

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

April 13, 1994

PRESIDENT PHILIP:

The hour of noon having arrived, the regular Session of the 88th General Assembly will please come to order. Will the Members please be in their desks, and our guests in the gallery please rise. Today, the prayer is given by Evie Huber, First Church of God, Ashland, Illinois. Pastor Huber.

PASTOR HUBER:

(Prayer by Pastor Huber)

PRESIDENT PHILIP:

Reading of the Journal. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Mr. President, I move that reading and approval of the Journals of Monday, April 11th, and Tuesday, April 12th, in the year 1994, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Yeah. The -- the -- the Chair will turn over the -- the President of the Senate will turn over the Chair to Senator Shadid and Senator Hawkinson, for the purpose of an introduction.

SENATOR SHADID:

Thank you very much, fellow Senators. It gives me great pleasure, along with Senator Hawkinson, to honor the Double A Class High School Basketball Team, the Champions of the State of Illinois, our Manual Rams. It's been a great year for Manual High School, and also Coach Van Scyoc. I'm sure you're all aware he is now the winningest Coach in the history of high school basketball. I'd like -- I'd just like to briefly read part of the resolution for Coach Van Scyoc.

WHEREAS, Dick Van Scyoc, basketball coach at Manual High School in Peoria became the winningest high school coach in Illinois when the Manual Rams defeated East St. Louis Lincoln 74-61; and

WHEREAS, Coach Van Scyoc's victories total 810 and broke the record set by the late Arthur L. Trout in Centralia.

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This is at forty-five years of coaching, and he's still going strong. I give you Coach Van Scyoc who will introduce his basketball team and the assistant coaches.

COACH VAN SCYOC:

(Remarks and Introductions by Coach Van Scyoc)

SENATOR HAWKINSON:

Coach, we all want to congratulate you and the Rams on a -- on a great season. And as someone from Galesburg - and Laura Donahue from Quincy - we know all these freshmen and sophomores. You scare us again next year. So good luck and congratulations.

PRESIDENT PHILIP:

You know, we're going to have our picture taken today here shortly, as you can notice the photographer behind me. And we'll stand at -- in recess until everybody gets on the Floor, and we get the picture over with. And -- and I hope with -- anybody within the -- the -- can hear me would please come up from their offices and get on the Floor, so we can take this picture and get on with the work of the Senate. Five minutes. Fine; we'll give you five minutes. What -- what do you mean? Yeah. If you're sitting in your office get up here; you've got five minutes or you're not going to be in the picture. All right.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary,

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reports Senate Amendment No. 1 to Senate Bill 1146 Be Approved for Consideration; Amendment 2 to Senate Bill 1513 Be Approved for Consideration; and Amendment 1 to Senate Bill 1516 Be Approved for Consideration.

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Amendment 1 to Senate Bill 1708 Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Amendment 1 to Senate Bill 1328 Be Adopted; Amendment 1 to Senate Bill 1448 Be Adopted; and Amendment 1 to Senate Bill 1706 Be Adopted.

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Senate Amendment 1 to Senate Bill 1522 Be Adopted; and Amendment 1 to Senate Bill 1747 Be Adopted.

And Senator Maitland, Chair of the Committee on Appropriations, reports Senate Bills numbered 1754, 1756, 1758, 1759, 1760, 1761, 1763, 1764, 1765, 1767, 1768, 1769, 1770, 1772, 1774, 1775, 1762, 1777, 1778, 1779, 1780, 1781, 1783, 1795, 1796, 1797, 1798, 1801 and 1802 Do Pass.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 1243 is offered by Senator Shadid, as is Senate Resolution 1244, 1245, 1246, 1247, 1248.

1249 is offered by Senator Lauzen and all Members.

Senate Resolution 1250, by Senator Hall and all Members, as is Senate Resolution 1251.

Senator Jones offers Senate Resolution 1252.

Senate Resolution 1253, by Senator Trotter, as is Senate Resolution 1254.

Senate Resolution 1255, by Senator Smith.

Senator Watson offers Senate Resolution 1256 and 1257.

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Senator Peterson offers Senate Resolution 1258.

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

PRESIDENT PHILIP:

Consent Calendar. Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

Yes. Mr. President, if it would be so to your pleasure, could you please change the sponsorship of Senate Bill 1228, which currently I'm sponsoring, to Senator Cronin, and then showing me as the joint sponsor.

PRESIDENT PHILIP:

Senator Topinka has moved to change the sponsorship of Senate Bill 1278 <sic> (1228) to Senator Cronin. There any objections? If not, so ordered. Resolutions.

SECRETARY HARRY:

Senate Resolution 1259 is offered by Senator O'Malley. It's substantive.

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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1037, together with the following amendments, which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1, 11, 12, 13, 14, 15, 16, 17 and 18.

Passed the House, as amended, April 12th, 1994.

PRESIDENT PHILIP:

It's the intent of the Chair to proceed to the Order of Constitutional Amendments on 2nd Reading. Please be informed that

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the Senate will proceed to the Order of Constitutional Amendments, 3rd Reading, for a final vote, probably tomorrow. And I emphasize once again, we will be voting on it tomorrow. Now if the Membership will please turn to page 17 on the Senate Calendar, Order of Constitutional Amendments, 2nd Reading. Mr. Secretary, please -- read the resolutions.

SECRETARY HARRY:

Senate Joint Resolution No. 72, Constitutional Amendment, as amended by Senate Amendment No. 1.

(Secretary reads SJRCA 72, as amended)

2nd Reading of the Resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Point of personal privilege. State your point.

SENATOR WEAVER:

Thank you, Madam President, Members of the Senate. In the President's Gallery we have a group of FAA <sic> (FFA) members and their advisor from Rantoul High School. And behind the Republicans, in the gallery, are our group from FFA - members from all over Champaign County and their advisors. I'd like to have the Senate welcome them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We welcome you here. 3rd Reading. Senate Joint -- Senate -- House Joint -- Joint -- Senate Joint Resolution 72 is moved to 3rd Reading. The intent of the Chair is to now proceed to the Order of 2nd Reading. The Members are advised to turn to page 2 of the Calendar. At the top of page 2 is the Order of Senate Bills 2nd Reading. Madam Secretary, will you proceed?

ACTING SECRETARY HAWKER:

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Senate Bill 14 -- pardon me -- Senate Bill 141.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted -- adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Has there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Yes. Floor Amendment No. 2 was approved for consideration by the Committee on Rules.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Woodyard, to explain the amendment.

SENATOR WOODYARD:

Yes. Thank you very much, Madam President and Members of the Senate. The amendment is purely technical, and -- and all it does is clarify how the rates are to be imposed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- is there any -- any discussion? Hearing none, Senator Woodyard moves the adoption of Amendment - what number is that, please? - Amendment 2, to bill a -- to Bill 141. All those in favor, please signify by saying Aye. All those opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 454. Barkhausen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 454.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary offers

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Committee Amendment -- adopted Committee Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 1110. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1110.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 1133. Senator Cullerton. Senate Bill 1147. Senator Hawkinson. Senate Bill 1153. Senator Dudycz. Madam Secretary, you'll read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1153.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Dudycz, was approved

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for consideration, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz, would you like to explain the amendment?

SENATOR DUDYCYZ:

Yes. Thank you, Madam President. The amendment was requested by the Judiciary -- the entire Judiciary Committee. It would -- it would -- the amendment states that if imprisonment is imposed on the defendant, that the community service sentence is not required. And that's basically what it does, and I will be more than happy to go into detail when we're on 3rd Reading.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any discussion? Hearing none, Senator Dudycz moves the adoption of this amendment. All those in favor, please signify by saying Aye. All opposed, Nay. The Ayes have it, and the amendment is adopted to Senate Bill 1153. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 1165. Senator Hendon. Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1165.

(Secretary reads title of bill)

2nd Reading of the bill. No -- committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 1168. Senator Cronin. Sorry. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I request a Democratic Caucus.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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That's in order. The -- Senator Demuzio is requesting a Democratic Caucus. For how long?

SENATOR DEMUZIO:

Well, as -- I'm told, it may be an hour.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You wish an hour for your caucus? The Senate Democrats have requested a Democrat Caucus for an hour. It is now 1:25, and you'll have an hour. Meantime, Senator Philip. Senator Philip. What purpose do you rise?

SENATOR PHILIP:

Thank you, Mr. President. I thought for some reason we had an agreement to do 2nd Readings, and -- and wait till we got to 3rd Readings and then have your caucus. Is that -- is that a problem?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

I think there are a number of bills that are on 2nd Reading that Members had wanted to speak about in caucus, and I think this next one is one of them. And so it's my understanding that we would like to go now for an hour and then come back.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Philip.

SENATOR PHILIP:

...(microphone cutoff)...is in order. That request is always in order. We intend on having a Republican Caucus tomorrow morning between 8 and 10. Excuse me. 8:30 and 10. I stand corrected. So you're -- you're certainly more than welcome to your caucus.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Your request is in order, and it's approved. The Senate will stand in recess until 2:30 p.m.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

If we could get the Membership back on the Floor, we'll beginning -- we'll be beginning on 1168, Senator Cronin. Senator Raica. Senator Topinka. Senator Watson. Senator Dunn. Senator Cronin on the Floor? Senator Raica. ...(microphone cutoff)...Topinka. Senator Watson. Senator Thomas Dunn, do you wish to call 1211? Senator Topinka, did you wish to read 1228? ...(microphone cutoff)...Carroll. Senator Molaro, on 1311. Do you wish the bill read? Senator DeLeo. Senator Watson. Senator Peterson. Senator DeAngelis, on 1339. Do you wish the bill read? Senator Dillard. Senator Hawkinson, on 1357. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1357.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Carroll, on 1253. Did you wish the bill read? 1353 <sic> (1253). Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1253.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

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Have there been any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hawkinson, on 1358. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1358.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Topinka, on 1182. Do you wish the bill read? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1182.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations and Executive Appointments adopted Amendments 1, 2 and 3.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka, to explain the amendment.

SENATOR TOPINKA:

All the amendment does is that it shows that any existent leases are not touched by this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any further discussion? Senator Topinka moves the

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amendment be adopted. All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. 3rd Reading. Senator Peterson, did you wish 1328 to be read? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1328.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any amendments filed for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson, to explain the amendment.

SENATOR PETERSON:

Thank you, Mr. President. Senate Amendment 1 to Senate Bill 1328 makes several changes. The major change removes the civil liability aspects from the bill, making violations criminal offenses only. The amendment also makes underage drinking at private residences and hotels/motels in violation of Section 6-16 a Class A misdemeanor. It basically updates the Section 6-16 in several references to legal drinking age eighteen to twenty-one.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Watson, on 1207. Do you wish the bill read? Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 1207.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1323. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1323.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, to explain the amendment.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is strictly a technical amendment, and satisfies a drafting error.

PRESIDING OFFICER: (SENATOR WEAVER)

Any discussion? If not, Senator Watson moves the adoption of Amendment No. 2 to Senate Bill -- Amendment No. 2 to Senate Bill 1323. All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 1365. Senator DeAngelis. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 1365.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator O'Malley, did you wish 1401 called -- read? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1401.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Fitzgerald, 1421? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1421.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

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3rd Reading. Senator Barkhausen, on 1456. Do you wish the bill read? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1456.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 1509. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1509.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Committee Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dunn, on 1516. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1516.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Dunn - Thomas Dunn.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Dunn, to explain the amendment.

SENATOR T. DUNN:

Thank you, Mr. President. This bill amends the Child Sex Offender Registration Act. Under the current law, a person who has been so convicted of violating a child must register for a period of ten years when he moves. Under this amendment, that individual would be obligated to register with the local police for life. This amendment also changes the violation provision of the Act. Under current law, it's a Class A misdemeanor, and under the change that I've initiated, it will become a Class 4 felony. It adds one more provision, and that is that probation shall be revoked if the offender violates any provisions of the Registration Act. So if the individual's out of prison and he violates the Act, he is going back to prison. Under -- the National Institute of Mental Health reports that a molestation will victimize an average of one hundred -- a molester will victimize an average of one hundred and seventeen children in his lifetime. I think the time is right for this kind of strict watchdog effect on these type of offenders, and that's what the amendment does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Dunn moves the adoption of Amendment No. 1 to Senate Bill 1516. Those in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Karpiel, on 1528. Senator Trotter. Senator Jones. Senator Watson, on 1594. Senator Dunn - Thomas Dunn - on 1598. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 1598.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Sieben. Senator Hall, on 1670. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1670.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1672. Senator Hall. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1672.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

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3rd Reading. Senator...(microphone cutoff)...Senator O'Malley, on 1678. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1678.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dudycz, on 1701. Hold the bill. Senator Woodyard, on 1708. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1708.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard, to explain the amendment.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This bill establishes the -- the Conservation Foundation Fund, and in committee there were recommendations in at least two areas that were addressed in the amendment. Number one: the Board that would be appointed by the four Leaders and the Governor to

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administer the Foundation Fund in the Department of Conservation. Once those appointments are recommended by the Leaders and the Governor, they would automatically become the Board. That was not present in the -- in the bill itself; it is now in the amendment. The second thing: there was a -- a concern expressed by the Illinois Farm Bureau, as to whether the Fund could be used for eminent domain. And also in the amendment we made sure that you couldn't use the Fund for the eminent domain. And with that, I would move for adoption or whatever, of...

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Woodyard moves the adoption of Amendment No. 1 to Senate Bill 1708. Those in favor, signify by saying Aye. Opposed, Nay. The motion -- the motion carries. And the amendment's adopted. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 1733. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1733.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Donahue, on 1746. Out of the record. There's a fiscal note request. Senator Barkhausen, on 1751. Do

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you wish the bill read? Out of the record. On the bottom of page 5, Senate Bills 3rd Reading. This is final action, so... Senator Woodyard, on 393. Out of the record. Senator Karpziel, on Senate Bill 630. Do you wish the bill called? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 630.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Actually, this bill is a bill that was requested by everyone involved in the Kerr-McGee situation, which I'm sure you're all pretty sick of by now. But if you remember last, oh, about two years ago, we passed a bill that said that Kerr-McGee would have to pay a storage fee for every cubic foot of waste that they left on the property in West Chicago. They have -- they have put that money, this year, into -- into a fund, but they're -- they are concerned that the State would use it for something else. So that what they are looking for is a continuing appropriation in a -- a certain fund - the Uranium and Thorium Mill Tailings Control Continuing Appropriation Act. There's no opposition to this. Everybody's in favor of it, including Kerr-McGee, West Chicago, EPA, IDNS, Attorney General - everybody. So I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Karpziel -- the question is, shall Senate Bill 630 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none. Senate Bill 630,

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having received the constitutional majority, is declared passed. Senator LaPaille, on 1128 <sic>. Hold it. Out of the record. Senator Mahar, 1138. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1138.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, to explain the bill.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill comes to us at the request of a former colleague of ours here in the Illinois Senate. It would require a landscape waste transfer station which holds landscape waste for no longer than twenty-four hours to obtain local zoning approval, but be exempt from local siting approval, or the 172 siting process. This is comparable to an exemption which we passed in the last year or two, for household hazardous waste collection centers. There was no opposition to this bill in committee, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Mahar moves that House Bill -- Senate Bill 1138 pass. Those in favor will signify by saying -- by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1138, having received the constitutional majority, is declared passed. Senator Petka, on 1144. Out of the record. Senator Palmer, on 1149. Out of the record. Senator Stern, on 1159. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1159.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern, to explain the bill.

SENATOR STERN:

Mr. President, Members of the Senate, this is a bill which permits a company-owned car to bear a ham radio plate, provided the company is closely owned by a single individual. It is legislation for folks who care about ham radio, and folks who are rich enough to own their own company. The gentleman who requested it feels that having a ham radio plate is an advertisement that he does public service: Someone's in trouble, someone's in an accident, they ask him, they see him on the road, and they ask him for help, and he is able to provide it. He believes this is a public-service function, and I'm inclined to agree with him. I hope you will support it with your vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1159 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1159, having received the constitutional majority, is declared passed. Senator Petka, do you wish to recall Senate Bill 1206 for amendments? Senator Petka seeks leave of the Body to return Senate Bill 1206 to the Order of 2nd Reading for the purpose of -- amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1206. Mr. -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senators Petka and Berman.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka, to explain the amendment.

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SENATOR PETKA:

Thank you very much, Mr. Speaker, Members of the -- Mr. President and Members of the Senate. Amendment No. 1 to Senate Bill 1206 addressed concerns that were raised in committee, in connection with the -- the bill - the underlying bill. What Amendment No. 1 does is basically state that a -- a police officer who has been certified to be in physical health to perform his duties on a police department - if in fact that is the case - that he cannot be denied his right to participate in a police pension fund. Currently, there is a dichotomy that exists where a person may be in fact appointed as a police officer for an extended period of time, and who for one reason or another has been excluded from participating in the pension process. We think this is unfair, and this amendment will -- will clear that up.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, those in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Any further amendments?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan, to explain the amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Floor Amendment No. 2 to Senate Bill 1206 amends the Downstate and Suburban Firefighter Pension Article, to remove the age restriction and the test for physical fitness by the pension board. I'd be glad to answer any questions, and otherwise would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

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ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Petka, do you wish to call the bill on 3rd Reading? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka, to explain the bill, as amended.

SENATOR PETKA:

Thank you again, Mr. President, Members of the Senate. As I explained during the 2nd Reading, this bill would basically permit a police officer -- a number of police officers throughout the State who have been sworn in commission to perform police duties, to be eligible for the -- the police pension fund, once they have been certified that they can perform police duties. The amendment addressed concerns which were raised in -- in committee by the Municipal League and by Senator Berman. It was his request and his amendment that has become the bill. And I would be happy to entertain any of your questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. On a point of parliamentary inquiry. I'm supportive of this bill. I appreciate the amendments that have been put on, which I agree with. My question is that, this bill was amended five minutes ago, this is -- we still got ten more days that we're going to be looking at 3rd Readings, why are we moving a bill on 3rd Reading that was just amended today? Could you address that, please?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman, we have addressed these issues both ways. Had there been any controversy on the amendments, I would have passed over it. There being no controversy -- if the sponsor wishes to take it out of the record, so be it. Had -- but, I'm -- basically I'm saying, that had there been controversy on the amendments, we would not have considered it right after being amended. Senator Berman.

SENATOR BERMAN:

Well, very respectfully, Mr. President, let me suggest if this were the final day, I -- I wouldn't raise this point. But there are amendments, and I have agreed with Senator Petka. I agreed with -- with the amendment that Senator Madigan offered. But you know many times what we agree upon, the next hour, somebody who is involved with this legislation calls us up and says, "Do you know what you did?" And I would just suggest that since it's not the final day, if a bill is amended, even if it's agreed amendment, hold it at least for a day, till we move it for 3rd Reading. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka, what's your desire?

SENATOR PETKA:

The Gentleman's point is well-taken; you can please take it out of the record.

PRESIDING OFFICER: (SENATOR WEAVER)

Take it out of the record, Madam Secretary. Senator Dillard, on 1221. Do you wish the bill read? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1221.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard, to explain the bill.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Crime Victims Compensation Act, to say that the Court of Claims "may" - they don't have to, but "may" - make an award or pay an award solely and directly to a vendor that has provided services to a crime victim. This bill passed out of here almost unanimously a year ago, but was subsequently amendatorily vetoed by Governor Edgar for other reasons. And I would move its -- move its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I guess, if this bill was amendatorily vetoed last time by the Governor, seems strange that we're going to bring it back to give the Governor another shot at it. But, would the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR JACOBS:

Senator, how are we fixed in the Victims Crime Fund? Are -- are we willing to put more money into the victims crime bill -- fund in order to be able to accommodate this request? Number one - respond to that, and I have another couple of questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

First of all, Senator Jacobs, the Governor must have had bad staff of a year ago or so. But this has no impact on the amount of money in the Crime Victims Compensation Fund. It says instead

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of writing a check directly to a victim, it may go to a medical provider, and it has no -- no fiscal impact.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

But aren't we, in effect, with your legislation, Senator, removing - or changing, actually - the intent of the -- even the name of the bill - the Victims Rights Fund - from the standpoint that no longer will the money go to the victim; the money, in fact, will go to a vendor. Are we now putting ourselves in the business of collecting money for hospitals, or for other vendors, when in fact, the intent of the legislation is to ensure that the victim is compensated, not the hospital or not the vendor?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Well, first of all, Senator Jacobs, the hospital or medical provider would have provided the services. But I would also submit that sometimes the medical provider may be a victim in their own right, in the fact that they provided these services and they don't get paid. And sometime literally, having been a former judge on the Court of Claims, I know that crime victims may even - so to speak - extort, and not sign over their checks for these services that have been provided.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, it appears to me that, in many states, whenever you get down to the nitty-gritty, because there are vehicles available for the hospitals to go after the money, but there's no vehicle for the victim to be reimbursed, in many cases, the hospitals, at a later date, are willing to settle for a lesser amount of money.

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And therefore, it seems to me that we are, in effect, diminishing the -- the ability of this Act to do what it's intended to do. And I think we should, in all candor, Senator, vote No on this piece of legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. If I can ask the sponsor a question. It -- it seems as if the bill has been described, and since I, am the original offer -- the original sponsor of the Crime Victims Compensation Act. Did you also change the title of the Act to make it the Medical Providers Collection Agency Act? 'Cause it seems as if now, all this bill will do is to turn the crime victims program into making the Court of Claims the uncompensated collection agency for the medical providers. Have you also changed the title of the Act?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

No, Senator Carroll, I have not changed the title of the Act.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

SENATOR GEO-KARIS:

My understanding is, from your bill, that if a victim doesn't pay his or her medical bills, the court can ask that the award be paid directly to the person to whom it's owed. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

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SENATOR DILLARD:

That is correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

You -- you wouldn't be the kind of fellow to deprive someone of moneys that they have earned and that they've spent on the victim, would you?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Of course not. I would never deprive anybody of that, Geo.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, having worked on the Crime Victims Compensation Act from its very beginning, and knowing that the sponsor is really true blue and is very kind and compassionate and wouldn't hurt anyone, I rise and support his bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR BERMAN:

Does this bill change the process of applying for Crime Victims Compensation? In other words, as I understand it, the victim must apply for the compensation - goes to the Attorney General, then the Attorney General submits it to the -- to the Court of Claims. Is -- is that still the process even under this

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bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Senator Berman, that is still the process. All this allows is -- and says that the court "may" - it doesn't say they have to - make an award directly to a provider, not necessarily a medical provider. And it doesn't change that application one bit.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson. Senator Berman. Excuse me.

SENATOR BERMAN:

Thank you. Senator Dillard, I know this is your first bill, but I respectfully stand in opposition to this bill. Let me tell you why. If the victim understands the process that's spelled out in this bill, the victim will have very likely no incentive to proceed with the application for compensation. And therefore, the people that are interested in this bill - for example, hospitals or doctors who have rendered service - will get nothing out of this, because the crime victim has no interest in pursuing this claim. Now, what will -- what happens today, I believe - correct me if I'm wrong...

PRESIDING OFFICER: (SENATOR WEAVER)

Have you finished?

SENATOR BERMAN:

...is that the crime victim may have substantial medical bills, but he talks to the providers and he says, "Look, we'll go forward, I'll get a check from the crime victims for ten thousand dollars, let providers -- let me have four or five thousand, because of the pain, the injury, what I've gone through, and hospitals, you take the other five." That way, they work it out between them, and everybody gets a piece of the action. This way, under this bill, the -- the court is going to make the check

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payable to the providers. The victim isn't going to get any piece of it, and no one's going to ask for crime victims compensation. You're defeating, I believe, the purpose of the Crime Victims Compensation Act.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Dillard, to close.

SENATOR DILLARD:

Again, Mr. President, Ladies and Gentlemen of the Senate, I believe that this bill really does not change the Crime Victims Compensation Act in -- in the method that Senator Berman has described. It allows the court in certain cases, and it says "may", not "shall", provide payment to medical vendors. And I don't believe that this will have a major impact on the Crime Victims Compensation Act. It will be a minor change, when needed, in the discretion of the Court of Claims itself. And again, this bill passed out of this Body overwhelmingly a year ago. And I would move its passage, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1221 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 19, 2 voting Present, 8 not voting. Senate Bill 1221, having received the constitutional majority, is declared passed. 1223. Senator Petka. Out of the record. Senator Woodyard, on 1230. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Woodyard, to explain the bill.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This bill was brought to us as a recommendation from the Illinois Pork Producers, and it attempts to somewhat alleviate the problem of the interstate transportation of breeding livestock, or breeding swine, as well as -- as other hogs, of pseudorabies. Pseudorabies is a very infectious disease in -- in hogs that results in aborted pigs and so on. And this bill actually requires that before the interstate shipment of -- of hogs occurs that there must be a permit. It also allows for tattooing of -- of those hogs after they have been tested, so that the Department of Agriculture can track those. It is supported by the Illinois Pork Producers, as well as the Purebred Breeders Association. And I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1230 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none. Senate Bill 1230, having received the constitutional majority, is declared passed. Senator Shadid, on 1232. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1232.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid, to explain the bill.

SENATOR SHADID:

Yes, Mr. President, this -- Senate Bill 1232 amends the Code of Criminal Procedure, and it prohibits the court from releasing a

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defendant on his own recognizance if the person was charged with a criminal offense committed with a gun to those offenses which are violations of the Criminal Code. And I would appreciate support of.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1232 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none. Senate Bill 1232, having received the constitutional majority, is declared passed. 1233. Senator Shadid. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1233.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shadid.

SENATOR SHADID:

Mr. President, 1233 amends the Unified Code of Corrections. A defendant who violates his or her parole or mandatory supervised release by committing a forcible felony while on parole or mandatory supervised release, shall serve the whole sentence for the original offense and a sentence consecutive to the original sentence for the forcible felony. I would appreciate some support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Shadid -- those will -- those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1233, having received the

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constitutional majority, is declared passed. Senator Geo-Karis, do you wish to bring back 1251 to the Order of 2nd Reading?

SENATOR GEO-KARIS:

Yes. If I may, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis seeks leave to return Senate Bill 1251 to the Order of 2nd Reading, for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1251. Senator Geo-Karis. Mr. <sic> Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Geo-Karis.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis, to explain the amendment.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 1 was recommended to me in order to clean it up and make it clear, and I move the passage of the amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion of the amendment? If not, all those in favor, signify by saying Aye. Opposed, Nay. Motion carries, and the amendment is adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments were reported, Mr. President.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hasara, on 1260? Out of the record.
1261? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1261.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, to explain the bill.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 1261, as amended, simply codifies a reimbursement procedure for federally qualified health centers that is already the practice through the Department of Public Aid. Be glad to answer any questions, but would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1261 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1261, having received the constitutional majority, is declared passed. For what purpose does Senator Hendon arise?

SENATOR HENDON:

Yes. Thank you, Mr. President. I was pushing my button and it -- it didn't record. Could you -- I be recorded as voting Aye on that?

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect.

SENATOR HENDON:

Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Woodyard, on 1267? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1267.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This bill was suggested by the Lamb and Wool Association and the Illinois Beef Council. Basically, it would put into the same context the type of checkoff referendum that would be allowed for the membership of and producers of sheep and beef. It would allow them to vote on these checkoff referendums by mail. Their intent is to try to hold a referendum with their producers sometime in January of 1995, and that's the reason for the need of the legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1267 pass. Those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1267, having received the constitutional majority, is declared passed. 1274. Senator Watson? Out of the record. Senator Farley? Out of the record. Senator Thomas Dunn? 1285? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1285.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Dunn.

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SENATOR T. DUNN:

Thank you, Mr. President and Members. This amends the Counties Code, and it provides that municipalities will be entitled to a ten-dollar prosecution fee for each conviction for a violation of a nontraffic ordinance that's been prosecuted by the village. Examples would be vehicle inspections, inoperable motor vehicles, zoning violations, and nuisance violations. I submit that this is a -- a small amount that will help the villages and the municipalities to recoup the cost of enforcing good, commonsense ordinances.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1285 pass. Those in favor will vote Aye. Those opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 1, none voting Present. Senate Bill 1285, having received the required constitutional majority, is declared passed. 1286 <sic>. Senator Mahar? Out of the record. 1313. Senator Cronin? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill seeks to update the Medical Practice Act to include limited liability companies. Those individuals or entities that seek to organize under the Limited Liability Company Act and -- to provide health care services now must come in with -- within compliance of the Medical Practice Act. This received unanimous

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support, and I ask for your Aye vote. I'm happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1313 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1313, having received the required constitutional majority, is declared passed. 1319. Senator Donahue? Out of the record. 1324. Senator DeAngelis. Out of the record. Senator Karpiel, on 1326? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1326.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1326 establishes procedures for the Illinois Commerce Commission to file a petition for receivership of a public utility and to provide for a means of acquisition for that facility -- for that utility, if they are not providing the service that they are set up to do. There is no opposition to this bill with the amendment that was put on in committee, and I would like to read just a short paragraph for legislative intent. I've spoken with the Commerce Commission staff and there is no reason to expect that the provisions of this bill would be invoked with a competitive carrier. In a truly competitive situation, other carriers are standing by to provide service to customers, so the Commission can simply revoke the operating authority of an offending carrier. This bill is needed

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to take care of situations in which day-to-day utility service would be interrupted to customers because of a utility failing to provide that service. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1326 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1326, having received the required constitutional majority, is declared passed. 1329. Senator Peterson? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1329.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 1329 amends the Illinois Professional Land Surveyor Act of 1989. Makes issuing a map or plat or <sic> survey where the fee of professional services is contingent on closing a real estate transaction grounds for disciplinary action. The bill simply adds a ground for disciplinary action when land surveyors engage in washout arrangements. "Washout" refers to the practice of some surveyors, mostly large companies, of waiving fees for services when transactions fail to occur. This arrangement is profitable to high -- large, high-volume surveyors, and tends to restrict open-market conditions. Washout arrangements are currently considered illegal under federal law, the Real Estate Settlement Procedure Act, Section 3500-14, when federally backed mortgage loans are involved. The bill would add grounds for disciplinary

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action under State law.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in opposition to this bill. I think it is somewhat interesting that this bill mandates a certain approach to the billing of services. This is exactly opposite to free enterprise. What we're providing here is that you must charge someone, where today, under existing law, if I want to come and I'm a surveyor and I want to make a survey and the person I want to render that service to says to me, "You know, if the deal doesn't close, I'd like not to have to pay you; if it does close, I'm willing to pay you some more - you know, more than you'd otherwise charge me." That's good old collective bargaining. That's good old negotiating. That's good old free enterprise. I don't think we ought to change that, and I would vote No on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Peterson, to close.

SENATOR PETERSON:

Thank you, Mr. President. I just would like to point out that by allowing this, you are freezing out the little entrepreneur - the person who is trying to make a living - in favor of the large groups who can do this. And beyond that, if it was such a great thing, why is it banned - illegal - under federal law if a federally backed mortgage is involved? And this does not basically make it a mandated effect; it just says the Department may refuse to issue or restore a license or may revoke. It's not mandatory. I ask for your support on the passage of Senate Bill 1329.

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PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1329 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 22, 2 voting Present. Senate Bill 1329, having failed to receive the constitutional majority, is declared failed. Senator Peterson.

SENATOR PETERSON:

Mr. President, I ask for postponed consideration on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson's asked for postponed consideration on 1329. 1330. Senator Peterson. Do you wish the bill read? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. This bill amends the Township Code to allow township supervisors in counties over three million to appoint a township attorney. Now only in townships in counties under three million is this done. The township board shall fix the compensation of the township attorney. This initiative is from the Township Officials. When this Section was last amended, Cook County townships were left out, and this bill would restore that right to appoint an attorney to the Cook County townships. I ask for passage of Senate Bill 1330.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate

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Bill 1330 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. Senate Bill 1330, having received the constitutionally required majority, is declared passed. 1332. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1332.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1332 is a revisit of House Bill 1974, which got a little heavy at the end of this last Session. Basically, Senate Bill 1332 would allow visiting professors to perform or demonstrate techniques and authorize temporary permit to these individuals under the Medical Practice Act if they perform emergency surgery. That is the same as House Bill 1974, which didn't have any problems. But in addition to that, Senate Bill 1332 would allow or make provision for doctors who are licensed in other states to perform requested procedures if they meet the current Illinois Medical Practice Act requirements, and would allow them to operate under a temporary permit. I would be glad to answer any questions on Senate Bill 1332.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1332 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none. Senate Bill 1332, having received the constitutional

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majority, is declared passed. 1336. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Currently, property tax owners <sic> in the State of Illinois, if they are dissatisfied with their appeal of their assessment, they go to the State's Property Tax Appeal Board, except for Cook County. In Cook County, they must go to the circuit court. This bill gives the residents of Cook County the same privileges and opportunities that the rest of the citizens of the State of Illinois enjoy. As amended -- there is an amendment that lowers the burden of proof on an -- on an assessment for the taxpayer in circuit court from constructive fraud to the preponderance of evidence.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer. Can you clear the aisle in front of Senator Palmer, Gentlemen?

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Senator DeAngelis, we discussed this extensively in committee, and I just want to review with you some of the issues that were raised. Now, according to my analysis - and I would ask that you confirm this - the PTAB currently handles on the average of seven thousand or so cases. Is that correct?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

I don't know, but I would assume your numbers are correct.
Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

According to my analysis, the Cook County Board of Tax Appeals has already heard more than sixty-five thousand cases in the last two years. The point I'm getting at is there is a discrepancy here in asking a smaller body to handle almost three times or more the volume that the process is already handling. And one last question: I wish that you would also address the matter of how much this will cost, because according to our analysis, this will cost at least three times the money that is currently needed for such administration.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, first of all, Senator Palmer, you're not comparing apples to apples. The sixty-five thousand cases you're talking about are those that go to the Board of Appeals. They would still go there. This is what happens after they've been to the Board of Appeals. Right now, when they go to the Board of Appeals, they have to go to circuit court after that. With this bill, as I said, they're allowed the same privilege as the rest of the citizens: They could go to the Property Tax Appeal Board. And frankly, I'm a little dismayed that you from Cook County would be concerned about a cost to your citizens, who are overburdened with property taxes, and you want to deny them a step in the process that the rest of the State has. I don't think that's any cause at

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all to be concerned about what the cost may be.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. Chairman. I wish that we had had that same sentiment on the schools, but be that as it may, the fact is -- to the bill: The fact is that there is a request now to the State budget of 1.5 million dollars, and the current request from PTAB is seven hundred and forty thousand dollars for the Fiscal Year 1995. So I would suggest that we oppose this bill on any number of measures: first of all, that it puts -- it may sound seductive, but it, in fact, establishes another layer of administration; it is going to cost us three or four times as much; and in point of fact, there is a process in place that is adequately dealing with this issue.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. First, I'd like to ask the sponsor a question, because...

PRESIDING OFFICER: (SENATOR WEAVER)

He...

SENATOR DUDYCZ:

...it was brought to our attention by Senator Palmer that sixty-five thousand appeals were heard by the Cook County Board of Tax Appeals. I'd just like to know, is there -- is there anybody in this Body, whether the sponsor or Senator Palmer, and do you know how many of those sixty-five thousand cases were finally appealed to the circuit court of Cook County?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

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I don't know, Senator Dudycz, but it would be far less than sixty-five thousand.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCH:

Well then, I -- I don't -- I don't understand why -- at least why anybody from Cook County would be opposed to this bill. I disagree with Senator Palmer when she says that this just adds another layer of administration. I think what this does is add another measure of protection for the Cook County property tax owner <sic>, where they can go beyond the Cook County Board of Tax Appeal and exercise the right that every other taxpayer in the State of Illinois has, and that is to be able to appeal it to the State Board of Tax Appeals. And I think that at least -- at least those of us in Cook County should unanimously support this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator DeAngelis, what is your estimate of what this bill will cost, and who is going to pay it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Welch, I don't know. But let me tell you, investing in justice is a fair -- fair expense.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

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SENATOR BERMAN:

That's a tough act to follow, Mr. President. Thank you. I stand in opposition to this bill. And if you'll look at your analyses, you will find that I supported this bill in committee; but I didn't understand it. And let me tell you what I've learned since. The overwhelming majority -- and in the time span that was involved, I could not get you any specific statistics. A number that was given to me was around eighty percent. And what that eighty percent means is that in the administrative processes that presently exist for homeowners - residential property owners in Cook County - an -- an administrative process in the Assessor's Office and the appeals process to the Board of Tax Appeals - eighty percent of the property owners of real -- of residential real estate get a satisfactory -- get a -- get relief in that process. This bill is not for homeowners. And if -- if you live in Cook County, I want you to listen to this, because this is going to be a great issue in your next campaign. This bill is for the -- is for the commercial and industrial property owners in Cook County, and the reason for that - the reason for that - is because they want to change the rules that they have been operating under for many, many years. And I will tell you what those rules are under this bill, as amended. When -- if we pass this bill, the residential real estate people who are already taken care of, more or less - substantially taken care of - they're not going to be affected. It's the business people - commercial and industrial owners - that will use this bill to go to the circuit court or the Property Tax Appeals Board to get their real estate taxes lowered. When their taxes are lowered, your neighbors owning homes are going to have to pay the difference. Now that's the rationale of the bill. Let me tell you what the legal defect is of the bill. The amendment -- and I ask you to bear with me for a minute, because I hope I explain it

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in an understandable way; it gets very technical. The amendment says, on line 11, that the appeal shall be, quote, "based upon a preponderance of the evidence and not upon constructive fraud", unquote. Ladies and Gentlemen, that is a meaningless sentence. If this bill passes with that sentence in this bill as is, the entire process of real estate taxes in Cook County may be - may be - in jeopardy. Let me try to explain to you why. The present standard of appeals requires the appellant - the person who is the property owner - to prove that the assessment was imposed by constructive fraud, which means that there was a willfulness on the part of the assessor to wrongly make the assessment. There's like a -- like a -- a viciousness, that a -- a purposeful, to give you a million-dollar assessment when the assessor knew that your property is only worth a half a million. Well, that's very -- that's -- that's a very, very, very difficult standard to prove. I give you -- I admit that. However, that is a substantive standard. Even though I don't agree with it, it's a -- substantive standard: constructive fraud. If we were going to make a change that was meaningful, we perhaps could say -- instead of constructive fraud, we could say a variation in excess of thirty percent, in excess of forty percent, et cetera. And that would make more sense. But the problem with this amendment is that they are substituting a measure of burden of proof for an objective standard. Preponderance of the evidence is not an objective standard. Burden -- preponderance of the evidence is the weight that the appellant has, the amount of testimony that must be submitted to establish their standard. Let me try to explain it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman, would you be a little more concise?

SENATOR BERMAN:

I'll try. I -- and that's why I asked for your -- for your

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forbearance, Mr. President. Thank you. If I'm this -- if I'm the prosecuting attorney -- if I'm the assistant State's attorney in a criminal case, I have to prove beyond a reasonable doubt that a murder was convicted <sic> by Mr. X. The burden of proof is beyond a reasonable doubt. The matter -- the question of fact is, did he commit murder. If I -- if it's a civil case, I go by -- by a preponderance of the evidence: more correct than not correct. That's fifty percent plus one. But that's the measure of the burden of proof. That's not what I have to prove. The amendment erroneously does not tell us what the taxpayer must prove in order to prevail. It's erroneous amendment. It will throw the entire process of appeals up in the air. Whoever did it was misdirected, because you are not setting a standard. You're changing a standard for a burden of proof. Those are apples and oranges. You are not setting forth what the facts are that must, in fact, be shown by the taxpayer. I hope I've explained to you what the defect is in this. It's not easy to explain, but -- but all in all, this bill is not good for homeowners, and it's not good for the entire tax system of Cook County. I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I don't agree entirely with the last speaker in phrasing it, and it is a difficult subject to phrase, but perhaps I can ask the sponsor if my understanding of this is correct. And I'm concerned about the amendment also, not just for Cook County, because I think this -- the amendment applies statewide, as I -- as I understand it. I think this would wipe out our -- our current tax assessment and appeal process, because under a preponderance of the evidence test, you're going to rehear the case in circuit court. Anybody who loses before the assessor or before the Property Tax Appeal Board is going to go to

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court - they'd be crazy not to - because they can retry the case. I, however, also, I think, agree with the bill's sponsor that constructive fraud is too tough a standard. I've seen a number of cases, both in my days as State's attorney and -- and since, when you have to advise people, "You really have no recourse, because going to court is going to be impossible because constructive fraud is simply too difficult a standard to meet." It doesn't necessarily require willfulness, but it requires such an egregious difference that, as a matter of fact, a homeowner has an almost impossible time to -- to breach it. As a consequence now, nobody goes to circuit court, except in unusual circumstances. However, by going to the very lowest burden of proof, which is a preponderance of the evidence, everybody's going to go to court. So your State's -- your local State's attorneys are going to end up spending half their time in circuit court on property tax cases. It's a lawyers' employment bill for the plaintiffs' bar, I suppose. I think there's a middle ground that could be reached on this, if they'd be willing to reconsider and perhaps offer another amendment, and that would be the standard that we use when we review agency determinations, and that is that the determination of the fact-finding body would be given weight, and it would be overturned only when you could show, in the circuit court, that it's against the manifest weight of the evidence, which is commonly the standard that is used for the Industrial Commission or many other administrative hearings. And I think if we'd be willing to do that, we could improve the current system without really dramatically impacting our property tax appeals. So I -- I wish the sponsor would consider that kind of -- of an approach, instead of this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

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I will take the bill out of the record and consider that amendment, since we have enough time to go ahead and act on it.

PRESIDING OFFICER: (SENATOR WEAVER)

Take it out of the record. Senator Sieben, on 1344. Out of the record. Senator Carroll, on 1346. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1346.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Members of the Senate. Senate Bill 1346 is merely to allow cemeteries that are not already religious cemeteries - be they municipal, private or any other type of ownership - to set aside a area of that cemetery to be used for some group for religious burial and not violate any other State law. As long as they do not discriminate on the basis of race, creed or national origin, this would allow them the burial tool, as well as the sales ability, to set aside - such as here in Springfield - a section to be used where, because of religious considerations, people, by religious belief, want to be buried together. I would answer any questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1346 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none. Senate Bill 1346, having received the constitutional majority, is declared passed. Senator Burzynski,

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on 1367. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1367.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Members of the Senate. This bill corrects a recodification of the Municipal Code that was done in May -- or effective May 13th, 1993, whereby the municipal treasurers were able to be appointed by the mayor of municipalities with any size population. This corrects that, takes it back down to the original Statute of ten -- less than ten thousand inhabitants. In addition to that, there is one amendment that has been added to the bill that would allow municipalities to annex over conservation districts, the same way they currently can annex over downstate forest preserve districts.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1367 pass. Those in favor will vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 2. Senate Bill 1367, having received the constitutional majority, is declared passed. 1369. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

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SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Cannabis and Controlled Substances Tax Act to allow the State's attorney to enforce the drug tax on violations within their county. It would give thirty percent of any of that tax and penalties collected by the State's attorney to the county, and seventy percent would go to the State. The bill also amends the Criminal Code to allow for the forfeiture of a motor vehicle used in the commission of a stalking violation, and also amends the Code of Corrections to expedite civil actions against inmates in the Department of Corrections for the cost of their incarceration. I know of no opponents. I would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If -- Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates that she will yield.

SENATOR PALMER:

Senator Topinka, you just said there were no opponents to this. Our analysis says that the Cook County Public Defender's Office is opposed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

We don't show that.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further questions? Senator Berman.

SENATOR BERMAN:

...(microphone cutoff)...yield? Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

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She indicates she will yield.

SENATOR BERMAN:

The seizure provision regarding stalking: If -- if I'm driving a car and I'm stalking you, when would my car be seized? When I'm arrested? Or after I'm convicted?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka. Senator Topinka.

SENATOR TOPINKA:

We will have that answer for you momentarily.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further questions, Senator Berman? Senator Topinka.

SENATOR TOPINKA:

It would be seized upon arrest, and then the State's attorney would be able to file later.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Well, let me make some comments, and I hope the sponsor would -- would respond to them. Stalking -- we've passed a law, and I think virtually all of us supported the anti-stalking law, and it's a very strong law, because it also involves detention of the accused and some very quick bond hearings, and I've supported that. Now what we're doing here is saying that - if I understand you correctly, Madam Sponsor - is that if you accuse me of stalking you and I'm stalking you with a car - I'm following you down the street; you see me; you don't -- you think I'm stalking you - you think I'm stalking you; you stop a police car and you say, "That fellow driving behind me is stalking me," the police officer stops me, can arrest me for stalking and takes my car. It just seems to me -- I'm not sure why we're doing this. And all of this is before any trial. Could you -- let me change that into a question of the sponsor. Why -- what's the purpose of this?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Well, in -- in the Section of -- of the Illinois State Statutes on seizure, there are already numerous times that we use this provision. So, in effect, we are tracking current law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

...(microphone cutoff)...you. Thank you, Mr. President. The part that I'm worried about when we talk about seizure -- this is Section -- Section 10 of the Act, page 2, I guess. It says, "Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit..." So the language is a little ambiguous to me, meaning that used with the knowledge of consent of the owner, meaning that I would -- I knowingly and consensually gave the person my car, but I was not sure -- I had no idea that they were going to use it to stalk someone, but they did have it with my consent.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

There is protection for innocent owners in the Act, and what you are saying is current law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

But would it be where they would take the car and now I have to go get it back? I mean, would it be -- or is that a defense that would have to be given later? Because what I'm getting at would be that, you know -- and stalking is such a -- a private type of a -- a crime, in the sense that it's very emotional, and

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most kids that are losing it over women, they're not going to tell their parents, "Give me your car; I'm going to go stalk this girl." Or if you give it to a friend, "I'm going to go stalking." So you give them the car; they go out and they stalk, and all of a sudden, the State's attorney has my car and I'm going to have to grab some lawyer and pay him a ton of money, or whatever it's going to cost me, to go get my car back.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

There is provision against those who -- who would be innocent owners of this car, and if they produce evidence to the State's attorney, that car would be released immediately.

PRESIDING OFFICER: (SENATOR WEAVER)

Are you through, Senator Molaro? Senator Molaro, turn on your light when you wish to speak, please.

SENATOR MOLARO:

You know -- oh. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you.

SENATOR MOLARO:

One -- one last thing, however. You know, and -- and drug charges, obviously, is similar in the sense that if it was used and you didn't know about it, you could come in and show that it was yours and you had no knowledge of it, but it's a court proceeding. I've never heard of a time where, you know, I could just come in and say, "Hey, I didn't know about it", and you leave it to the whim of the State's attorney to decide whether or not I can have my car back.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

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Yeah. If I may read, it's in the Act currently, and it says, "The State's Attorney shall promptly release a vessel, vehicle or aircraft seized under the provisions of this Article to any lienholder or secured party whose right, title or interest is of record as described in Section 36-1 if such lienholder or secured party shows to the State's Attorney that his lien or secured interest is bona fide and was created without actual knowledge that such vessel, vehicle or aircraft was used or to be used in the commission of the offense charged."

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman, for the second time.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen, I'm disturbed by this bill, and let me tell you why. You are -- under the present law, a car can be seized when, I would suggest to you, the person driving it is committing a clear and -- clear crime involving that car. For example: I'm carrying drugs in the car; I'm carrying explosives in the car; I'm carrying nontaxed cigarettes in the car. I'm driving the car; I know those things are in the car; and we have a policy that that car is -- is being used for that crime. I would suggest to you that the crime of stalking -- the charge of the crime of stalking - the charge of the crime of stalking - is less objective, less strong, than is the other types of crimes that give rise to the confiscation of the car. What you are doing here is imposing a burden. You have a child -- forget -- strike the word child. You have a teenager who's driving your car, and you don't know about it, but he's got a -- an ex-girlfriend that's upset with him, and she charges him with stalking when he's driving your car. You're going to have to go down, file a petition to get that car released. If you sign an affidavit that the sponsor just read about, and the State's attorney doesn't believe you, you're out your car. I just -- now

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I don't understand why we must do this in order to protect people who are the subjects of stalking. This sounds like a very onerous provision. It disturbs me. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Dunn.

SENATOR T. DUNN:

Senator, let's assume that the individual was, in fact, committing a stalking act. What would be the purpose of seizing the car, since you also have to presume that the individual has gone directly to jail upon the court making a finding that stalking has occurred? That individual is going to probably -- be in jail on -- on a no-bail offense or, second, under such strictures that he would not be permitted to be within the proverbial country mile of that individual, whether it be in his car, her car or anybody else's car.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Right now the law covers murderers and other crimes significantly greater than stalking, and theoretically we -- you know, we can -- they forfeit their car, although they may be going to jail. So this just follows. Plus, you know, in -- in -- just in response to a further question, the car has to be used in the commission of the stalking, and the owner has to knowingly allow that car to have been used; otherwise, there are numerous protections which keeps the owner of the car out of -- out of the system.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Tom Dunn.

SENATOR T. DUNN:

Thank you. What if the car's in joint ownership?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

In joint ownership, it would be our opinion that the car is protected and -- and would follow the -- the ability again to -- to go to the State's attorney's office and show that ownership and the fact that the co-owner was not involved in the commission of that car <sic>, and the car would be released.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

So you're -- you're -- you're placing a burden then on the individual who is a co-owner of the vehicle, who is not a wrongdoer, that he or she must go and hire a lawyer and -- you know, your intent is good, Senator. I don't think that there's anybody here that wants to facilitate or help an individual commit a stalking offense. But you're -- you're a -- it's a little bit like -- you know, you mentioned that we seize murderers' cars. You know, it's a little bit like seizing John Gacy's car. I mean, he's a convicted murderer; he's not going anywhere; he's not driving anywhere. And I would submit to you, neither -- neither is the stalking person. You wanted to ask a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

I would just point out, and I -- I appreciate the dialogue on this issue, but everything that you are referring to is current law. It covers all of these other offenses: I mean all of the safeguards, all of the provisions, all of the commissionings.

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This just tracks and follows current law. So if you have an objection, you would have to have an objection to our doing this to murderers, to kidnapers, to, you know, people who assault, and all others for which this law applies.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

Well, I -- I understand the -- the good intent of -- of what you're attempting to do, but I think -- I think this needs more work, in terms of due process and providing that a co-owner would not be obligated to go hire a lawyer and jump through all the legal hoops to get their car back because of the wrongdoing of someone.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I'm really having difficulty understanding the debate on this issue. This is part of a crime package. I think we all know that our constituents are telling us this year to do something about crime. And this, to me, seems very logical, to be able, in the case of a stalking offense, to allow for the forfeiture of the motor vehicle involved. Granted there may be a few cases where the -- the perpetrator of the crime is using someone else's car. People are sued every day unjustly and have to hire a lawyer and go into court and prove that they're innocent. I think we have to remember what we're trying to do here, and that is to punish the stalker. And I've heard so little said about the victim of the stalker and what's happening to that person. So let's not forget the real intent of this bill, and I cannot believe all the negative things that I'm hearing in this discussion. I think we're missing the point of the bill, and also the mark of what we're trying to do.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As the -- as the original sponsor of the stalker bill, I will tell you that, in effect, the -- the stalker that ended up killing a constituent of mine was indeed using a car. In fact he was using the car as a weapon. He tried to run down the young man twice, and when the father went to the courts and pointed that out, unfortunately, there was nothing that could be done, because he missed. It wasn't through lack of trying though. And when he finally did catch up with him and bashed his brains out with a baseball bat, it was a little late. I think this is a good bill, and I think we should, indeed, pass it.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR TOPINKA:

You know, I -- I realize that there's been much discussion on this bill, and you know, if there needs to be clarification, I'll be happy to take it out of the record and come back to this. Well, okay. If we're going to go with it, I would seek your favorable support. I think those who have spoken positively to it bring up the fact that -- all we have done is added two new offenses to a preexistent forfeiture Statute which covers all other offenses, has all the protections, has everything -- it's been worked out over the years till we have a very, very good protective Statute. We don't overlook anything and just add these two new offenses. And stalking has become a major offense, and it scares the daylights out of our people. So I really would hope that -- that we would start thinking of the victim. There are many fearful, fearful people, and I -- just speaking as a woman, I've got to tell you, it's something that I think would make us all

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sleep a little bit better at night. And I would seek your favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1369 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 36 Ayes, 11 Nays, 3 Members voting Present. Senate Bill 1369, having received the required constitutional majority, is declared passed. Senate Bill 1376. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1376.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a little easier one. This is an agreed bill. It has been worked on for the last year and a half by all parties involved. Basically, what it does, it amends the Emergency Management Agency Act and -- and allows the emergency management programs within the political boundaries to use volunteers. That's really what the bill does. And I would ask for your support, will be willing to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1376 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 53 Ayes, no Nays, no Members voting Present. Senate Bill 1376, having

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received the required constitutional majority, is declared passed.
Senate Bill 1386. Senator Petka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1386.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1386 would prohibit the Citizens Utility Board from marketing, selling or providing any service which is provided by a public utility. The amendment, which was adopted in committee, would further provide that any person or entity offering or providing telecommunication service through the use of services or facilities owned or provided by a telecommunications carrier to the definition of the public utility -- of a public utility in the Citizens Utility Board Act. The genesis of this bill is very simple: In the fall of 1993, the CUB News, through advertising circulars, began advertising and offering a new long-distance phone service known as the Affinity Fund. The -- the scam was basically that the customers of CUB would be -- would -- would be required or would -- would be permitted if they chose to leave Sprint, MCI or AT&T and join up with Affinity Fund, that they would receive monies through reimbursement or rebate in -- in the amount of five percent. At the time that this was going down, the Affinity Fund was not licensed to do business in the State of Illinois, and had its charter revoked. In committee, there was some representations that were made that the license, in fact, was in good standing, but as of today, this organization still is not in good standing in the State of Illinois, and is not licensed to do business here. The -- it appears to me and those who have had

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an opportunity to think about this, that a creature of State Statute, such as the Citizens Utility Board, is supposed to represent the best interests of utility consumers, and in many instances, they do just that. However, it is, to me, almost like entering into a boxing match where a person's hands are tied behind their backs, if you have a watchdog group basically becoming a competitor for the people they're supposed to be watching. That is -- that is the reason for this bill. And, Mr. President, I would answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Petka, did you put an amendment on here, or somebody put an amendment on here, that eliminates the ability of the Citizens Utility Board to sell low-flow showerheads and energy-efficient lightbulbs and other devices?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I put no such amendment on the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Is there an amendment like that on the bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

The Clerk has the...(microphone cutoff)...

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Staff indicates to me that no such amendment was placed on the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Well, let me ask another lawyer's question then. Was it in the original piece of legislation? Is it still in the original piece of legislation?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer. I'm -- I'm sorry. Senator Petka.

SENATOR PETKA:

I'd like to further clarify that answer. They will be prohibited from selling showerheads and other devices.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

...(microphone cutoff)...asked. Okay. Well, thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. To the bill: I certainly respect the right of any Member in this Body to put forward any bill that he or she sees fit; however, I would ask Senator Petka, because certainly this is around -- about the third time that a bill has

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come up that directly targets CUB over something that I can't quite see the purpose of. In this instance, to deny a nonprofit organization the right to offer what should be something that all of us should want to take advantage of - energy-saving devices - at a time when we are fast running out of the fuel that it takes to run this country, at the moment when we are talking about globalization, it seems to me is -- is something that we ought to wonder about. And to continue to call this -- this organization numerous names, I think, is unfortunate, to say the least. And I would urge that we vote No on this bill. I'm not sure that I see the purpose of it, except to make a point of saying that CUB should not exist, and with that, I do not agree.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Peterson.

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Peterson.

SENATOR PETERSON:

Senator Petka, maybe you can further clarify and give us information on the Affinity Fund. Somewhere down the line, I understand that - I believe in committee - this -- this Fund isn't even licensed in Illinois. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, your information is correct. It is not licensed to do business in Illinois. That's correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Peterson.

SENATOR PETERSON:

So what you're saying is, CUB is promoting a service that has

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not even bothered -- or their license is pending in Illinois, but they're still trying to sell the service.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Whether or not they're still trying to sell the service, I simply do not know. I know that they had -- they -- they, in fact, were doing that as of the date that the bill was introduced.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. I'd like to speak to the bill. I think Senator Petka has a good piece of legislation here. I think CUB certainly has a mission, but I don't think the -- the mission that the Legislature intended for it was to sell long-distance service and showerheads. So I would request that you vote Yes on this vote. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would point out to the Body that Senator Trotter did submit an amendment that would take care of what Senator Welch was talking about; however, we haven't had an opportunity to consider that amendment. But to the bill, Mr. President and Members: There was a representative from CUB in committee that testified that they would, in fact, desist from this long-distance service and not provide that to any -- any individuals in the State of Illinois. The bill goes farther than having that eliminated. The bill goes to the heart of CUB in providing some energy-saving information, some energy-saving devices, and for that reason, Mr. President and Members of the Senate, I would urge a No vote. I think that

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Senator Petka is correct in not allowing CUB to -- to be able to participate in long-distance phone service, and they don't at this time. They desisted as of that date. They don't do it anymore. And I would say that we're throwing the baby out with the bathwater with this bill, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I, too, agree with the previous speaker that while CUB should not engage in the long-distance phone business, I'm going to assume that the purpose of the showerhead is to save water. And I don't know if you've seen your water bills lately, but I've seen mine, and it's -- it's outrageous. The purpose of the lightbulb is to save electricity. And I don't know if you've seen your light bill, but I've seen mine, and it is outrageous. And so on and so forth. So, them selling energy-saving ideas and items does not go counter to their mission. Matter of fact, it's part of their mission. And I do not see the utility companies, in all honesty, selling energy-saving mechanism or apparatus, because they want you to use up all the energy you can so they can make all the money that they can. So while I agree with Senator Petka that they should not be in this long-distance business, and if they are not, then I see no reason why the part in here that will keep them from selling energy-saving items that are not provided by the utilities, why that has to remain in -- in the bill. So I urge -- I urge the sponsor actually to -- to take it out of the record and -- and perhaps work with Senator Trotter on the amendment, which will allow this bill to pass without that part about the showerheads and other energy-saving items.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

I think it's -- it's admirable and it's important that CUB be involved in things like recommending what kind of showerhead to use, and I think that it's a good role for them to play, perhaps, in helping educate people of what kind of lightbulbs will save money and the uses of florescent to replace incandescent - those kind of things. However, I would intend to agree with Senator Petka that they shouldn't necessarily be in the business of selling products. You know, I -- I think their proper role is education and advocacy. I realize that there's -- there's not an organization that I talked to, whether it's in my district or down here since I've been elected, that doesn't need money and isn't looking for ways to -- to get more money and -- and have more influence, more postage, more control, whatever it is, but I -- I've always questioned the appropriateness of us encouraging advocacy groups to get involved in selling products. So, you know, I -- I think there's another side to that argument. I don't think any of us are against florescent lightbulbs, but I'm not sure we really want the consumers' utility group in there involved in -- in selling lightbulbs and products to companies. It only leads to the kind of relationships which tends to compromise their ability to give good advice.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

To the sponsor: Senator Petka -- Senator Petka -- Senator Petka, do -- what's the penalty that's in this bill if they don't cease and desist?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, there's none yet. Okay?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

I didn't hear you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

I didn't hear the question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

What is the penalty in this bill if they -- if CUB does not cease and desist from the things that you are talking about in the bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

There is no penalty provided in this Statute, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Certainly I -- I agree with you on the -- on the long-distance service. I don't think that they should be in that business, but as some of the other speakers has talked about, the showerheads and the florescent bulbs and so forth, I don't see any problem with that. I remember a few years ago when all of us had to turn -- turn down our heat to sixty-two, I think it was, sixty -- yeah -- well, it was sixty-two and so forth. And as one of the previous speakers mentioned, that we are having a problem with energy in this country, and certainly we want to preserve it, and CUB should be in the -- in the business of trying to help the consumers conserve energy. And the Trotter amendment possibly

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should have gone onto this bill, where that consumers would have a place to go and look at the energy-saving devices. In that way, they could become better informed about the energy-saving devices. And certainly, if it's not amended here, maybe in the House you would be willing to - if it ever get out of committee over there - would be willing to maybe offer that amendment over there to your sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I think we're missing an -- important point here, and now I want to ask the Chair a question. Did I hear right? Did I hear Senator Hendon say that he agreed with Senator Petka?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch, for a second time.

SENATOR WELCH:

Thank you, Mr. President. You know, last year, this Session of the General Assembly eliminated the Office of Public Counsel. The Office of Public Counsel served to intervene in rate cases to try to help the people of the State of Illinois by keeping rates low. Well, we abolished that last year in a effort to save money in the State budget. This year, the Citizens Utility Board is the only agency that exists that helps all citizens to try to keep utility rates low. That was their main purpose when we enacted the Citizens Utility Board. They have said on several occasions that they need to be able to sell these devices - energy-saving water devices and energy-saving electric devices and water-saving devices - to keep afloat, so that they can continue to operate. To allow this to be mixed in with a bill that everybody agrees with, that they shouldn't be involved in long-distance telephone rate making or rate setting or -- or gimmicks - everybody agrees

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with that - to combine these two makes it obvious that the whole purpose of this is to eliminate the Citizens Utility Board, as this sponsor tried last year. I think that if you are anticonsumer, you should vote for this. If you're for the consumer, you should vote against it. It's that simple. Because the Citizens Utility Board is the only remaining group that fights to keep utility rates low for everyone. So if you're for higher utility rates, if you want to eliminate the Citizen Board - the two are going to be the same - you can vote for this bill. If you want to help the consumers, vote against it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Petka, to close.

SENATOR PETKA:

Well, thank you very much, Mr. President, Members of the Senate. It's always nice to have an argument reduced to very simplistic terms, but I would challenge anybody in this Chamber to find anything that is in the Citizens Utility Board Act right now which authorizes them to be involved in -- in the business - and that's what we're talking about, the business - of generating money against -- or in competition with private enterprise. The Statute that they -- or portion of the Statute they rely upon says the following: "To provide information and advice to utility consumers on any matter with respect to utility service, including but not limited to information and advice on benefits and methods of energy conservation." Giving out advice and giving out information is not the same thing as working for a profit. And if -- if my bill did not have that consequence when -- at least an intended consequence, when I filed it, I can guarantee you right now I feel that, in fact, that should be the case. So with -- with that proviso, Mr. -- Mr. Speaker -- or, Mr. President and Members of the Senate, I urge this adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

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The question is, shall Senate Bill 1386 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 30 Ayes, 22 Nays, no Members voting Present. Senate Bill 1386, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we have -- we are going to conclude our work for the day. Is there further business to come before the Senate? Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Thank you, Mr. President. Just for the sake of an announcement, to remind the Republican Members that we will have a caucus in Senator Philip's Office at 8:30, and please be prompt.

PRESIDING OFFICER: (SENATOR MAITLAND)

Republican Caucus in Senator Philip's Office at 8:30. Ladies and Gentlemen, before we adjourn, just to note, we will be coming into Session tomorrow at the hour of 10 a.m. - 10 a.m. we will be coming into Session. I'm sorry. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Thank you, Mr. President. I'd like the record to reflect that Senator Cullerton is not here today because of illness in the family.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Demuzio. Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 1260, offered by Senator Hall and all Members.

And Senate Resolution 1261, offered by Senator Garcia. They are both congratulatory.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Consent Calendar.

ACTING SECRETARY HAWKER:

Senate Resolution 1262, offered by Senators Hawkinson and Shadid.

And Senate Joint Resolution 140, offered by Senator Shaw. They are both substantive.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

ACTING SECRETARY HAWKER:

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

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

House Joint Resolution 133.

It is congratulatory.

And I have like Messages on House Joint Resolution 134, 135, 136 and 137.

They're all adopted by the House, April 13, 1994.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BERMAN:

Thank you, Mr. President. I was looking for Senator Watson. We received notice that there was going to be an Education Committee meeting at 9 o'clock tomorrow morning. With a caucus at 8:30 -- Republican Caucus at 8:30 and Session at 10, I'm just wondering if we're still having that meeting. Oh, there's -- there's Senator Watson. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

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That meeting has been canceled, and we will have a meeting first of next week.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Very good. Thank you. Any further business to come before the Senate? If not, Senator Geo-Karis moves the Senate stand adjourned until 10 o'clock a.m., Thursday, April 14th.

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