

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

The Senate will please come to order. And if the Members would be in their seats who are standing and our friends in the gallery would please rise, for the prayer. Today the prayer is by Reverend McLean, First Presbyterian Church of Springfield. Reverend.

REVEREND McLEAN:

(Prayer by the Reverend Gordon McLean)

PRESIDENT PHILIP:

...(machine cutoff)...Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Tuesday, April 13th, in the year 1993, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Bills 121, 246, 323, 543, 677, 698, 779, 840, 1012 and 1029.

Passed the House, April 13th, 1993.

We have a like Message on House Bills 182, 207, 243, 391, 502, 505, 508, 525, 1032 and 1379.

All passed the House, April 13, 1993.

And another Message on House Bills 425, 989, 1091, 1219, 1253 and 1254.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

All passed the House, April 13, 1993.

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 No. 18.

Adopted by the House, April 12, 1993. It's a death resolution.

PRESIDENT PHILIP:

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 261, offered by Senators Raica and O'Malley.

And Senate Resolution 262, offered by Senator Raica.

They're both congratulatory.

PRESIDENT PHILIP:

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 117, offered by Senator Tom Dunn.

(Secretary reads title of bill)

House Bill 564, by Senator Cronin.

(Secretary reads title of bill)

Senate <sic> Bill 976, offered by Senators Hendon and Sieben.

(Secretary reads title of bill)

House Bill 1553 is offered by Senator O'Daniel.

(Secretary reads title of bill)

Senator Raica offers House Bill 1611.

(Secretary reads title of bill)

And Senator Demuzio offers House Bill 1915.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR GEO-KARIS:

Mr. -- Mr. President and Ladies and Gentlemen of the Senate, just to report that Senator Raica is still convalescing from his surgery.

PRESIDENT PHILIP:

The indicate -- the record will so indicate. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Thank you, Mr. President. There'll be a Republican Caucus in the President's Office right away.

PRESIDENT PHILIP:

Thank you. Let -- to inform the Members, the Republican Caucus will come back at 10:15. We're going to go immediately to 3rd Readings. I hope everybody will be here; that's final passage. There will be a Rules Committee meeting at 10:45 in the -- the office -- the President's Office right behind me. So the Senate will stand in recess till 10:15.

(RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

Senate will come to order. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 763, offered by Senator Peterson.

(Secretary reads title of bill)

House Bill 1933, by Senator Peterson.

(Secretary reads title of bill)

And Senator Berman offers House Bill 2149.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

The Senate will please come to order. The middle of page 13, Senate Bills 3rd Reading. Senate Bill 216. Senator Welch. Read the bill.

SECRETARY HARRY:

Senate Bill 216.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill basically allows, but doesn't require, the State to reimburse local districts when there's a question about nuclear safety. It amends an Illinois Nuclear Safety Preparedness Act by increasing the amount that the emergency preparedness funds can be allocated to your local agencies. It is on a sliding scale. We had an amendment proposed by the Department of Nuclear Safety. They are now in agreement with the bill, and I'd be glad to answer any questions.

PRESIDENT PHILIP:

Further discussions? Further discussions? Senator Welch, to close.

SENATOR WELCH:

I would just urge an Aye vote, Mr. President.

PRESIDENT PHILIP:

The question shall be, shall Senate Bill 216 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 51 Ayes, no Nays, no voting Present. Senate Bill 216, having received the required

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

constitutional majority, is declared passed. Senate Bill 221. Senator DeAngelis. Senate Bill 221. Senator DeAngelis. Take it out of the record. Senate Bill 224. Senator Topinka. Read the bill.

SECRETARY HARRY:

Senate Bill 224.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, basically we amend the State Property Control Act so that we would require State agencies to use the State's surplus furniture, rather than purchasing new furniture. So if agencies would decide to buy new furniture, they would first have to file an affidavit with the Auditor General before doing so, explaining why surplus furniture was unsuitable. This, hopefully, will save money for those of us who need furniture. The General Assembly is exempt, because we already use surplus furniture, or we have furniture on hand; we have a process for that. But this would apply to all agencies. I think it makes good common sense, and I'd ask for a favorable vote.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

I'd ask for a favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 224 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have all voted who wish? Take the record.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 224, having received the required constitutional majority, is declared passed. Senate Bill 230, Senator Farley. Senator Farley? Take it out of the record. Senate Bill... Take it out of the record. Senate Bill 239. Senator Carroll. Senator Carroll? Take it out of the record. Senate Bill 240. Senator Mahar. Take it out of the record. Senate Bill 247. Senator Petka. Read the bill.

SECRETARY HARRY:

Senate Bill 247.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 247 amends the Code of Criminal Procedure to create a certification process for the analysis reports from forensic drug labs. The purpose for this legislation is very simple. In most drug cases, the real issue is something known as entrapment. Forensic lab reports are used to determine whether or not, or to state that the article in question, or the item in question, is a controlled substance. When entrapment is the issue, as it is in most drug cases, the identity of the substance and its weight are simply not an issue. What this bill will do will permit a lab report to become a self-authenticating document. This will permit crime lab personnel to do the jobs that they were basically hired to do, and that is to identify controlled substances back at the Bureau of Identification, rather than wasting time down at the courthouse. In the event that a defense attorney wishes to call the witness, all he has to do is give seven days' notice and the witness can then readjust his schedule and appear in -- in court.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

I would, thus, move for its adoption and I'd be happy to entertain any questions.

PRESIDENT PHILIP:

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Senator -- thank you, Mr. President, Members of the Senate. I wonder if I can ask a question of Senator Petka.

PRESIDENT PHILIP:

He indicates he will respond. Senator Cullerton.

SENATOR CULLERTON:

Senator, if I can understand the -- the scheme here, this would be a criminal prosecution for a controlled substance or cannabis and what your bills says is that the lab report from the Department of State Police will -- will serve as prima facia evidence of the contents. This will -- will not allow the defendant, then, to cross-examine the lab personnel, unless they -- they decide that they want to make a demand within seven days after receiving the report. So I understand what your theory is; you want to keep these personnel from having to come to court, and you -- and you purport to provide a -- an opportunity for a defendant if they decide they do want to cross-examine those lab personnel. But if they don't file this request within seven days, then the lab personnel are -- would not have to testify, and I think there's a problem if the defendant has not yet retained an attorney. He might be served with the receipt containing this lab information and have no idea that he's that got a right to a seven-day -- within seven days to -- to challenge the results. And I just wondered, Senator, given that, if you wouldn't consider modifying this bill so that...

PRESIDENT PHILIP:

Could -- could we have some order. Thank you.

SENATOR CULLERTON:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

...so that at least the provisions don't kick in unless the defendant would have a -- retain an attorney. As you know, in criminal cases, all defendants have a right to an attorney and they all do have an attorney, but the way this is drafted, this seven days could run before that attorney was appointed.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

...(machine cutoff)...certainly appreciate your concern, but I think that there's just a misapprehension. The -- the bill is designed, Senator, for those instances where it is very, very apparent that the identity of the drug and also the -- the weight of the drug are really not going to be an issue. In most instances where there is a trial of a criminal prosecution involving the Controlled Substance Act or the Cannabis Control Act, we are dealing with the issue of entrapment, and in an entrapment situation, the defendant must admit that he delivered the drugs, and thus, the only issue is whether or not police misconduct induced him to deliver those drugs. The -- the waiver provision that -- that you're referring to basically would -- it would kick in, but I believe that if -- as I drafted this bill, sir, this kicks in when the report is delivered. Ordinarily, crime lab reports are not delivered back to the defendant in -- in no less than about thirty days, and ordinarily between sixty and ninety days, after the arraignment. So for those reasons, I don't believe that it is appropriate to -- to amend the bill.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, let me just say, Mr. President and Members of the Senate, that I -- I heard what the Senator said concerning entrapment, but I don't see that word anywhere in this bill. He's

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

saying that it's intended that this bill would provide -- would -- would apply in very limited circumstances where the issue of entrapment was at issue, but I don't see that limitation anywhere in the -- in the bill. It applies to all criminal prosecutions for possession of, or delivery of, the Cannabis Control Act or the Illinois Controlled Substance Act. And it says right in the bill -- it contemplates this applying even if he or she has no attorney. It says "The State's attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if he or she has no attorney,..." So I'm just suggesting that there might be some real constitutional problems with this provision, unless he amends it to cover the situation where the -- the accused has to make this decision of whether or not he wants to call for the -- the actual testimony of the lab technicians when he doesn't have an attorney. He's only got seven days to do it, and I think it's -- it's flawed. And if it -- if it passes, I'm certainly going to point this out to my friends over in the House, and perhaps they can do the amendment, if the sponsor is not willing to do so.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, thank you very much. You know, Senator, I've tried a few of these drug cases in my life, and I can tell you that I've never had a case that involved anything but the issue of entrapment in connection with the prosecution. And I just don't see the same thing that you're saying. I think this is something that'll save the State a lot of manpower and, parenthetically, will also save a lot of money. Because when these lab personnel are required to simply sit and wait for an issue which is never going to be an issue in the -- a real issue in the case - it is not going to go to the -- the -- the real core of the matter - I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

think that we do ourselves a disservice by playing games. What this simply does is make the -- the document a self-authenticating document, unless there is a demand made that the witness appear. I think it's very, very simple. Most defense lawyers who practice in this area know exactly what -- what this bill will say. I don't see the constitutional impediments that you say. And for that reason, I would urge its adoption.

PRESIDENT PHILIP:

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

SENATOR PETKA:

Well, thank you very much, Mr. President. This bill simply will save money for the State of Illinois at a time when Illinois needs to save money. We will keep law enforcement personnel and crime lab personnel doing what they're -- they were hired to do, and that is to simply analyze substances and then forward their results down to the courthouse. I think that this is a bill which is overdue, and I do believe that we are dealing in an area which basically there'll be no challenge or no compromise of any -- anyone's constitutional rights. For that reason, I urge its adoption and ask for your favorable consideration.

PRESIDENT PHILIP:

The question is, shall Senate Bill 247 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 38 Ayes, 1 Nay, 16 voting Present. Senate Bill 247, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

With leave of the Body, we'll go to the Order of Committee Reports. Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Agriculture and Conservation - House Bill 1553; to the Committee on Appropriations - Senate Amendments 2 and 3 to Senate Bill 314; to the Committee on Commerce and Industry - House Bill 117; to the Education Committee - House Bills 976 and 1031, Senate Amendment 2 to Senate Bill 159, Amendments 1, 2 and 3 to Senate Bill 840, Amendment 1 to Senate Bill 846, and Amendment 2 to Senate Bill 881; to the Committee on Environment and Energy - House Bill 1163 and Senate Amendment 2 to Senate Bill 610; to the Executive Committee - Senate Amendment 3 to Senate Bill 1; to the Committee on Financial Institutions - House Bill 1215; to the Committee on Insurance, Pensions and Licensed Activities Committee - House Bills 1611 and 1915; to the Judiciary Committee - House Bill 1003 and Senate Amendment 4 to Senate Bill 447; to the Committee on Local Government and Elections - House Bill 424, Senate Amendment 3 to Senate Bill 45, Amendment 2 to Senate Bill 638, and Amendment 4 to Senate Bill 851; to the Committee on Public Health and Welfare - House Bills 470, 564, 576, 1007 and 1056, and Senate Amendment 4 to Senate Bill 209; to the Transportation Committee - House Bills 1260 and 1359; and Be Approved for Consideration - Senate Amendment 1 to Senate Bill 570.

PRESIDING OFFICER: (SENATOR WEAVER)

With leave of the Body, we'll return to the Order of 3rd Reading. For what purpose Senator Berman arise?

SENATOR BERMAN:

Thank you, Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR BERMAN:

Thank you. Today is Legislators' Fitness Day, Ladies and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Gentlemen, sponsored by the Illinois Association for Health, Physical Education, Recreation and Dance. And in the balcony in the President's Gallery and on the Republican side in the gallery are students from Springfield schools, Iles Elementary and the Hay Edwards Elementary Schools. If they would stand. They have demonstrated their talents down at the 1st Floor where the Fitness Day is taking place, and we wish to greet them, joining us in the Illinois Senate.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests in the gallery please rise to be welcomed. On the Order of Senate Bills 3rd Reading on page 11, we skipped over 239. Senator Carroll, do you wish that bill called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 239.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation comes at the request of the Illinois Library Association, the Historic Preservation Agency and the Secretary of State to provide the Secretary of State with the means to go ahead and try and develop a methodology for using acid-free paper so that the paper will not deteriorate over time, so that we can save the paper without having to go through any restoration process. This is acid-free paper, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, Senator Carroll may close.

SENATOR CARROLL:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Thank you. As part of my legislative package, this is acid-free paper, to respond to a question. It has nothing to do with criminal law. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill -- Senate Bill 239 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 57, the Nays are none, 2 not voting. The bill, having received the required constitutional majority, is declared passed. Senator Farley, on Senate Bill 230? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 230 amends the Revenue Act with respect to exempt property. It provides that when owners of exempt property notify the assessor of a change in ownership or use of the property, they include the address of the property with this notice. Currently the Revenue Act requires that the name and address of the taxpayer and legal description and permanent index number be provided, but not the address. This would add the address to that notification to the assessor. The bill came out of committee with no dissenting votes. I assured the committee chairman that this bill that deals with the Revenue Act would not be used for any other vehicle. And with that, Mr. President and Members, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Is there any discussion? If not, Senator Farley, may close.

SENATOR FARLEY:

I would just ask for a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 230 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, 3 not voting. Senate Bill 230, having received the constitutional majority, is declared passed. On the top of page 14. Senate Bill 248. Senator Hawkinson? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 248 makes consistent the language regarding bodily harm in two Statutes. Currently, on the aggravated criminal sexual assault law, bodily harm is required to make it aggravated criminal sexual assault. Currently, however, under the aggravated criminal sexual abuse law, great bodily harm is required. When we rewrote these laws several years ago, that inconsistency was included. The State's Attorney of Henry County and State's Attorneys' Association have pointed that out to us, and this would delete the word "great" from the bodily harm requirement in the aggravated criminal sexual abuse Statute to make it consistent with what we do in the aggravated criminal sexual assault law. This bill was reported out of the Judiciary Committee on the Agreed Bill List. I'd be happy to try and answer any questions, otherwise, ask for your

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR CULLERTON:

Senator, as I understand the bill then, current law says aggravated criminal sexual abuse is committed when the accused causes great bodily harm. You're changing that to simply bodily harm. I'm wondering, perhaps all nonaggravated criminal sexual abuse would involve bodily harm. So as a result, would there be left the offense of criminal sexual abuse, or wouldn't all criminal sexual abuses be aggravated?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

No. That's not true at all. If you look at the aggravated criminal sexual abuse Statute, you'll find that criminal sexual abuse, which is an unlawful touching or fondling of the body, becomes aggravated under a number of different conditions: The first one is that the accused displayed, threatened to use or used a dangerous weapon or any object in that manner; secondly, under the current law, that the accused caused great bodily harm to the victim; and thirdly, that the victim was sixty years of age or over; and fourthly, the victim was a physically handicapped person. We're changing only one of those conditions and indicating that if -- if during the course of the touching or the fondling there is actually bodily harm caused, that that would elevate it to -- to aggravated.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Is there further discussion? Senator Hawkinson may close.

SENATOR HAWKINSON:

Would simply ask for your favorable support in passing Senate Bill 248.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 248 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays. The bill, having received the constitutional majority, is declared passed. Senate Bill 252. Senator DeAngelis. Out of the record. 254. Senator Jacobs? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 254.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 254 grants municipalities the authority to remove and dispose of abandoned mobile homes, and the intent of this Act is to provide local governments the authority to remove abandoned mobile homes while protecting property rights. This bill was on the Agreed Bill List in committee. I know of no known opposition. I'll be glad to answer any questions, otherwise, ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, Senator Jacobs, to close.

SENATOR JACOBS:

Just an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

The question is, shall Senate Bill 254 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Yeas, no Nays, none voting Present. Senate Bill 254, having received the constitutional majority, is declared passed. Senator Madigan, on Senate Bill 262? Out -- out of the record. Senator Karpziel, on Senate Bill 266? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 266.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 266 simply changes the revenue stream for the -- for local tourism and convention bureaus to receive their funding. At the present time, the funding goes through the Build Illinois funding, and they're very low down on the priority list of that funding stream. And so, very often, there have been occasions where their funding has been late. They get the money, but it's been late and kind of uneven. We're just switching the -- the money to go into the -- into the -- from the Build Illinois Fund to the Local Tourism Fund, so that they're higher up on the priority list. This isn't going to increase any money, but it's going to help them get their money in a more consistent manner. I don't know of any opposition. The Chicago Convention and Tourism Bureau supports, the Illinois Association of Convention and Visitors' Bureau support it, Hotel-Motel Association, DCCA, Illinois Travel and Tourism Council, Hotel and Restaurant Employees' Union, Illinois Sports Facility Authority, and the -- they all are in support of the bill. I'd appreciate an

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Karpziel, may close.
Excuse me. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I, too, stand in support of this bill. For any Member who also has a downstate tourism bureau, this is a good bill and one that they need, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Karpziel may close.

SENATOR KARPIEL:

Just ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 266 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Yeas, no Nays, none voting Present. Senate Bill 266, having received the constitutional majority, is declared passed. Senator -- Senator Woodyard, on 269? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 269.

(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. Senate Bill 269 is an initiative of the Citizens' Council on Economic Development, and I don't think they have too many initiatives this year. But it -- it would require the Department of Commerce and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Community Affairs, along with Department of Agriculture, to develop an awards program for outstanding exporters. Part of this -- or the reason for the bill, evidently, was some data that came out of the Federal Small Business Administration in which Illinois has a very concentrated export base. As a matter of fact, just five industries in Illinois account for over seventy-five percent of all of the State's exports, and quite frankly, Illinois has been dropping in exports over the past few years. And so the intent is to try to -- to focus attention and promotion on -- on those who are doing a good job in exporting. That's basically what the bill does, and I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR GARCIA:

Thank you, Mr. President. Senator, I would like to ask you -- I'm not in -- I don't rise in opposition to this bill necessarily; however, I believe that I recall that DCCA did attach a fiscal note to this, I believe in the range of fifty to sixty thousand dollars. Is there an appropriation that will pay for the cost of this program, to administer it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. In answer to the question, I was a little surprised when I read DCCA's fiscal note on that. No, there is not an appropriation, and I'll tell you, I don't intend to introduce an appropriation for this. This is the most

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

ridiculous thing I ever saw in my life. If we haven't got people in the international marketing division that know who's doing a good job of exporting and can get them a little plaque - I'll buy the plaque myself, if I have to. But I -- I don't know where they came up with the fact that -- that they need to hire a full-time employee and at least half of the time they would be spent on researching who's doing a good job of exporting. That's ridiculous.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Rea.

SENATOR REA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR REA:

Senator, in broadening the scope -- and I agree that this has been one of the lacking functions of our exporting efforts, has been including all the different resources and products that we have in the State of Illinois. And it wasn't too long ago that we established a coal office within the Department of Commerce and Community Affairs for that very purpose, because they were not promoting one of our valuable resources here. And probably, if they'd have done the job that we gave them authorization to do so, that -- and enacted a coal office, that today we might be better off in terms of the coal exporting, especially in light of the clean air legislation that has taken place. I don't see, in this broadening of scope, and I guess my question is: Will this include the coal efforts, and if it doesn't, will you be willing to try to push to include that in -- within this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

In answer to that, it certainly does not exclude the coal export effort by any stretch of the imagination. It includes all exporters. I'd be glad, if you don't think the language is strong enough, do it over in the House. Fine with me. But we shouldn't even have to have something like this. I just -- I just feel very strongly that we've got to put forth a little more effort in focusing attention on our -- on our exporters than what we have done in the past.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Well, I -- I agree very much, and I think that -- and I would appreciate it if you would, you know, make a push to somewhat include that. But the -- I think that another problem that I found - and it may also apply to some of these other products - is that whenever you start questioning some of our people that are working on the overseas exporting, that many times they are not even knowledgeable about these resources. They don't know what we've got. They have not done a good job of promoting. Maybe in -- in promoting the areas -- a very narrow area, yes, I would say that there has been some good efforts there. But we have many other resources that they have not done a good job in, and part of this is because their staff just simply don't know enough about what we've got to offer. So I would hope that this would be an area that we will also -- that we would also make a drive on, as we move this legislation through, which I do support. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. Chairman, as the Senate Chairman of the Economic Development Council, in sitting through the hearing that generated this particular bill, it became painfully apparent that DCCA was

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

not encouraging, through any means, small businesses in this State from actually getting into the export business. And it was our hope with this bill that we could show those small companies - not necessarily big corporations who -- who automatically have the resources at their disposal to be able to do this, but small Illinois companies that have been successful in doing this - so as to encourage other small companies that foreign export does not mean just going over the border into Indiana or into California. We're talking about foreign markets. They're afraid to do this. In many cases they just need the impetus to get them over the hump to do this. I think this bill does this, and I agree strongly with Senator Woodyard that there is no need to hire an extra employee to be able to handle something like this. My God, we could do it in our district office; so I know that they can do it over at DCCA as well. And I certainly would encourage the passage of this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Woodyard may close.

SENATOR WOODYARD:

Thank you -- thank you, Mr. President. Well, I think we've debated this certainly well enough, but the program - the awards program - would be patterned very similarly to what we presently do with the hometown awards. And I just think it's important that we recognize some of these people who are doing a good job, and maybe we can entice some other people to get into the export business also. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 269 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 50, the Nays are 2, 3

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

voting Present. Senate Bill 269, having received the constitutional majority, is declared passed. Senate Bill 273. Senator Cullerton? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 273.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. There's two sections of the Statutes right now, one dealing with the criminal procedure Section and another dealing with the Illinois Domestic Violence Act, which spells out how law enforcement officers should react to a situation where a person's been abused, neglected or exploited by a family member or household member. The current law spells out what that arresting officer -- law enforcement officer's supposed to do. What this bill does is to add to their authority. If there's probable cause to believe that a particular weapon was used to commit the incident of abuse, this would allow them to seize and take inventory of that weapon and return that weapon, if it's appropriate, if it's no longer needed for evidentiary purposes. The bill was amended in committee by an amendment that was drafted by the representatives of the National Rifle Association and the Illinois State Rifle Association. The rifle -- the Illinois State Rifle Association is a proponent of the bill. Be happy to answer any questions, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

Just ask for an Aye vote. Thank you.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 273 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 273, having received the constitutional majority, is declared passed. Senate Bill 275, Senator Mahar? Out of the record. Senate Bill 276? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 276.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill comes to us on behalf of the Illinois State Chamber of Commerce in reaction to a recent court case. And what it does is, ...(microphone cutoff)... -- hello -- makes an attempt to define the -- the generator as the -- of the hazardous waste. If it is treated, incinerated or partially recycled for disposal, the last one who treats it, incinerates it or recycles it is deemed as the generator. This is then the entity which would go to the Illinois EPA to get authorization for final land disposal, if -- if, in fact, that they can prove that it is not economically nor technologically feasible to render it nonhazardous. This bill came out of committee on the Agreed List. I know of no opposition, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, Senator Mahar may close.

SENATOR MAHAR:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Roll it.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 276 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, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 276, having received the constitutional majority, is declared passed. Senate Bill 277. Senator Woodyard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 277.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Zzzzzis is the honeybee bill. Actually, the bill is the result of -- of a series of seminars and meetings conducted in St. Louis approximately eight months ago by the National Honeybee Association, in which the bill attempts to standardize the transportation, particularly the interstate transportation, of honeybees. And this is quite a large industry to the State of Illinois. As a matter of fact, the honeybee industry just on pollination in this State generates about seventy million dollars. So, this is, rather, their bill. The Illinois Honeybee Association and the Illinois Buckwheat Association are the chief supporters of it, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Woodyard may close. The question is, shall Senate Bill 277 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 277, having received the constitutional majority, is declared passed. Senate Bill 278. Senator DeAngelis. Out of the record. Senate Bill 280. Senator Karpel? Out of the record. Senator Maitland, on 282? Out of the record. Senator Berman, on 284? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 284.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 284 is an -- a request from the County Assessor of Cook County to take the process involved in the granting of homestead and senior citizens' exemptions out of the court system and make it an administrative procedure. This has the support of the court system, as well as the county treasurer and the county assessor. I know of no opposition. It came out on the Agreed Bill List out of committee. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator McCracken.

SENATOR MCCRACKEN:

Senator Berman, the law now allows certificates of error to be issued for up to three years in the case of exemptions, which would have qualified for the status prior to the actual issuance of the exemption. Is the three-year rule affected by this? I notice this is a two-year rule. Does it affect the length of time for which you can receive certificates of error in exemption cases, which is currently three years?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

I don't think this affects the three year. The two year is to allow them to make the -- the payments quicker. It is not our intention to shorten that period of time.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Well, what does this do, then? Right now the practice is to grant them for two years, and the Statute authorizes three years. What does this bill do that's different from the current law or practice? Authorize refunds and interest under the certificate of error?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

This allows the assessor and the treasurer to -- to grant them without having to go to court.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

All I -- all I have here is the analysis. Is that the only change it makes? It does not address whether two or three years applies; it just says the court doesn't have to confirm the certificate?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Yes, that's our intention.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR McCracken:

I don't have a file. They don't give us files. I spoke too soon.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

This -- so, this appears to be limited to homestead exemption certificates. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Senior citizen and homesteads. That's all.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. Yeah, I -- Senator Berman, I stand in support of your bill. We've all received phone calls in our district when either a senior or someone who had a homestead exemption either failed to file it or filed it incorrectly. And in Cook County, Senator McCracken, it takes ten years to get something resolved. We're hopeful that these people will get their money back before they pass on.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you. Thank you, Senator DeAngelis. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 284 pass. Those in favor, vote Aye. Those opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, none

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

voting Present. Senate Bill 284, having received the constitutional majority, is declared passed. 286. Senator Berman? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 286.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill provides that home-delivered meals shall be considered an essential service to prevent unnecessary institutionalization of persons age sixty years of age and older in need of long-term care or who are Alzheimer's disease or related disorder victims. This is similar to other legislation to recognize the -- the cost savings and dignity preservation that home-delivered meals provides. It came out unanimously from our committee, Public Health and Welfare, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR FAWELL:

Senator Berman, as you perhaps know, there is a discussion among some of us about the fact that the Department of Aging is not using the present census to hand out federal funds. Now, my understanding is, what you are talking about is adding funds to the federal funds to continue those who are presently being served, in addition to those who are not being served because we

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

don't have the funds.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR FAWELL:

Is...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. Have you finished, Senator Fawell, your question?

Senator Berman.

SENATOR BERMAN:

No -- I don't think she -- I didn't get that last -- the question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

I would like to know if the funds you are talking about to fund this program are the funds that are presently being used -- the federal funds that are presently being used that are supposed to be redistributed according to the census and which, frankly, the Department of Aging has not done.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

I understand your concern with the federal formula. This bill does not have any affect, one way or the other, on that federal funding formula.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Then -- then where are you planning on getting the funds? Have you got an appropriation in to continue this program or to expand it? How are we going to fund this program?

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Berman.

SENATOR BERMAN:

This allows and -- and requires the -- the Department on Aging, within its present budget, to give the priority status to home-delivered meals that I -- that many of us believed was the intention of the Legislature when we first created it a number of years ago. It's -- there is no additional requirement. It is, again, their listing of the resources and their allocation of their existing resources. If we give them more money, they can serve more people. If we don't give them more money, they can't. But this would be a priority categorization of home-delivered meals.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

So this is not an entitlement program. We will not be sued if, again, somebody does not get this program who feels that they are entitled to it, but there is not enough funds to take care of that person.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

This is not an entitlement program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes, thank you. Just a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman indicates he'll yield.

SENATOR WATSON:

Okay. I -- just a question as to what happens now that we've established this as a priority. There obviously must be other

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

priorities that we have documented somewhere and we're adding this to that particular list. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman. Senator Berman.

SENATOR BERMAN:

Thank you. This bill sets this service as a -- as an essential service. That means that if there is funds available, regardless of what the funds are, that the Department of Aging should give priority to this program. If -- if their funds aren't there, it's not going to be expanded. If there are lesser funds, it'll be retracted. But it recognizes that this is an essential service.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Okay. Well, I guess I understand then that there are -- may be people who are now receiving this service that once this priority is established, may no longer get their -- their meals delivered because we have now said that this particular home-delivered meal, being a priority, will come before those who may already be receiving that delivery. Is that -- I guess that'd have to be true, under your scenario.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Maybe I misunderstood you. Home-delivered meals is a current program. It is my understanding that everyone who would be presently receiving it would continue to receive it. It's not going to -- it's not going to deny any recipient home-delivered meals. It is an internal structuring of priorities. Hopefully it will expand the program.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank -- thank you, Mr. President. I wonder if the sponsor would yield. Senator Berman, is this a Chicago bill, or is it a downstate bill, or is it the entire State? And is it not an entitlement program that we'll have to fund after it -- if it becomes law?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

This is a major legislative initiative of senior citizens' groups, including the Illinois Association of Retired Citizens, the Illinois Council of State Senior Citizens' Organization, the Illinois Association of Nutrition Project Directors, the Illinois Association of Area Agencies on Aging. Those are the people that have brought me this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. I'd just ask for an Aye vote on this very important program to keep the dignity of seniors and keep them out of institutions.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 286 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, the Ayes are 35, the Nays are 4, 15 voting Present. Senate Bill 286, having received the constitutional majority, is declared passed. Senator Hawkinson, on 287? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senate Bill 287.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. This bill deals with the issuance of small estate affidavit in Illinois. It does not change the process of small estates affidavit. What it does, it establishes a register in the office of circuit clerks. It does not require that a file be opened or that any action be taken. It is similar to what we do with the filing of wills now, and it could be even in the same register that wills are kept. The problem is this: We set an upper limit of fifty thousand dollars on small estates affidavits which allow someone with a small estate to escape the going -- the probate, but what we've run into and we've been alerted to by various persons across the State is that some people want to take advantage of a small estate affidavit when they don't, in fact, have a small estate. And they may want to come in and file multiple small estate affidavits to try and get around the fifty-thousand-dollar limit. So just as we -- we file our wills with the office of the circuit clerk and keep them in a register, this bill would require that a small estate affidavit be filed and a register be maintained so that the attorney would then go in and check the register and make sure that there had not already been another small estate affidavit filed in the same estate. That's what it does and what it's designed to accomplish. I'd be happy to try and answer your questions; otherwise, I would ask for your favorable vote on Senate Bill 287.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Smith. Senator Smith?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR SMITH:

Thank you. I thought that -- I had been informed that my vote was not registered, and I was checking to find out because I did vote for 284. Thank you, sir.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will show -- so reflect. Is there any discussion? If not, Senator Hawkinson may close.

SENATOR HAWKINSON:

Just ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 287 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, Madam Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 287, having received the constitutional majority, is declared passed. Senator Welch, on 289? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 289.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill would do is allow for service by certified mail of a garnishment or a wage deduction. Currently under State law, a small claim can be served by certified mail and a citation to discover assets can be served by certified mail. We're just expanding the existing law, and it would end up saving money for the judgment debtors, basically, because they end up paying all of the court costs. This is of no monetary gain to either the plaintiffs or to the lawyers. So I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Welch may close.

SENATOR WELCH:

Just urge an Aye vote, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 289 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 54, the Nays are none, 1 voting Present. Senate Bill 289, having received the constitutional majority, is declared passed. Senator Fawell, on 290? Senator Fawell, on 290? Do you wish the bill... Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 290.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an administration bill coming for the Department of Rehabilitation. Frankly, it's basically a technical bill. It's a clean-up bill for them. I know of no objection to it, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Fawell may close.

SENATOR FAWELL:

I'd just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 290 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 290, having received the constitutional majority, is declared passed. Senator Garcia, on 291? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 291.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senate Bill 291 amends the Illinois Migrant Labor Law Camp <sic>. It empowers the Department of Public Health to assess civil penalties for violations by a person who provides housing for migrant workers. It sets a minimum time to make corrections for the violations before the penalties are assessed. Currently, there are sixty migrant labor camps licensed to operate in the State of Illinois. These labor camps are licensed to more than four thousand workers and their families. Few improvements have been made in the living and working conditions of migrant farm workers over the decades. In 1991-92, an investigation by the Better Government Association revealed that a lot of improvements can be made in this area. Mr. President and Members, this bill requires no additional funding to implement this amendment. The supporters include the migrant labor camp -- the supporters include the Illinois Public Action Council, Illinois Impact, the Illinois Farm Worker Ministry, the Illinois Migrant Council, the Community Health Partnership and many other organizations. It came out of the Committee on Public Health, and it has received bipartisan support, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Session -- of the Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR JACOBS:

Senator, a few years back we did some work on workmen's comp for migrant workers. Does this, in any way, affect those laws that we passed at that time?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

No, it doesn't.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

This just covers migrant workers, then? Do you have a definition for a migrant worker?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. The definition can be found in the Illinois Migrant Labor Camp Law of, I believe, 1970. It refers to people who come from other states or other parts of the country to participate in the harvesting of crops and other endeavors related to work in -- in agriculture, particularly.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

So, I live in Illinois, and right across the river is Davenport, Iowa and sometimes they will give me a visa to go to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Iowa. If I go to Iowa, will I be considered migrant?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes. Senator -- Garcia.

SENATOR GARCIA:

Would Senator Jacobs please repeat the question?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Tom Dunn.

SENATOR T. DUNN:

Question for the sponsor, please, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR T. DUNN:

Senator, I had some people from my area call me and they said that they'd talked to MALDEF and they had some problems with this bill. Have you talked to MALDEF?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

Yes, I have, and we've worked out any misconceptions that they might have.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you very much. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield, Senator Petka.

SENATOR PETKA:

Senator, this legislation merely adds the Attorney General as one who can enforce the current law?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Petka, this legislation, as amended and as passed out of committee, takes out the Attorney General from any enforcement provisions.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Are you saying it removes the Attorney General from enforcing, or -- or` adds him?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

The original bill had the Attorney General. As amended, it took the Attorney General out from the enforcement aspect. It leaves it as it's currently in the law, and it enables the State's attorney to bring about charges. This bill essentially permits the Director of the Department of Public Aid to assess civil penalties for violations of the law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

What is the current power of the Department of Public Health, if any?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

The current power of the Department is simply to license labor camps in the State of Illinois. This law gives them -- gives the Director the authority to assess civil penalties for violations of housing and health conditions in such camps.

PRESIDING OFFICER: (SENATOR WEAVER)

Are you finished, Senator Petka? Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator, exactly where did this legislation originate?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

This legislation has emanated from the Illinois Farm Worker Ministry, the Illinois Migrant Council, the Community Health Partnership and other groups in the State of Illinois.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR TOPINKA:

We had -- we really haven't gotten a strong back-or-forth here from the Illinois Farm Bureau. Where have they ultimately wound up on this issue?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

The Farm Bureau has not expressed any opposition. We have had conversations with them to ensure that any concerns that they had were addressed, and the Department of Public Health is not in opposition to the bill. There is no known opposition up to this time.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

So therefore, it is -- it is your opinion that the Farm Bureau is neutral on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR GARCIA:

That's correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR HAWKINSON:

First of all, Senator, is this your first bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

That's correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

On the Farm Bureau point, I think the reason that the questions are -- are coming is our -- our analysis in our Bill Book indicates that the Farm Bureau is opposed to the bill; however, I -- I have yesterday's Farm Bureau bill track on this bill, and they don't indicate any position on it whatsoever. So your -- from your discussions with them, it's your opinion that they are not opposed to the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

That's correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Hawkinson?

SENATOR HAWKINSON:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

One -- one final question. I heard some earlier discussion and you indicated that the Attorney General has been amended out of this bill. Is he amended out because he's not interested in migrant workers?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

No. That is incorrect.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Garcia may close.

SENATOR GARCIA:

Thank you, Mr. President. I would urge a generous vote on this matter.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 291 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? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 291, having received the constitutional majority, is declared passed. It is now noon and committees are to convene shortly; so the Senate will stand in recess until 3 o'clock this afternoon. We are in recess.

(RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

The hour of three having arrived, the Senate will please come to order. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Amendment No. 2 to Senate Bill 149 Be Adopted; Amendment No. 1 to Senate Bill 258 Be Adopted; Amendment No. 3 to Senate Bill 677 Be Adopted; Amendment No. 1 to Senate Bill 776 Be Adopted; and Amendment No. 2 to Senate Bill 677 Tabled.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Amendment No. 3 to Senate Bill 262 Be Adopted; Amendment No. 4 to Senate Bill 262 Be Adopted; Amendment No. 5 to Senate Bill 262 Be Adopted; Amendment No. 3 to Senate Bill 436 Be Adopted; Amendment No. 3 to Senate Bill 756 Be Adopted; and Amendment No. 1 to Senate Bill 1105 Be Adopted.

Senator Karpziel, Chair of the Committee on Executive, reports Amendment No. 1 to Senate Bill 382 Be Adopted; Amendment No. 1 to Senate Bill 450 Be Adopted; Amendment No. 4 to Senate Bill 531 Be Adopted; Amendment No. 2 to Senate Bill 625 Be Adopted; and Amendment 1 to Senate Bill 899 Be Adopted.

Senator Maitland, Chair of the Committee on Appropriations, reports Amendment No. 1 to Senate Bill 313 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment No. 2 to Senate Bill 442 Be Adopted; Senate Amendment 2 to Senate Bill 601 Be Adopted; Senate Amendment 4 to Senate Bill 601 Be Adopted; Senate Amendment 6 to Senate Bill 678 Be Adopted; and Senate Amendment 1 to Senate Bill 1033 Be Adopted.

And Senator Watson, Committee of the -- Chair of the Committee on Education, reports Amendment No. 2 to Senate Bill 51 Be Adopted; Amendment No. 3 to Senate Bill 51 Be Adopted; Amendment No. 2 to Senate Bill 159 Be Adopted; Amendment No. 1 to Senate Bill 840 Be Adopted; Amendment 3 to Senate Bill 840 Be Adopted;

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Amendment No. 1 to Senate Bill 846 Be Adopted; and Amendment No. 2
to Senate Bill 881 Be Adopted.

END OF TAPE

TAPE 2

PRESIDENT PHILIP:

If the Senate, once again, will come to order. The middle of page 15, 3rd Reading. Senate Bill 301. Senator Dunn. Senator Dunn. Okay. Senator Dunn, do you wish to return this bill to 2nd Reading for the purpose of an amendment? All right. Senator Dunn seeks leave of the Body to return Senate Bill 301 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd bills -- on the Order of 2nd Reading, Senate Bill 301. Mr. Secretary, are there any Floor amendments approved for consideration? Take it out of the record. Senate Bill 308. Senator McCracken. Senate Bill 308. Senator McCracken? Take it out of the record. Read the bill.

SECRETARY HARRY:

Senate Bill 308.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

This bill would repeal the right to jury trial only in the cases of petty offenses or business offenses charged under the Criminal Code. In each case, the greatest potential punishment is

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

fine only. The Supreme Court and the U.S. Supreme Court have both held that a jury trial need not be accorded in those circumstances as a matter of constitutional right. This would repeal the statutory right. I believe it's well-founded, not only because it's constitutional, but also because it's wise public policy. With relatively so little at stake, we can more efficiently use our scarce judicial resources to address and afford jury trials to the more serious charges. I move its passage.

PRESIDENT PHILIP:

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I would -- just looked down at by synopsis here, and the first thing I see is that it eliminates the right to a trial by jury for petty and business offenses.

PRESIDENT PHILIP:

Is that a question, Senator Demuzio?

SENATOR DEMUZIO:

And I am curious - it will be - why we are attempting to do that, Tom?

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

You know, the criminal justice system everywhere, and it's certainly true in Illinois, is really overburdened. The question is, since it's so overburdened, is -- is there a reasonable and fair way to address the problem of scarce judicial resources. Because, relative to other criminal offenses, there is so little exposure - that is, fine only - we believe it is not inappropriate to conserve our resources and make them more available for the more serious offenses. This has no constitutional implication -

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

both the Supreme Court of the United States and Illinois acknowledge that fact - because these offenses are punishable by fine only - nothing more.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I think we better take a very, very close look at this proposed legislation, when you're talking about the rights of the citizens of the State of Illinois and their right to have a jury trial. This is no simple, merely bill that he's talking about. When you -- when you deny one the right to have a trial by jury, you are denying them the basic -- basic rights which one is entitled to. We should not take this bill and say it's just something as a mere petty offense or something of that nature. This is a bill that is going to cut down on the rights of the people. I don't think we should be in -- in the business of doing that. There is no such thing. What is the description of a petty offense? It may be petty to you, but it's not petty to the individual who's bringing about those charges. So I don't want us to merely just try to ramrod this bill through as one who we say is just something very -- simple, just because our courts may be over -- overburdened at this time. Why, give us more judges in the -- in these various jurisdictions, but don't try to strip the rights of people their rights to be heard by their peers. So, again, I think we should take a very, very close look at this bill, and it should go back to the Judiciary Committee to give the people of the State of Illinois a opportunity to be heard when you're talking about taking away their rights. So I, again, appeal to the Members on both sides of the aisle, and in particular the Members on this side of the aisle. This bill should not receive a favorable vote. It should be defeated or it should be referred back to the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Judiciary Committee.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

My recollection of the law about petty offense was one where the fine was under a hundred dollars. Am I correct or wrong about that?

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

A petty offense is punishable by a maximum fine of up to five hundred dollars.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And the -- when you say business offense, what's that punishable by? Will you tell us?

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

The lesser of five hundred dollars or the amount specified in the Statute creating the offense.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of the bill because it costs the State -- the taxpayers a heck of a lot more money to have these petty offenses, which are

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

under five hundred dollars in fines, go before a jury. A jury costs anywhere from about five hundred and more just to hear these things. So I think this would save the taxpayers a lot of money if we pass this bill, and it doesn't deprive anyone of their rights. They're petty offenses, business offenses, under five hundred -- five hundred dollars for fines. So, I speak in favor of the bill.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield? Senator McCracken, in an effort to make sure that -- if this bill is challenged constitutionally, I'd like you to answer this question. We have an Illinois Constitution, Section 13, that says -- it's entitled "TRIAL BY JURY" and it's just one sentence. It says: "The right of trial by jury as heretofore enjoyed shall remain inviolate." So, when this Constitution was adopted in -- 1970, assuming that the right to a trial by jury was afforded those for petty and business offenses, the question is -- and I'm sure you have an answer, but I -- I just thought I'd have you put that in the record.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Yes. The answer is that that, in fact, is -- is determined by reference to the United States Constitution. And the United States Constitution, as in effect at the time of our adopted Constitutions, is what govern the right to jury trial, and that has always been interpreted by the U.S. Supreme Court not to include offenses punishable by fine only.

PRESIDENT PHILIP:

Senator Cullerton.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR CULLERTON:

Well, I would just say, Mr. President, that I don't believe that that is an accurate statement of what the meaning of the Illinois Constitution is. I don't think that the Section that says "The right of trial by jury as heretofore enjoyed shall remain inviolate" is limited to a reference to the -- the Federal Constitution. Just as we have Sections of our Illinois Constitution which provide for rights that go beyond the Federal Constitution - like the right to privacy - this particular right, the right to trial by jury, is different from and more extensive than the Federal Constitution. So, for that reason, I think that you have a real problem here. I think this bill is probably unconstitutional. And even though it's designed to save some money, you're going to end up having litigation over this bill. The lawyers will get paid money; the State will end up having to defend it, and it won't even be found to be constitutional. So, I think we're -- we're probably doing something here that's going to end up costing more money than it's going to be worth.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of Senate Bill 308. With all due respect to my -- the previous speaker, I think the bill is constitutional, and when the courts have addressed this question, they have found it, in other instances, to be constitutional, at least under the U.S. Constitution, and I think Senator McCracken is probably correct on the other. I think, to help put this in perspective, we should note that -- that all of us have supported - and particularly some of those who have spoken previously have supported efforts to move traffic tickets - and I'm talking about parking tickets - into special administrative courts and house -- special housing courts, which not only take

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

away the right of -- of jury trial, they take it out of the courts altogether for offenses that are no more serious than the kinds of petty offenses that we're talking about here. So I think you have to -- you have to put it in that kind of perspective and realize that these -- the motion for jury trial is most often made because the defendant knows that the courts are so clogged that it will result in the city having to dismiss the petty offense. And I rise in support of Senate Bill 308.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

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

PRESIDENT PHILIP:

Speaker indicates he'll yield. Senator Molaro.

SENATOR MOLARO:

I assume, Senator, from committee, as well as hearing you today, one of the main reasons you're taking away the right to a jury trial, because it's -- because of the possible punishment involved, the fact that it's only a five-hundred-dollar fine - is that correct - And not punishable by jail term?

PRESIDENT PHILIP:

Senator McCracken.

SENATOR McCRACKEN:

Yes, that's right.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

Then I would submit to you that you would think about that for a second, and the Members also think about that, because even though at times a traffic ticket is only punishable by a fine, in this State if it's your third conviction, you obviously can lose

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

your license and lose your livelihood. So what may seem to be only a fine that may be twenty dollars or thirty dollars or fifty dollars, to the individual it could cost the truck driver his license; it could cost the mother who takes her children to and from school her right to drive. I also would submit that there are certain times when it's a business offense that if you're convicted in court, the public relations aspect or the media picking up what is tantamount to a small business fine could cost the businessman his business or an individual their reputation. Also, if you look at certain liquor license violations, even though it may be only punishable by a fine, it could cost the person his liquor license, because even though the standard of proof is different, when you lose these cases in court, there are far, far-reaching ramifications than just a fifty-dollar fine or an eighty-dollar fine. So I would think that even though they're petty offenses, they are far-reaching and that we should vote No on this bill. Thank you.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President. Just to respond to some of the criticisms of this bill, you know, under federal law, the right to a -- or to a jury trial is -- is determined by what rights were in existence under the common law at the time of the adoption of the Constitution. There has never been held, to my knowledge, a federal case which required the right to jury trial under circumstances which we propose here. Now, I do acknowledge that Senator Cullerton makes a good point in that inadvertently I oversimplified the analysis; I acknowledge that. However, I think the analysis is sound that the right to jury trial, as meant in the Constitution, is not necessarily that which may have existed under statutory law. In fact, I think a court would hold quite

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

clearly that this is the type of -- of right which does not have that constitutional protection. The question is, as a matter of public policy, how are we to -- to expend our scarce judicial resources. We do not live in Wonderland. Unlike Alice, we don't have a choice over the facts and the environment as we find them. The fact of the matter is, our courts are bulging; murderers who are -- or alleged murderers are sitting in jail for years awaiting trial; victims have no recourse to justice because we cannot get cases tried for years at a time, and we're arguing here over whether to continue what has become an arcane practice - a practice which often is used as a sword, rather than a shield. The fact is, on occasion, and it is not infrequent in these types of cases, demands for jury trial are not used as a shield to protect from injustice; they're used as a sword to grind the system to a halt. And I think those of us who've practiced in the field, in our more candid discussions, would acknowledge that. So we're not talking about some theoretical right which has no implication for day-to-day life and day-to-day life in the criminal justice system. This is a very significant issue, but not because people are going to be -- be -- be stopped from exercising a time-honored right. It is not a time-honored right; it does not rise to the level of the Constitution. I think this is a fair public policy. It strikes a fair compromise between an overburdened criminal justice system and the right to due process. I ask for your support.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. The last speaker indicated that this is about a fair way of dealing with this problem, but I guess that depends upon the process by which one think here. Yesterday we passed a bill - the other side of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

the aisle - I guess it was a fair way, to deal with the rising cost of welfare and the social problems in this State, to punish innocent babies. And so today a fair way to deal with overcrowded prisons and the overburdened judicial system is to take away the most basic rights of a citizen to a trial by jury, if that citizen felt that a jury trial was necessary to give them due process in the court of law. It's amazing how you think about solving problems, because I can suggest to you several good ways by which we can unclog the court system, most certainly address the overcrowding problems in our penal institutions around the State. All we have to do is look at sixteen years of mandatory sentencing and all of the other kinds of lock-up laws that was passed by -- under the -- your administration and by Members on that side of the aisle which has really led to the overcrowding of that system and -- and an escape of really addressing some of the most critical problems that -- which has led to the overcrowdedness - like unemployment, inadequate jobs, inadequate education - that have caused -- added to the social problems that we're having in this State. The gun laws, for example. Those are the kinds of things that we've been trying to address, most certainly will unclog the system. It most certainly will deal with the overcrowdedness in our prison system, if we put forth the kind of programs in the penal institutions that will -- will -- will provide for rehabilitation, rather than focusing in on incarceration and ignoring the -- the social problems and the problems that led to the incarcerations in the first place. We don't want to address those problems. So now you've got a problem because you can't lock up everybody and now you want to take away some of the fundamental rights, and you also want to let out on the streets criminals. That's not the way to solve problems. Maybe that's your idea or way of doing it. I think we should defeat the bill. And somehow, I think that you know that you've

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

gone too far by taking away the basic constitutional rights of citizens: a trial by jury.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator McCracken, to close.

SENATOR MCCRACKEN:

I thought I closed once, so I'll incorporate my remarks by reference thereto.

PRESIDENT PHILIP:

The question is, shall Senate Bill 308 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 30 Aye, 27 Nays, no voting Present. Senate Bill 308, having received the required constitutional majority, is declared passed. Senator Cullerton.

SENATOR CULLERTON:

I would like to ask for a verification so we can get some practice. Some of the new Members of the Senate -- a lot of us are not that familiar with them, and so we thought we'd have a verification as just kind of a practice to see if we know who everybody is.

PRESIDENT PHILIP:

Senator Cullerton has requested a verification. Will the Senators please be in their seat. The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Any question of the affirmative roll call? Senator Cullerton.

SENATOR CULLERTON:

Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen is standing in the middle of the aisle.

SENATOR CULLERTON:

Senator Madigan.

PRESIDENT PHILIP:

Senator Madigan. Senator Madigan is in the telephone, I've been told. If somebody will haul him out?

SENATOR CULLERTON:

Must be an important phone call.

PRESIDENT PHILIP:

Are there any further verifications of the roll call, the affirmative vote?

SENATOR CULLERTON:

Well, I want to...

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

No, I had -- I had asked about Senator Madigan. So I think you're supposed to rule on that first, and then I get to go further, I think, if that's the way we want to do it. I knew this would be good practice.

PRESIDENT PHILIP:

I -- I've been told he's on his way.

SENATOR CULLERTON:

Oh, he's on his way and we just -- we just... Are we at ease?

PRESIDENT PHILIP:

I'll tell you: I'm not sure he's using the -- the phone booth in the end of -- of the Chamber, but he is using a phone and he

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

is...

SENATOR CULLERTON:

Mr. President, there -- you're going to be accused of making this place more and more like the House.

PRESIDENT PHILIP:

If I remember correctly... You know what? Guess who arrived? The famous Senator Madigan. It's a pleasure to have you here. He's puffing and huffing, though. Any further -- any further questions? Senator Cullerton.

SENATOR CULLERTON:

No, thank you.

PRESIDENT PHILIP:

Okay. On a verified roll call, there are 30 Aye, 27 Nays, and there are none voting Present. Senate Bill 308, having received the required constitutional majority, is declared passed. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR DeANGELIS:

Seated in the gallery on our left are some students from Prairie State College in our district, led by Mr. Tito Puente. Would they please stand to be recognized?

PRESIDENT PHILIP:

Would you please be -- stand and be recognized by the Senate. Welcome to Springfield. Senate Bill 309. Senator Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 309.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would eliminate the time-consuming motion practice that otherwise is devoted to the -- determining the indigency of litigants who clearly are indigent. When a party is represented in a civil action by a civil legal services provider, all the fees and costs will be waived without the necessity of filing that motion for that purpose. Happy to answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Dunn, to close.

SENATOR T. DUNN:

Thank you. I think this -- this was an agreed bill, and it passed 10 to 0 out of the Judiciary. I ask for an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 309 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. Senate Bill 309, having received the required constitutional majority, is declared passed. Senator Dunn, we will certainly go back to Senate Bill 301. Senator Dunn. It's on 3rd Reading. There is no amendment. Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The State collects in behalf of itself...

PRESIDENT PHILIP:

Excuse me, Senator Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 301.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The State collects in behalf of itself, and riverboat cities that have a boat, a tax. That tax is paid quarterly, and what this bill would do would change that to monthly. It passed out of Revenue unanimously. I urge an Aye vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Dunn, to close.

SENATOR T. DUNN:

I urge an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 301 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, no voting Present. Senate Bill 301, having received the required constitutional majority, is declared passed. Senate Bill 310, Senator del Valle. Take it out of the record. Senate Bill 324, Senator Watson. Senator Watson, do you wish to return Senate Bill 324 to 2nd Reading for the purpose of an amendment?

SENATOR WATSON:

Yes, thank you.

PRESIDENT PHILIP:

Senator -- Senator Watson seeks leave of the Body to return Senate Bill 324 to the Order of 2nd Reading for the purpose of amendment. Any objections? Hearing no objections, leave is granted. On the Order of 2nd Reading, Senate Bill 324. Madam

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Secretary, are there any Floor amendments approved?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Watson.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes, thank you. This particular amendment is a technical amendment. It clarifies the intent. It mirrors the Medical Practice Act and this is the Podiatry Act, is what we're doing here. The amendment was in Rules and was placed on the Floor, was a technical amendment. I move for its adoption.

PRESIDENT PHILIP:

Any discussion? Any... All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. ...(machine cutoff)...Bill 325. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 325.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 325 is a Judiciary Committee bill which combined Senate Bills 325, 326, 327, 328, 329 and 330. These were all initiatives of the probation officers - the probation officers of the State of Illinois. I don't believe any of them is controversial. A couple of them are technical in

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

terms of changing the preamble of their Act to simply make the preamble "An Act concerning probation". One of them provides that in its annual plan, the probation and court services department shall indicate the manner in which it's going to implement the Crime Victim's Act that was now part of Article I, Section 8 of the Illinois Constitution. Senate Bill 326 amended the Act to define "jurisdiction". And Senate Bill 329, which is part of this, amended the Cannabis Control Act, the Juvenile Act, and the Controlled Substances Act and the Code of Corrections Act to clarify that a court may order an offender placed under supervision, or sentenced to probation or conditional discharge, to refrain from having in his or her body any illegal drug as banned by those Acts, unless prescribed by a physician. I don't believe any of them are controversial. They passed out on the Agreed Bill List in committee, and I'd be happy to try and answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Hawkinson, to close.

SENATOR HAWKINSON:

Just ask for your favorable support.

PRESIDENT PHILIP:

The question is, shall Senate Bill 325 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 325, having received the required constitutional majority, is declared passed. Senate Bill 339. Senator Peterson? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 339.

(Secretary reads title of bill)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 339 amends the Illinois Underground Utilities <sic> (Utility) Facilities Damage Prevention Act and provides that municipalities' participation in the State-Wide One-Call Notice System is optional instead of mandatory.

PRESIDENT PHILIP:

Any discussion? Any discussion? Senator Peterson, to close.

SENATOR PETERSON:

Thank you, Mr. President. I just ask for an affirmative vote on Senate Bill 339.

PRESIDENT PHILIP:

The question is, shall Senate Bill 339 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 53 Ayes, no Nays, 3 voting Present. Senate Bill 339, having received the required constitutional majority, is declared passed. Channel 20 has requested permission to videotape this Session. If there's no objections, leave is granted. On the top of page 16, Senate Bill 340. Senator Fitzgerald. Take it out of the record. Senate Bill 344. Senator McCracken. Take it out of the record. Senate Bill 347. Senator Trotter. Take it out of the record. Senate Bill 351. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 351.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 351 creates, for the first time in Illinois, a power of sale clause in mortgages of commercial real estate that are over a million dollars. Creates a Foreclosure Commissioner. This power of sale is in the situations in which there is a foreclosure. Time and time again, we are beseeched by requests by people who want to know why commercial real estate is deteriorating. Part of the problem is the amount of time it takes to effect a foreclosure. This bill is designed to shorten that time. I urge your support.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, does this bill allow for the sale of commercial property without a judicial foreclosure proceeding?

PRESIDENT PHILIP:

...(machine cutoff)...DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Are the Realtors still opposed to the bill because it could result in property owners losing their property without judicial notice?

PRESIDENT PHILIP:

Senator DeAngelis.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR DeANGELIS:

Senator Cullerton, I do not believe it's a notice issue; it's some question they may have with title, but we have not heard clearly yet what their objection might be in that area.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, even though I've been involved with mortgage foreclosure legislation in the past, I don't pretend, as a former lawyer or otherwise, to be any great expert in the area. But there -- there are the opinions of those I -- I do respect the most in this -- in this complicated area of the law who have strongly suggested that this legislation - this type of legislation - is not warranted. We have made, in the past few years, substantial changes to our mortgage foreclosure laws to -- to simplify and considerably expedite the mortgage foreclosure process for all types of foreclosures, and to -- to allow for a foreclosure without a formal judicial proceeding is, I think, unwarranted. I -- I don't know, Mr. President, whether Senator Fitzgerald is -- oh, I see him now in his seat. I know he spoke more knowledgeably than -- than I or anybody else could in our committee on this subject and -- and has a great deal of expertise in this area, and he also eloquently pointed out the bill's flaws in committee. But, in any case, I think this is a -- is a dramatic change and that a case has not been made that we should be taking this step.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I fully concur with the prior speaker. I think this is a very unfair bill. I think it's an unjust deprivation of property. I think

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

it's an absolutely ridiculous bill, because we're supposed to protect the people's rights, not take them away from them. And I speak against this bill.

PRESIDENT PHILIP:

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

SENATOR DeANGELIS:

Thank you, Mr. President. Let me clear up a few points in regard to some of the criticism. There has to be an agreement on the front end before this can be done. Twenty-four states have approved it. And let me point out to you, time after time -- I don't know what districts you all represent, but I can tell you right now, everybody, someplace in their district, has an eyesore...

PRESIDENT PHILIP:

Could -- could we please have some order. Could we please have some order around here. This is 3rd Reading. It's a serious bill. We can't hear what the sponsor is saying. If we'd just keep the -- the noise level down, we'd all appreciate it. Senator DeAngelis.

SENATOR DeANGELIS:

And those eyesores are caused by the long delay - an average of three hundred and fifteen days in Illinois - to effect a commercial foreclosure. This is a good bill. It'll help keep property on the real estate rolls. It'll keep property from deteriorating severely. And frankly, I think things sometimes can be done a little bit better if there's a different alternative than going to the courts with this.

PRESIDENT PHILIP:

The question is, shall Senate Bill 351 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 9 Ayes, 34 Nays, 6 voting

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Present. Senate Bill 351, having not received the constitutional requirements, is declared failed. Now, with leave of the Body, I'd like to go back to Senate Bill 347. Leave is granted. Senator Trotter. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. To understand 347, we have to go back a couple years when we amended the Child and Labor Law <sic>. At that time we made several changes in the -- in -- in that legislation. What we did was: We increased the maximum civil penalty for violations of the law from one thousand to five thousand dollars; secondly, we made a Child Labor Enforcement Fund which we put those monies into to -- for purposes to -- related to enforcement of that law; thirdly, we required the Department of Labor to establish a toll-free number; and we did several other things, as well. What we're trying to do in Senate Bill 347 is just clean up some of that nebulous language that was placed there. We've worked with the Department of Labor and we've come up with a good compromise, and I would like this Body to give me a favorable roll call.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Trotter, to close.

SENATOR TROTTER:

Just ask for a favorable roll call, sir.

PRESIDENT PHILIP:

The question is, shall Senate Bill 347 pass. Those in favor

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 -- 55 Yeses, no Nays, no voting Present. Senate Bill 347, having received the -- received the required constitutional requirements, are declared passed. With leave of the Body, we'll go to the Order of Messages. Leave is granted. Madam Secretary.

ACTING SECRETARY HAWKER:

A Message -- 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 312, together with House Amendment No. 1.

Passed the House, as amended, April 14, 1993.

PRESIDENT PHILIP:

With leave of the Body, we'll now return to 3rd Readings. Leave is granted. Senate Bill 356. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, this amends the Commercial Relocation of Trespassing Vehicles Law within the Vehicle Code. It requires the Illinois Commerce Commission to order vehicle relocators to refund overcharges collected from people whose vehicles were towed. This was developed by and with and is fully supported by the Illinois

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Commerce Commission. This does not affect towing of vehicles parked on public streets or those that are towing companies who are towing damaged or disabled vehicles. It basically makes sure that relocation companies do not overcharge the sixty-five dollars, which is set by law currently. And as I said, it is totally supported by the Illinois Commerce Commission. It is the only way, really, that the public on -- in these overcharges, which can range from six to fifteen dollars, can get any kind of redress short of going to court, and I would seek your favorable vote.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you. Would the sponsor yield?

PRESIDENT PHILIP:

The sponsor indicates she will yield. Senator Cullerton.

SENATOR CULLERTON:

Yes, Senator Topinka, as you know, in my district we have a number of -- of private -- a parking problem. We have a number of parking lots that are serviced by towing companies. And as a matter of fact, I think you -- you visited one not too long ago. If I understand the intent of the bill, when you go to get your car back, you use a credit card; the towing companies are charging you a fee, up to like fifteen dollars extra. And what the purpose of this bill is, is to say that they should not be allowed to charge that fee. Now my question is - and I haven't been able to find this in -- in this bill - is there an obligation somewhere in the Statute that they have to take credit cards?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

That is already currently in the law. The rules currently

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

prohibit the practice of imposing a charge for the use of a credit card, and they also must accept cash, travelers' checks, money orders, cashiers' checks or certified checks, or major credit cards, in payment.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

So they -- so they have to take credit cards - that's in the rules or the Statute - and this says that when they take credit cards, any cost incurred by the credit card company - they charge an extra two or three percent or whatever, or people who -- who don't pay their credit cards on time, or whatever - that's a cost that's borne by them as a cost of doing business and that the -- that the person who is retrieving their car cannot be charged for that. Is that the intent?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Currently, Section 18(a)-501 of the law, as it is now, protects the relocater against nonpayment of a credit card charge. So they do have redress through the Illinois Commerce Commission as it sits right now. They just cannot pass that charge on, over and above the sixty-five dollars maximum that they're allowed by law.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

Just for the good of the order, a positive vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 356 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

all voted who wish? Have you all voted who wish? Take the record. On Senate Bill -- on the question, there are 57 Ayes, no Nays, no voting Present. Senate Bill 356, having received the required constitutional majority, is declared passed. Senate Bill 357. Senator Dudycz. Senator... Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 357.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senate Bill 357 amends the Municipal Code to require the Chicago City Council to provide for the election of certain fire department officers. It specifies the duties of those officers with respect to handling the foreign fire insurance tax. The issue of who gets the foreign fire tax - either the municipality or the fire department - has been waging for three years in downstate communities. Chicago is the only municipality that has been exempt from this requirement, which requires two percent of the taxes placed on fire insurance premiums sold by out-of-state companies must be remitted to the fire department for the maintenance and the use of the department. This bill would require the City of Chicago to pass an ordinance providing for the election of officers of the fire department who shall be eligible to receive the amounts paid to the city treasurer through the foreign fire insurance tax. Like I said, this language applies to every other municipality and -- and fire district in the State. It is an initiative of the Chicago Firefighters Local 2, and I would seek your affirmative support.

PRESIDENT PHILIP:

Senator Jacobs.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in strong support of this legislation. What this really does is -- as I see it, is to bring the City of Chicago into compliance with what the rest of the State has been doing for a number of years, and I think it's the right way to go. This money is intended to improve fire departments, and too often that money is taken into other areas of firefighting which is not even necessary to firefighting. And it helps purchase a lot of safety equipment. I think it's a good bill that puts them on even feeling -- even keel with downstate, and ask for its support.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Inquiry of the Chair, Mr. President. How many votes does this bill need to pass? I believe it preempts home rule.

PRESIDENT PHILIP:

Yeah. This bill expressly calls for the exclusive exercise of home rule powers by the State pursuant to Section 6(h) of Article VII of the Constitution. Consequently, the bill will require thirty votes for Senate passage. Senator Dudycz, to close.

SENATOR DUDYCZ:

Just seek your affirmative support.

PRESIDENT PHILIP:

The question is, shall Senate Bill 357 pass. Those in favor will signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 51 Ayes, no Nays, 5 voting Present. Senate Bill 357, having received the required constitutional majority, is declared passed. I'd like to make an announcement in regards to how late we're going to go tonight. I've had a request that there's a Black Caucus meeting at 5

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

o'clock. The Chair will adjourn at 5 o'clock. Senate Bill 367. Senator Smith. Excuse me. I went over Senator Dudycz. I apologize. Senate Bill 358. Senator Dudycz. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 358.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 358 is another initiative of the Chicago firefighters union. It amends the Fire Protection Training Act to require that Chicago must provide equal opportunities for advanced firefighter training to all sworn -- sworn employees of the fire department, including paramedics. It provides that the State Fire Marshal shall not require the approval of the City or fire department before examining and certifying sworn employees of the fire department who have received advanced firefighting -- firefighting training. I don't know of any opposition to the bill, and I would seek your support.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Dudycz, to close.

SENATOR DUDYCZ:

I appreciate your support.

PRESIDENT PHILIP:

The question is, shall Senate Bill 358 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 358, having received the required

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

constitutional majority, is declared passed. Senate Bill 367.
Senator Smith. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 367.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 367 amends the Public Aid Code regarding case management service for pregnant or parenting teens. Case management has been accepted by job opportunities and basic skill administrators as a critical part of welfare reform. Senate Bill 367, which is a recommendation of the Citizens' Assembly on Women, is to commence the planning process essential to implementing a case management program on a statewide basis and provide a mechanism for making the General Assembly and our Governor aware of the program needs and the progress of implementation. It is vital because the Public Act 87-0068 defined the case management program. No attempt was made to define the scope of this problem. It has no fiscal impact on the Department of Public Aid because the bill can be implemental <sic> in the Department's existing budget. And it passed out of the House -- out of the committee 9 to nothing. I ask for your favorable vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall Senate Bill... Excuse me. Senator Watson.

SENATOR WATSON:

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

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

The sponsor indicates she will yield. Senator Watson.

SENATOR WATSON:

Senator Smith, as you know, the Governor has initiated the Healthy Moms/Healthy Kids Program which has been well-received, I understand, and the Governor's continued to emphasize that. Is this a duplication of effort in regard to that? I mean, it seems like that we're going to follow up with another program that's going to do a lot of the same things that the Governor's initiative does.

PRESIDENT PHILIP:

Senator Smith.

SENATOR SMITH:

Senator Watson, no, it's not a duplication, because I happen to be a part of the Governor's program on Healthy Moms and Healthy Kids.

PRESIDENT PHILIP:

Any further discussion? Any further -- Senator Smith, to close.

SENATOR SMITH:

I'd just ask for a favorable vote, please. Thank you.

PRESIDENT PHILIP:

The question is, shall Senate Bill 367 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 47 Ayes, 1 Nay, 8 voting Present. Senate Bill 367, having received the required constitutional majority, is declared passed. Senate Bill 37 <sic> (370). Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 370.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 370 is a bill that comes from the Illinois Student -- Assistance Commission. All of us, at one time or another, have received phone calls from constituents who were told they were going to receive a certain amount of money, and then we find at the end of the fiscal year, they were cut back. Part of that reason is because in the appropriation process, we may not know how many students will apply, how many are eligible. This bill simply says if there is any money left over, up to two percent of that may be left and carried over into the next year so that we can create some stability to the student award for the kids that apply for the student assistance. I'll be happy to answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

I just ask for a favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 370 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there's 56 Ayes, no Nays, no voting Present. Senate Bill 370, having received the required constitutional majority, is declared passed. Senate Bill 371. Senator Butler. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 371.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Senate Bill 371 amends the Northeastern Illinois Planning Act. As a result of the Federal Clean Water Act, the State must have a Water Quality Management Plan. In northeastern Illinois, it is NIPC's responsibility to approve application for changes in boundaries of waste water facility planning area, and these, in turn, become amendments to the Illinois Water Quality Management Plan. This bill authorizes NIPC to carry out reviews as requested by EPA, and they are -- may charge a reasonable fee to pay the cost, not to exceed ten dollars per acre. This brings us into compliance with the Federal Clean Water Act, and I would urge its adoption.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Butler, to close.

SENATOR BUTLER:

I would appreciate a favorable vote.

PRESIDENT PHILIP:

On the question -- the question is, shall Senate Bill 371 pass. Those in favor will signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there's 53 Ayes, 2 Nays, 1 voting Present. Senate Bill 371, having received the required constitutional majority, is declared passed. Senate Bill 372. Senator Fitzgerald. Read the bill.

SECRETARY HARRY:

Senate Bill 372.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 372 is an amendment to the Illinois Code of Civil Procedure, and it basically clears up a loophole, or closes a loophole, that exists now in the law relating to the filing of medical malpractice cases. In medical malpractice cases, the plaintiff is required at the time of filing a suit, to file a certificate of need that basically shows that this is -- or a certificate of merit that shows that the case is -- has some chance of success, and you must file that certificate along with the complaint, unless - there is an exception - if run up against the Statute of Limitations and you have to file the suit under real quick time pressures, you are given an additional ninety days to file the certificate of merit after the filing of the complaint. This bill, Senate Bill 372, addresses what happens in the case of someone who files a malpractice action without the certificate of need, then -- voluntarily dismisses his action and later refiles it. In the case of a voluntary dismissal, the plaintiff is given an additional one year on the Statute of Limitations, and this Act merely says that where that plaintiff has been accorded that additional one year in the Statute of Limitations and comes back and refiles, he must file the certificate at that time and will not then again be given in addition to the one year extension another ninety days. It passed out of committee unanimously, and I would urge this bill's adoption. Thank you.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT PHILIP:

The sponsor indicates he'll yield. Senator Fitzgerald.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR FAWELL:

Senator, according to our analysis, this is a little tort reform. Is that like being a little pregnant? I mean, what -- what's a big tort reform?

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, this is -- this really just continues and implements the intent of the 1986 tort reform legislation. I really wouldn't say it's anything new; it just kind of cleans up what we did several years ago, before I was in the Senate.

PRESIDENT PHILIP:

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

SENATOR FITZGERALD:

Thank you. I urge your support for this bill, even though it is my first bill in the Senate. And I said, it's just cleaning up a loophole. Thank you.

PRESIDENT PHILIP:

On the question, shall Senate Bill 372 pass, those in favor, signify by saying <sic> Aye. All those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? The last time. Take the record. On the question, there are 33 Ayes, 18 Nays, 3 voting Present. Senate Bill 372, having received the required constitutional majority, is declared passed. Congratulations. Senate Bill 374, Senator Karpel. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 374.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 374 says that a metropolitan airport authority - and by the way, that refers only to the DuPage Airport Authority - cannot levy a tax upon any township, municipality or unincorporated area that has been removed from the Authority's jurisdiction by Statute, has opted out of the Authority by referendum, or is taxed by another airport authority. And that's all it does. It seeks to clear up a problem with some of the townships that were involved in the DuPage Airport Authority prior to the passage of legislation several years ago. This clears it up for the county clerks so they know for sure that they cannot tax those areas that are now out of the Airport Authority.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you. Would the sponsor yield?

PRESIDENT PHILIP:

Sponsor indicates she'll yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, if you remember, is this the bill that -- I think a gentleman out in Kane County, Mr. Morrow, was in favor of passing this bill. Bob Morrow is a former State's attorney of Kane County, I think.

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Well, he's in favor of it, but I -- I -- there's a larger question than just simply this bill that I think they are working on through litigation at this point. This is not retroactive, but

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

prospective.

PRESIDENT PHILIP:

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Is the -- is the Airport Authority in favor of this bill?

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

They haven't told me they're not, and I'm working with them on other legislation.

PRESIDENT PHILIP:

Further discussion? If not, the question is, shall Senate Bill 374 pass. Those in favor shall vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 53 Ayes, no Nays, 1 voting Present. Senate Bill 374, having received the required constitutional majority, is declared passed. Senate Bill 376. Senator Karpiel. Senator Karpiel. Take it out of the record. Senate Bill 381, Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 381.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

Mr. President, fellow Senators, Ladies and Gentlemen, Senate Bill 381 creates the Illinois Breast Cancer Research Fund and allows Illinois citizens to make voluntary contributions to the Fund on their annual tax returns. Your vote to approve this legislation addresses a devastating health condition. In 1992

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

alone, twenty-two hundred Illinois women died from breast cancer. The National Cancer Institute now estimates that one in eight women in the United States will develop the disease during their lifetime. Said another way: Every three minutes, a woman is diagnosed with breast cancer, and every twelve minutes, a person dies. The people who suffer and die from this disease are our family members, our neighbors, friends and co-workers. According to Sharon Green, Director of the Illinois-based National Breast Cancer Information support organization, Why Me, research is the key to stopping this deadly disease. Something must be done. This is a voluntary checkoff contribution on our Illinois tax return. The taxpayer designates the amount of donation, which decreases a refund or increases the amount to be paid; Department of Revenue collects the money; then the money is turned over to the Illinois Department of Public Health which, in consultation with the unbiased experts in this field, Why Me, award the grants. We need to raise a hundred thousand per year or this checkoff automatically sunsets. For their help, experience and inspiration in cosponsoring this bill, I -- publicly express my gratitude, as well as the gratitude of all those women and fellow Illinois citizens who will benefit by your vote today, to Senators Penny Severns, Adeline Geo-Karis, Doris Karpel, Beverly Fawell, Judy Baar Topinka, Laura Donahue, Karen Hasara, Earlean Collins, Bill Shaw and Margaret Smith. This is truly an honor roll. I urge you to vote to adopt Senate Bill 381.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a question, please?

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Jacobs.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR JACOBS:

Senator, this is an issue that I think all of us feel very, very close to, and I think it's one that sometimes we really don't address as seriously as we should. And with -- with the checkoff, how much money do you think that we're going to raise with the checkoff for this? Is there an estimate that's been presented?

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

I believe over a hundred thousand dollars a year.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Does this then meet with any matching funds, or do we -- are we able to -- to generate more? The reason I ask, a hundred thousand dollars for breast cancer research really is a drop in a bucket, which I think you would agree. And I have no qualms with having legislation where we allow the people to participate. I think it's a good bill. I think what I'm trying to do is to raise the cognizance, if we -- if you will, that breast cancer is a very, very important aspect -- that that's going on in our lives, and it's not getting any better. And we have to address this issue head-on one day and hope this will be a first step in so going. So, good bill.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

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

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Lauzen, as you read the list and as others heard, you heard that my name was not on that list, and you and I have had this conversation before. I am very concerned about some matters. Number one, why is it that this money is to be given strictly to -- as my analysis says, for the cure, when, in fact, every organization that has been working on breast cancer for the last umpteen years has focused on prevention? Senator Jacobs just asked you what you predicted to be the amount of money that would be raised through this checkoff, and I certainly am very pleased that you are providing such a means. However, a hundred thousand dollars for cure, rather than for prevention, I -- I don't understand why. And secondly, why -- as my analysis points out -- why is there only one organization, the Why Me organization, to be consulted about this matter when it is so serious and should require the attention of other organizations?

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. I appreciate your repeating the concern that you voiced in the committee meeting when we addressed the fact that this is a breast cancer research bill and effort. That would be on the first point. The second point is that the Department of Public Health now is pursuing 2.2 million dollars worth of grants from the Federal Government. Those monies are not in, but if I'm not mistaken, the first sixteen thousand dollars worth of those funds have flown into -- or flowed into the State of Illinois. On the third issue, as far as why select an individual organization to work in consultation with the Department of Public Health, every organization that I've ever been involved in where it's -- effectively accomplishes its mission, it takes an individual who has a special focus on that issue to get a job done. I think that there are many good

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

organizations that are working on the menace of breast cancer research -- or breast cancer - the disease itself - but the Why Me organization -- after I went through a -- an exhaustive search of who is unbiased and expert in this area, Why Me was selected to be in consultation with the Department of Public Health.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Another question for the sponsor.

PRESIDENT PHILIP:

Sponsor indicates he would yield. Go ahead, Senator Palmer.

SENATOR PALMER:

Senator Lauzen, you mentioned the availability or possibility of matching federal funds. I don't see in my analysis, but does this mean that you intend to incorporate the aspects of Senator Severns' bill, which was set up to bring in several million dollars, rather than the hundred thousand dollars, because it would have provided for matching funds?

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

I believe that you mischaracterized what I said. I did not say "matching funds". The Illinois Department of Revenue -- or the Illinois Department of Public Health is pursuing federal funding for 2.2 million dollars of funds. It has nothing to do with the matching, and I feel that no matter what bill is passed through, that effort is still continuing through the efforts of the State of Illinois.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

...(microphone cutoff)...you. Senator Lauzen, another

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

question. Does that mean, then, that you do not intend to or this bill does not intend to pursue the millions of dollars that are now about to be available and could come to the State of Illinois on behalf of breast cancer research?

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

As I've -- as I've mentioned, those dollars -- the effort to bring in those millions of dollars, that effort is progressing through the Illinois Department of Public Health, irrespective of what bill passes through the Senate here, to gather that money. I also would like to respond to a question, one series back, where you mentioned whether I was pursuing an amendment to the -- to the bill. I offered as recently as the -- the day of the -- it was about two weeks ago, asked the -- I asked Senator Severns if she would like me to amend anything onto this bill; her answer was no.

PRESIDENT PHILIP:

Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDENT PHILIP:

Indicates that he will. Senator Cullerton.

SENATOR CULLERTON:

Senator, is this your first bill?

PRESIDENT PHILIP:

I think he indicates it's his first bill.

SENATOR CULLERTON:

Yes. Then, as I understand this bill, this amends the Income Tax Act. And so I'm just wondering if -- if you have some plans for this bill. Is this a vehicle bill so that you can do some kind of an income tax increase?

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Obviously you don't know Senator Lauzen very well. Senator Lauzen. I'll let him speak for himself. Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I had not intended to stand up and speak on this bill, except to say now I must, since my comments have been incorrectly portrayed.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is a bill of serious import, and remember, it's the Department of Public Health that's going to be administering the funds -- it's director will consult with the organization Why Me, which is a very good organization because some of us have had operations for tumors - they were benign - and some of us haven't, and some of us are yet to have them. And I think it's a very good bill, and I think that the people who are cosponsoring it with Senator Lauzen realize how important a bill of this nature is. And the checkoff isn't going to hurt anyone; it's voluntary, and I'm all for the bill.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Lauzen, to close.

SENATOR LAUZEN:

To the concern that this may not be enough to solve the problem, I believe in my heart that the Members of this Chamber would rather strike one match than curse the darkness. This is an important issue. People who are suffering and even dying need your help. Please vote Yes on this bill.

PRESIDENT PHILIP:

The question is, shall Senate Bill 381 pass. Those in favor

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 53 Ayes, no Nays, 2 voting Present. Senate Bill 381, having received the required constitutional majority, is declared passed. Senate Bill 387 -- excuse me, 382. Senator DeAngelis. Does the Senator wish to return the bill to 2nd Reading for the purpose of an amendment. Read the bill. Oh, excuse me. Senator -- Senator DeAngelis seeks leave to return the bill to 2nd Reading for the purpose of an amendment. All those in favor, signify by saying Aye. Those opposed. Ayes have it. On the Order of 2nd Reading is Senate Bill 382.

SECRETARY HARRY:

Amendment No. 1, offered by Senator DeAngelis.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill was approved in committee -- the amendment was. It's a technical amendment. It corrects, on page 2, line 30, the number from fifty-eight million to a billion fifty-eight million. There was a typo error. I urge its adoption. I might remind the Body... That's what the bill calls for, my friend. I just want to remind everybody that this is not opposed by the Realtors or the Chicago Bar Association.

PRESIDENT PHILIP:

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'd like to ask the sponsor a question, if I might.

PRESIDENT PHILIP:

Senator -- I mean, excuse me, Senator DeAngelis <sic> (Demuzio).

SENATOR DEMUZIO:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Thank you very much. Senator, does this amendment also include the revenue source for this program?

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

No. The amendment is strictly a technical amendment. It should have been a "one zero" in front of the "fifty-eight".

PRESIDENT PHILIP:

Further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The amendment is approved. Any further Floor amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 383. Senator DeAngelis. Senator DeAngelis? Take it out of the record. Senate Bill 389. Senator Berman. Read the bill, Mr. Secretary.

END OF TAPE

TAPE 3

SECRETARY HARRY:

Senate Bill 389.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senate. Senate Bill 389 is a request of the State Board of Education. Deals with special education reimbursement for extraordinary services provided by school districts and for room and board payments made to private special education schools. In the first portion, it addresses and clarifies, in a statutory manner, an understanding that has been going on for several years regarding a submission of claims which equal or exceed a hundred and fifty percent of the district's tuition and specifies that no more than one percent of the district's students could be claimed. The legal costs -- the local costs shall be borne in accordance with the amounts of money available through the federal program. The room and board changes requires that the State's responsibility to pay special education room and board costs using federal funds exists only to the extent that those funds are, in fact, available. I've indicated to the State Board, there may be some questions as this bill moves along, but I think it does codify a practice that we've been following for a number of years. I'd be glad to respond to any questions.

PRESIDENT PHILIP:

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

SENATOR BERMAN:

Roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 389 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, 1 Nay, no voting Present. Senate Bill 389, having received the required constitutional majority, is declared passed. Senate Bill 390. Senator Berman. Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senate Bill 390.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill deals with those situations where a divorce decree has been entered where the -- usually the -- the husband, for example, has to pay the higher education costs of a minor child. The -- it was unclear as to the rights of the minor child and the rights of the heirs. This bill clarifies that by providing that the minor child to whom higher education expenses would be paid by the deceased must come in and file a claim within six months. That claim will be adjudicated by the probate court and the heirs will know exactly how much would be available or withheld to pay in accordance with the divorce decree. It addresses the needs of the child and it gives a definite time frame to the other heirs of the deceased. I'd be glad to respond to any questions and I ask for your affirmative vote.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Well, I have a question of the sponsor.

PRESIDENT PHILIP:

The sponsor indicates he would yield. Senator Welch.

SENATOR WELCH:

Senator Berman, if a single parent dies and they have a child who is eight years old, how is that eight-year-old going to be able to file a claim within the six-month period? How is he going to know -- you're going to have to have a procedure to appoint a lawyer for him to file his claim?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Yes. The -- the executor would have to -- has the obligation to call to the court's attention the possibility of this claim. The court, I am sure, would appoint a guardian ad litem, on behalf of the minor child, to come in. The court would then hear the -- view the assets situation, determine what the expected expenses of that child might be at some point in the future, and set aside that amount of money out of the estate assets.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Collins.

SENATOR COLLINS:

Senator, how would this affect a family where the person is remarried and have children by a second wife, and have one or more children by the first wife? In the estate -- would -- would -- would the -- if the total value of the estate was not enough to -- to -- to pay for the -- the -- the kids, that particular child's or children's from the first marriage's education and equally pay for the additional children's education that was not in a divorce decree, would that impact upon the rights of the -- the -- the children of the second marriage and the estate, or would the estate be divided equally among all of the children or just the children from the divorced marriage, having priority over the estate?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Senator Collins, this bill has -- has nothing to do with the question you've raised. The specific answer to your question is, I don't know, but this bill doesn't affect that. Let me take you through it, I hope, quickly. The father/husband is divorced. Under the terms of the divorce decree, he is obligated to pay the child from that first marriage the higher education expenses. When that father/divorced husband dies, this bill sets forth a time frame - and that's all this bill does, is set a time frame - in which a claim must be made. As to how much, who, when, et cetera, will be up to the probate court. All this does is set time lines. It does not increase or decrease the rights of the child of the first marriage or children of the subsequent marriage.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Senator, the -- the question still remains, if a five-, or six-, or seven-, or eight-year-old child goes into court - if they can - and -- and I assume they could have their parent or someone to go in on their behalf, or the parent would take that responsibility, and -- can they now go in and claim, after the father die, the -- the -- the amount of money from that estate -- deceased father's estate that would pay for their college education five, ten years from now?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Supposing the child, Senator Berman, is about a year old at the time the father dies. Well, are you saying -- the only thing that is not clear in my mind and I think your bill is good, but I -- I want to get this clarified in my mind. Supposing the child is a year old at the time his father dies, and how do you make a claim for educational expenses on the father's estate when the child is so young?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Well, first they'd need a good lawyer, and I would suggest that they hire Senator Geo-Karis. The second thing that they ought to do is, like any other adversary proceeding - it would be the guardian ad litem for the child versus the executor of the estate - they would have to come in and show a projection that seventeen years from now the cost of education would probably be "X" dollars. If you set aside so much money today out of that estate and it accrues interest over that period of time, the obligation would be satisfied.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And by the same token, I suppose the executor can make a settlement of an amount for that child. I'd rise in -- to speak in favor of the bill, because let's not kid ourselves - the estate could be open a hundred years practically, if this item isn't adjudicated in time, and I think there is good merit for the bill.

PRESIDENT PHILIP:

Further discussion? Senator Berman, to close.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SENATOR BERMAN:

Thank you, I ask for your favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 390 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 51 Ayes, 2 Nays, no voting Present. Senate Bill 390, having received the required constitutional majority, is declared passed. Senate Bill 391. Senator Berman. You're on a roll, Senator. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 391, as amended, provides an opportunity for property tax purchasers -- where there is delinquent taxes, goes to sale, the tax purchasers, if they determine that there has been a hazardous substance, hazardous waste, underground storage tank that they had no knowledge of at the time of their bid, they may void the sale. This is a -- a time frame effective for the most recent tax purchases which effected the January 1, 1990 tax sale. It's a fair bill - doesn't stick a purchaser with a condition that they were not aware of. I solicit your Aye vote.

PRESIDENT PHILIP:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, procedurally, how will they do that? Will there be some sort of a hearing where they will establish that they had no knowledge? Will there be an affidavit? Is this just something that is presented to the county treasurer? How -- how is it going to work, procedurally?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

The -- the tax sales are supervised by the - I believe it's the county - by the -- by the circuit court. In Cook County, I think it's the county division. The -- by the county clerk, but the -- the purchase is -- is confirmed by the court, if I'm not mistaken. The purchaser who made the successful bid and then finds this hazardous condition would petition the court with the proper affidavit as to absence of knowledge.

PRESIDENT PHILIP:

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

SENATOR BERMAN:

Thank you. I ask for your favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 391 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, 1 voting Present. Senate Bill 391, having received the required constitutional majority, is declared passed. Senate Bill 398. Senator Madigan. Take it out of the record. Senate Bill 401. Senator DeAngelis? Read the bill, Mr. Secretary.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

SECRETARY HARRY:

Senate Bill 401.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. In all counties -- in all townships outside of Cook County, a township multiplier can be applied. This township multiplier -- this bill is designed to eliminate the notice - and hear me out before you get all stirred up by this - of what happens after the multiplier is applied. The multiplier must be done with a public notice. When there's a change in assessment, the assessor must, in fact, notify the person. What we're doing here is we're -- we're removing one step in the process that does not really impact on the tax bill to the person. All it does, it creates a further notification that that person can find in a newspaper or publication and know what that multiplier is for his particular -- his or her particular township. It will save a considerable amount of money, and it is something that is asked for by some township assessors, particularly one in DuPage County.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill was suggested by the head of the Assessors' Association, Hank Gianvecchio, in Bloomingdale, which is not in my district. But I did talk to Hank - that's by the way Moose's son, for all those who would like to know - and Moose will get you if you -- if you vote this down. What this does is, this will allow the -- the various assessors to save a great deal of money. Hank believes in -- in Bloomingdale alone it

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

would save approximately four hundred and fifty thousand dollars. This is a notice that really is not needed, and he -- when I talked to him this week about this bill, I told him that according to our analysis that the Chamber of Commerce was against it. As it turns out, the Chamber is not against it; in fact, they support this bill. So, it is a good bill. It will save our taxpayers a considerable sum, and I would strongly urge an Aye vote for it.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 401 eliminates the mailed notice to the taxpayer if the multiplier is applied by the supervisor of assessments; but it does not eliminate the mailed notice if the multiplier was applied by the board of review. Now, there's a problem with this bill, and here's the problem: Under the current law the mailed notice triggers the period during which the property owner may appeal the assessment. If the property owner isn't even notified that his assessment has been increased, how can he appeal? By the time the property tax bills come out the following year, it's too late, and then there's nothing that the property owner can do. And I think this runs contrary to our point about property tax caps. Could we have some order please?

PRESIDENT PHILIP:

Could we please have some order.

SENATOR GEO-KARIS:

Bang your gavel.

PRESIDENT PHILIP:

Could we please have some order. Senator Geo-Karis.

SENATOR GEO-KARIS:

The whole point of the property tax caps agenda is to help taxpayers get control of the system. This bill runs contrary to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

that philosophy by keeping important information from the taxpayer - information that he's used to getting. And I feel it's bad, and I -- and I absolutely am going to vote against this bill. It takes away some prerogatives that a taxpayer has.

PRESIDENT PHILIP:

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

SENATOR DeANGELIS:

Well, you know, Senator Geo-Karis, I think you ought to look at this bill just a little more closely. The reason the group that you're suggesting is not out of this bill, is 'cause they didn't ask to be out of it. But let me tell you something, in plain simple math - plain simple math - if everybody in the township's multiplier goes up, their tax bill is going to be the same, 'cause their proportionate share is exactly the same. There's no hiding this from the taxpayer. In addition to that, if you're going to protest your tax bill, protest it when the assessed valuation goes up, 'cause that's what creates the disproportionate part of your payment, and that's when you ought to be appealing it. And the Taxpayers Federation of Illinois would not be in support of this bill, if we were, in fact, taking information away from property taxpayers. I urge a positive roll call on this.

PRESIDENT PHILIP:

The question is, shall Senate Bill 401 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 44 Ayes, 10 Nays, 2 voting Present. Senate Bill 401, having received the required constitutional majority, is declared passed. Senator Trotter.

SENATOR TROTTER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Mr. President, I just want to say that in that last roll call I -- I was recorded as voting No, but I intended on voting Aye for that bill, and I would like it so recorded.

PRESIDENT PHILIP:

The record will so indicate.

SENATOR TROTTER:

Okay. And also, sir, a point of personal privilege, I'd like to acknowledge...

PRESIDENT PHILIP:

State -- state your point.

SENATOR TROTTER:

I'd like to acknowledge that we have former State Senator Howard Brookins on the Floor here with us, an old friend.

PRESIDENT PHILIP:

Howard, it's always a pleasure to have you here. Welcome back, our friend. Message -- Senator Trotter.

SENATOR TROTTER:

Just one more point of personal privilege. I also have with us the Regional Director from the Department of Commerce, Stan Moore, who is with us as well, this afternoon.

PRESIDENT PHILIP:

Stan, please rise and be recognized. Nice to have you here. Welcome to Springfield. Mr. Secretary, Messages.

SECRETARY HARRY:

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

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

House Bills 228, 275, 399, 409, 579, 745, 795, 844, 898 and 967.

Passed the House, April 14, 1993.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

We have a like Message on House Bills 1496, 1498, 1507, 1513, 1527, 1540, 1549, 1572, 1609 and 1621.

Passed the House, April 14, 1993.

Another Message on House Bills 1013, 1206, 1293, 1324, 1335, 1343, 1387, 1399, 1406 and 1451.

Passed the House, April 14, 1993.

A like Message on House Bills 1636, 1642, 1647, 1733, 1761, 1787, 1803, 1806, 1852 and 1897.

Passed the House, April 14, 1993.

Another Message on House Bills 1971, 2103, 2128, 2168, 2170, 2187, 2292, 2333, 2347 and 2377.

Passed the House, April 14, 1993.

A like Message on House Bills 2400, 2406, 2412.

Passed the House, April 14, 1993.

Another Message on House Bills 280, 392, 729, 916, 963, 985, 1218.

Passed the House, April 14, 1993.

And a like Message on House Bills 99, 821, 965, 1068, 1092, 1305, 1409, 1650, 1710 and 1935.

All passed the House, April 14, 1993.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT PHILIP:

State your point.

SENATOR HAWKINSON:

I regret to inform the Senate that we've been advised today that our friend and a staffer, Phil Weber, that his father has passed away today, and we don't have any details yet, but we'll inform the Senate when we get details of the services.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

PRESIDENT PHILIP:

Thank you, Senator. Resolutions.

SECRETARY HARRY:

Senate Resolution 263, offered by Senator Dudycz, as is Senate Resolution 264.

Senator Stern offers Senate Resolution 265.

Senate Resolution 266, offered by Senator DeAngelis.

And Senate Resolution 267, offered by Senator Watson.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Senator DeAngelis moves to suspend the Rules for the -- for the immediate consideration and adoption of Senate Resolution 66.

SENATOR DeANGELIS:

266.

PRESIDENT PHILIP:

266. Excuse me. All -- all those in favor, signify by saying Aye. Those opposed, Nay. The Rules are suspended. Senator -- Senator DeAngelis on Senate Resolution 266.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Resolution 266 is congratulatory. I would move for its adoption.

PRESIDENT PHILIP:

Senator DeAngelis moves that Senate Resolution 266 be adopted. Those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The resolution is adopted. Senator Maitland, for purpose of an announcement.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 312, which was a supplemental appropriation bill -- bill that we sent to the House a couple of weeks ago, has come back with -- with an additional amendment on it, and it's going to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

be necessary for us concur in that -- that amendment. Therefore, it is going to be necessary for the Appropriations Committee to meet one hour after we adjourn in Room 212 to consider their recommendation to the Floor of the Senate with respect to this motion.

PRESIDENT PHILIP:

Thank you, Senator Maitland. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules reports that the following Legislative Measures have been assigned to committees: Referred to Appropriations Committee - Motion to concur in House Amendment No. 1 to Senate Bill 312; to the Committee on Environment and Energy - Senate Amendment 4 to Senate Bill 616, and Senate Amendments 3 and 4 to Senate Bill 626; to the Committee on Executive - Senate Amendments 4 and 5 to Senate Bill 1; to the Insurance, Pensions and Licensed Activities Committee - House Bills 763, 1933 and 2149; to the Judiciary Committee - Senate Amendment 3 to Senate Bill 486, Amendment 1 to Senate Bill 779, and Amendment 1 to Senate Bill 870; to the Committee on Local Government and Elections - Senate Amendment 3 to Senate Bill 129, and Senate Amendment 7, 8, 9 and 10 to Senate Bill 130; and to the Committee on Public Health and Welfare - Senate Amendment 1 to Senate Bill 228.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1585, offered by Senator Hendon.

(Secretary reads title of bill)

And Senator Hendon also offers House Bill 1910.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

April 14, 1993

Any further business to come before the Senate? If not, Senator Weaver moves we adjourn until Thursday, April 15th, at 9 a.m. The Senate stands adjourned.

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

APRIL 14, 1993

HB-0117	FIRST READING	PAGE	2
HB-0564	FIRST READING	PAGE	2
HB-0763	FIRST READING	PAGE	3
HB-0976	FIRST READING	PAGE	2
HB-1553	FIRST READING	PAGE	2
HB-1585	FIRST READING	PAGE	102
HB-1611	FIRST READING	PAGE	2
HB-1910	FIRST READING	PAGE	102
HB-1915	FIRST READING	PAGE	2
HB-1933	FIRST READING	PAGE	3
HB-2149	FIRST READING	PAGE	3
SB-0216	THIRD READING	PAGE	4
SB-0224	THIRD READING	PAGE	5
SB-0230	THIRD READING	PAGE	13
SB-0239	THIRD READING	PAGE	12
SB-0247	THIRD READING	PAGE	6
SB-0248	THIRD READING	PAGE	14
SB-0254	THIRD READING	PAGE	16
SB-0266	THIRD READING	PAGE	17
SB-0269	THIRD READING	PAGE	18
SB-0273	THIRD READING	PAGE	23
SB-0276	THIRD READING	PAGE	24
SB-0277	THIRD READING	PAGE	25
SB-0284	THIRD READING	PAGE	26
SB-0286	THIRD READING	PAGE	29
SB-0287	THIRD READING	PAGE	33
SB-0289	THIRD READING	PAGE	35
SB-0290	THIRD READING	PAGE	36
SB-0291	THIRD READING	PAGE	37
SB-0301	THIRD READING	PAGE	58
SB-0308	THIRD READING	PAGE	45
SB-0309	THIRD READING	PAGE	57
SB-0324	RECALLED	PAGE	59
SB-0325	THIRD READING	PAGE	60
SB-0339	THIRD READING	PAGE	61
SB-0347	THIRD READING	PAGE	66
SB-0351	THIRD READING	PAGE	62
SB-0356	THIRD READING	PAGE	67
SB-0357	THIRD READING	PAGE	70
SB-0358	THIRD READING	PAGE	72
SB-0367	THIRD READING	PAGE	73
SB-0370	THIRD READING	PAGE	74
SB-0371	THIRD READING	PAGE	75
SB-0372	THIRD READING	PAGE	76
SB-0374	THIRD READING	PAGE	78
SB-0381	THIRD READING	PAGE	80
SB-0382	RECALLED	PAGE	87
SB-0389	THIRD READING	PAGE	88
SB-0390	THIRD READING	PAGE	89
SB-0391	THIRD READING	PAGE	94
SB-0401	THIRD READING	PAGE	95
SR-0261	RESOLUTION OFFERED	PAGE	2
SR-0262	RESOLUTION OFFERED	PAGE	2
SR-0263	RESOLUTION OFFERED	PAGE	101
SR-0264	RESOLUTION OFFERED	PAGE	101
SR-0265	RESOLUTION OFFERED	PAGE	101
SR-0266	ADOPTED	PAGE	101
SR-0266	RESOLUTION OFFERED	PAGE	101
SR-0267	RESOLUTION OFFERED	PAGE	101
HJR-0018	RESOLUTION OFFERED	PAGE	2

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

94/11/14
15:24:42

APRIL 14, 1993

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-REVEREND MCLEAN	PAGE	1
JOURNAL-POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	1
RECESS	PAGE	3
SENATE RECONVENES	PAGE	3
COMMITTEE REPORTS	PAGE	10
RECESS	PAGE	43
SENATE RECONVENES	PAGE	43
COMMITTEE REPORTS	PAGE	44
MESSAGE FROM THE HOUSE	PAGE	67
MESSAGES FROM THE HOUSE	PAGE	99
COMMITTEE REPORTS	PAGE	102
ADJOURNMENT	PAGE	103