolution <sic> 27. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. Senator Geo-Karis, to explain your...

SENATOR GEO-KARIS:

That was the motion to discharge from Executive Committee, and I thank you all. Now, I move to suspend the rules for the immediate consideration of Senate Joint Resolution 27.

PRESIDENT PHILIP:

Senator Stern, for what purpose do you arise?

SENATOR STERN:

Mr. President and Members of the Senate, I would just concur in Senator Geo-Karis' remarks by noting that the federal government has closed Fort Sheridan, or it is on its way to being closed. We have lost that enormous economic opportunity in our county. We are talking now about their proposed plan to close Great Lakes Naval Station, which is the economic engine that runs Waukegan and North Chicago. North Chicago, you may recall, is a city whose schools are on the verge of bankruptcy. The school board is considering closing its doors and distributing its children to nearby communities. This is a very urgent, urgent matter for the people of Lake County, and I'm not talking about the wealthy suburbs; I'm talking about the hurting blue-collar communities at the north end of the county. I urge your concurrence.

PRESIDENT PHILIP:

Senator Geo-Karis moves to suspend the appropriate rules for the purpose of the adoption of this Resolution 27. All those in favor, signify by saying Aye. Those opposed, Nay. The -- the rules are suspended. Now on the motion to adopt, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I concur

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

with Senator Stern's remarks, and I might add that Rantoul is gone from Illinois; Fort Sheridan is going to be gone from Illinois, and I think it's high time that we show our muscle to the Congress by this joint Senate resolution, that Great Lakes Naval Training Center, which is the largest in the world for a training center and very well-equipped, be retained in Illinois where it has many, many jobs. And I think it's very important that we retain it, and I ask for a favorable vote on the adoption of this Senate joint resolution so we can ship it over to the House.

PRESIDENT PHILIP:

Senator Geo-Karis has moved Senate Joint Resolution 27 be adopted. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The resolution is adopted. Now if -- if -- Rules is meeting up here at the President's Office and we will just stand at ease for a few minutes. Hopefully they'll do the right thing. So if everybody will remain on the Floor for a few minutes. Thank you.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 29, offered by Senator DeAngelis.

(Secretary reads SJR No. 29)

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Thank you, Mr. President. This is, in fact, the Senate adjournment resolution. It calls for us to come back here on Tuesday at 12 o'clock on March 16th. I move for its adoption.

PRESIDENT PHILIP:

Any discussion? All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it, and the -- the resolution is adopted.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 30, offered by Senator LaPaille.

Senate Joint Resolution, Constitutional Amendment, 31, offered by Senator Welch.

Senate Joint Resolution 32, Constitutional Amendment, offered by Senator Collins.

Senate Resolution 143, offered by Senators Dudycz and Ralph Dunn.

Senate Resolution 144, offered by Senator Dudycz.

And Senate Resolution 145, offered by Senator Lauzen. They're all substantive, Mr. President.

PRESIDENT PHILIP:

...(machine cutoff)...Reports.

SECRETARY HARRY:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to Committees:

To the Committee on Insurance, Pensions and Licensed Activities: Senate Amendments 2, 3, 4 and 5 to House Bill 157.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I rise to make an announcement that the Committee on Insurance, Pensions and Licensed Activities will

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

meet at 3:30 in Room 400 to consider the amendments on House Bill 157.

PRESIDENT PHILIP:

Thank -- thank God. Might, for a point of information, let the Senators know that we had a very low amount of bills introduced this Session, eleven hundred and seven. I think that is probably a record low. And the House, believe it or not, has got -- has not got as many as they did last time, two thousand four hundred and forty-four. So, as you know, we have a target of May 28th. We intend on keeping that -- that target, and certainly this least amount of bills that we've had in -- in my time in the Senate has been this time. And so I think we've -- we're in -- step in the right direction. Senator Berman.

SENATOR BERMAN:

I have a question of, I guess, Senator Madigan.

PRESIDENT PHILIP:

Senator Madigan indicates that he will yield. Senator Berman.

SENATOR BERMAN:

I need some instruction, because I'm on the Insurance Committee; I'm also on the Education Committee. Education has twenty-some bills posted for today, and we're supposed to start at 2 o'clock. How do those of us who are involved in Education also attend Insurance? And isn't their any posting requirements for the Insurance Committee to meet? Could -- could somebody explain this to me?

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Berman, first of all, as far as the posting requirement on Floor amendments, there's a one-hour requirement. I think we have met that. In as far as the problem that you have just mentioned, we may have that problem

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

with it and we're presently trying to work -- resolve that to everybody's satisfaction.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. We have a similar problem with some of our own Members. What we will do in the Education Committee hearing is stand at ease until this -- until the Insurance Committee can work out their -- what has to be done there and the Members will be free to leave. And then we -- as soon as you're finished, you can come back and we will continue.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Just so I understand. Are you suggesting that we'll -- are we -- Mr. President, are we going to adjourn shortly?

PRESIDENT PHILIP:

Yes, we're going to adjourn till tomorrow morning at 9 a.m.

SENATOR BERMAN:

All right. And it's -- as I understand, Senator Watson's suggestion is that Education will convene now, will take a break at 3:30 -- is that -- 3:30 for Insurance, and then we'll reconvene. Okay. That -- that's fine. But, Mr. President, and with all due respect, let me just suggest that there's something that bothers me about a process where the public gets one-hour notice to address amendments. And I just want that on the record. That isn't notice - not for me, not for the Members on this Floor - but for the public, and there's something wrong with that process.

PRESIDENT PHILIP:

Thank you, Senator Berman. Senator Demuzio.

SENATOR DEMUZIO:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

Well, let me also just, if I might, continue with that. I mean, we are going to be recessing a committee whereby we have a number of witnesses who theoretically would be here from around and across Illinois who have trains and planes and schedules, and now, all of a sudden, we are now going to - and boats, as Howie said - now we are going to be disrupting all of them. Again, it's not the inconvenience to the Members, but it's certainly an inconvenience to the public and something ought to be done about this process.

PRESIDENT PHILIP:

Senator Demuzio, I will remind you -- I'll refresh your memory. I can remember in the past here we would suspend the rules for posting and hear it the same day. And I don't like the idea either, quite frankly. Senator Fawell.

SENATOR FAWELL:

Thank you very much. To refresh my memory, Senator Philip, could you tell me how much notice was required if, say, Senator Berman had a bill and I wanted to put an amendment on 2nd Reading? How much notice did I have to give to the public before I put that amendment on? ...(machine cutoff)...before the -- before the present rules.

PRESIDENT PHILIP:

Senator Fawell, one minute. Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Just three points. First of all, the Insurance Committee will this -- we'll try to make this just as expeditious as possible, and I hope the Members will comply in trying to achieve that. Secondly, I would not want to recite, and I'm sure that everyone will agree that it was numerous - would be an understatement - the number of times that we have waived posting notices in the past on the last week of committee meetings. And lastly, true, this is only one hour, as far as the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

posting notice and notification as far as the amendments, but it is, at the very least, sixty minutes before we have experienced in the past.

PRESIDENT PHILIP:

Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah, thank you, Mr. President. I know that you're indicating -- some of your Members have indicated on your side of the aisle that they are learning the process. We're sympathetic to that. And, number one, we've got to know where the Insurance, Pensions and Licensed Activity Committee is meeting. And, number two, in response to Senator Fawell about the amendment that she would have offered last Session, you would have notified those people about your amendment, and your amendment would have the opportunity to be voted on in this Body if you would have offered it on 2nd Reading. That's the major difference. But I would like to know where the Licensed Activity Committee will be meeting, because the notice does not say where it's meeting.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

As I announced approximately four or five minutes ago, Senator Jones, the meeting will be in Room 400.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of parliamentary inquiry. Do I understand -- we're going to go to our committee meetings now. Are we reconvening here in Session after the committee meetings today, or not?

PRESIDENT PHILIP:

We are not. We're adjourning till tomorrow at 9 a.m. Any further business to come before the Senate? If not, the Senate is

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

20th Legislative Day

March 11, 1993

adjourned until 9 a.m. tomorrow morning.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

94/11/14
10:42:10

MARCH 11, 1993

HB-0157	SECOND READING	PAGE	3
HB-0157	DISCUSSED	PAGE	4
SB-0013	THIRD READING	PAGE	7
SB-0036	THIRD READING	PAGE	8
SB-0062	THIRD READING	PAGE	15
SB-0063	THIRD READING	PAGE	16
SB-0091	THIRD READING	PAGE	18
SB-0102	THIRD READING	PAGE	27
SR-0143	RESOLUTION OFFERED	PAGE	59
SR-0144	RESOLUTION OFFERED	PAGE	59
SR-0145	RESOLUTION OFFERED	PAGE	59
SJR-0027	ADOPTED	PAGE	56
SJR-0029	ADOPTED	PAGE	58
SJR-0029	RESOLUTION OFFERED	PAGE	58
SJR-0030	RESOLUTION OFFERED	PAGE	59
SJR-0031	RESOLUTION OFFERED	PAGE	59
SJR-0032	RESOLUTION OFFERED	PAGE	59

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-PASTOR GILLET	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	3
COMMITTEE REPORTS	PAGE	52
EXECUTIVE SESSION-APPOINTMENTS	PAGE	52
REGULAR SESSION	PAGE	55
AT EASE	PAGE	58
SENATE RECONVENES	PAGE	58
COMMITTEE REPORTS	PAGE	59
ADJOURNMENT	PAGE	63