

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

34th Legislative Day

April 15, 1993

PRESIDENT PHILIP:

The hour of nine having arrived, the Senate will please come to order. If our Members will be in their seats and our friends in the gallery would please rise, we will have the prayer this morning by Pastor Duke, the Zion Lutheran Church, Pleasant Plains. Pastor Duke.

PASTOR JOHN DUKE:

(Prayer by Pastor John Duke)

PRESIDENT PHILIP:

Mr. Secretary, the reading and the approval of the Journal. Senator Butler, are you there?

SENATOR BUTLER:

I'm here. Mr. President, I move that reading and approval of the Journals of Tuesday, April 13th, and Wednesday, April 14th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. The Illinois Information Service has requested permission to tape the Session today. Is there any objection? No objection. Leave is granted. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Yesterday I was recorded, inadvertently, as a No vote on -- or a nonvote -- a nonvote on 381, and I'd like to have that changed for the record to a Yes vote.

PRESIDENT PHILIP:

With -- with leave. Leave is granted. The record will so indicate. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

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

PRESIDENT PHILIP:

The record will so indicate. Committee Reports.

SECRETARY HARRY:

Senator Maitland, Chair of the Committee on Appropriations, reports that the motion by Senator Maitland to concur with House Amendment No. 1 to Senate Bill 312 Be Approved for Consideration.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has 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. 6.

Adopted by the House, April 14, 1993.

It's substantive.

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 78, 79, 98, 473, 510, 639, 771, 775, 1750 and 2046.

Passed the House on April 14, 1993.

We have like Messages on the following House Bills: 134, 553, 554, 978, 1009, 1145, 1146, 1290, 1489, 1526, 113, 317, 380, 444, 454, 650, 732, 904, 930 and 2360; and House Bills 467, 506, 772, 991, 1352, 1354, 1497, 1595, 1719 and 2043.

All passed the House, April 14, 1993.

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PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

Senators Dudycz and DeLeo offer House Bill 391.

(Secretary reads title of bill)

House Bill 502, by Senator Watson.

(Secretary reads title of bill)

House Bill 505, by Senator Karpziel.

(Secretary reads title of bill)

Senator Watson offers House Bill 525.

(Secretary reads title of bill)

Senators O'Daniel and Ralph Dunn offer House Bill 821.

(Secretary reads title of bill)

House Bill 844 is offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1305, offered by Senators Garcia and del Valle.

(Secretary reads title of bill)

House Bill 1409, by Senators Hasara and Klemm.

(Secretary reads title of bill)

House Bill 1451, by Senator Hawkinson.

(Secretary reads title of bill)

And House Bill 2187 is offered by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

If I could have your attention for a minute -- and I would like to explain to you what we're going to be doing today. We're going to go to 2nd Readings now, and then 3rd Readings, and I intend on staying here later this evening, probably 6:30-7 o'clock. Hope you all understand that. And then tomorrow, those people who like to leave a little early, I would -- we're going to stay here maybe till 4:30. We have -- I want to run through the

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Calendar at least one time on 3rd Readings. And so it's my intention tomorrow, for all those guys that want to flee early, that we're going to be on 3rd Readings tomorrow, and we're going to probably work into -- to early afternoon. So I would hope that everyone would -- would be here. That's the intention of the Chair. I want to get this Calendar cleaned up. I want everybody to have a shot at their bill on 3rd Reading by the time we leave - at least one time. When we come back next week, of course, you'll have one more shot at your bills. So, I hope everybody takes that into consideration. 2nd Readings. The top of page 2. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. That means also that we're still going to have the committees' hearings on -- on tomorrow. So, are we going to come back after the committee hearings?

PRESIDENT PHILIP:

That's correct.

SENATOR DEMUZIO:

Thank you.

PRESIDENT PHILIP:

Yeah, there still are a lot of amendments. We certainly want to give all those amendments a hearing. We intend on doing that. Well, it's a matter of opinion, Senator. All right. Top of page 2 on your Calendar, 2nd Readings. Senate Bill 3. Senator Barkhausen. Do you -- read the bill.

SECRETARY HARRY:

Senate Bill 3.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDENT PHILIP:

Have there been any Floor amendments approved for

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consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 5. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 5.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendments No. 1 and 2.

PRESIDENT PHILIP:

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 17. Senator Cullerton. Senator Cullerton? Take it out of the record. Senate Bill 38. Senator Maitland. Senator Maitland? Take it out of the record. Senate Bill 38. Excuse me. Senate Bill 47. Senator Farley. Take it out of the record. Senate Bill 52. Senator O'Malley. Read the bill.

SECRETARY HARRY:

Senate Bill 52.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Amendments No. 1, 2 and 3.

PRESIDENT PHILIP:

Are there any further amendments that have been approved for consideration?

SECRETARY HARRY:

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The Committee on Rules has recommended for consideration Amendment No. 4, offered by Senator O'Malley.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, Senate -- this particular amendment is a technical amendment, and I'd move its adoption.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Shaw, for what purpose do you arise?

SENATOR SHAW:

Yes. I didn't understand what the Amendment No. 2 did. Could he explain Amendment No. 2?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

I believe -- Amendment No. 2 is merely technical, and it was offered by the committee, as well.

PRESIDENT PHILIP:

Senator Cullerton. Oh, excuse me. Senator Shaw.

SENATOR SHAW:

You only adopted one amendment, and that's Amendment No. 2 here. Is that right? Oh, you're -- you're adopting three amendments. What -- could we -- could we explain what -- what those three amendments do?

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

It's my understanding, Senator, that Amendments 1, 2 and 3 were adopted by the committee -- in committee, excuse me. So we...(microphone cutoff)...

PRESIDENT PHILIP:

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Any further discussion? Senator O'Malley moves the adoption of Amendment No. 4 to Senate Bill 52. All those in favor, signify by saying Aye. Those opposed, Nay. The amendment is adopted. Further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 60. Senator Mahar. Read the bill.

SECRETARY HARRY:

Senate Bill 60.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments that have been...

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senator -- Senate Bill 85. Senator Woodyard. Read the bill.

SECRETARY HARRY:

Senate Bill 85.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

3rd Reading. Oh, excuse me. Have there been any further amendments that have been approved by the -- for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 95. Senator Woodyard. Read the bill.

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SECRETARY HARRY:

Senate Bill 95.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Have there been any further amendments approved...

SECRETARY HARRY:

Floor Amendment No. 3, offered by Senator Berman, has been reported Be Adopted by the Revenue Committee.

PRESIDENT PHILIP:

Are there any -- Senator Berman. Senator Berman, on your -- your amendment.

SENATOR BERMAN:

Do you want it explained, Mr. President, or just move to adopt?

PRESIDENT PHILIP:

I suppose we ought to have a short explanation of your amendment.

SENATOR BERMAN:

All right. This requires that the counties list the street or common address of delinquent parcels on the combined notice that's provided for in the bill.

PRESIDENT PHILIP:

It would appear the sponsor agrees with your amendment. Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 96. Senator Barkhausen. Read the

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bill.

SECRETARY HARRY:

Senate Bill 96.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

The Committee on Commerce and Industry has recommended that Be Adopted, Amendment No. 2, offered by Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 2 to Senate Bill 96 limits the time that a grievance procedure would be able to work from one year down to a hundred and eighty days. It makes the bill, I think, a little more acceptable to those who had some problems with the original period of time of one year. And I move the adoption of the amendment.

PRESIDENT PHILIP:

Any further discussion? All -- all those in favor, signify by saying Aye. Those opposed. The amendment is adopted. 3rd Reading -- any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 97. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 97.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

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PRESIDENT PHILIP:

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

SECRETARY HARRY:

The Committee on Commerce and Industry has recommended for consideration Amendment No. 2, offered by Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 97 provides the defense for the provision of truthful information by a former employer regarding an employee's record of employment with that employer. It -- Amendment No. 2 limits the defenses that an employer would have under this bill, to make it clear that the information would have to be provided by the former employer and furthermore limits the recovery of attorney's fees to -- to fees that would be incurred by the employer in defending an action regarding information that, in fact, had been truthful with regard to the record of employment of that former employee. And I urge its adoption.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. We have a little glitch here on this particular bill and the last one. We didn't get a copy of the amendment, so we were unaware of the fact that the amendment was adopted by committee. I'm just curious if we have a -- a copy of this amendment available.

PRESIDENT PHILIP:

Mr. Secretary, do we have a copy available? You know, I've been informed by the Secretary, it should have been distributed. He doesn't have an extra copy. He certainly will have a copy made,

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and we'll see that you get it. They've all been distributed, I've been led to believe, on green paper. So you should have it on your desk, Senator. On the amendment - to adopt Amendment No. 2 to Senate Bill 97. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 104. Senator Petka. Senator Petka, 104? Read the bill.

SECRETARY HARRY:

Senate Bill 104.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted one amendment.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 105. Senator Woodyard. Read the bill.

SECRETARY HARRY:

Senate Bill 105.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and Conservation adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

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PRESIDENT PHILIP:

3rd Reading. Senate Bill 149. Senator Geo-Karis. Senator Geo-Karis. Read the bill.

SECRETARY HARRY:

Senate Bill 149.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

The Committee on Public Health and Welfare also recommended Be Adopted, Floor Amendment No. 2, offered by Senator Garcia.

PRESIDENT PHILIP:

Senator Garcia. Senator Garcia, on Amendment No. 2.

SENATOR GARCIA:

Thank you, Mr. President. Amendment No. 2 exempts certain child care programs operated as an integral part of a ministry by churches... Sorry, this is the wrong one. It deals with health and safety requirements for day care centers. It was adopted in committee.

PRESIDENT PHILIP:

Any further discussion? Are there any further amendments? Okay. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The Amendment - No. 2 - is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 160. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

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Senate Bill 160.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Are there any further amendments? 3rd Reading. Senate Bill 180. Senator Cullerton. Read the bill.

SECRETARY HARRY:

Senate Bill 180.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 207. Senator Cullerton. Take it out of the record. Senate Bill 209. Senator McCracken. Take it out of the record. Senate Bill 227. Senator Maitland. Take it out of the record. Senate Bill 232. Senator Weaver. Read the bill.

SECRETARY HARRY:

Senate Bill 232.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 341. Senator Fitzgerald. Senator Fitzgerald? Take it out of the record. Senate Bill 345. Take it

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out of the record. Senate Bill 360. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

...Bill 360.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any Floor amendments?

SECRETARY HARRY:

No Floor amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. With leave, we'll go back to Senate Bill 345. Senator McCracken. Read the bill.

SECRETARY HARRY:

Senate Bill 345.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 380. Senator Cronin. Senate Bill 380. Read the bill.

SECRETARY HARRY:

Senate Bill 380.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

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SECRETARY HARRY:

No further amendments have been reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 384. Senator DeAngelis. Senator DeAngelis. Read the bill.

SECRETARY HARRY:

Senate Bill 384.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 387. Senator DeAngelis. Read the bill.

SECRETARY HARRY:

Senate Bill 387.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 433. Senator Hawkinson. Senator Hawkinson? Read the bill.

SECRETARY HARRY:

Senate Bill 433.

(Secretary reads title of bill)

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2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 447. Senator Barkhausen. Take it out of the record. Senate Bill 448. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 448.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 452. Senator Barkhausen. Take it out of the record. Senate Bill 453. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 453.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Financial Institutions adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments have been reported, Mr. President.

PRESIDENT PHILIP:

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3rd Reading. Senate Bill 473. Senator Berman. Take it out of the record. Senate Bill 498. Senator Butler. Take it out of the record. Senate Bill 499. Senator Butler. Take it out of the record. Senate Bill -- Senate Bill 524. Senator Donahue. Senator Donahue. Take it out of the record. Senate Bill 533. Senator Madigan. Read the bill.

SECRETARY HARRY:

Senate Bill 533.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 2.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 548. Senator DeAngelis. Read the bill.

SECRETARY HARRY:

Senate Bill 548.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments have been reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 549. Senator DeAngelis. Read the bill.

SECRETARY HARRY:

Senate Bill 549.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 551. Senator Lauzen. Senator Lauzen? 551. Read the bill.

SECRETARY HARRY:

Senate Bill 551.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

The Committee on Revenue also recommended Be Adopted, Floor Amendment No. 3, offered by Senator Lauzen.

PRESIDENT PHILIP:

Senator Lauzen, explain the amendment.

SENATOR LAUZEN:

It's a clarification of property that qualifies for investment tax credit under the Illinois Tax Code.

PRESIDENT PHILIP:

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

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Senator -- Senator Lauzen, are you going to ask for a roll call on this amendment, or do you want this adopted by a voice vote?

PRESIDENT PHILIP:

We've been doing it by voice vote. If you want a roll call, we certainly -- you're entitled to that roll call.

SENATOR CULLERTON:

No, Mr. President, I just wanted...

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR CULLERTON:

Mr. President, I just wanted to indicate that I understand that Senator Lauzen passed his first bill yesterday, but he...

PRESIDENT PHILIP:

You know, I -- I've heard that rumor too.

SENATOR CULLERTON:

But he forgot to vote for it.

PRESIDENT PHILIP:

I don't think that's true.

SENATOR CULLERTON:

So, I -- I wanted to know if he wanted a roll call on this one so he could get -- get on the record.

PRESIDENT PHILIP:

Very good. All right. On -- on the amendment: the adoption of Amendment No. 3 to Senate Bill 551. All those in favor, signify by saying Aye. Those opposed, No. Ayes have it. The amendment is adopted. 3rd Reading. Are there any further amendments? Excuse me.

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

Senate Bill 590. Senator DeAngelis. He's still in his seat.

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I can't believe it. Read the bill.

SECRETARY HARRY:

Senate Bill 590.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

The Rules Committee has approved for consideration Floor Amendment No. 1, offered by Senator DeAngelis.

PRESIDENT PHILIP:

Senator DeAngelis, on Floor Amendment No. 1. Are you there? Do you want to explain your amendment? Oh, it's a technical amendment. Any discussion? All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. 3rd Reading. Senate Bill -- whoop. Take it out of the record. Senate Bill 597. Senator Mahar. Senator Mahar? Read the bill.

SECRETARY HARRY:

Senate Bill 597.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Amendments No. 1 and 2.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 598. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 598.

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(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 609. Senator Maitland. Senator Maitland? Take it out of the record. Senate Bill --- take it out of the record. Senate Bill 616. Senator Woodyard. Take it out of the record. Senate Bill 617. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 617.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 625. Senator Karpziel. Take it out of the record. Senate Bill 632. Senator Dunn. Senator Ralph Dunn. Take it out of the record. Senate Bill 642. Senator Dudycz. Take it out of the record. Senate Bill 650. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 650.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

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PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 651. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 651.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No Floor amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 652. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 652.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No Floor amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 671. Senator Maitland. Take it out of the record. Senate Bill 672. Senator Fawell. Take it out of the record. Senate Bill 677. Senator Maitland. Take it out of the record. Senate Bill 678. Senator Cronin. Read the bill.

SECRETARY HARRY:

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Senate Bill 678.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

Committee on Judiciary reported Be Adopted, Floor Amendment No. 6, offered by Senator Tom Dunn.

PRESIDENT PHILIP:

Senator Dunn, on Amendment No. 6. Will you explain the amendment, Senator Dunn? It would appear the sponsor's happy with it.

SENATOR T. DUNN:

Thank you, Mr. President. What this amendment does is it requires the court to notify a minor, when that minor is a -- been alleged a delinquent, that he is HIV positive. And what this amendment does is to broaden the scope of the notification so it notifies the victim, as well. And if that victim is a minor, then the notification will go to the parent or guardian.

PRESIDENT PHILIP:

Any further discussion? Senator Cronin.

SENATOR CRONIN:

I just wanted to rise in support of the amendment. It improves the bill. I urge an Aye vote.

PRESIDENT PHILIP:

All right. On Senate Amendment No. 6 to Senate Bill 678, all those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The -- the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

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PRESIDENT PHILIP:

3rd Reading. Senate Bill 714. Senator Dudycz. Take it out of the record. Senate Bill 743. Senator Butler. Take it out of the record. Senate Bill 756. Senator Madigan. Read the bill.

SECRETARY HARRY:

Senate Bill 756.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

The Insurance Committee reported Be Adopted, Amendment No. 3, offered by Senator Madigan.

PRESIDENT PHILIP:

Senator Madigan, on Amendment No. 3.

SENATOR MADIGAN:

Thank you, Mr. President. Amendment No. 3 to Senate Bill 756 is technical in nature only, and I would ask for its adoption.

PRESIDENT PHILIP:

Further discussion? On Amendment No. 3 to Senate Bill 756, all those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. 3rd Reading. Further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 759. Senator Petka. Senator Petka. Read the bill.

SECRETARY HARRY:

Senate Bill 759.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any Floor amendments?

SECRETARY HARRY:

The Rules Committee approved for consideration Amendment No. 1, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton, on Amendment No. 1 to Senate Bill 759.

SENATOR CULLERTON:

Thank you, Mr. President. I would move for the adoption of Amendment No. 1, which is technical in nature.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senate Amendment No. 1 to Senate Bill 759. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 764. Senator Karpziel. Take it out of the record. Senate Bill 766. Senator DeLeo. Senator DeLeo? Take it out of the record. Senate Bill 770. Senator McCracken. Take it out of the record. Senate Bill 779. Senator Petka. Take it out of the record. Senate Bill 840. Senator Barkhausen. Take it out of the record. Senate Bill 851. Senator Mahar. Read the bill.

SECRETARY HARRY:

Senate Bill 851.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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Any further amendments?

SECRETARY HARRY:

The Rules Committee approved for consideration Floor Amendment No. 3, offered by Senator Mahar.

PRESIDENT PHILIP:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is a technical amendment, and I would move its adoption.

PRESIDENT PHILIP:

Further discussion? If not, on Senate Amendment No. 3 to Senate Bill 851, all those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 888. Senator Barkhausen. Take it out of the record. Senate Bill 891. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

...Bill 891.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 892. Senator Barkhausen. Read the bill.

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SECRETARY HARRY:

Senate Bill 892.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No Floor amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 893. Read the bill.

SECRETARY HARRY:

Senate Bill 893.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No Floor amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 900. Senator McCracken. Take it out of the record. Senate Bill 904. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 904.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any Floor amendments?

SECRETARY HARRY:

No Floor amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 907. Senator Hawkinson. Read the

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bill.

SECRETARY HARRY:

Senate Bill 907.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any Floor amendments?

SECRETARY HARRY:

No Floor amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 910. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 910.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Amendment No. 1.

PRESIDENT PHILIP:

Are there any Floor amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 935. Take it out of the record. Senate Bill 940. Senator Weaver. Read the bill.

SECRETARY HARRY:

Senate Bill 940.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Amendment No. 1.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

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The Rules Committee approved for consideration Floor Amendment No. 3, offered by Senator Weaver.

PRESIDENT PHILIP:

Senator Weaver, on Floor Amendment No. 3.

SENATOR WEAVER:

Thank you, Mr. President. This is a technical amendment, and I'd move adoption.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Mr. President, in the Rules Committee, some of us felt that this was more than just technical. So I would ask the -- the Chairman of the Rules Committee if he could explain what the amendment does, please.

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Yes, sir. This amendment clarifies that the owner or operator of a landfill will remain liable for taxes and fees authorized by the Environmental Protection Act. It also removes a retroactive application of the exemption.

PRESIDENT PHILIP:

Any further discussion? On Senate Amendment No. 3 to Senate Bill 940, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. Senate Amendment No. 3 is adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 950. Senator McCracken. Take it out of the record. Senate Bill 993. Senator Demuzio. Read the bill.

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SECRETARY HARRY:

Senate Bill 993.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Are there any Floor amendments?

SECRETARY HARRY:

The Rules Committee approved for consideration Floor Amendment No. 2, offered by Senator Demuzio.

PRESIDENT PHILIP:

Senator Demuzio, on Floor Amendment No. 2.

SENATOR DEMUZIO:

Thank you, Mr. President. I think we have to table committee amendment that was adopted in committee and adopt the Floor amendment. This is the -- the bill for the -- for the deaf, and I would move to table the committee amendment.

PRESIDENT PHILIP:

Is there leave to table Committee Amendment No. 1? Leave is granted. Now, on Amendment No. 2, Senator Demuzio.

SENATOR DEMUZIO:

It simply takes out the -- the word "American", and then puts an effective date of July the 1st of 1995. And I would move its adoption.

PRESIDENT PHILIP:

Any further discussion? On Amendment No. 2 to Senate Bill 993, all those in favor, signify by saying Aye. Those opposed, Nay. The amendment is adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill -- Senate Bill 1024. Senator Jones.

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Senator Jones? Take it out of the record. Senate Bill 1025.

Senator Jones. Take it out of the record. Senate Bill 1033.

Senator Petka. Read the bill.

SECRETARY HARRY:

Senate Bill 1033.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any Floor amendments?

SECRETARY HARRY:

The Judiciary Committee reported Be Adopted, Floor Amendment No. 1, offered by Senator Petka.

PRESIDENT PHILIP:

Senator Petka, on Floor Amendment No. 1.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Committee -- or the amendment, Floor Amendment No. 1, was added to basically delete language from the Governor's drug package that was introduced, in part, by myself. It was the opinion of myself and also our staff that the second paragraph of that legislation was unconstitutional. So that second paragraph was deleted, and in its place was added a paragraph which provided the death penalty as an aggravating factor for torture murders. Torture murders basically is defined as an intentional homicide where the person endures long and agonizing pain over a period of time. This came as a result of a murder which occurred in Grundy County, in which a woman was burnt to death after a home invasion. I would move for its adoption.

PRESIDENT PHILIP:

Any further discussion? If not, Senator Petka moves to adopt Amendment No. 1 to Senate Bill 1003. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. Motion is

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adopted -- the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 1036. Senator O'Malley. Read the bill.

SECRETARY HARRY:

Senate Bill 1036.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendment No. 1 <sic>.

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 1069. Senator Barkhausen. Take it out of the record. Senate Bill 1078. Senator LaPaille. Take it out of the record. Senate Bill 1085. Senator Weaver. Read the bill.

SECRETARY HARRY:

Senate Bill 1085.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Are there any Floor amendments?

SECRETARY HARRY:

The Rules Committee has approved for consideration Amendment No. 2, offered by Senator Syverson.

PRESIDENT PHILIP:

Senator Syverson, on Amendment No. 2. Senator Syverson. I understand it's a technical amendment. Any discussion? All

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right. On -- on Floor Amendment No. 2 to Senate Bill 1085, all those in favor, signify by saying Aye. Those opposed, Nay. The amendment is adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 1105. Senator DeAngelis. Read the bill.

SECRETARY HARRY:

Senate Bill 1105.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

The Insurance Committee has reported Be Adopted, Floor Amendment No. 1, offered by Senator DeAngelis.

PRESIDENT PHILIP:

Senator DeAngelis, on Floor Amendment No. 1.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Amendment No. 1 becomes the bill. It actually is Senate Bill 1056, which has been put into this bill. I'd move for its adoption.

PRESIDENT PHILIP:

Any further discussion? If not, all those -- in regards to Amendment No. 1 to Senate Bill 1105, all those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Now if you will... Resolutions.

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SECRETARY HARRY:

Senate Resolution <sic> 44, offered by Senators Philip, Weaver and others.

It's substantive, Mr. President.

PRESIDENT PHILIP:

Executive Committee. I would suggest that -- to our Senators, there are a lot of House bills that are on our Calendar that have not been picked up. Before we can do anything on -- with those House bills, they need a Senate sponsor. So I had hoped with everybody today, would look at their Calendar closely and pick up those House bills that are over here. Senator Jones? Senator Jones? Senator Jones, have you got the Supplemental Calendar on your desk? All right. I've been reliably informed that the Supplemental Calendar is out. With leave, we're going to go to the Supplemental Calendar for Senate Bill 312. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. The spring supplemental, Senate Bill 312, passed out of this Chamber a couple of weeks ago, went to the House. The House has seen fit to add...

PRESIDENT PHILIP:

Senator Maitland, will you hold it for one minute, please?

SECRETARY HARRY:

House Amendment No. 1 to Senate Bill 312.

PRESIDENT PHILIP:

All right. Proceed.

SENATOR MAITLAND:

Thank you, Mr. President. The House has added one amendment, and the amendment does three things: It provides for a -- a one-million-four-hundred-and-fifty-four-thousand-dollar GRF transfer in the Supreme Court; it provides for spending authority for twenty-three million seven hundred thousand dollars in federal

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funds for a Chapter I summer school; and it, in addition to that, adds seventy-five thousand dollars of General Revenue to the Office of Comptroller for payment of legal expenses. I would be happy to respond to any questions any Members might have; otherwise, would -- would move that the Senate do concur with House Amendment No. 1 to Senate Bill 312.

PRESIDENT PHILIP:

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. This is more of a procedural point, Mr. President. This is a bill that's -- if we pass it, will go to the Governor, and I just wanted to point out that we did have amendments that were filed. Senator Hendon and Senator Severns had offered amendments to this bill when it was in the Senate. Those amendments were not considered. The bill was moved to 3rd Reading and the bill was voted on. And now, this is the first bill, to my knowledge, that's going to the Governor where we feel that this procedure is unfair because it doesn't give our Members an opportunity to offer an amendment and to debate that amendment as a preliminary motion prior to a final passage, which I think violates the Robert's Rules of Order. So I think it's appropriate that I make that point on this particular bill, because this is the first one of its nature that's going to the Governor.

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Well, thank you very much, Mr. President and Members of the Senate. Senator, we held that bill; we were aware of the amendments. The Members simply weren't there. We, in a -- in courtesy to you - to your side of the aisle - we held that bill waiting for the Member. The Member didn't go -- didn't come, wasn't there, and even talked to the Minority Spokesman with

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respect to that issue, and he indicated, go ahead and move the bill. We did that as a courtesy to your side, and frankly, resent that comment.

PRESIDENT PHILIP:

Further discussion? Senator Maitland, to close.

SENATOR MAITLAND:

Thank you, Mr. President. Just appreciate support of the motion. Thank you.

PRESIDENT PHILIP:

This is final action now. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 312. All those in favor will vote Aye. All 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, 2 voting Present. The Senate does concur in Senate Amendment -- House Amendment No. 1 to Senate Bill 312. Senate Bill 312, having received the required constitutional majority, is declared passed. Now we're going to go to 3rd Readings and proceed ahead. On the bottom of page 10 on your Calendar, Senate Bills 3rd Reading. Senate Bill 2. Senator McCracken. Take it out of the record. You know, I apologize. We're going to -- we're going to start where we left off yesterday. Senate Bill 402. Senator DeAngelis. Read the bill.

SECRETARY HARRY:

Senate Bill 402.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 402 creates the Industrial Jobs Recovery Law. What it does, very simply, is that

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it allows TIFs to be used to develop environmentally distressed areas. Proceeds from property taxes or other taxes can be used to acquire land in those areas, to rebuild the infrastructure and clean up the areas. Also has some other provisions in redefining TIFs. I urge its favorable adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, Senator DeAngelis... Senator DeAngelis, to close. Wish to close? No. The question is, shall Senate Bill 402 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 402, having received the constitutional majority, is declared passed. Senator Rea, on 405? Read the bill, Mr. Secretary.

SECRETARY HARRY:

...(microphone cutoff)...Bill 405.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 405 requires the Coal Development Board to study and propose policies relating to emission allowances authorized under the federal Clean Air Act. It requires the Commerce Commission to collect the information relating to the allocation, acquisition and sale of emission allowances. This bill is supported by the Coal Association, UMWA and the Council on Energy. I don't know of any opposition to it, and this is very important that we look where these emissions or -- allowances are going and will help us determine some direction in -- as it relates to the future of the use of Illinois coal. I would ask for an Aye vote.

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PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR REA:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 405 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, Mr. Secretary. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 405, having received the constitutional majority, is declared passed. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On a point of personal privilege. Visiting with us today are three groups from the grade school in Carlinville, my hometown, and there are -- one group is now behind me in the gallery and they are accompanied by Mrs. Leefers, Mrs. Pohlman, Mr. Manley, Mr. Fornero, Mrs. Hallbauer and Mrs. Genta. I'd like the Senate to recognize those grade school members from Carlinville who are visiting with us today.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate. The broadcast media has requested permission to tape today's proceedings in the Senate. Is there leave? Leave is granted. Senate Bill 411. Senator Garcia. Excuse me, Senator Garcia. We -- I skipped over 406 on Senator Rea. Senator Rea, you ready on 406? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 406.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. Senate Bill 406 amends the Coal Mining Act, and it specifies the minimum number of State mine inspectors. It does not increase it in any way, and it depends upon the number of mines in operation in the State. As you know, we've gone a long ways in mine safety over the several years in Illinois - been one of the leading States - and there's been -- in past years, many types of explosions have taken place underground, killing many of our miners. This is a safety precaution just to make sure that we continue those efforts here in the State of Illinois. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR REA:

Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 406 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, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 406, having received the constitutional majority, is declared passed. Senator Garcia, on Senate Bill 411. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 411.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

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Thank you, Mr. President. This bill creates the Homeless Family Placement Act. It provides that agencies that place homeless families in shelters shall refer families with school-age children to the shelter closest to the child's school of origin. This bill seeks to minimize the number of schoolchildren that are falling through the cracks due to homelessness. By sending a child and his or her family to the nearest shelter will ensure that we minimize the loss of school attendance days in that child's education. Mr. President, this bill came out of committee with a unanimous vote. There's no opposition that we know of, and it won't cost us a bit, and it'll ensure that children are kept in school. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. I just wanted to rise in support of this very positive legislation that will help homeless families stay together and keep our children in school at the same time, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? The question is, shall Senate Bill 411 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, there are 57 Yeas, no Nays, none voting Present. Senate Bill 411, having received the constitutional majority, is declared passed. Senate Bill 418. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 418.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill will give a cause of action to those victims of first degree murder and aggravated kidnapping. This is designed to prevent the occurrence of a perpetrator, who's been found guilty, of doing a book deal or a movie deal, enabling the victim to get at those assets that are generated by his wrongdoing.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR T. DUNN:

Urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 418 pass. All in favor, signify by saying -- by voting Aye. Opposed, voting 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 418, having received the constitutional majority, is declared passed. 420. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 420.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill's come from the Illinois Press Association. Currently, under law, when plumbers advertise, they must include their number. The burden has been, on the past, of the printer to get that number. This bill shifts the burden upon the plumber to submit that number and make sure that that

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number is correct. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator DeAngelis --
excuse...(microphone cutoff)... Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield. No. He says no.

SENATOR CULLERTON:

He won't yield.

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, he'll yield.

SENATOR CULLERTON:

Great. Senator, I didn't quite understand your explanation. Could you just give me a brief history of what this bill does? I understand that this -- there's a law -- it's currently on the books; it's only a couple of years old. And this reverses a bill that -- that had been just passed a couple years ago. I wonder if you could explain exactly what the current practice is again.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. This bill does not reverse the law; it shifts the burden of responsibility on who should submit the number from the publisher to the plumbing firm. The plumbing firm must, by law, display this number. And what this bill simply says is, if you're going to advertise, include that number with it, and put the responsibility upon them.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Rea.

SENATOR REA:

Would the sponsor yield?

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PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR REA:

Senator, you know, I -- I don't quite understand why we are doing this, in terms of the plumbers. Are we going to do this also for all the other people that are licensed? What -- what is the penalty, also, if -- if a person -- say the -- the press makes a mistake and print the wrong number - who's liable?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

If -- and that's a good question, Senator Rea. If the plumber includes that number on his advertising and the press makes the error, the press is responsible.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Well, it seems like, to me, that we're going backwards on this legislation here, and it also seems to me that we're setting a -- standards -- different type of standard that would -- the next thing we know -- you know, we'll have all these published. It seems like, to me, there's other ways of -- of dealing with this, rather than the way we're approaching it through this legislation. And I would certainly oppose this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. If I could speak to the bill, Mr. President. This bill reverses a bill that was passed just a couple of years ago, and the practice has been, for the last couple years, that if a plumber wants to advertise in -- in a newspaper, it's the responsibility of the publisher and the printer to require the

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inclusion of the license number. This is a protection for the public. The fear is that someone could just hold themselves out as a plumber and put a fictitious number down and there's no responsibility of the -- if this bill were to pass, there'd be no responsibility of the -- the publisher to check the number. That's why it's a bad bill, because it reverses a procedure that was just put into place a couple years ago which was meant solely as a protection for the public against unscrupulous people holding themselves out to be a plumber. Now, the -- the problem is, the way this bill is drafted, it just says, "When advertising plumbing services the license number shall be included on all forms of written or printed advertising..." But there's no way for the plumbers to know that some phony plumber is putting in a fictitious number. The only person that can really check this out is the -- is the -- the publisher, and that's the way the law is now, and that's really the way it ought to stay. So, for those reasons, I would stand in opposition to the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I don't usually get -- get involved in these kinds of bills, but to me -- I'm sorry, Senator Cullerton, that idea or that response just seems dumb. I mean, if someone is placing an ad in a newspaper, they should place -- I mean, when we, as -- as candidates, place an ad in a newspaper, we're required to put in a disclaimer, and if we don't put in a disclaimer, it's not the newspaper's fault. Why would it be the newspaper's fault if the license, you know, number isn't there? If a -- if a plumber is putting an ad in a paper, what's the big deal for them to put in the license number? And if somebody is doing it illegally or erroneously, or somebody who's really not a plumber, why should that be the newspaper's fault? Why should

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they have to go and check the ad and check who's placing the ad? That just seems to me illogical. I think this is a good bill, and we should pass it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Yes, I rise in support of the bill, and similarly to Senator Karpriel, think the objection is not well-founded. The question is, who's going to be liable for complying or failing to comply with the Act. Now, is it wise public policy to put the burden on the publisher who is merely providing advertising space in return for a small fee, or is it proper and better public policy to put the responsibility on the plumber, the one who's getting the benefit, not only from the advertising, but also from the licensing? And I cannot imagine a reason why it isn't already the law in Illinois, and it certainly should be.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR BERMAN:

Have there been any lawsuits against the publishers that arise out of this existing law?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

I don't know if there's been any lawsuits, but there's been some unpleasant experiences. And I -- you know, on that point, it's really bothersome to me, and I think sometimes look at the Yellow Pages, and you will find out people who advertise their

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service and then they say "licensed by the State". And frankly, there are no standards at all, whatsoever, on what they're doing. So what this simply is saying is, if you're going to advertise and you're required by law to have this number, you put the number on there and it's your number. I don't know how in the hell a -- how in the heck a publisher could even check somebody's number in the first place.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman, again.

SENATOR BERMAN:

I'm sorry. I wasn't through. Would you share with me, Senator DeAngelis? You said, "some unpleasant experiences". What are we talking about?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I guess attempts by some people who are not licensed properly to use the numbers, and then the publisher puts it in there and then somebody calls and says, "This person wasn't licensed."

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. To the bill: I would ask that we just pay attention for a moment. We're talking about consumer protection, and particularly senior citizen protection. The reason this bill -- the existing law was passed was because seniors are getting ripped off by people that were advertising

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that they were plumbers or rendering plumbing services and they weren't licensed plumbers. Now, we have a licensure bill and requirements to protect the public. If we're going to make this usable for the public and a method to prevent rip-offs to our senior citizens, in particular, the best way to make that realistic and practical is to make the people that publish - the ones who deal with these plumbers or plumbing services or these rip-off artists, whatever they may be - make them check out whether there is, in fact, a plumbing license. The senior citizens - the people that read the Yellow Pages - don't have that information available. They have to rely on the Yellow Pages. This is a consumer protection law. Let's not undo it, especially if there is no proof that the publishers or the Yellow Page people have, in fact, been sued or been put in jeopardy. We haven't heard anything about that. They just want to relieve themselves of this responsibility. If it's the weighing of the interests of the publishers, because they don't want to ask a question, versus the exposure of senior citizens to being ripped off, I would suggest that we ought to be on the side of senior citizens and vote No on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, I -- I turned off my light, Senator. I had a great speech, but I decided to hand it to Senator Berman and let him give it. So, thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

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SENATOR BUTLER:

Senator, these comments are so ludicrous. Is this your first bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it would seem to me that we are not really protecting the senior citizens, if I were to listen to the comments of my very respected colleague on the other side. This has nothing to do with it. If the plumber isn't telling the truth, he should be the one to be responsible, not the -- the publisher, for heaven sakes. And talk about lawsuits - yes, the possibility of lawsuits is there. You know it and I know it. And if there haven't been any, that is because we don't know of any. What's right is right. Who is the one advertising? He's the one who has to tell about his wares and also his -- and his requirements and his credits. And I -- I think the bill is a good bill, and I support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. You know, if we carry the debate that one of our esteemed colleagues from the other side of the aisle had suggested - that it's the responsibility of the publisher - then obviously if we extend that, then the advertisers of everything would have to be verified by the publisher, because that would be consumer protection. In other words, any ad that my automobile is the best automobile or my widget is the best widget, the advertiser, then the publisher, would, theoretically, would have to verify that for the protection of the consumer. Well, I think that certainly is an extension of what we're trying to not do here, where the advertiser is the one who's responsible for a

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licensing number that a -- a plumber should certainly put on there. I think when we passed those bills before for the consumer protection it was -- was what we should do, and this no way changes that. It certainly puts the responsibility where it belongs, and this is a good bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR DeANGELIS:

Thank you, Mr. President. I'm really amused by the comments. In fact, as the law currently stands, there is a license to lie. This bill forces them to tell the truth. And, Senator Berman, you voted Yes in committee, and I would like to see the rest of the Body do exactly that on this particular bill.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 420 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 35, the Nays are 18, 1 voting Present. Senate Bill 420, having received the constitutional majority, is declared passed. 421, Senator Carroll? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 421.

(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 bill is a result of phenomena many people in the State are facing where they have a multiracial marriage and therefore a

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biracial or multiracial child; that the forms that the State has for checkoff purposes, basically in cases where there is either some type of a magnet-type school program or a program that's designated to be influenced by the racial makeup of the student, has no form checkoff for a biracial child. And therefore, the parent of that child has to choose which race that they want to classify that child as. That has caused undue hardship to an untold number of people, and several other states have already started this program as well, of saying let them just merely have a checkoff that says "biracial" so that the parent or child does not have to choose one parent over the other for purposes of getting into a school or into a special program. I would answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR CARROLL:

Would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 421 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, there are 53 Yeas, no Nays, none voting Present. Senate Bill 421, having received the constitutional majority, is declared passed. 423. Take out of the record. 425, Senator Hasara? Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 425.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill originates from discussions that I have had - and I'm sure articles that you have read - about the many grandparents in our State who are now raising their grandchildren, due to many problems that their own children are having. However, after the bill was introduced, we realized that it indeed has many, many uses. It provides a simple power of attorney form in the Statute to be used for up to sixty days so that someone may have access to medical care or school records. It does require the signature of the parent, but it would be extremely helpful in cases where you might go away for the weekend or be keeping someone's children for the weekend, and in case of an accident, many people don't even realize that they could not have access to medical care for that child in case of an emergency. So I'd be glad to answer any questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR HASARA:

I just ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 425 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, there are 55 Ayes, no Nays, none voting Present. Senate Bill 425, having received the constitutional majority, is declared passed. 430. Senator Fawell. Read the bill, Madam Secretary.

END OF TAPE

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ACTING SECRETARY HAWKER:

Senate Bill 430.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the Pro Bono Professional Service Immunity Act. This Act would allow lawyers and doctors who see clients in their offices to be covered by the cloak of immunity, similar as they are -- as the doctors are covered if they go to a free clinic. This is a direct result of -- of two experiences that I have had. My son happens to be a trial attorney, and quite often is asked to take cases, either by the Bar Association of DuPage County or the courts, and -- and act as a -- as an attorney, without a fee. He is not presently covered by any immunity. The doctors have the same problem. I went to a -- a conference down in Will County and discovered that most of the counties are similar to mine - they do not have a freestanding building where we send our clients that are -- our constituents that are either underinsured or uninsured, and the doctors will see them in their offices. What has happened is, if there were -- was a building where the doctors could go, they would be covered by the Good Samaritan Act. Presently it is -- they are not covered if they see them in the offices. What came out of that conference was the City of -- of Rock Island and the City of Rockford, who does exactly what DuPage does - and that is allow these clients to come to the offices - both said, you have now ruined our system, because what we do is we ask doctors to join a -- a group who are willing to see these clients in their offices, because we cannot afford to put up a freestanding clinic. These clients would have to be referred through either a health

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department, a court, a governmental agency of some kind or another, or by a bar association or a medical association. So we would avoid the problem of someone saying, "Well, I goofed, but I wasn't going to charge you anyway; therefore, I am immune." I would be happy to answer any questions concerning this bill, and I ask for a...

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR COLLINS:

Senator Fawell, can you tell me of -- of a -- give me an example of a situation that -- that would occur where this service would be rendered?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR COLLINS:

And -- and -- and the person would not be liable -- would be -- for any problems that occur? Could you -- has something happened to make you put this -- you know, introduce this bill? Is there an incident or an example that you can give us? 'Cause I truly don't understand why -- why you're doing this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

We -- we are doing this to try and get more doctors to handle these cases and more lawyers to handle these cases. The Prairie Legal Services have, indeed, said that this would really help them to -- to get more lawyers signed onto their services and be willing to do the pro bono work. The doctors also have been

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fearful in seeing clients, because there is no building in some of these counties where they can go and get this immunity. By the way, "willful and wanton" is accepted. It is only negligence that they would be immune from. And consequently, there are a lot of -- of single parents, for instance, people that are not on welfare, because they, of course, would be covered by Medicaid, but people that are just hanging in there by the skin of their teeth. Senior citizens who would like to be able to go to a doctor, but we don't have any doctors willing to sign on, because they are not covered, because there's not a building that they can go to.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Senator, I -- why did you lump the doctors in with the -- the legal profession?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Fawell.

SENATOR FAWELL:

Number one, I -- I'm a little prejudiced towards lawyers. I happen to have -- I happened to have raised one, and I have a daughter-in-law that is one, who quite frequently, frankly, are standing in court, and told by the judge, "You are a guardian ad litem, and by the way, you're not to charge". He also, frankly, does a lot of free work for people who cannot afford lawyers. I personally think that if a professional man is willing to donate his time and his talent towards the betterment of society as a whole, we shouldn't then be punishing them by hanging them out there to dry, when if, indeed - particularly as far as the -- the doctors are concerned - if they just went to a building, they are covered, but if they see them in their offices, they are not covered. That doesn't make any sense to me.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I ask you for a moment to put yourselves into the shoes of a person who does not have the assets to retain a private lawyer or a private doctor, and you go - let's take a lawsuit - you've been run over on the street, you -- you are referred by the bar association to a lawyer to represent you as a result of being run over by a car. And under Senator Fawell's bill, you go to that lawyer, and that lawyer reads the police report and he misreads the -- the date of the accident. The day of the accident was June 1st, and he marks it down as July 1st, and two years pass and that lawyer wakes up and decides that he marked down the wrong date. Now that's not willful and wanton negligence, Ladies and Gentlemen; that's ordinary negligence. But because of just marking down the wrong date, your lawsuit for your injuries cannot be brought, and that lawyer, who held himself out to be a reputable, competent lawyer, has prevented you from recovering for your injuries. Shouldn't that lawyer be held responsible for his ordinary negligence, whether he intended to charge you or not? I suggest to you that when we're licensed as lawyers, we owe our client - whether they pay us or we do it for nothing - we owe that client the highest degree of care and attention. That's our obligation as lawyers. If I was a doctor and I misread the chart. The chart says I have a problem with my left arm and I misread it and I amputate the right arm. Now that's not willful and wanton. Shouldn't I be responsible, even if I've done it for nothing through a medical program? Shouldn't I be held responsible for having amputated the wrong arm of that client -- of that patient? Of course I should. But under Senator Fawell's bill, neither that lawyer that wrote down the wrong date of the accident, nor the

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doctor that amputated the wrong arm, would be held responsible. That's outrageous, Ladies and Gentlemen. The reason we license lawyers, the reason we license doctors, is to hold them to the high degree of their professions. Just because they don't charge - nobody's forcing them to take those patients, nobody's forcing them to take those clients. I've got to tell you that as far as I'm concerned, no lawyer should be responsible for less than the highest degree of care, whether they charge their client or whether they don't, and I expect no less from the medical profession. This is an outrageous bill, and I urge you to vote No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

How miserly is society to be? How often are we going to sit back on the throne of the supposedly moral high ground in this case and listen to the horror stories? How long is society going to punish good acts and good will? We, here, set public policy. It is inherently normative. We want the message to be loud and clear. This Legislature, this State, this society, wants to encourage this type of activity. We want pro bono lawyers. We want doctors who are willing to do this for free. We want these professions to extend themselves for the interest of society. This is not a defense that someone can stand up later and say, "Hey, I never charged them, so I can't be guilty." This only is the case in the case of pro bono organized activities, either of the medical profession or the legal profession. How miserly are we going to be? How often are we going to say, "Doctor, don't stop by the roadside to help that dying man, because you might get sued"? And that fear is not an unreasonable fear. That fear is well-founded. Talk to any physician you know, talk to many lawyers you know, and they will tell you candidly they fear

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lawsuits, almost as much as they fear losing a case at trial. It is a problem, Ladies and Gentlemen, and it inhibits society from helping its less fortunate members. I say it's time to stand up to the trial bar, and to say, "Look, if you don't want to be immunized, don't take free cases. Charge anything the market will bear, and then we can sue you for negligence." But in a case where these people, in the first instance, extend themselves in good faith, we will give them some degree of protection. And it is not just a question of a finding of negligence; it is the threat of a lawsuit which inhibits this behavior; it is the allegation in a lawsuit which inhibits this behavior; it is the cost of defending these claims, whether they're valid or not. So let's stop being so miserly. Let's stop hiding behind the throne, and say to society, "We want you to help your fellow man."

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. I think Senator McCracken has spoken extremely eloquently on the point, and I would just like to make one further comment, and that would be that attorneys and doctors are both -- have to answer to their disciplinary committees; the attorneys to the ARDC, and the doctors to their licensure board, and these doctors and attorneys are responsible. We don't want someone to die along a roadside because a doctor is scared that he's going to be sued for trying to help someone, and I think that this is an outstanding bill, and it's one that's worthy of all our support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. You know, it's just amazing that -- and, you know, I found it more and more as I sit here. Find it

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amazing. I have great respect for Senator McCracken, as well as Senator Fitzgerald, and as we're thinking we come up here, and then all of a sudden we've reached the point, you know, of no return, or the moment of truth, and then all of a sudden we take off and come to complete different opinions, or complete different conclusions. So everything you just said, I thought, Senator McCracken, right as you came to it, that you were going to say, and you should vote No. And then all of a sudden, it was -- it was Yes. I mean, compassion. Well, are we switching sides here? Of course, we want people to be -- and -- and give volunteer, but what I can't understand is we're talking about lawyers and doctors. Time-honored professions. Lawyers and doctors should be held to high standards. We're not talking about a thing in the road where someone comes by, and good Samaritans. We're talking about someone who's going to go out there and they -- whether there be a defendant who's charged with a criminal case, he has to know in his heart when he comes and talks to his lawyer and tells him the truth - and this is the only person that may be standing between him and his liberty - that this man is going to give the highest degree of care. We're not talking about emergency situation; we're talking about a lawyer who has to be referred, who goes up and says, "I want to do the pro bono work. I want to give back to society." So -- "but I'll only give back if I'm protected" - that the guys who pay me money or the people who pay me money, they can sue me, but if I go do free work I want to be protected. This isn't about punishment. We don't want to punish lawyers who go do good work. We want to go to their clients who have nowhere else to turn, and tell them, if you're poor and can't pay, you're going to be -- you're going to -- your lawyer's going to be held to the same standard, to the people who could get it up, who can pay. But if you can't pay you're going to be -- have a lesser standard? That doesn't make sense. Of course we want to

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go out and give a public policy that people should be good Samaritans, but we also want to set public policy that if you can't pay, that you're going to give the same standard of care that anybody else did. You can sue that lawyer, just like you can sue the lawyer who was paid three hundred dollars by your codefendant 'cause he's got the money. So I would just submit that we go there at the same rate and at the same place, but we seem to take off. So I just think it's a bad bill. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I heard a comment the other day that I thought was amusing, but after listening to the debate today, I'm not so sure it is. The comment was that if Hillary Clinton had been a doctor, we would probably be doing tort reform. And after hearing this debate today, I'm not so sure that that was such a funny comment. I cannot believe - and I guess we all know why we have a health care crisis - that people who do something out of goodwill ought to be subjected to the kind of treatment that you think they're entitled to. I just don't think we're ever going to resolve any of these problems with that kind of attitude.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Dunn.

SENATOR T. DUNN:

Well, thank you, Mr. President. I really didn't understand the comment about Hillary Clinton, but maybe we could get Nancy Reagan to read some tarot cards and give us some interpretation, Senator. Senator Fitzgerald, we have a Good Samaritan Act in the State of Illinois that covers the scenario that -- that you painted about someone along the road. It's amazing how -- how we interpret consumer protection here in this Body on the different sides of the aisles in the ebb and flow. I really look upon this

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as an abdication of responsibility, something that ought to ring a bell on that side of the aisle. Let's face it. I worked for Legal Aid in the City of Chicago as an attorney, and I worked -- I still do pro bono work. And I've got to tell you that I think a good attorney or a good physician -- the last thing he or she cares about is whether or not I'm getting paid. A true dedicated -- well, you -- you may -- you may laugh about that, but in my profession we have the opportunity to do free work, and I will tell you that I'm one of those attorneys that does that, and I do it because I think I ought to give something back to my profession. And I'll also tell you there are good physicians who do the same darn thing, day in and day out, in my community, and probably in yours. But the question isn't whether or not we're going to be generous or miserly. The question is, are we going to live up to our responsibility to an individual client or patient, and that answer has got to be Yes. And you know darn well that if -- if there's a case involving a lawyer or a doctor and there's a question of a charge, and there's -- there's a negligent act either by the lawyer or the doctor, how many people are going to stand up and say, "Yes, I was wrong to you, patient or client, and I accept the responsibility," if they've got a way out? Not too many.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Even if you agree with the intention of the -- the sponsor - and I think she is well-intentioned - I would suggest to you that if you read the bill, I really think there's a major loophole found in the bill, and I -- and I would suggest that if the bill ever got close to passage, that it would have to be amended. Now, if you just read the Section 10 that talks about immunity, it says an

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attorney or physician who provides legal advice or assistance or medical treatment, and who receives no fee or compensation, shall not be liable for civil damages. Now I would suggest to you that if there is a lawyer or a physician who has been paid, who then performs some malpractice, all they have to do is send their fee back. All they have to do is send the check back and say, "I wasn't compensated; I've received no fee, therefore I have no liability." That has got to be clarified if this bill was ever -- be so close as to go to the Governor, because I -- I understand the intention of the sponsor. And I'm sure that's not her intention. But the way this bill is drafted, that's what it says - receive no fee. And I think that it's a -- it's a major loophole that -- that makes the bill something that we should not pass, and for that reason I would oppose it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I am not an attorney -- excuse me. I'm not an attorney, and I -- I understand this to be a trial lawyers' fight, or a lawyer fight here, but I think we've gotten far afield from what this bill does. I'd like to ask the sponsor a question, please.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she would yield.

SENATOR KARPIEL:

Is it true that, in some areas of the State, there are what we could call free clinics and that either the courts -- that the courts could refer pro bono work to doctors or attorneys who operate out of those so-called free clinics?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

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There are if the -- if the doctors are referred to the free clinics, they are covered by the immunity law, if there is a free clinic in the form of a building.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

And so, at the present time, we're not changing that at all. If a court -- a judge refers pro bono work to an -- to a doctor, or to an attorney, if there is a qualified referral under the -- the bill - and I don't have a copy of it in front of me anymore - and they go and they do that work in this building, which we can refer to as a free clinic, they are covered by -- they are not liable. They have this immunity. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Yes. It is -- it is free. It is...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

All we are doing, under this bill, is saying that if there is no freestanding building and the same kind of referral is made by the proper authorities for this pro bono work to be done, that doctors who do not have - in their county, in their area, whatever - do not have a freestanding building called a free clinic, that they have the same immunity under this bill that the doctors have in the areas where there are the free clinics. So all we're doing, Ladies and Gentlemen, is extending that immunity to those areas of the State that are not covered by -- or do not have these freestanding buildings. We've gotten far afield talking about the Good Samaritan Act, and people on the side of the road. We know that is not the purpose of this bill. It is simply extending that

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immunity to those doctors and lawyers who do not practice in areas where there are these freestanding clinics that they can operate in, and so we're extending to those areas of the State, like Rockford, like Will County, like a lot of areas in this State, where they do not have these freestanding buildings. And I don't know what the whole big fuss about is.

PRESIDING OFFICER: (SENATOR WEAVER)

It had been the Chair's intent to adjourn about 6:30, but I think we better plan on being here till 10:30 tonight. For the second time, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I apologize for rising a second time. But, Senator Karpriel, let me point out to you that the limitation regarding the building may apply to some situations involving a doctor, but let me tell you that has -- that has no application to the legal profession. Under the language of this bill, if I call up the local bar association or the legal service -- the -- the legal service clinics, and I say, "I'm on public aid; I need a lawyer, because I'm being evicted. I need someone to defend me", and they refer me, that is what is called, under this bill, quote "an organized referral system" unquote. And if that lawyer that they refer me to screws up, is negligent, they are not responsible to me. Well that shouldn't be. That lawyer that renders that service should owe to that client a high degree of care. That's all I'm arguing about. I speak as a lawyer. The lawyers owe their clients a high degree of care. I don't want immunization just because I don't charge, or because the bar association or the legal service bureau sends me a client. If I represent that client, I owe that client the highest degree of care, whether he says -- whether that client is for nothing or pays me a million dollars. There should be no difference. And a vote for this bill says, because you're poor, you're going to get

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a lower class of services by the professionals that we license in Illinois. Shame on us.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she would yield.

SENATOR JACOBS:

Senator, as you know, I originally signed on as a cosponsor of this bill, and then took a second look at it and withdrew my -- my sponsorship for a couple of reasons, but one question, if I could. Under the -- the terminology of -- of the "qualified referral", which includes that referred to by a governmental agency, are we, in effect, by that saying that every individual who is a Medicaid or a Medicare patient that is referred to a attorney -- would they be covered or would they be not covered? Would they be able to sue or would they not? And the way I...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Medicaid and Medicare obviously do not cover legal fees, if that's what your question is. And yes, if -- if a Medicaid or a Medicare person wanted to go to an attorney, and the attorney was willing to take that case, yes, they would be covered.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Yeah. I think that it's a little broader than that, Senator. I think what we're looking at is that if the agency refers any of these people, anyone who is under Medicaid or Medicare could be

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construed to be being recommended by a federal agency, and therefore, would not be in a position to sue, as I see the -- the bill at this present time.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to approach this from a somewhat different angle, as a consumer of medical and legal services. If, in fact, it is true that this bill would make pro bono lawyers and physicians, who would treat people at -- for no fee, more available, then I believe that this, indeed, is a good bill. I work with legal assistance. I get many calls every week from people who need free legal or medical service, and there are no physicians or lawyers to refer them to. Normally they are cases that attorneys don't even want to bother with. So I say let's ask consumers. And I believe you will hear them say that, yes, they would be glad to have the pro bono lawyer or the physician who would treat them for no fee, if in fact there would be more available if this immunity were in place. So we're -- we've discussed all the angles from the lawyer's and the physician's standpoint. Let's look at the people that we're trying to help in the first place. And I believe that they would be in full support of this legislation. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Luft. Senator Luft? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield, Senator Shaw.

SENATOR SHAW:

Senator, if -- if a senior citizen went and got one of these

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lawyers -- obtained one of these lawyers or one was referred by one of the various groups, and that attorney missed the court date -- say that that senior citizen had some problems maybe with her home or his home, and that lawyer missed the court date -- court date - under this bill, that lawyer would have complete immunity, even though the senior citizen would have lost their home. Is that what you're saying here?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Senator, I'm glad you asked that question. You know, I'm a little appalled at the attorneys that are standing up and talking as though their profession were the kind that didn't have standards. I put a husband and a -- and a son through law school, and I was very proud of the fact when they stood in front of the Supreme Court, both of them raised their hand and became officers of the court, and as officers of the court, they are required to have certain standards and to conduct themselves in certain ways. In fact, one of the things that you have to do before you become a lawyer is, you have to go in front of a committee to make sure that ethically and morally you are accepted by their profession. Now, what I'm hearing from the attorneys on the other side is that they don't really care about people who are poor; they don't care about people who could not afford their services; that all they care about is that darned fee that they might be able to collect at the end of the -- at the end of the case. Well, I happen to have a son who feels otherwise. I've had a son who has prevented widows and orphans from losing their home. I've had a son who has taken battered women into court and gotten them -- gotten her a free divorce. I have a daughter-in-law who has done similar type work, and I'm very proud of them. Did he ask me to have this -- this bill? No, he did not, but I have been told by the Prairie

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Legal Services that they cannot - they cannot - get attorneys who are willing to take clients because of the exposure, because of the fact, not that they would do the work poorly, but because of the fact that they have their insurance to pay, and their insurance will go up because of the fact their exposure is more. Now, I think this is pretty sad when the legal profession tries so hard to kill a bill which would take care of people that -- that are in your district, Senator Shaw, that are -- are -- are looking for attorneys to do just exactly what you're talking about. To prevent losing their homes; getting -- not being able to obtain their divorces...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, I think you've answered his question. Senator Shaw, do you have any further...

SENATOR SHAW:

Thank you, Mr. President. To the -- to the bill: but it -- it seems as though to me that what the lawyers have been talking about here on this side of the aisle is absolutely right, in terms of the doctors and lawyers who represent indigent clients. They should be held in high esteem and they should have responsibility to society. But what this bill would do here is remove all of that responsibility. I could see it if you had something in the bill...(inaudible)...where that they could be referred to the local bar association, but you don't -- you don't -- the bill don't address that. I -- I don't have the bill here, but the bill doesn't address that. But this -- this bill would -- we have an overcrowded -- conditions in Illinois State penitentiaries today, this bill would cause us to have to build another, probably, twenty institutions in this State, probably for the next -- in the next ten years. I think this is a bad bill. I think this bill is aimed at the poor, the senior citizens who cannot afford lawyers, who have lawyers appointed by the courts and other bodies. And

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now you want to give those lawyers complete immunity in terms of representing the people who cannot help themselves. I think that this bill should be defeated, and I -- I ask for a No vote on the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Ralph Dunn arise?

SENATOR R. DUNN:

Thank you, Mr. President. I hate to interrupt this exciting debate, but I have a matter of -- point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR R. DUNN:

I -- I have a group of students from Okawville, Illinois, Immanuel Lutheran School. A group over on the Democrat side with their teacher, Terry Mason, and eight other parents. I'd like to welcome them to Springfield, and tell them they arrived at a good time. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate. Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. You know, I've been listening to the debate on both sides, and I think there are good points on both issues, but I'm trying to think of it in the real world, the world that many of us in the business world and private lives live through. And the lawyers that I've had contact with - the lawyers that serve in this Chamber - I have found to be extremely competent. When I've asked many lawyers if, in fact, lawsuits are common against members of their profession, they tell me they are very rare. So it'd seem to me that if we're talking about helping hundreds and hundreds of people with some legal or professional or medical work, that the number of lawsuits that we have in the

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first place about incompetence is so small that we're talking about them in a tiny possibility chance that somebody would even be sued, because it doesn't even happen too often when you pay a lawyer. So it seems to me when we're looking about helping people, we'll help hundreds and hundreds more people who will never ever sue, because they receive competent, skillful work from professionals. And I think the bill should be supported.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins, for the second time.

SENATOR COLLINS:

Yes. Thank you, Mr. President. Senator, I didn't get a chance to really comment on the bill, but I'm sure that you know this -- this is not a new concept, and you also know that I really do support the whole concept of trying to provide for an opportunity for professional people to give something back to society to help those that are less fortunate, because I introduced a bill last year creating a professional volunteer corps, which actually this bill has just renamed it as something different. Although I didn't grant them immunity from liability. I had the bill in last year, so -- so you know I support the basic concept of your bill. The problem that I have here, Senator, is on the -- on the medical providers side; I'm really concerned about that, because the bill does not put any safeguards in it at all that would protect these clinics. If you're -- 'cause that's what you're trying to get at now, allowing them to open up in their own private clinics to provide these services and -- and to relieve them from the liability. But it does not -- it does not put any safeguards there for experimentation and -- and there's -- there's just a lot of that going on out there in the field. So there -- there -- which also provides greater opportunity for problems to arise out of those kinds of -- kinds of services, and we just cannot afford to do that. But then let me speak to the

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broader issue, and I'd like for the Members on that side of the aisle and -- and all of us to really listen to what I have to say here, because this is what is happening in this Chamber, and we're charting a very dangerous course. And I -- and I must say to that side of the aisle, I really believe - and I want to believe - that you're doing it out of a need to respond to some of the critical problems that we are having in this State. But let me tell you something, and I know you're also doing it because you -- you are also trying to establish a platform upon -- a political platform, because this is the nature of this whole thing - it is a political animal. I understand that, too. But what you're really doing is charting the same course that gave us Jimmy Carter in the -- in the White House, and thank God for that. And maybe you'll give us a Democratic Governor, because the kind of courses that you are embarking upon, no matter how well your intentions are, the end results is that you're showing a lack of compassion and insensitivity to poor people. If you're rich, if you're wealthy, hey, you can have one class of services. If you're poor or if you're a minority, there's another type of services for you. And we will limit your rights. I don't think that's the course that you want to chart here, but everything -- the major issues that you're passing out of this Chamber, in the final analysis, no matter what your intentions are, that's what it'd end up being, and that's what this bill is, and I think we ought to defeat it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, to close.

SENATOR FAWELL:

Well, thank you very much. I'd like to address, first of all, Senator Collins first. Senator Collins, I hope you...(microphone malfunction)...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, you're closing.

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SENATOR FAWELL:

Yes, I am. Senator Collins, in your city, you have freestanding clinics - buildings where -- where doctors can go and give their time and their talent, and they are covered by exactly the same immunity that I am talking about. All I want to do is extend that immunity to doctors who don't have the privilege of having a building in their area and are willing to see these same clients in their offices. Senator Berman - Senator Berman - I talked to the bar association in my county, the DuPage Bar Association in my county, and told them what your concerns were, and I will tell you they were appalled that an attorney with your reputation would even suggest that attorneys would do what you suggested - be negligent of their -- of their clients, whether they were paid or whether they were not. That is not what this bill will do. Doctors and lawyers are still held to the standard of willful and wanton. They can still be sued. This will offer them a small amount of protection. I think it is a good bill. I think we should encourage our professions to give their time and their talent to help those who cannot afford their services, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 430 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? One more time. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 25, none voting Present. Senate Bill 430, having failed to receive the constitutional majority, declared lost. For what purpose does Senator Fawell arise?

SENATOR FAWELL:

I'd like to have that put on Postponed Consideration, please.

PRESIDING OFFICER: (SENATOR WEAVER)

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Postponed Consideration. Senate Bill 432. Senator Hawkinson.
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 432.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 432, as amended, amends the Human Rights Act to conform that Act with the Americans On Disabilities Act <sic>, in regard to the habitual use of illegal drugs or alcohol, and provides essentially that the current illegal use of drugs or abuse of alcohol shall not be considered to be a handicap under the Act. This bill came through the Commerce and Industry Committee seven to zero with one voting Present. A companion bill, House Bill 844, yesterday passed the House on the Consent Calendar unanimously, and I would urge its adoption and would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, -- Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Hawkinson, I was the one who voted Present, as you may recall, and I have the same questions on the Floor that I had then. The question of confidentiality of the drug test - will these become a part of the worker's record? I don't find that that was answered in my analysis.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I did not present the bill in committee, so I didn't hear the exact phraseology of your question, but I've been advised that this bill does not, in any way, change the law on confidentiality. If someone is fired, or otherwise treated, because of current illegal use of drugs, that will become part of their personnel record, but this bill itself does not in any way expand -- expand or take away from current confidentiality laws.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Palmer.

SENATOR PALMER:

One more question. Does that include alcoholism?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

It has -- it has to be affecting the work, or used at work, as I understand it. When this bill was first introduced, I saw that the definitions of abuse of alcohol were different in the bill, as introduced, and in the federal law under the EEOC and the Americans For Disabilities Act <sic>. At my request, the people who proposed this bill have amended it, and we amended it here and in the House with Senate Amendment 1, to conform the language to the federal law. So that's the language that is in this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Do you wish to close, Senator Hawkinson? The question is, shall Senate Bill 432 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. Senate Bill 432, having received 49

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Yea votes, 4 Nays, 1 voting Present, declared passed.

PRESIDENT PHILIP:

Senator Garcia, on Senate Bill 435. Pull it out of the record? Take it out of the record. Senate Bill 436. Senator Hasara. Read the bill, Madam Secretary. Senator Hasara, do you wish this bill to return to 2nd Reading for the purpose of an amendment?

SENATOR HASARA:

Mr. President, I move that Senate Bill 436 be moved back to 2nd Reading for purposes of an amendment.

PRESIDENT PHILIP:

Senator Hasara seeks leave to move Senate Bill -- Senate Bill 436 back to 2nd Reading for the purpose of amendment. Any objections? No objections; so ordered. Now, on 2nd Reading, Senate Bill 436. Senator Hasara. Madam Secretary, read the amendment.

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Hasara.

SENATOR HASARA:

...Mr. President. The original bill is a rewrite of the Mine Subsidence Insurance Article, and Amendment No. 3 is largely technical in nature. It was on the Agreed Bill List in committee yesterday. I move for its adoption.

PRESIDENT PHILIP:

Any discussion? Any discussion? 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. Senate Bill 437. Senator Demuzio. Take it out of the record. Senate Bill 439. Senator Watson. Read the bill,

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Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 439.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This legislation does exactly what the Calendar says. It requires the Secretary of State to establish rules and regulations for the issuance of a restricted agriculture-related commercial driver's license. As many of you know, federal government required us to pass a commercial driver's license here in Illinois, and throughout the country, for that matter. Last year the Federal Highway Administration allowed the states to make some changes and issue restricted permits. And this legislation comes on behalf of the Illinois Fertilizer and Chemical Association dealers, primarily those who are out in the rural area providing services to the agriculture community. What this would allow is for a restricted CDL to be available a hundred and eighty days a year, which is primarily their peak period, and only operated within a hundred and fifty miles of their place of business. I know of no opposition. The surrounding states in Illinois have this provision: Missouri, Kentucky, Wisconsin, Iowa and Indiana. Be glad to answer any questions; otherwise, I'd appreciate your support.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Was the technical -- was there a technical amendment to this, Senator Watson, that gives the Secretary of State's Office some

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time? It was my understanding that the bill takes effect January of -- January of -- 1 of 1994 and the regulations must be in effect January 1, '94. So effectively, we're saying the Secretary of State must do this on the same day that the law becomes valid.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, the Secretary of State is fine with this. The -- we did have an immediate effective date put on by Senator Collins, and it -- all the provisions have to be in place by January 1st, 1994.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Yes. We were just informed that the technical aspect has been taken care of. So, thank you very much.

PRESIDENT PHILIP:

Further discussion? Senator Watson, to close.

SENATOR WATSON:

I ask for your favorable vote.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 439 pass. Those in favor will vote Aye. Those opposed will vote No. 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 439, having received the required constitutional majority, is declared passed. Senate Bill 442. Senator Cullerton. Take it out of the record. Senate Bill 444. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 444.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, we live in such a fast-paced world today, things change: computers, fax machines, printout sheets and everything else are a part of our everyday life. Senate Bill 444 reflects a change in the Local Governmental and Governmental Employees Tort Immunity Act, so that we can include computers and other electronic transmissions from immunity -- from liability for both public entities and their employees. Right now the current law includes a protected class of information given either orally or written or in a book or library form. This bill would include the computer or any other electronic transmission from that immunity, and therefore, I ask for its -- passage of Senate Bill 444.

PRESIDENT PHILIP:

Any -- any further discussion? Any further discussion? All right. The question is, shall Senate Bill 444 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 Senate Bill 444, there are 57 Ayes, no Nays, no voting Present. Senate Bill 4444 <sic>, having received the required constitutional majority, is declared passed. Senate Bill 450. Senator Demuzio, do you wish to move this -- return this bill to 2nd Reading for purpose of an amendment? Is there leave? Leave is granted. On the amendment -- Madam Secretary, would you read the amendment, please.

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Demuzio.

PRESIDENT PHILIP:

Senator Demuzio.

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SENATOR DEMUZIO:

Well, thank you. This was a -- an amendment that was recommended by the committee for -- heard yesterday for recommendation on the Floor today, and it's basically technical, and I would move its adoption.

PRESIDENT PHILIP:

Okay. Any further discussion? If not, on Senate Amendment No. 1 to Senate Bill -- excuse me. Senator DeAngelis.

SENATOR DeANGELIS:

I'd like to have the Senator explain his amendment.

PRESIDENT PHILIP:

Madam Secretary, has the amendment been circulated? The clerk indicates to me it has been circulated, Senator -- you have a question, Senator? Senator DeAngelis.

SENATOR DeANGELIS:

I just want the Senator to explain his amendment; that's all.

PRESIDENT PHILIP:

Okay. Senator Demuzio.

SENATOR DEMUZIO:

It takes out redundant language, such as the Purposes Fund, as we explained yesterday, and that's all it does.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Does it remove any funding sources, or add any funding sources, or switch any...

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

No.

PRESIDENT PHILIP:

Any further discussion? Senator DeAngelis. Any further

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discussion? All right. On Amendment No. 1 to Senate Bill 450, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Now, are there any further amendments?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 460. Senator Topinka. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 460.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. -- Mr. President and Ladies and Gentlemen of the Senate, this amends the Domestic Violence Act to allow a petition for an order of protection to be filed by a police officer on behalf of a person alleging abuse by a family or household member. It comes to us from State's -- DuPage County State's Attorney Jim Ryan's office. It has been an issue that -- that we've kicked around in a group called the CALEO Foundation, which annually holds a -- a meeting and a seminar and brings together experts on domestic violence - what can be done. One of the problems has traditionally been that a person who has suffered domestic violence just fears to file a complaint to ask for assistance, for fear that it's going to start again, or start back the next day or not stick with the complaint. This would make it easier for the police officer on the scene to -- to discretionarily decide that it was time to do it, thus making it easier for the -- for the person who is being abused. I would seek your favorable roll call

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on it.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

The sponsor indicates that she will yield. Senator Cullerton.

SENATOR CULLERTON:

There's a couple of phrases in the bill that are a little unclear to me, so if you could just explain what they -- what they are intended to mean. The word "on behalf of", which is on page 2 of the bill. On behalf of the family or household member. Does this mean with the knowledge, or with the permission of that household member?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

It is not my intent to cover permission or request or need or desire or anything on the part of the victim. This leaves it discretionarily to the police officer.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR CULLERTON:

The second question: With regard to the term "alleging abuse" -- "of the person alleging abuse". Does that have to be a victim of the abuse, or could it be a witness?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

That is to mean the victim.

PRESIDENT PHILIP:

Senator Palmer.

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SENATOR PALMER:

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

PRESIDENT PHILIP:

Sponsor indicates she will yield. Senator Palmer.

SENATOR PALMER:

Senator, I'm just curious; have you talked to women's organizations about this? The reason I'm asking is, I wonder if you have any sense of what the consequences would be. And I understand what your bill is trying to do, and I agree with you that victims of abuse are often reluctant to file claims, but I'm just wondering - even if someone else does this, what could the possible consequences be to that victim? Do you have some follow-up to this? What are women's organizations saying about your bill?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

I have no idea.

PRESIDENT PHILIP:

Further discussion? If not, the question is, -- Oh, excuse me. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT PHILIP:

She indicates she'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I assume since this is coming from the State's Attorney of DuPage, that we're not changing, in any way, the actual method of filing these petitions, that the -- the police officer, as petitioner, would go through the State's attorney or another attorney, rather than directly filing it himself or

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herself. Is that correct?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

That is correct.

PRESIDENT PHILIP:

Any further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Just to seek a favorable roll call.

PRESIDENT PHILIP:

On -- the question is, shall Senate Bill 460 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, 1 voting Present. Senate Bill 460, having received the required constitutional majority, is declared passed. Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. As you know, the Rules Committee was meeting when we were in Session. I understand I had a bill on 3rd Reading that I have an amendment that was adopted or approved to be -- for adoption in committee. I wonder if I could have leave to go back to that bill, just so I can adopt the amendment.

PRESIDENT PHILIP:

I don't see any problem with that. Is there any objection? No objections. Leave is granted. On the bottom of page 15, Senate Bill 442. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

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Thank you, Mr. President, Members of the Senate. This bill amends the Condominium Property Act. The amendment was suggested by the Condominium Committee of the Chicago Bar Association. It simply decreases the term from eighteen to thirteen months of a lease that a board is able to enter for a unit when it has been given possession, and it makes another technical change, and I would move for the adoption of Amendment No. 2.

PRESIDENT PHILIP:

Any further discussion? Senator Fawell. Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. While we're on that order of business, I wonder if we could allow me to take Senate Bill 908 back for the same reason. There's a technical amendment.

PRESIDENT PHILIP:

You know, the only reason I -- we gave leave to Senator Cullerton, because he was in the Rules Committee. You know, we can't keep going back on the Calendar. It makes it most difficult for the clerk also, and it just slows down the whole process. I'm only doing it because he's normally on the Floor and on his seat, but he was at the Rules Committee meeting, which he had to be at, and that's the only reason. Any further discussion? All right. On Senate Amendment -- oops. Senator Peterson.

SENATOR PETERSON:

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

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Peterson.

SENATOR PETERSON:

Senator Cullerton, I wanted to know if this amendment has been approved by Representative Levin?

PRESIDENT PHILIP:

Senator -- I hope not. Senator Cullerton.

SENATOR CULLERTON:

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No. I can assure you that he's opposed to the amendment, and I would ask for its adoption.

PRESIDENT PHILIP:

All right. Any -- any further discussion? If not, on Amendment No. 2 to Senate Bill 442, all those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The -- the amendment is adopted. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 464. Senator Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 464.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would make it a Class A misdemeanor for a teacher or otherwise certifiable school -- school employee to make a false statement or leave off employment history on their application for employment at the school. This bill passed out of the Education Committee unanimously. I urge its adoption.

PRESIDENT PHILIP:

Okay. Any further discussion? If not, Senator Dunn, to close.

SENATOR T. DUNN:

Urge an Aye vote.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 464 pass.

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Those in favor will signify by voting Aye. Those, 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 57 Ayes, no Nays, no voting Present. Senate Bill 464, having received the required constitutional majority, is declared passed. Senate Bill 465. Senator Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. About five years ago I passed a bill that said that if you deal with the State of Illinois and you are the beneficial -- hold a beneficial interest in a secret land trust, that the public had a right to know when you dealt with the State of Illinois or any subdivision thereof. This bill expands that a little bit, and states that if you add a beneficial interest person during the term of a lease with the State, the State shall be notified of that addition, and if you take someone off of that trust - their beneficial interest - that the State is entitled to notice that that individual has been deleted. It also requires that a complete copy of the land trust be delivered to the leasing agency of the State of Illinois, so that the State has a full opportunity to investigate the beneficial interests of the land trust. I'm happy to answer any questions.

PRESIDENT PHILIP:

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

SENATOR T. DUNN:

This passed unanimously out of the Judiciary. I urge an Aye

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vote.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 465 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 57 Ayes, no Nays, no voting Present. Senate Bill 465, having received the required constitutional majority, is declared passed. Senate Bill 466. Senator Mahar. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 466.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. The first part of this bill allows the Pollution Control Board or a court to abate a penalty which was assessed under the Environmental Protection Act. The abatement may not exceed eighty percent of the penalty, and this would only happen when the abated amount would go to the remediation of the -- of the site. And the abatement is only available when the defendant shows that there was not a technologically feasible or economically reasonable opportunity to prevent the violation. The second portion of the -- of the bill, as amended, incorporates Senate Bill 338 into the legislation, and what this would do, this -- this part would hold these -- hold persons liable for only their proportionate share of the costs incurred in remediating or removal action, rather than the entire cost, as the law is now. I'd be happy to answer any questions.

PRESIDENT PHILIP:

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Senator Welch.

SENATOR WELCH:

Well, thank you, Mr. President. Like to point out for the Members who have been here for a while that this bill has been up for the last four or five years, and what it does is it eliminates the joint liability requirement for cleaning up a -- a waste site. So if you have a landfill that's contaminating your water supply in your community, instead of everyone who contributed to the landfill being responsible, the State will have to prove each individual contributor and the percentage of waste they contributed to that particular site that caused the contamination. Obviously, this is going to be a next-to-impossible job. What it's going to do is, in those sites where we have leaking underground tanks, if there are several gasoline stations in one area, the State will have to prove what percentage of gasoline contaminating your underground water supply came from each individual gasoline station. That's probably going to be an impossible task. So what you have here is the effect of eliminating the ability of the State to clean up these source of -- of contamination with the contaminator's money. So who's going to pay for it? It's going to be our constituents. It's going to fall, once again, upon the State General Fund to pay for these, or the overburdened Underground Storage Tank Fund. Neither fund has any money. We're, right now, over ten million dollars behind in cleaning up underground fuel tanks that leak. To pass this legislation is going to result in Illinois being even further behind. It's going to result in contaminated sites not being cleaned up, and it's going to result in one of the worst polluted States in the country. I think we should do as we have in the past, and defeat this bill. I would urge a No vote.

PRESIDENT PHILIP:

Senator Palmer.

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SENATOR PALMER:

Thank you, Mr. President. I would also like to point out to the Body that this is a bill we should question very seriously. I was listening to public radio this morning, and I'm sure all of you are aware of the water situation in Milwaukee. It has led groups to take a hard look at our water supply in this country. It is becoming threatened, and I suggest to you that when we permit this kind of questionable legislation which, as Senator Welch pointed out, is asking us to pick out of an -- a dangerous situation who is responsible for what piece of the danger, we are leaving ourselves vulnerable in ways that we don't have to. And I strongly urge us to vote No on this bill.

PRESIDENT PHILIP:

Further discussion? Senator McCracken.

SENATOR McCracken:

We don't have to leave ourselves vulnerable, according to the previous argument, but that's true only if you feel that the concept of fault is outmoded in American traditions of law and justice. That is all this bill is about. All we are asking is that fault be the basis for the apportionment of damages, period. That is the entire controversy at issue. Everyone will stand up and say, "Well, the sake of the environment demands that we abandon all these years and traditions of logic and justice." Enough is enough. You know, just because someone stands up and says, "Hey, it's the environment," we don't all have to turn a shade of green just because that's the issue, my friends. Some people can still stand up and say, "We believe in fault being the basis for any liability in our society." I respectfully submit that's all this does.

PRESIDENT PHILIP:

Senator Palmer, for the second time.

SENATOR PALMER:

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Thank you, Mr. President. And I apologize for rising for a second time, but if we pass this legislation, Senator McCracken may end up turning green from the consequences of such legislation. I want to point out -- I know that Senator McCracken is very fond of talking about the Constitution and other measures. I am also a student of Thomas Jefferson, whose birthday we celebrated the other day. Thomas Paine. And I remind all of this Body that there is a part of the American public that should be the common good. Thomas Paine called it common sense. This is one of the matters where we ought to focus on what is common sense. This is not a question of placing blame and you pick out -- out of a pool of dirty water, or a pool of collected garbage or any other matter -- whether it's your garbage or mine. The fact is that the consequences of having such will infect and affect your children, mine and everybody else's. So this is not a good bill.

PRESIDENT PHILIP:

Senator Welch, for the second time.

SENATOR WELCH:

...(microphone cutoff)...Since I raised the issue of -- of fault and liability, and Senator McCracken responded, let me respond to him. Senator McCracken, you hit the nail on the head. The question is fault. And those who are guilty of being at fault should pay the price. Not all of us sitting here who are citizens of the State who had nothing to do with these sites being contaminated. Not those individuals in those towns whose gasoline tanks leaked, but the several gas station owners who are directly responsible. That's who's at fault, and that's the question. You're right. Those at fault should pay. What this bill says is that, if you can't prove it, it's going to be a liability of the State of Illinois. And if the State of Illinois has to pay it, it's spread out throughout all of us, and those of us not at fault end up paying. So I agree, Senator McCracken. Those at fault

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pay. The question is one of proof.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, will the sponsor yield for a question?

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

This abatement provision - isn't it true that it's only available when the defendant shows that there -- that there was not a technologically feasible or economically reasonable opportunity to prevent the violation?

PRESIDENT PHILIP:

Senator Mahar.

SENATOR MAHAR:

No, Senator Geo-Karis. I think the -- the debate, as -- that we're discussing now is the other portion of the bill. That portion that you're referring to is -- has to do with the abatement of the eighty percent to go back to clean up the -- clean up the site. I think that the discussion that is going on on the Floor today is dealing with proportionate share.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, if I understand correctly, the -- currently, aren't the penalties imposed under the EPA deposited in the Environmental Protection Trust Fund or the Hazardous Waste Fund? And thus, those penalty funds are -- are not necessarily used to correct the violations for which they were imposed. And my understanding is that this bill would provide a mechanism for the penalties to be used for correction of the violation, rather than being available

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for nonrelated expenditures. Isn't that so?

PRESIDENT PHILIP:

Senator Mahar.

SENATOR MAHAR:

I'm sorry. Under that -- that portion of the bill, that is correct.

PRESIDENT PHILIP:

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

SENATOR MAHAR:

Thank you, Mr. President, Members. The discussion that we have heard for the last few minutes deals with the question of fairness - and I've heard these terms used today - and common sense. There was a -- a hazardous waste site that required a fourteen-million-dollar cleanup in my -- my previous district, and under this particular law -- and it was a -- and it was a site where they were recycling fuels. The fuels were then kept underground. The -- the owner of the -- of the property took off, and the State was obligated to come in and -- and clean up that site at a cost of fourteen million dollars. There is a -- cases where an individual -- a small company would have their -- their oil recycled at that site, and only have two barrels there. Under this law, they would be liable for every penny of the cost. Their assets for their -- for their -- for their business didn't accrue to fourteen million dollars. That's entirely wrong. Fairness would dictate that we have -- that we -- we should have proportionate share obligation. This come to us from the Illinois Manufacturers' Association, who many of their members have experienced this unfairness, and I would ask for a favorable roll call.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 466 pass.

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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 31 Ayes, 23 Nays, 3 voting Present. Senate Bill 466, having received the required constitutional majority, is declared passed. Senator Welch.

SENATOR WELCH:

Would ask for a verification of the affirmative vote.

PRESIDENT PHILIP:

That's always in order. Senator Welch has requested a verification. Will all the Senators be in their seat, and will the Secretary read the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDENT PHILIP:

Does Senator Welch...

SENATOR WELCH:

Yeah.

PRESIDENT PHILIP:

...question the presence of any Member voting Aye?

SENATOR WELCH:

Yes. Senator -- Senator Weaver?

PRESIDENT PHILIP:

Senator Weaver's in his seat.

SENATOR WELCH:

Senator -- Senator Dudycz?

PRESIDENT PHILIP:

Senator Dudycz. There he's -- just coming out of the phone

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booth. Any further questions, Senator Welch?

SENATOR WELCH:

Senator Watson over there?

PRESIDENT PHILIP:

Senator Watson is in that beautiful green coat, sitting in his seat, for a change. Any further -- any further questions?

SENATOR WELCH:

Senator Madigan?

PRESIDENT PHILIP:

Senator Madigan is sitting in his seat.

SENATOR WELCH:

Let's see...

PRESIDENT PHILIP:

Any further questions?

SENATOR WELCH:

Senator -- there's Senator Lauzen. No -- no further questions.

PRESIDENT PHILIP:

Okay. Thank you. On a verified roll call, there are 31 Ayes, 23 Nays, 3 voting Present. ...(microphone cutoff)...Bill 466, having received the required constitutional majority, is declared passed. Senate Bill 469. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 469.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. Senate Bill 469 amends the stormwater management provision of the

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Counties Code to authorize the imposition of service charges. Provides that the proceeds from service charge, where imposed, shall replace the property tax funding for service <sic> water management plan implementation. Also would allow issuance of certain revenue bonds for stormwater management capital improvements. The powers authorized may be implemented for a portion of the county. I ask for your affirmative vote on Senate Bill 469.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? The question is, shall Senate Bill 469 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 50 Ayes, 5 Nay, 1 voting Present. Senate Bill 469, having received the required constitutional majority, is declared passed. Senate Bill 472. Senator Berman. Read the bill, Madam Secretary.

END OF TAPE

TAPE 3

ACTING SECRETARY HAWKER:

Senate Bill 472.

(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.

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Senate Bill 472 merely requires that any State agency or unit of local government that grants any economic business incentive to private entity shall provide in writing the incentives provided, the performance standards for the private entity, a statement that the parties understand the provisions of this Act, and the penalties for violating the contract. This grew out of a situation in Ypsilanti, Michigan, where there was substantial incentives given, local property tax breaks, and after a very short time the plant closed up, people were out of -- out of jobs, and all that we're suggesting here - which is in response to a -- what I thought was a very well-done Chicago Tribune editorial - is to require that, when there is incentives given, it be put in -- into writing so that everybody understands the gives-and-takes of those business incentives. Be glad to respond to any questions.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I -- I -- I served on the Executive Committee when this bill came through and it certainly sounded like a good idea when we looked at it. But running a business myself, I was trying to sit down the last few days to think of some of these bills and how they work in the real world, and I have some questions on Senate Bill 472 that I think I wanted to share with the Senate about concerns from a small businessman myself to some of you -- some of you that maybe aren't as familiar with it. I was reading it and I find out that current law now can allow everything that's done without the parties engaging in a contract. So then, as a former chairman of a county board, I thought to myself, doesn't that seem to impose more costs on local government in order to impose this agreement that they have to form a contract, the small businessman has to again engage in some legal

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profession to -- to do work that now is not even required to do. So it's a cost, it seems to me, on small business and it seems to be a cost on local government to do what we can do already. I was concerned about what if the contract is violated. There's no provision in the bill that even gives protection to either party, so I was concerned about that. I had a problem with, again being a small business that I am, it seems like I'm creating more paperwork for myself. Creating more bureaucracy, I guess, within State government, to do what I don't have to do now to enact the provisions that I think the Senator is trying to do, and I commend him for it. So I'm thinking that, again, it's almost like an unfunded mandate, I've got to go out and require all this extra expense as a small business person and a small local government has to do it. I was concerned about relocation. My company gets a number of requests to relocate to various states and various communities to bring our economic wealth or economic employment to that community, and I thought what if we're under contracts; what if those want to come back to Illinois from other states. Don't we have a problem of creating contracts and strings attached to all these things that seems to be unnecessary and may actually defeat our economic growth in Illinois? So I have some serious concerns about 472, and I would think Members who are concerned about business would -- would not look favorably upon the bill. As much as I know as the Senator who sponsored the bill is trying to act in our behalf, I don't think this is the vehicle.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

The sponsor indicates he would yield. Senator Butler.

SENATOR BUTLER:

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Senator, I agree that the intent of the bill seems to be good. I'm bothered that there is no -- there is no base to this. In -- in other words, if I as a mayor agreed to put in a -- a light at the corner or a culvert or something of relative minor importance, would I have to work through a contract on something that would be relatively -- relatively minor? In other words, what is the standard that we applied here when this thing kicks in?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

That's a good question, Senator. Let me suggest to you the words that are key here is "economic business incentive". So that your traffic light situation I don't think would apply, because that's not a direct business -- economic business incentive. If you cut their real estate taxes, that would be a economic business incentive.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Well, I guess, just to clear this, this is not permissive -- this is -- I read it as "you must do". So again, it's in the eyes of the beholder as to what is important or not important. Is -- is that -- exactly what is the intent? I -- I can see it as an extreme, I agree with you, but I -- I'm concerned about the bottom -- the -- the -- the lower cost.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

The purpose of the bill is to have the governmental entities, that want to provide economic incentives, to think about the upside and the downside. And when you put something in writing you give it more thought. We provide in here that the parties

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shall talk about penalties and that when we -- you know, company comes in and says, "Well, I'm going to locate in Illinois; I want a pass on real estate taxes for X number of years." If you're going to put it in writing, maybe that governmental entity that's going to grant that ought to say, "You want a pass on your real estate taxes for ten years; what if you don't stay in business for ten years?" It raises the question of: What's the giveback? What's the tradeoff? What's the protections? That's all that this is. We want to put it in writing so that there's some thought given to both sides, and that's what happened in Ypsilanti. There was talk about a ten-year property tax giveaway to -- or rebate to General Motors. There were fifteen thousand jobs -- I'm sorry, forty-five hundred jobs that were involved. After two years the company picked up, decided to go to a different state, because they could manufacture the same car cheaper. They didn't have to give back any of the benefits that they received. They didn't have to...

PRESIDENT PHILIP:

Could we have -- could we have a little order, please. The -- the noise volume is getting up, and I can't even hear the speaker. Senator Berman.

SENATOR BERMAN:

The only point of this bill and that's why it's a very general bill, if the governmental entity thinks that the tradeoff for jobs, the tradeoff for economic development, is worth the incentives, so be it. But it ought to be something that's thought out, put in writing, both pro and con, so that we, the taxpayers who are giving these incentives - that's who's giving it: the taxpayers - that the taxpayers understand that there's something in writing, our elected officials have thought about both the pros and cons. If -- it certainly -- if we require things in writing for leases, for real estate deals, et cetera, this -- this is

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certainly a very nominal requirement for business incentives from government to also be put in writing.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Senator, don't misunderstand me, I'm in favor of -- of the idea. I just am concerned about, again, going back to where it might be some minor improvement, and it may be enough incentive to get somebody to move in. Maybe the way to ask -- to question it is, is the term "economic business incentive" defined in the -- in the Act itself?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

No, it's not, and if we pass it out, do you want some kind of a definition? I don't want to be so restrictive that somebody figures a way around it. I -- I-- I want it broad so that the taxpayers and businesses understand what their pros and cons are; that's all.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you. Senator Berman, I understand what you're trying to do here and I -- I can appreciate your concern for the problem in Michigan, and possibly even if it would happen here. But let me tell you, I'm -- I'm one who's very active and involved with my local communities in my district in the area of economic development. And in one particular case that we're working on right now, in a town about twenty miles from us, we're -- Illinois and that particular community is competing with Arkansas, Kansas, Texas and Indiana for about five hundred new jobs and the retention of two hundred more. Now Illinois, unfortunately in

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many instances, has a job climate or a business climate that is not necessarily supportive of economic growth. And it's tough out there now for these communities to try to establish work for the people in -- which live and reside in their respective towns. And if we create more hurdles and more paperwork, all we're going to do is create another hurdle out there for the local communities to ultimately have to jump in order to attract that industry and those jobs to their respective communities. And as I look through our analysis, and I see the people who support this legislation, it's the very individuals that we are trying to help. Communities, State of Illinois Department of Commerce and Community Affairs - what few people are left over there - try and do a good job, trying to create jobs for the people of Illinois, and I look to see who supports this type of legislation, and it's the very people that we're trying to put to work. I think it's a bad idea. I think we should vote No.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I urge the Body to take a step back from this, instead of looking at this as one of the age-old tensions between labor versus management, and I ask you to shift your attention to another operative -- other operative words here. We're talking about State agency and local -- units of local government having the ability to be accountable. In this Body we have former mayors, we have people who have headed agencies, think about this from the point of view of being a legislator in the Senate, in the House, a Member of the State General Assembly, where it is our responsibility to be accountable for the dollars that we let out each year. All this bill is saying is that a fair practice - an accountable practice - is to make sure that both parties to a contract understand the terms of those -- the

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contract and are prepared to act on them. I cannot imagine that any Member in this Body does not want us to be accountable for State dollars, and I can't imagine that any head of a unit of local government wants to commit major dollars to a project and run the risk of losing those dollars at a later time, when moneys are scarce. I urge you to support this bill.

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Yes. Thank you, Mr. President. I think enough has been said on this bill, but I rise as Chairman of the Executive Committee just to say that this bill did come out I believe on the Agreed Bill List. Since the bill came out, DCCA has come out against the bill. They feel that it sends a negative message to business, particularly small business in the State.

PRESIDENT PHILIP:

Senator Berman, to close.

SENATOR BERMAN:

Thank you. I'm glad that the Chairperson of the committee stated that, because I know that it came out on the Agreed Bill List, and I've got a copy of all of the witness slips. There were no opponents registered, and if DCCA is listening, DCCA has never contacted me or our staff regarding a position on this bill, and DCCA, I want you to see me after this debate. If you take a position on one of my bills, I expect a little courtesy to know what position you have. In the committee you took no position. Now besides their lack of courtesy, let me point out to you, Ladies and Gentlemen, that all that this bill is suggesting is that when we give governmental economic incentives to bring in jobs, to keep jobs, to provide for economic development, that that ought to be in writing between the recipient and the governmental agency that's providing those incentives. That's good business.

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That's good government. It's good sense. I urge an Aye vote.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 472 pass. Those in favor, 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 28 Ayes, 24 Nays, 4 voting Present. Senate Bill 472, having not received the required constitutional majority, is declared failed. Now, House Bills 1st Reading, Mr. Secretary. Oh, excuse me. Senator Dunn. Okay. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1803, offered by Senators Geo-Karis and Klemm.

(Secretary reads title of bill)

House Bill 99, offered by Senators Berman and Carroll.

(Secretary reads title of bill)

House Bill 207, by Senator Burzynski.

(Secretary reads title of bill)

House Bill 228, by Senator Garcia.

(Secretary reads title of bill)

House Bill 239, by Senators Donahue and Klemm.

(Secretary reads title of bill)

House Bill 246, Senator Collins.

(Secretary reads title of bill)

House Bill 392, by Senator Berman.

(Secretary reads title of bill)

House Bill 462, Senator Hasara.

(Secretary reads title of bill)

House Bill 644, by Senator Hasara.

(Secretary reads title of bill)

House Bill 671, Senator Collins.

(Secretary reads title of bill)

House Bill 698, by Senator Palmer.

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(Secretary reads title of bill)

House Bill 729, Senator Burzynski.

(Secretary reads title of bill)

House Bill 745, Senator Collins.

(Secretary reads title of bill)

House Bill 795, Senator Berman.

(Secretary reads title of bill)

House Bill 824, Senator Jacobs.

(Secretary reads title of bill)

House Bill 840, Senator Donahue.

(Secretary reads title of bill)

House Bill 916, Senator Sieben.

(Secretary reads title of bill)

House Bill 965, Senator Hendon.

(Secretary reads title of bill)

House Bill 989, by Senator Klemm.

(Secretary reads title of bill)

House Bill 1039, Senators Madigan and Jacobs.

(Secretary reads title of bill)

House Bill 1218, Senator Berman.

(Secretary reads title of bill)

House Bill 1293, Senator Burzynski.

(Secretary reads title of bill)

House Bill 1387, Senator Berman.

(Secretary reads title of bill)

House Bill 1507, by Senators Watson and Burzynski.

(Secretary reads title of bill)

House Bill 1540, by Senators Lauzen and Petka.

(Secretary reads title of bill)

House Bill 1621, by Senators Watson and Woodyard.

(Secretary reads title of bill)

House Bill 1636, Senator Klemm.

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(Secretary reads title of bill)

House Bill 1650.

(Secretary reads title of bill)

Offered by Senators Hawkinson and Jacobs.

House Bill 1761, by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1852, by Senator Topinka.

(Secretary reads title of bill)

House Bill 1897, Senators Geo-Karis and Klemm.

(Secretary reads title of bill)

House Bill 2292, Senator Klemm.

(Secretary reads title of bill)

House Bill 2347, by Senator Hendon.

(Secretary reads title of bill)

And House Bill 2377, by Senator Topinka.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

Senator Dunn - Ralph Dunn - for what purpose do you arise?

SENATOR R. DUNN:

Fine. Thank you. I -- I'd like permission to table Amendments 1, 2 and 3 to Senate Bill 626.

PRESIDENT PHILIP:

Senator Dunn moves to table Amendment 1, 2 and 3 to Senate Bill 626. All those in favor, signify by saying Aye. Those opposed, Nays. Those three amendments are tabled. Senator Dunn.

SENATOR R. DUNN:

I also would like to announce that we'll not be meeting -- the State Government Operations and Executive Appointments Committee will not be meeting today at noon. Thank you.

PRESIDENT PHILIP:

Senator Welch.

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SENATOR WELCH:

Thank you. I'd -- motion to table.

PRESIDENT PHILIP:

It's always in order.

SENATOR WELCH:

I'd move to table Amendment No. 1 to Senate Bill 110 and Amendment No. 1 to Senate Bill 185.

PRESIDENT PHILIP:

Senator Welch moves to table Amendment No. 1 to Senate Bill 110 and Amendment No. 2 to Senate Bill 185. Any objections? Excuse me. Did I get you the wrong one?

SENATOR WELCH:

Amendment 1 to both.

PRESIDENT PHILIP:

Oh. I'm sorry. Amendment 1 to Senate Bill 185. Any objections? All those in favor, signify by saying Aye. Those opposed, No. Ayes have it. Both amendments are tabled. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Also on that order of business, I would move to table Amendments 1 and 2 to Senate Bill 868, please.

PRESIDENT PHILIP:

Senator Severns moves to table Amendment 1 and 2 to Senate Bill 868. Any objections? All those in favor, signify by saying Aye. Those opposed, Nay. Those two amendments are tabled. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I wonder if I could ask leave to bring Senate Bill 561 back to 2nd Reading for the purpose of putting a technical amendment on.

PRESIDENT PHILIP:

Senator Geo-Karis, we're not at that order of business; we're

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just about ready to adjourn for committee hearings.

SENATOR GEO-KARIS:

Oh, all right.

PRESIDENT PHILIP:

We'll -- we'll put it on recall. We -- we will do it eventually. Senator -- Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, some -- somewhat on the same order as the prior order of business, I would request two bills, Senate Bill 452, that the sponsorship be changed from me to Senator Cronin, and then with regard to Senate Bill 1069, that the sponsorship be changed from myself to Senator McCracken.

PRESIDENT PHILIP:

You've heard the motion. Hearing no objections, so ordered. Senator Geo-Karis.

SENATOR GEO-KARIS:

I'd like to recall Senate Bill 536, as well as Senate Bill 561, to 2nd Reading for purposes of a technical amendment.

PRESIDENT PHILIP:

Senator, we're not that -- Senator Syverson.

SENATOR SYVERSON:

Thank you. Just purpose for announcement. Local Governments will meet immediately following, Room A1. Thank you.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Mr. President. An -- for purposes of an announcement, the Senate Ag, Conservation Committee will not meet this afternoon.

PRESIDENT PHILIP:

Just so everybody understands, we're going to read Committee Reports here in a minute. We're going to recess until 2:30 till

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-- so all those committees can meet and hopefully do something with all those amendments that are pending in committee. So -- and that's -- these are the committees that are meeting: Transportation, State Government, excuse me, not State Government, Local Government, Financial Institutions, Environment and Energy, Revenue, not Agriculture. All right. Senator Butler.

SENATOR BUTLER:

For purpose of announcement, Mr. President. The Commerce and Industry Committee will meet promptly, underline promptly, at 2 o'clock. We want to be out of there by 2:30.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you. For purposes of announcement. The Transportation Committee will meet immediately. We only have two amendments. We can get out of there in about ten minutes if everybody comes immediately.

PRESIDENT PHILIP:

Wonderful. Committee Reports, Mr. Secretary. 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 the Committee on Environment and Energy - Senate Amendment 2 to Senate Bill 530; to the Insurance, Pensions and Licensed Activities Committee - House Bill 1910, and Senate Amendment 3 to Senate Bill 252; to the Judiciary Committee - Senate Amendments 2 and 3 to Senate Bill 183; to Local Government and Elections - Senate Amendment 3 to Senate Bill 714; to the Revenue Committee - Senate Amendment 3 to -- Senate Bill 672; and to the Committee on Transportation - House Bill 1585.

PRESIDENT PHILIP:

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Senator Weaver moves that the Senate stand in recess till the hour of 2:30. I'll remind the Members that we're going back to 3rd Readings and everybody should be in their seat because, as you know, that's final passage. So we stand in recess till 2:30.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will reconvene. The time is after 2:30. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation reports Amendment No. 1 to Senate Bill 157 Be Adopted; Amendment 3 to Senate Bill 868 Be Adopted; and Amendment 1 to Senate Bill 734 Tabled.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Amendment No. 3 to Senate Bill 888 Be Adopted; and Amendment 3 to Senate Bill 1021 Be Adopted.

Senator DeAngelis, Chair of the Committee on Revenue, reports Amendment No. 2 to Senate Bill 384 Be Adopted; and Amendment No. 3 to Senate Bill 558 Be Adopted.

Senator Syverson, Vice Chair of the Committee on Local Government and Elections, reports Amendment No. 2 to Senate Bill 47 Be Adopted; Amendment 3 to Senate Bill 129 Be Adopted; Amendment 2 to Senate Bill 638 Be Adopted; Amendment 4 to Senate Bill 851 Be Adopted; Amendment 1 to Senate Bill 1085 Be Adopted; and Amendment 3 to Senate Bill 714 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and

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Energy, reports Senate Amendment No. 2 to Senate Bill 530 Be Adopted; Amendment 3 to Senate Bill 597 Be Adopted; Amendment 4 to Senate Bill 616 Be Adopted; Amendment 4 to Senate Bill 626 Be Adopted; and Amendment 2 to Senate Bill 610 Tabled by sponsor.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Amendment No. 1 to Senate Bill 609 Be Adopted; Amendment 2 to Senate Bill 632 Be Adopted; Amendment 3 to Senate Bill 632 Be Adopted; and Amendment 2 to Senate Bill 743 Be Adopted.

PRESIDENT PHILIP:

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 268, offered by Senator Rea.

It's congratulatory.

PRESIDENT PHILIP:

Executive Committee. Excuse me. Consent Calendar.

SECRETARY HARRY:

And Senate Joint Resolution 45, offered by Senator Fawell.

It's substantive.

PRESIDENT PHILIP:

Executive Committee. All right. We're going to 3rd Readings. We're on the middle of page 16. Senate Bill 478. Senator Dunn. Read the bill, Mr. Chairman -- Mr. Secretary.

SECRETARY HARRY:

Senate Bill 478.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I think I'd like to enter into a discussion with the Chair for a few minutes if I could. Looking

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at -- this might be the first filibuster we -- we may have to have, to have enough votes here.

PRESIDENT PHILIP:

The phantom will strike.

SENATOR T. DUNN:

For all those individuals sitting in their offices that might be listening, I'd like to urge them to come down, or come up, as the case may be. I think the problem is if I get all the votes here it's not enough, so...

PRESIDENT PHILIP:

Is the bill that bad?

SENATOR T. DUNN:

I'm sorry. I didn't hear you.

PRESIDENT PHILIP:

Is the bill that bad?

SENATOR T. DUNN:

No. It's that good. I just -- I want everybody to have an opportunity to vote on this, and this is one of those reelection bills for everybody, I'm sure. So it's for the good of the Body.

PRESIDENT PHILIP:

Well, Senator Berman is here. We can start.

SENATOR T. DUNN:

Senator Berman's here. All right.

PRESIDENT PHILIP:

Senator Hawkinson, what purpose do you arise?

SENATOR HAWKINSON:

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

PRESIDENT PHILIP:

Sponsor indicates he would yield. Senator Hawkinson.

SENATOR HAWKINSON:

Yeah, I'll talk to you about it, Senator. We've had some

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legislation this year requiring community service, particularly in the area of youthful drunk drivers and -- and the like, and we've required certain numbers of hours of community service, and those bills this year, I think for the first time, have -- have indicated that if there is no community service program available within the jurisdiction, that there is an alternative. Is there any provision in this bill that -- that only requires it when there is something available to the sentencing court?

PRESIDENT PHILIP:

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you for the question. No, there's -- there's no such provision, but obviously were that situation were to exist, I would be willing to put an amendment on to -- to cover that aspect in the House. And I really didn't have a chance to explain the bill, since some of our Members weren't here. For their benefit, what this bill does is -- is mandate that an individual who commits fraud upon the Public Aid service that we have in the State of Illinois, that individual will be mandated to serve public service at the rate of five dollars an hour. While that -- that is part of a sentencing that may be imposed currently by a judge, this will mandate it. It's my belief that those individuals who steal and rip off the system from the truly needy are lower than low, and those individuals ought to be made to perform a community service. But Carl -- Senator Hawkinson's question is a valid one, and I'd -- I'd be willing to amend that in the House. It's not a big issue. So that's what the bill does.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Would the sponsor yield?

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PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Jones.

SENATOR JONES:

Yes. Under -- under this bill, Senator, -- and -- does it require all those who commit fraud -- I mean those -- those -- physicians, for example, in these clinics who I've seen there's been convictions under -- these are doctors. Do they require that they do it, or is this bill just aimed at the one category of fraud?

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Senator Jones, is a thief, is a thief, is a thief, whether he be a doctor, lawyer, Indian chief, or just a person trying to rip off the system. It applies to everyone.

PRESIDENT PHILIP:

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

SENATOR T. DUNN:

Urge an Aye vote. Glad to...

PRESIDENT PHILIP:

The question is, shall Senate Bill 478 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 that question, there are 52 Ayes, no Nays, no voting Present. Senate Bill 478, having received the required constitutional majority, is declared passed. Senate Bill 479. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 479.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill originally modified provisions governing the use of television receivers in motor vehicles operated on highways, and this was at the request of Motorola and agreed to by IDOT. The changes are a need for the upcoming "Smart Car" experiment in suburban Chicago. In committee, the bill became a vehicle for an amendment which grouped several noncontroversial bills together. Some of the bills are -- allows for the movement of roof and floor trusses by obtaining a ninety-day permit from the Illinois Department of Transportation. IDOT supports this. Amends the Vehicle Code. Authorizes Secretary of State to issue a -- for a fee, an additional set of license plates for a category of plates for which no fee is required. Secretary of State supports this bill. Senator Hawkinson had a bill -- authorizes ambulances and rescue vehicles to be equipped with green oscillating, rotating or flashing lights. There was a bill to change the maximum width of buses which can operate on Interstate System from eight feet eight inches to eight feet six inches to be in compliance. And there's another bill on flood control.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR FAWELL:

I don't think any of them are controversial, and I ask for an Aye vote.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Senator I -- I -- I agree. I'm -- I'm going to ask for an Aye vote too, but I do have some questions that I think we have to --

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to have addressed here. First of all, did we ever, or was there ever a determination on the portion about the second set of plates as to what the charge will be and who will establish the -- the fee for those plates?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

There -- there is a fiscal note from the Secretary of State's Office, and would have no impact on the Secretary of State's Evidence Fund, or on the Road Fund.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Yeah, but my question is: What is the fee going to be? What is the cost for the second set of plates? And who is going to set that fee?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

It's the regular price, and the Secretary of State would set that fee.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

All right. The -- there's two other questions I have, and one of them -- and I understand the -- probably the -- the -- the feeling, as it was my understanding it come from a State's attorney, for the oscillating green lights - the flashing green lights. Is -- is -- I guess my -- my question with that is: Is this going to create an -- unfamiliar circumstances for those type vehicles until people get -- you know, get used to it, are we going to - being it's permissive - going to be able to create some

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-- some problems that currently doesn't exist?

PRESIDENT PHILIP:

Senator Hawkinson, our authority on almost everything.

SENATOR HAWKINSON:

Thank you, Mr. President. No. That's a bill that I originally introduced on behalf of Kevin Lyons, the State's Attorney of Peoria. And the background on that, Senator, is that the -- the sole ambulance service in Peoria has these lights already, and has always had them, apparently, with these vehicles, and because they're not permitted under the Code, we've had a problem with tickets being given, and the problem over those tickets. And it's not something they want to add; it's the way the vehicles are now. It's not intended that anybody else is going to add these, but in Peoria the -- the ambulance have these lights on them already. They already have the mandated lights of the other colors to distinguish, but on the rear end they have these green oscillating lights, and they're just trying to avoid the current ambulances being out of compliance with the State law.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

I -- I can understand that, Senator. One last question. The special permits for overweight vehicles - there is a declaration by the Governor of an emergency harvest having existed. Number one, what is an -- a -- a -- a declaration of emergency harvest? What does that mean, number one, and number two, have we ever designated an emergency harvest in the State of Illinois?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

That bill is -- was Senator Burzynski, I think he might best answer that.

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PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank...

PRESIDENT PHILIP:

Excuse me, I'm sorry. Senator -- Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just in response to Senator Jacobs' question about the emergency harvest: Primarily, what we were looking at were instances such as last winter, when in northern Illinois in particular, we could not get into our fields to -- to get our crops out until December or January. Those types of situations.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

I -- I guess my question is, you know -- and -- and I understand that, but my question is: Have we ever declared an emergency harvest? I know we've had a lot of seasons where it's been really a -- a issue, but -- so I mean, are we -- this is proactive - something that's never happened before, but we think could happen, and we're preparing for it - is that correct?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

That's correct.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yeah. Thank you, Mr. President, Members of the Senate. Senator Fawell, as you know, I'm a cosponsor on this underlying bill, with you. However, I -- I did have a couple of questions on the amendment that was added in the committee. The -- Senate Bill

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507, which was incorporated in your amendment -- it changes the permitted maximum width of vehicles designed to carry more than ten passengers on Interstate Highways, from eight feet six inches to eight feet eight inches <sic>. Could you tell me what's -- what this is -- what type of vehicles are we talking about, and why that was necessary? Is there a problem?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

This changes the maximum width of buses. It was offered by Illinois Department of Transportation. IDOT claims this bill is needed to bring Illinois into compliance with the federal law.

PRESIDENT PHILIP:

Further discussion?

SENATOR CULLERTON:

One more...

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. And one more question. Maybe Senator Burzynski can answer this. The Section that includes Senate Bill 589, that we talked about - this harvest season issue - our staff indicates that the Department of State Police opposed the bill and the Department of Agriculture is neutral, and that the Department of Transportation is opposed to the bill. And I wonder if you could indicate if they still are opposed. Obviously the Department of Transportation would be concerned about allowing oversized loads on smaller secondary highways, which would cause some more road damage, and the Department of Agriculture indicated that there's a problem with the term "harvest season", because harvest season's not a determined period of time - that it differs by regions. So perhaps you can answer whether or not those two departments of

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State are still opposed.

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

No and no. They are not -- they are not opposed at this time.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, Senator, if you could just briefly explain. I'm the cosponsor of the bill; I want to support the bill. I just want to have an explanation. They were opposed to it at one point in time. Is that correct? Did you amend...(microphone cutoff)...

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

To the best of my knowledge, they are not opposed at this time. The bill merely took some responsibility away. It also now gives the Governor the responsibility for declaring that emergency harvest. In the past, people could apply for a permit. All we're trying to do is to -- to cut through one step.

PRESIDENT PHILIP:

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

SENATOR FAWELL:

I just ask for a Aye vote.

PRESIDENT PHILIP:

On the question, all 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 are 54 Ayes, no Nays, no voting Present. Senate Bill 479, having received the required constitutional majority, is declared passed. Senate Bill 482. Senator Fitzgerald.

SECRETARY HARRY:

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Senate Bill 482.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 482 is a bill designed to protect some of Illinois' natural areas that were identified in 1978, when the State did an inventory and a list, and came up with a list of four hundred areas in this State that were undisturbed since the time of European settlement in Illinois. The proposal stems from the Governor's Land and Water Use Priorities Task Force, which is just now finishing its report. What the bill does is, it extends the Department of -- Department of Conservation's consultation process that now applies to areas that have threatened and endangered species, and it requires the State agencies and local governments that plan to do anything which would affect any of the State's natural areas on the State's Natural Area Inventory List, to consult with the Department of Conservation before proceeding. The consultation process has been in effect since the last years of Governor Thompson's administration, and this bill would extend the consultation process just a little bit and protect our natural areas. To my knowledge, there is no opposition to this bill, and for the downstaters, it's my understanding that the Farm Bureau has not interposed any objections. Thank you.

PRESIDENT PHILIP:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I also rise in strong support of this bill. It -- it's based on the simple principle that projects funded with public dollars should not destroy the public's

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heritage of natural prairies, lakes, forests, if other alternatives exist. I think it's a good bill, and I know of no opposition, and would urge support.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

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

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Thank you. Are there private properties involved in this?

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. I believe there are some private properties, but they're not farms. There are four hundred areas that have been identified as -- on the State's Natural Areas Inventory List.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Those people who own that property - are they aware that there's -- their property is now being designated as one of these natural heritage areas?

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Those areas were designated back in 1978. So it does not change those designations, and those people would be aware that their areas are on the State's Inventory.

PRESIDENT PHILIP:

Senator Tom Dunn.

SENATOR T. DUNN:

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Thank you, Mr. President. Question of the sponsor, if I may.

PRESIDENT PHILIP:

Indicates he'll yield. Senator Dunn.

SENATOR T. DUNN:

Senator Fitzgerald, the -- does this give any empowerment to the Department of Conservation that they don't have now?

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, right now the Department of Conservation does a consultation with the local communities if there's a threatened or endangered species that's involved, and the Department of Conservation can make recommendations, but it has no authority to really enforce its recommendations under current law. And this would extend the consultation process, but still the Department of Conservation would not really have any authorities. There's not much it can do if the parties don't go along with its recommendations.

PRESIDENT PHILIP:

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

SENATOR FITZGERALD:

I just urge your support. This is a good bill. It's bipartisan. I know of no opposition to it, and it would help to protect that less than one percent of the acreage in this State that is still undeveloped and in its undisturbed state. Thank you.

PRESIDENT PHILIP:

The question is, shall Senate Bill 482 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 -- 2 voting Present. Senate Bill 482, having received the -- the

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required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson, on Senate Bill 483? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 483.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 483 was introduced at the request of our correctional employees, and it amends the Criminal Code to increase the penalty for an aggravated assault against a correctional officer, which would include a teacher in our Department of Corrections facilities, from a Class A misdemeanor to a Class 4 felony. There is no mandatory minimum, however; it is not a mandatory jail sentence, but our officers and employees in corrections who are the victims of aggravated assaults, I think, deserve this kind of protection. I would ask for your support of the bill, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. I rise also in support of Senate Bill 483. I think the sponsor has certainly explained it. I might just also point out that with what's going on in Ohio in terms of their correctional facility, this even points more to the need for this type of legislation. I think it will be of great assistance in Illinois.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Later this week, or first part of next week, we'll be offering a package to deal with the crowding situation in our -- our penitentiaries, and -- and part of the need is to control the behavior of inmates and preserve the safety of the officers and teachers in these institutions. And this comes at the request of the correctional employees, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 483 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no -- none voting Present. Senate Bill 483, having received the constitutional majority, is declared passed. Senator Petka, on Senate Bill 487? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 487.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. 487 merely amends Illinois law to conform with federal law. Currently under the Illinois Minimum Wage Law, employees who work in excess of forty-hour week are entitled to receive one and one-half hour -- one and a half times their regular rate of pay. Certain employees are exempt under federal law. These individuals include radio or television announcers, news editors, or chief

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engineers, working for employers located in areas with population of at least a hundred thousand or less. Since this bill merely places Illinois in compliance with the federal law, I urge its adoption. I might point out that this bill passed out of Commerce and Industry Committee 8 to 0.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR PETKA:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 487 pass. Those -- those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 487, having received the constitutional majority, is declared passed. Senator Woodyard, on 488? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 488.

(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 488 is a bill that amends the Plat Act; that would say that in the case of an alteration, which has been determined evidently to mean whenever a rail line is abandoned, that the railroad would not have to -- to plat or survey -- resurvey that -- that land. With ninety-five percent of the abandoned rail property going back to an adjoining landowner, it seems that this bill is needed to prevent exorbitant costs to the farmers buying that land back in

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-- in replatting and resurveying that line, and I would be glad to answer any questions or move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I think we need to point out to the Membership that the Illinois Land Surveyors are very much opposed to this bill, and the reason they are is when these rails are -- are removed, there is no longer any way to plat the line, and so if the -- the land is purchased by a farmer today from the railroad, and that farmer tries to sell it down the road, he will undoubtedly incur the expense that the railroad should have done and incurred when they platted it in the first place. So if we allow this exemption from the Plat Act, we're going to find that down the road, after thousands of miles of rail line are abandoned, that we don't have accurate surveys of the property, and when that property needs to be sold down the line, they're going to have to incur the expense of incurring the survey.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR WOODYARD:

Thank you, Mr. President. A couple of things I neglected to point out. This bill was amended to make certain that any new lines that -- that the railroad would acquire for a railroad would certainly have to be platted and surveyed. And I think the other point to be made is -- is the fact that this has not been done in the past. Where replatting and resurveying has been done - and I know in our own case, we did have an abandoned line go through some of our property - we bought that land back, and the title company says that they will issue a title policy on that, and so with those codicils, I would urge an Aye vote.

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PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 488 pass. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 3, 1 voting Present. Senate Bill 488, having received the constitutional majority, is declared passed. 490, Senator Molaro? Read the bill.

SECRETARY HARRY:

Senate Bill 490.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. It's a very straightforward bill. This bill amends the Credit Card Issuance Act, and what it does is prohibit a credit card issuer from issuing a credit card to anyone under the age of eighteen, which is seventeen and under, without the consent of a parent or a cosigner who is over the age of eighteen. The reason for this bill -- the reason for this bill is that, under Illinois -- Illinois law now, anybody can get a credit card. There's a couple things on 60 Minutes that you saw, if you see these pre-approved form, a dog got a credit card, somebody the age of six months got a credit card. I have research that shows four percent -- four percent of teens between the age of twelve and fifteen have a credit card. They get their names -- these credit card companies or banks from - a lot of them out of State - get their names from when they go and work for Taco Bell, or -- or McDonald's. They're given these pre-approved form and they're fourteen, fifteen years old and they're handed a credit card. Now it's never been a big thing, because under current law, if you're fifteen, sixteen years old and you go up and run up a bill, or you

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go buy a car, they cannot enforce it. So these banks cannot go out and get the money. So you first say, "Well what's the big deal? If they're crazy enough to give it to a thirteen-year-old and can't enforce it, it's their loss." Well, the problem is when these kids now become seventeen, eighteen, nineteen years old - and it happened to me in my office - they go apply for a student loan. Now all of a sudden to get a student loan, you have to get backed by the federal government, and there are rules, and they say if the person applying for this credit has an 09 or an 07 on their credit rating, they can't be given the loan. So you have a nineteen-year-old who wound up with bad credit when they were fifteen or sixteen not being able to get a loan, and what we're doing is we're taking a lot of fifteen- and sixteen-year-olds out of where we want them to be when they're nineteen and twenty, because that bad credit stays with them for nine -- nine or ten years. So what we think it would be a good idea - or I do, anyway - would be that if we have it where if you're fifteen or fourteen, your parents should know about it, you should get someone who's responsible signing with you, and so you can have an adult there teaching you good credit so we can make them good -- good credit risks when they're seventeen years old, eighteen. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I think Senator Molaro's bill is well-intentioned, but I'm not really sure what it adds to current law. The penalty that would be imposed by this bill is only imposed for a knowing violation, which as I envision it, would be very difficult to establish. In the absence of the -- the knowing extension of -- of credit to a minor, it would only mean, I guess, that the debt is unenforceable, but contracts now with minors are themselves unenforceable, so I'm not really sure what this bill

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adds, and that was the reason for my opposition in committee and -- and my continuing opposition here on the Floor.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the -- of the Senate. Senator Molaro, this - as I read it - as it states it amends the Credit Card Issuance Act relating to issuing credit cards to certain persons. Who is a certain person?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro. Senator Molaro.

SENATOR MOLARO:

What are you referring to, Senator? What line? Oh, he's looking... I can't answer that question, Senator.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. I rise in support of this bill. Senator Barkhausen might be right. His point was he's against it because the bill doesn't do anything. But so what? This is Senator Molaro's first bill. They probably said that they weren't going to let him pass anything that did anything, but they were going to let him have one bill, and -- and I would recommend, Senator Molaro, that if we do call this bill for a vote, that you actually vote for it, because Senator Lauzen yesterday passed his first bill. He didn't even vote for it. Now everybody went around, they were signing the bill, you know. He is going to have it framed, and then he's not even going to have voted for his own bill. I would recommend you vote for this bill, and just because it doesn't do anything, it doesn't make it a bad bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

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SENATOR McCRACKEN:

There's a very fundamental reason to support the bill, and that is that parents ought to have the control over these types of things when it comes to their children - pure and simple. Am I right, or am I right?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR McCRACKEN:

Absolutely. Absolutely. It ought to apply to more than just credit cards, too.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, in spite of the very, very eloquent rhetoric, the fact remains that if we do pass this bill, maybe we can stop the harassment of the poor parents whose children are properly gauged with credit cards. I certainly support your bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR MOLARO:

Would just ask for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 490 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Looks bad. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 48, the Nays are 7, 1 voting Present. Senate Bill 490, having received the constitutional majority, is declared passed. Senator Demuzio, on Senate Bill 493? Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 493.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Coroners' bill. Passed committee unanimously. It adds a provision increasing the number of members on the Advisory Board of the Necropsy Service to Coroners from eleven to fourteen. It creates the Necropsy Research Fund and the Coroners Training Fund in the State treasury. It increases the Illinois Police Training Board by one member, and increases the fees for death certificates and fetal death certificates by two dollars. There was no opposition in committee, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR DEMUZIO:

Roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 493 pass. Those in favor will vote Aye. Opposed, Nay. And voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 493, having received the constitutional majority, is declared passed. 496. Senator Madigan. Do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR MADIGAN:

Thank you, Mr. President. I do request leave that this bill be returned to 2nd Reading for the purpose of amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Madigan seeks leave of the Body to return Senate Bill 496 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted.

SECRETARY HARRY:

Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Floor Amendment No. 2 to Senate Bill 496 changes a reference in the bill. This amendment comes at the request of Senator Cullerton and a committee suggestion, and I would request its -- ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Any further amendments, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Floor Amendment No. 3 to Senate Bill 496 contains technical corrections suggested by Enrolling and Engrossing, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. Amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Madigan, on Senate Bill 500, on the Order of 3rd Reading? Out of the record. Senator DeAngelis, on

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Senate Bill 502? Do you wish the bill called, Senator DeAngelis?

Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 502.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to have leave of the Body to return the bill back to 2nd for the purposes of placing a very...

PRESIDING OFFICER: (SENATOR WEAVER)

We have no amendments, Senator.

SENATOR DeANGELIS:

Well, you know what -- just hold it, Demuzio -- then I -- then I will withdraw the amendment and pass the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

The bill has been read a third time. Explain the bill.

SENATOR DeANGELIS:

Okay. Senate Bill 502, as amended, does the following: first of all, the amendment is the bill. Last year when we passed the Medicaid Assessment Program, we also passed with it a Nursing Home Grant Assistant <sic> Program which would allow, to those people who were eligible, a five-hundred-dollar-a-quarter grant. In that we made a best guess, but were unable...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator. Can we take this out of the record? I think we -- we do not have an amendment on the bill on the Secretary's Desk. So let's take it out of the record. We can come back to it. Would you like to go with 503?

SENATOR DeANGELIS:

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Yes, but I would also like to be able to return to this as quickly as possible.

PRESIDING OFFICER: (SENATOR WEAVER)

Senate Bill 502 is out of the record. Do you wish to call Senate Bill 503? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 503.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. I also would like, as a matter of personal inquiry, where is the closest Sergeant at Arms?

PRESIDING OFFICER: (SENATOR WEAVER)

The last time...

SENATOR DeANGELIS:

...may have to have Senator Demuzio removed from the Floor. I guess it's going to take two; he's put on a little more weight.

PRESIDING OFFICER: (SENATOR WEAVER)

We're on 503, Senator DeAngelis.

SENATOR DeANGELIS:

Okay. Senate Bill 503 expands the Public Infrastructure Loan and Grant Program. And the new categories of loans and grants that are established are: one, small project loans; interest subsidy grants; small project grants; credit enhancement grants; and reserve grants. This is a program of DCCA, which is designed to help those local governments who are in bad need of doing these improvements. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 503 pass. All in favor will vote Aye. All opposed will vote

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Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 503, having received the constitutional majority, is declared passed. Senator Watson, 504? Out of the record. 505? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 505.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate Bill 505 creates the Chicago Learning Zone Advisory Committee, just as the Calendar has said. This is one of the Governor's initiatives that passed out of the Education Committee unanimously. It creates a twenty-member Chicago Learning Zone Advisory Committee to develop a proposal for the creation of a Chicago Learning Zone by November 1st of 1993. The proposal for the Learning Zone must include possible recommendations for relaxing or eliminating State laws and regulations, revising budget policies, contract position -- provisions, work rules and other procedures, all for the purpose of trying to improve student performance. There was no opposition in committee, otherwise I'd be glad to answer any questions. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

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SENATOR PALMER:

Senator Watson, as you and I both know, and every Member in this Body knows, because it participated in putting the school reform legislation into place, I have a number of questions about the Chicago Learning Zone, and certainly one of the main ones is, I wish you would explain what consequences this will have for the local school councils who have been mandated by this Body to prepare their own plan for each individual school for the -- the efforts that have gone on for some three to four years now to empower the various levels of the school system in Chicago. Why, at this point in time, are we mandating from Springfield another operation, another apparatus, when we have already given people the power to define for themselves what learning and schools and so forth should be?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, Senator, we've had this conversation on -- on several occasions, and I appreciate your concern. Let me first preface my remarks by saying I agree; I think reform is working and I think that the LSCs, the local school councils, are a major part of that success at this point. They are -- there are two members from the local school councils that will be a part of this commission. All this commission is going to do, or this advisory committee, is come back to us with possible recommendations. They're -- are going to look at some alternatives that maybe are working in other areas of the country and look at the possibility of implementing that in a particular zone or area in the City of Chicago.

PRESIDING OFFICER (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Another question and comment for

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the sponsor of this bill. I am very familiar with the Education Commission of the States. In fact, last summer when I was in Denver, I sat down for four hours with them and discussed - not knowing, of course, that they were planning to develop the Learning Zone - but I discussed with them - and I will say it here on the Floor - that in Chicago, before anything is put together, there should be meetings with the school reform community. This is a highly mobilized, active, sophisticated and informed community. So I take particular objection, having spent time talking to the very body that has brought us this plan, that they did not sit down with the community as you and I have and as other Members of this Body have done. When I look at my analysis, I see absolutely no name on here for any school reform group that supports this measure. So I have to assume that there has been no discussion, and on those grounds, I am asking my colleagues on this side of the aisle, and those who have the good will of Chicago schools at heart, to vote against this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Question for the sponsors.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR DEL VALLE:

Senator Watson, how do you define Learning Zone?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Senator, it actually isn't defined in the bill. What the attempt to do is to -- doesn't necessarily create one. The bill defines a zone to be a cluster of contiguous schools serving at least ten percent of the public school students in Chicago. Once

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again, they're not really tied to anything specific. The idea is to come back and possibly make some recommendations on flexibility - and as I mentioned in the beginning of opening remarks - eliminating some of the State laws that seem to be inhibiting possibly the improvement of student performance. Those are the kinds of recommendations. I -- really it's not spelled out or defined in the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Well, I -- I agree, it's not defined in the bill, but the -- but the mandate given to the committee is spelled out. It says that the committee shall recommend the reduction or elimination of State and local laws, rules, and regulations within this learning zone. Now my concern is: What will happen with, for example, bilingual programs or special ed programs that are mandated by the State? Is it anticipated by you that this advisory committee would recommend that we not have to live up to those obligations within that zone?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, no, I don't believe so at all, Senator.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

But in the absence of guidelines here - at least some general broad guidelines - it is possible that that type of recommendation could come back for us to consider. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

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Yes. That's -- that's correct. There's always that possibility.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

To the bill, Mr. President: I -- I agree that we need to be innovative; I agree that we need to try some additional approaches; and I commend the Governor and I commend you for the work that you're doing in this area, but I am very uncomfortable with this broadly stated mandate that doesn't ensure the protection of some very important programs within those areas. I agree with the need for flexibility, with the need to relax some rules, but I'm afraid that that is not the direction that is being given to this committee. My other concern is the makeup of the committee. It appears as though there's a possibility that in a school district where over twenty-five percent of the student population is Hispanic, there will not be any Hispanic representation in this committee. A racial diversity reflective of the school's population is not guaranteed in the makeup of this committee. So I think that there are flaws with this legislation, even though I agree with the intent, and I would hope that we would be able to -- to work on some of these things and be able to move in the direction that you want to move in and do so together. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I stand in support of this bill, and I know the concerns of Senator Palmer and Senator del Valle. However, this -- this advisory committee will have on it members of the -- the LSCs, members -- reform advocates, some of the same people that are now working on some of the Chicago reform

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legislation. The purpose of this task force is not to take away from the local school councils any kind of authority or responsibility, but to give them -- to -- to come up with a -- a different entity that can perhaps look at some very, as Senator del Valle said, some innovative ways to provide education that the LSCs cannot now do because they are bound by State law. This would allow this group to think of ways of perhaps de-mandating some things or mandating different things, or combining schools, going into campus cluster type situations, into team teaching, which is big in some areas of the country. It'll -- it'll come up with ideas that are new and different that the people at the local -- local level, while they are working on reform, they are working on specific instances of reform under the present system. We want to look at a whole new system, and this -- I think this committee will -- will look at that a different way of providing education entirely, and then come back to the Legislature with ideas. I think we need some new innovative ideas. We're not excluding the reform people, and we're not excluding the LSC people on this committee. I think it's worth a try to at least look at it and see if we can provide education in a different way, that might be better for our kids.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns. Senator Severns, did you wish to speak on this?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will, Senator Severns.

SENATOR SEVERNS:

Senator Watson, as I read this bill, I wonder if -- how much influence the Education Commission of the States is going to have.

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At least provided in the intent of this bill, it would seem that they're going to be running the show for us in Illinois. Is that the intent, and is that going to be the result?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

No, they'd be Illinois people involved in the commission and in the committee. You know, Mr. President, I -- I really can't hardly hear.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen, will you take your conversation to the anteroom.

SENATOR WATSON:

Well, it's not him; it's over here.

PRESIDING OFFICER: (SENATOR WEAVER)

I can't hear you.

SENATOR WATSON:

Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

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SENATOR WATSON:

All right. Thank you. Senator, I appreciate your questions and your concerns. The -- the Governor and other appointments that would be made obviously would be Illinois people, and primarily people from the City of Chicago that is impacted here.

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Certainly the Education Commission of the States is going to have some direction, because this is something that's been done elsewhere throughout the country and they came in, testified in behalf of this legislation in committee and had some good testimony. They've got some good guidance they can give us, but the -- the absolute direction would come from people here within the State.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senator, are you concerned at all that their guidance will turn into undue influence?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, any recommendation that would be made from the -- the committee would, of course, come to us, and we would have to act accordingly. No, I'm not really concerned about it. We -- we ask a lot of the various groups that maybe each of us belong to that are National organizations to come in and have an impact on a decision, because of the expertise they may have and the experience they may have in other communities throughout this country. So I -- I have no problem with them coming in and being involved when I know that the ultimate decision will be made by this Body and that across the hall.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

To another point: I -- I note that it will be staffed by the facilities of the Governor's Office and the State Board of Education as are, and I quote, "reasonably necessary". I understand that the Governor's Office can apply the staff that

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they deem necessary, but are you concerned about the amount of time that it's going to take our already overburdened SBE department?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, they did not oppose the bill, and from my knowledge, have really no problem with this. As far as them being able to staff this, that would be, of course, at their convenience, and if they have a problem with that that would have to be worked out with the committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

My last question: Do you anticipate any need for appropriations to cover this -- the staff and time, or are we going to see additional requests for staff to -- to meet this need? Or is there any additional dollars that we ought to be planning for as a result of this bill and directive in the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

No, I do not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson. Did you -- excuse me, I was distracted.

SENATOR WATSON:

Okay. Thank -- thank you. Well, I appreciate the questions and I -- I...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator. Senator Palmer's light is on. Do you have a question, Senator Palmer?

SENATOR PALMER:

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Yes, Mr. President, and I apologize for arising a second time, but I did want to ask the sponsor -- I'm looking more closely now at the composition of the twenty-member Chicago Learning Zone Advisory Committee, and I do appreciate that we all want to move beyond reform, particularly the governance level, and into innovation, and I appreciate that effort. However, when I look at this and I consider that there are four hundred and ten thousand children in Chicago public schools, sixty-some-odd high schools, three times that many elementary schools, Senator Watson, I cannot imagine that there was much, and I guess I'm asking you this: Other than the hearing that was held, have you sat down and consulted with the school reform community? I don't mean the particular individuals whom you may know. It is not that difficult to get in touch with the broad cross section, as you and I know; we just met with them. I can't imagine that you would come up with one representative of Chicago principals when we're talking about alone sixty high schools; two from local school counsels, when we're talking about thousands of people. How can this twenty-member Learning Zone Advisory Committee speak for four hundred and ten thousand children? And...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, we -- each of us speak for two hundred thousand, roughly. I -- I understand your concerns here, but we -- we had two hearings on this bill, one in Chicago and one here. Some of the reform groups filed in behalf of the legislation, supported it in the -- the hearing in Chicago, and I know you're not on the Education Committee, so you may not have been aware of that, but there were several of those individuals who -- who believe that, as you say, we should go beyond the reforms and try to, if nothing else, expedite the reforms that are -- are now in place, and this

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gives us that avenue to do so.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Senator Watson, in looking at the -- just the name of -- your calling this a learning zone, do you have any idea how many schools, how many children, would be impacted by -- by this so-called learning zone?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

That will be a function of this committee - to look into that and make a recommendation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Senator, if -- if the Learning Zone Advisory Committee, for example, came up with fifteen schools, four -- four, let's say, three thousand students, and you called that a learning zone, what would you call the rest of the schools in the City of Chicago?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, I don't know that that's a -- a question that needs answering, I guess. Certainly it would be just as any other public school district would be within the City of Chicago. This would just be another one. These are all recommendations that will be coming to us, Senator, and I really honestly think in all fairness, some of -- you may be overreacting to what this is all about, and I just want you to understand that ultimately we will be the ones who'll make the final decision. This is just a recommendation.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

No -- no -- no. Senator Watson, I understand that you are concerned and -- and really, I -- I spent a whole day with you, I -- I saw your sincerity, and your concern about what you saw in the Chicago Public School System, and I commend you for your interest and your desire to try and -- and bring about some alternative solution, some innovative programs, and et cetera. But the reality of this is, is when you -- that's what's wrong with the Chicago Schools now. There's just so many stigmas, and I saw you smiling, but if you call this area a learning zone, and it is for a designated area or a certain amount of schools and number of pupils, then if this is a learning zone, then the opposite of that has to be an unlearning zone. And so that is ridiculous within itself. You need to come up with a better sound bite than this, because that's all this is. This is about a media sound bite, but it's ridiculous. It's as ridiculous as some of the other solutions that you've been putting forth on that side of the aisle, and we ought not to be doing this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, to close.

SENATOR WATSON:

Well, thank you. I -- you know, I'd like to think that the entire State of Illinois is a learning zone. Everyone's out there trying to create a better environment by which our -- our kids can learn. And that's what we're trying to do here. And we have -- we single out Chicago and maybe -- maybe we shouldn't really be doing that, because there's other areas of this State that are having problems with -- with issues such as this. And this is something. What we're trying to do here is become innovative, and try to find out what's working in other -- other areas of this

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country, and maybe even other parts of the world. Let's try to find out. Let's -- let's make -- let's get imaginary. Why are we so afraid of recommendations that might be coming from a group such as this? And these people are going to be individuals who are ultimately going to be concerned with what I think all of us are concerned and that's the best interest of the kids. It could very well provide some flexibility in -- in the laws in which some people find very rigorous and very unperforming in creating a situation in which the classroom can be -- function better. I -- I see nothing wrong with this, in allowing a committee to get together, make some recommendations, and ultimately that's a decision that will be made by this Body and the House of Representatives in the State of Illinois and the Governor of this State. So let's don't overreact to this issue, but let's at least try to be innovative in a matter in which we can create a better environment for our kids. I hope you'll support me in this issue. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 505 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. On that question, there are 32 Ayes, 19 Nays, 5 voting Present. Senate Bill 505, having received the constitutional majority, is declared passed. Senator DeAngelis, Senate Bill 502 has been read a third time, so would you explain the bill?

SENATOR DeANGELIS:

Thank you, Mr. President. As I was saying, when we passed the Medicaid assessment, we also passed a Nursing Home Grant Assistance Act, which was designed to help soften the blow on the private pay, and it was a formula-driven reimbursement. The General Assembly, unfortunately, undercalculated the amount of

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people eligible for that grant, and we were forced to prorate the first two installments. What this bill does, it permits the retroactive funding of the full amount of those grants to those people who were entitled to this in the first place. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I rise in strong support of Senate Bill 502, and just to add to what Senator DeAngelis has said, in the supplemental appropriation bill that we passed out of here to the Governor's desk this morning, Senate Bill 312 was the eleven million dollars that will be used to fund this grant program, and this is the enabling language to allow that and permit that to happen, and I rise in strong support.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR DeANGELIS:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 502 pass. Those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 502, having received the constitutional majority, is declared passed. Senator Philip, on Senate Bill 522? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 522.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't know how you guys all feel about the LUST Fund and about leaky tanks, et cetera, and -- and people calling my office, running in my office, complaining about the EPA, but I have had more complaints than I'd care to tell you. And the State of Illinois owing people who have done work on leaky tanks, and they owe them over two hundred thousand dollars for over two years. Unbelievable. Well, I've decided to do something about it, and Senate Bill 522 tries to do something about it. Basically, it does three things: It increases the gas tax three-tenths of one percent towards the LUST Fund - that raises about seventeen million dollars additional a year; it -- it also opens up a window of sixty days for people who haven't registered their tanks, and believe it or not, there are a lot of people that have not - allows them a sixty-day period to go in and register their tanks; and it cuts the deductible from a hundred thousand to ten thousand dollars in that sixty-day period. I'll be happy to answer any questions. I'm just, quite frankly, sick and tired of people calling my office and running in my office about leaky tanks, and I'm going to do something about it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I was -- rise in support of Senator Philip's bill. This is a good idea. There are over eight hundred -- eight thousand sites in the State that need to be cleaned up that we don't have the money to clean up. Over the last two years we took out over four million dollars from this fund to balance

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the budget. We're -- we're behind on the projects that are already in the pipeline, as Senator Philip said, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. I, too, rise in favor of this proposal. I was the person who sponsored the original proposal here for three-tenths of a -- of a cent on the LUST Fund, and this is something that is absolutely needed. There are a lot of people who are really critically hurting out there with that -- particularly the sixty-day waiver now, that you were talking about, for those little old ladies and people who have bought these old gas stations on the corner in a rural area and didn't know there was any gas tanks there, didn't know that they were supposed to be registering or anything of that nature. I think it's a good bill. I think this is something that government ought to do, and I'm in favor of it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will, Senator Jones.

SENATOR JONES:

Senator Philip, is this one of the series of statewide tax increases that you will be proposing?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Well, I want you to know, Senator Jones, this did not come from the Governor's Office or the administration. It is a very

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minor increase in motor fuel tax of three-tenths of one percent, and you're absolutely right.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, I didn't bring the Governor into play, but I -- I just wanted to know whether or not you are proposing an increase in the gasoline tax, -- which will impact on all the citizens of the State that use motor fuel?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Well, of course, it won't impact on all the citizens of Illinois, only people that own cars and buy gasoline. That's absolutely correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, thank you. I guess -- I guess this is the type of thing we have to do, but what irritates me about this is that Illinois has got one of the most restrictive underground tank removal laws in the -- in the country. You go over to Iowa, Missouri, others don't have this problem because they aren't as punitive. The best -- and you know, this -- this to me is the way -- the -- the bureaucratic answer to the problems of State government is more money. You know, don't -- note, no less regulation, more money to solve the problem. And this is -- we've worked with EPA, we've worked with some of the other agencies, the Fire Marshal's Office, trying to get them to back off, a little bit, of the regulations that have been so devastating to most of the people in our areas. So what do they want to do? Here we come in, we're going to raise more money. I guess this is what we have to do ultimately, but I

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think a message needs to be sent to some of these agencies, that let's back off a little bit and go a little easier on the folks back home when it comes to regulation, and that's what's created this problem.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in support of this legislation. All over my district there's independent station operators that are absolutely going broke as a result of -- of this underground storage tank legislation. Let me give you my feelings about this thing. You know, this was federal legislation, and I think it was probably drafted by the big oil. If most of you will notice a few years ago, all of the stations, all of the big companies, sold their stations to the independents and they also assumed all the liability, and this thing has absolutely been -- it's going to break every small independent station operator and independent station -- or fuel distributor if we don't do something about this, and I think it's a good bill and it's something we should've acted on before now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I, too, stand in strong support of this legislation. I like the fact that it creates the window. I think that that's vital. There's a lot of people who were not even involved in these leakages that are having to pay the freight, and I just think that this is a bill that's long overdue.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Philip may close.

SENATOR PHILIP:

Ask for a favorable roll call.

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PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 522 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 49, the Nays are none, 3 voting Present. Senate Bill 522, having received the constitutional majority, is declared passed. Senator Mahar, on 530, do you wish this bill returned to 2nd Reading for the purpose of an amendment? No? Take it out of the record. 531? Do you wish it returned? Senator Mahar seeks leave of the Body to return 531 -- Senate Bill 531 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Mr. Secretary...

SECRETARY HARRY:

The Executive -- Committee on Executive has recommended that Floor Amendment No. 4, sponsored by Senator Mahar, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, on Amendment No. 4.

SENATOR MAHAR:

Thank you, Mr. President and Members. This is the bill that authorizes the State Police to have a cellular 9-1-1 phone system installed. Committee amendment -- or Floor Amendment No. 4 really clarifies -- provides further clarification for the original intent of the bill. In particular, it states that -- it restricts how the money is to be used, both by the State Police and the local -- local PSAPs. In addition to that, it was the original intent of the industry, as well as the State Police, that there would be no charge - minute charge - for 9-1-1 calls, and that is further stated in the bill, and I would move the adoption of Floor Amendment No. 4 to Senate Bill 531.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion on the amendment? If not, all in

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favor, signify by saying Aye. Opposed, Nay. Amendment No. 4 is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose does Senator del Valle arise?

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR DEL VALLE:

I'd like to welcome, up in the gallery, Pritzker School students. They're from my district. I want the Illinois Senate to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate. And welcome to Springfield. Senator Mahar, on 534? Out of the record. Senator Geo-Karis, on Senate Bill 536? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 536.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

There was an amendment that was...

PRESIDING OFFICER: (SENATOR WEAVER)

We show no amendments on Senate -- Senator Geo-Karis, take it out of the record?

SENATOR GEO-KARIS:

Take it out of the record, please.

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PRESIDING OFFICER: (SENATOR WEAVER)

Out of the record. Senator Karpziel, on Senate Bill 538? Out of the record. Senator Farley, on Senate Bill 542? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 542.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 542 would -- would amend the Space Needs Act to eliminate the geographical boundaries which the Space Needs Commission operates under currently. The purpose for this is in that there are projects just on the other side of the boundaries of the Space Needs Commission that are affected by the -- the boundaries that we presently operate under, and we feel that, by eliminating the geographical boundaries, we can go in and -- take care of some of these problems that arise, and we should be, as a Legislative Body, responsible for. It's our intention, if this bill passes, to -- to establish new boundaries and present those boundaries to JCAR, which then would have public hearings and public input into why or why not that might not be feasible, and then adopt those boundaries. So with that, Mr. President and Ladies and Gentlemen, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Hasara.

SENATOR HASARA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'd yield, Senator.

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SENATOR HASARA:

Senator, just a couple of questions, since this does affect my area. Do you have specific boundaries in mind that you intend to recommend, and if so, could you give me some idea of how far beyond the existing boundaries those would expand?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

Senator, we don't have any specific boundaries in mind at this time, and I would certainly confer with you on proposed new boundaries, and absolutely work with you on -- on getting your input into the new boundaries.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

I...(microphone cutoff)...Senator. Also, are there any specific projects coming up that it is anticipated these boundaries would need to be expanded in order to accommodate?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

Not at this particular time. As you are aware, the Willard Ice Revenue Building is just beyond our -- our geographical boundary, but uses a -- a power plant that is in our geographical boundary. So, from time to time, there are changes in these kinds of -- of requests, or requests for changes in -- in projects or facilities and we can't operate effectively unless we can -- we can go across that geographical boundary. So, at this -- the answer is no, not at this time, but we anticipate those kinds of -- of situations.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Hasara. Any further

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discussion? Senator Farley may close.

SENATOR FARLEY:

I would just request a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 542 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 542, having required the constitutional -- received the constitutional majority, is declared passed. Senator Burzynski, on Senate Bill 543? Mr. Secretary.

SECRETARY HARRY:

Senate Bill 543.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill merely requires IEPA to adopt regulations concerning land disposal of vegetable by-products. Currently, vegetable by-products are treated the same as municipal sludge, which really causes a great deterrent to local processors of vegetables. So I would be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR BURZYNSKI:

I would request a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 543 pass. All those in

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favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 52 Yeas, no Nays, none voting Present. Senate Bill 543, having received the constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 544? Out of the record. Senator Burzynski, on Senate Bill 545? Out of the record. Senator Topinka, on Senate Bill 546? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 546.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA

Yes. Mr. President and Ladies and Gentlemen of the Senate, this authorizes the Illinois Community College Board to create and participate in the operation of a foundation to seek private gifts for the purpose of benefiting the community college system. It is a bill that comes to us from the Illinois Community College Board and it was on the Agreed Bill List. I know of no opposition, and would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR TOPINKA:

Just a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 546 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Yeas, no Nays, none voting Present. Senate Bill 546, having reached --

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received the constitutional majority, is declared passed. Senate Bill 550. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 550 permits the Illinois Development Finance Authority to - when they have six members present - to be able to use telephone conferencing to establish an eight -- a quorum of eight people. As you probably know, the Board is statewide and meets in Chicago, and sometimes its difficult for all fifteen members to get together at the same place.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 550 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 48 Ayes, 1 Nay, 3 voting Present. Senate Bill 550, having received the constitutional majority, is declared passed. Senate Bill 552, Senator Ralph Dunn? Out of the record. 553, Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 553.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

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Thank you, Mr. President. Senate Bill 553 is new legislation which brings the Department of Revenue in line with the new electronic changes that have taken place, such as the fax machine, et cetera. It's a very extensive bill. Most of you have received a very detailed analysis, and I would rather answer questions to this rather than read this filibuster analysis word for word.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? There being no discussion, the question is, shall Senate Bill 553 pass. Those in favor will vote Aye. Those who are opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 553, having received the constitutional majority, is declared passed. Senator Klemm, on Senate Bill 554? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 554.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 554 creates the Unfunded Mandates Act. If you'll recall, in November we placed a referendum question on the ballot, asking voters whether they support government trying to mandate programs to local government without funding, and nearly eighty-two percent said they do not, that they should -- the government should certainly have these programs that we must mandate with the funds. And what Senate Bill 554 does is it requires, then, an extraordinary vote of three-fifths of each House, if we were to do a mandate with unfunded dollars to go with

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it. However, if we were to have a companion bill that provides those dollars, then it would take a simple majority, as it does now under current law. It also goes on to say that, if, in fact, we end up vetoing or abandoning, if you will, the appropriation bill, that that mandate would not then apply. This seems to be in keeping certainly with some constitutional questions that we're trying to also raise from another area. This had a full hearing before the Executive Committee. It was unanimously agreed that it was a good bill, and I do ask for your support in trying to uphold what the voters told us last November.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield, Senator.

SENATOR CULLERTON:

Senator Klemm, the bill is drafted -- is fairly broad in -- in its interpretation, it would seem to me. It says any bill that would require the expenditure of funds by a unit of local government shall not become law unless, as you said, there's a three-fifths vote or there's an appropriation. Do you intend for this to -- to cover, for example, a bill that would increase penalties for a criminal offense, which obviously has the potential for increasing the cost to the local judicial system, and as a result would require three-fifths vote?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

To -- if it would require a cost to a unit of local government, the State would have to require that or require the extraordinary vote, which would exempt it then from the revenues -

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from the dollars.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Well, I think we need a clarification on that, Senator. Are you saying that every time a penalty increase in any criminal offense that you would require a three-fifths vote? I don't think you answered the question directly.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, the answer is in the Section 5, line 6, it says, "A bill that would require the expenditure of funds..." I don't know if that would require the expenditure of funds.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Not -- you are not answering yes. You were -- you were answering that you do not know the answer to that question. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, we would have to determine whether -- by the Mandates Act whether it would be a mandate. We all saw -- received that report, so we would have some indication in advance, I think, before we take a vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

I'd ask the Gentleman to take this out of the record until he can answer that question.

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PRESIDING OFFICER: (SENATOR WEAVER)

Do you wish to take it out of the record, Senator Klemm? Out of the record. Senator DeAngelis, do you wish to return Senate Bill 558 to the Order of 2nd Reading for the purpose of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 558 to the Order of 2nd Reading for the purpose of an amendment. Is there objections? Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 558. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

The Rules Committee has approved for consideration Floor Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, to explain the amendment.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill is a committee bill - a Revenue Committee bill - and it is the advisory committee for recodification of the Property Tax Act. When this committee was created by the Director of the Department of Revenue, it was designed to recodify the tax Statutes and make the Property Tax Code user-friendly. In the process, we inadvertently eliminated a few things in the existing Code. This amendment simply puts back in those things that should not have been taken out in the first place.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion on the amendment? Senator Cullerton.

SENATOR CULLERTON:

Yes. I think that the Gentleman is referring to Amendment No. 3, if I understand it correctly. I think Amendment No. 2 is...

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, is this Amendment No. 3? Amendment No. 2 is a technical amendment.

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SENATOR CULLERTON:

But that's not the one he was describing, is my point.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, has the technical amendment been adopted?

SENATOR DeANGELIS:

I believe - and I could stand corrected - that Amendment No. 2 was adopted in committee. It was a technical amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

This is a Floor amendment. Were you describing the Floor amendment, Senator? Senator DeAngelis.

SENATOR DeANGELIS:

My information indicates that No. 2 -- are you talking about the technical amendment? And it was adopted in committee. If you choose, I'll readopt it. All right. I will then move to adopt Committee Amendment No. 2, -- I mean Floor Amendment No. 2, which is nothing but a cleanup from Enrolling and Engrossing.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion on Amendment No. 2? All in favor, signify by saying Aye. Opposed, Nay. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY HARRY:

The Revenue Committee has recommended Floor Amendment No. 3, offered by Senator DeAngelis, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 3 is as I had previously described. I urge its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion on Amendment No. 3? If not, all in favor, signify by saying Aye. Opposed, Nay. Amendment No. 3 is adopted. Are there further amendments?

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SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Welch, on 560? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 560.

(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 create the Construction Contract Act; basically saying that a construction contract shall not require a contractor or a subcontractor to waive their right to a lien or claim against a bond before being paid. In addition, there also is a provision that any dispute resolution process within the contract is forbidden from occurring in another State or be governed by the laws of another State. This bill is based on several other statutes, particularly one from Wisconsin. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate pass Senate Bill 560. 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, Mr. Secretary. On that question, there are 52 Ayes, no Nays, no -- none voting Present. Senate Bill 560, having received the constitutional majority, is declared passed. Senate Bill 561, Senator Geo-Karis? Out of the record. 567, Senator Klemm? Read the bill, Mr. <sic> Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 567 has been the result of about a year and a half of work that we've been doing with the Department of Public Aid in trying to develop a program where aid recipients could keep some of their earned income, privately done in the free enterprise system, if you will, and still receive some of their benefits from the State, so that we could actually increase their total income, and yet try to wean and break recipients from that constant cycle of staying on public aid. Similar almost, I guess, like Social Security, where you can make a couple of dollars and you'd only lose partial amount of your State aid, or your -- in that case, Social Security. In talking with the Department, they also have indicated that there's additional problems in trying to explain to the recipients and both to their caseworkers, all the different benefits and forms and programs and dollars and the budgeting requests that they have to meet in order to qualify for the aid that they're receiving. So Senate Bill 567 is asking the Department of Public Aid to develop a new earned income budgeting process for the recipients, which will allow those clients to keep more of their earned income, to help them keep their quality of life and standard of living higher. We spend about 1.4 billion dollars in this area alone, and if we could just reduce that by ten, fifteen, twenty percent, this could mean almost a quarter of a billion dollars more that we could add to education, or other programs the State needs, without tax increases. It seems like it's a business person's approach that helps both the recipient

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receive more funds, helps them get in the work ethnic <sic>, helps them go out in the free enterprise system to create jobs and grow in their own sector, gives them pride, and allows the State to save some money. I think it's a good bill, and ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this legislation. It went through the committee with no opponents at all, and it was put on the Agreed Bill List. The Voices of Children, the Legal Assistance Foundation of Chicago, the Public Welfare Coalition, and several welfare rights groups, all stand behind this legislation. I stand and ask all of my friends to please vote a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Klemm may close. The question is, shall Senate Bill 567 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 567, having received the constitutional majority, is declared passed. Senator Ralph Dunn, on 568? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 568.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. Senate

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Bill 568 would extend the deadline applications of Metropolitan Civic Center Act for an additional two years. Two years ago when we quit funding civic centers because of a lack of funds, we -- we passed the same bill and extended the deadline till June the 30th of this year, 1993. This would merely extend it two more years. Hopefully, by then we can get back in the civic center business. They are up to somewhere close to nineteen civic centers. There were nineteen civic centers in 1991, that we extended it to '93, and those same ones will be extended. Some of them may not be active now, but at least they're all on the list. So I move -- be glad to answer any questions, and urge the passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, Senator Dunn moves that...

SENATOR R. DUNN:

An Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

...Senate Bill 568 be approved. Those in favor, signify by voting Aye. Opposed, vote No. Take the record. Voting is open, excuse me. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 52, the Nays are none, 2 voting Present. Senate Bill 568, having received the constitutional majority, is declared passed. Senator Donahue, do you wish this -- Senate Bill 570 returned? Out of the record. Senator Butler, on Senate Bill 571? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

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Thank you, Mr. President. There are currently six local labor management committees which receive grants from DC -- from DCCA. Under the current rules under which they operate, there is a five-year limitation on funding for these local labor management committees. Senate Bill 571 simply removes that restriction. It does not change their operations or funding in -- in any other way, and I would urge approval.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, Senator Butler requests that 571 be approved. Those in favor will vote Aye. Those opposed will vote No. 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 571, having received the constitutional majority, is declared passed. Senator Cronin, on 576? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 576.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. -- Mr. President and Members of the Senate. Senate Bill 576, is -- was an agreed bill in committee. The bill seeks to amend the Uniform Conviction Information Act. As all of you know, that law sets out the means by which the public can gain access to conviction information. The sum and substance of the bill is the result of a joint effort by the Chiefs of Police, the State Police and the Illinois Criminal Justice Information Authority. The bill sets out a new administrative procedure for obtaining conviction information.

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The goal here is to set up a mechanism to retrieve information quicker, and the protections that have been in place remain in place. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield? Senator Cronin, could you explain to me why the Department of Corrections is only neutral on this bill, and not in favor of the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

I'm not sure.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Don't you think we should take it out of the record until we could find out? They have a legislative liaison; in fact, they have two or three of them, and I'm sure we could find one of them and just -- to see if there's not a problem. The reason why I thought they might be neutral is because I've read the bill and it's very similar to Senator Molaro's bill, I think, in that it doesn't appear to do anything. And...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Yeah. I guess that's generally the hallmark of a first bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 576 pass. Those in favor will vote Aye. Those opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam

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Secretary, take the record. On that question, there are 55 Ayes -- Yeas, no Nays, none voting Present. Senate Bill 576, having received the constitutional majority, is declared passed. Senator Karpel, on 577? Out of the record. Senator Mahar, on -- read the bill, 578, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 578.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. For many years, it is my understanding, the City of Chicago has negotiated a franchise agreement with Commonwealth Edison. Currently that agreement is at four percent of total revenues. It generates to the City about seventy million dollars. Unfortunately, two thirds of Commonwealth Edison's consumers live outside of the City of Chicago, and they are absorbing two-thirds of the cost, or, we figure, about forty-five million a year. This would correct this inequity and require that the -- the percentage for the franchise agreement be based upon the residents or the consumers within the municipality.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'd yield, Senator.

SENATOR CULLERTON:

Yes. Senator, is the theory behind this that -- that there is a franchise fee that's being charged for people outside the City

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of Chicago, and yet the -- the benefits are going to the City of Chicago exclusively?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

The consumers in Commonwealth Edison's service area who reside outside of the City are required to pay, based on total revenues, a portion of that franchise fee agreement.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Well, why are you singling out just franchise fees? What about property taxes? You know, the -- the Commonwealth Edison might own a Braidwood facility where there is large property taxes that are paid and those property taxes are benefiting that local area. Is that -- is that -- aren't there other fees that you could have this apply to other than just the franchise fee?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

This bill only addresses the franchise fee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I strongly support this bill. Why should the citizens of the other areas pay money into the City of Chicago through the Commonwealth Edison franchise fee? This is what it amounts to. This bill will prevent that. It's not fair for people in other counties to pay into this fund so that Commonwealth Edison can make a refund of seventy million dollars to the City of Chicago. It just isn't fair. I think it's the people who live in it and that -- those

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people should be charged with it, not the people in the other counties, and therefore I rise in very strong support of this bill. It's the only fair thing to do.

PRESIDING OFFICER: (SENATOR WEAVER)

Any -- any further discussion? Senator Mahar may close.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill will have no cost impact on the City of Chicago - does not require them to renegotiate their franchise agreement. They may still get seventy million dollars. However, in fairness, it will require Commonwealth Edison not to offset the cost of the seventy-million-dollar agreement with revenues outside of the City of Chicago, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 578 pass. Those in favor, vote Aye. Those opposed will vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 40, the Nays are 10, none voting Present. Senate Bill 578, having received the constitutional majority, is declared passed. Senator Watson, on Senate Bill 579. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 579.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This particular bill comes to us from the Motorcycle Dealers Association. There was no opposition to the bill in committee. It changes the reference in the Motor Vehicle Franchise Act from ATVs, which is currently language, to

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off-highway vehicles, to mirror the federal reference. It allows for Farm Implement Buy Back Act that we have enacted before, which would allow for dealers to resell inventory and all back to the originator - creates that same language. And it also provides third provision to allow for all new and existing motorcycle franchises.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. If the sponsor could yield to a question.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR CULLERTON:

Could you explain the change with regard to the security agreement? I'm sorry, the security interest portion of the bill? As I understand it, the -- a motorcycle dealer would have a security interest in inventory repurchased by the manufacturer or the distributor, in order to secure repayment to the dealer. Most franchise agreements contain security agreement language. I'm just wondering how this would change the current law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

This is the same language that we have in the -- the Farm Implement Buy Back Act. To -- for the individual dealer to protect himself, he must file a UCC.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 579 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting

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Present. Senate Bill 579, having received the constitutional majority, is declared passed. Senate Bill 580, Senator Madigan? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 580.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 580, as amended, comes at the request of parties that are involved in the premium financing of commercial lines insurance, and basically, it -- all that it does -- the bill does, as amended, is that in the event of a cancellation, the refund would -- of a premium finance contract on a commercial line of insurance, the refund would be issued directly to the producer, and it alters the Premium Finance Law that we passed a couple of years ago. I'd be glad to answer any questions, but it's a fairly simple, straightforward amendment -- or bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 580 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 42, the Nays are 10, 1 voting Present. Senate Bill 580, having received the constitutional -- constitutional majority, is declared passed. Senator Madigan, do you wish 582 -- out of the record. Senator Burzynski, on 583? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 583.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 583, as amended, basically does three things, or four things: It authorizes the Department of Ag to approve the sale and distribution of veterinary vaccines; it removes the testing for intrastate movement of cattle; it also establishes a revolving fee fund for use for providing analysis of research samples, out-of-state samples, and survey project samples, to not exceed costs.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Any discussion? The question is, shall Senate Bill 583 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 583, having received the constitutional majority, is declared passed. Senator Fitzgerald, on 591? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 591.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 591 would allow manufacturers in this State to purchase items that are consumed in the manufacturing process, tax free. It's a small change to our

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sales tax laws. Currently, we do not tax items that are physically incorporated into the final manufactured product, but we do tax other items that are consumed during the manufacturing process, such as oils, solvents, cleaning compounds and so on. This bill would exempt those types of items from sales tax. Most other states do not impose a tax on such items. In fact, thirty-one other states in the nation do not. None of our neighboring states do. This is one small thing that we can do to help make manufacturing in Illinois more competitive, and I would yield for questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Welch.

SENATOR WELCH:

Well, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Could the sponsor tell me, number one, how much is raised by this tax, and how much will be returned back to manufacturers, if we pass this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. I can give you a very rough idea of that. As you know, we discussed this in committee. I filed a fiscal note and the fiscal note, basically, came back saying we don't know how much revenue would be lost, but it could be significant. The Illinois Manufacturers Association has surveyed its members, and on the basis of those replying, it has done a projection of what the amount would be, and also we -- we do know from the Department of Revenue that manufacturers currently pay about three hundred and thirty million dollars a year in sales taxes. Now, based on the

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responses in the IMA's survey, it appears that this -- the cost to the State, in terms of immediate cost in lost sales tax, would be somewhere in the neighborhood of about twenty million dollars, and that -- throw that out as a rough -- a rough figure.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Can you tell me, when you're talking about the exemption, it includes sales taxes paid on items used during the manufacturing process. Does that include fuels, including sales tax on gasoline, or diesel fuel, or oil? Does it include those taxes as well?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, yes, it would -- it would include any sales tax on -- an oil or a solvent that went in and was consumed in the manufacturing process. Are you talking about the motor fuels tax? Is that... Well, you know, I -- I cannot -- I cannot answer that question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, my understanding is this includes the sales tax on gasoline, and since it includes that, would it also include the cost of the fleet of vehicles for a manufacturing company, for instance, since those cars are necessary for the manufacturing process, for the salesmen and other individuals to get to and from the plant, to the suppliers? Are we going to include their entire fleet of vehicles and all the gas that they use, all the sales tax on that gasoline?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Fitzgerald.

SENATOR FITZGERALD:

No. It would not include that. Only items that are consumed in the manufacturing process. Now, this would not be consumed, I do not believe. Automobiles would not be, and manufacturers would still be paying sales tax on anything that is not consumed. All the papers for their offices or whatever, that have nothing to do with the manufacturing, are not incorporated or consumed into the manufactured item, would not -- would -- this exemption would not apply to.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, I'm not sure what you mean by consumed into the product. If it's consumed while making the product, I -- I think that that is also covered in the bill. And certainly, your fuel, is -- if anything is consumed, it's going to be your -- your fuel. I think that the -- the fiscal note that was filed by the Department of Revenue on this bill is very revealing. Their last sentence is "It may be determined that a direct and significant loss in tax revenues will be realized by this Act." The sponsor admits twenty million dollars. That's the estimate given by the Manufacturers Association, as I understand it. Those are the people who are sponsoring this bill, and certainly they are going to give us an estimate on the low side of the equation. So I don't know how we're going to make up twenty million dollars over the next year, with all of our fiscal problems, but this is only one of several bills giving what are termed "tax relief" to businesses. All, I believe, are endorsed by the Manufacturers Association. But if this one's twenty million dollars, the other ones are going to put the total over one hundred million dollars. It seems to me that we need to stand back and say we have to have a rational

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industrial policy in this State, and not just give these tax increase -- tax rebates, one by one, tax relief to manufacturers, one by one, until we end up spending over a hundred or two hundred million dollars. This doesn't make sense. This is not good economic policy for the State of Illinois, and I think that we should vote No on this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

We talk about where the cost is going to come from; this is a jobs bill. This is going to generate considerable more revenues, because we're putting manufacturing back where it belongs in Illinois, at the top of the -- the ladder. And I'm sick and tired of losing manufacturing jobs in the States. Thirty-eight other states -- or thirty-two other states have done this. We talk about having a -- a rational tax basis, why can't -- we need -- we need to be like other states. It's tough enough to compete internationally and nationally, but to have our own State continue to handcuff manufacturing is ridiculous. We have start -- we've got to start becoming more manufacturing-friendly. Manufacturers hire individuals; individuals pay taxes. We don't need Target stores and Venture stores. What we need are manufacturing jobs with high-paid individuals who are paying taxes. I would submit this is not going to cost taxes; this is going to increase revenues. This is a revenue-enhancing, jobs bill, and I wholeheartedly support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I know there's a lot of discussion on this bill, as to whether it's a jobs bill, whether it's this side or that side

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economics. I'm going to tell you a fact, though: I stand in support of this legislation. We have, as an example, a -- a meat-packer in our area that does a good job, and he buys CO2 to quick-freeze meat. That is taxable. That makes no sense to me. But yet, at the same time, if we have a die bit or a tool -- a die or a tool bit, that is not taxable. We're confusing the living devil out of businesses out there. I think this is a good bill, and I ask for its support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I won't belabor the point, but I think if you, particularly on our side of the aisle, will look at your analysis, you will see that -- that the very states that we are losing our manufacturing to are the ones that -- that have this -- this kind of tax relief: Wisconsin, Indiana, Iowa, Michigan and Kentucky. We certainly ought to join the rest of the world, and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR FITZGERALD:

Thank you, Mr. President. You know, last year when we had -- or two years ago when the Presidential primaries were going on, there was a Democratic Presidential candidate named Paul Tsongas, who -- that I would -- I would like to remind my friends on this side of the aisle what he said. He said that "It's time for the Democratic Party to remember that when we stick it to business, we're also sticking it to the people who work for business." And when you talk about a tax break for a business, well, business is made up of people, some who own shares, some who work there, and people who work for business are ones who are going to benefit by

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a job like this. Manufacturing jobs in this State will be helped if we can do this. It's -- it's long-term, good policy, because ultimately we'll have more jobs and more tax revenues in this State, and we'll be better able to compete if we pass this legislation. I urge a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 591 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 15 Nays, 2 voting Present. Senate Bill 591, having received the constitutional majority, is declared passed. Senator Woodyard, on 596? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 596.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill was suggested by not only the American Quarter Horse Association, but also the Illinois Quarter Horse Association. It would allow a day or two days of racing, pari-mutually, by quarter horses, at both the Illinois State Fair in Springfield and DuQuoin.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 596 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 596,

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having received the constitutional majority, is declared passed. Senator Fitzgerald, do you wish this bill - 601 - returned to 2nd for the purpose of an amendment?

SENATOR FITZGERALD:

Mr. President, I would request leave to the -- that the Body give me leave to return 601 to 2nd Reading for the purpose of amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Hearing no objections, leave is granted. The bill is on the Order of 2nd Reading. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald, on Amendment No. 2.

SENATOR FITZGERALD:

Thank you, Mr. President. Amendment No. 2 basically, simply adds the podiatrists to my bill. Previously, the bill only affected doctors, and this would add podiatrists.

PRESIDING OFFICER: (SENATOR WEAVER)

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

ACTING SECRETARY HAWKER:

Floor Amendment No. 4, offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Amendment No. 4 is in a similar vein; it would add dentists to the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor of Amendment No. 4, signify

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by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 602, Senator Fitzgerald? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 602.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 602 is -- amends the Illinois Controlled Substances Act. Right now, the Department of Professional Regulation can revoke the prescribing privileges of a physician, without the knowledge of the Medical Disciplinary Board. If -- now, if there's good cause to revoke the prescribing privilege, there may also be good grounds to take action against the medical license. What this bill would -- would do, would be to require the Department of Professional Regulation to receive input, or get input, and let the appropriate licensure or disciplinary board know that it is taking disciplinary action. And it also has a minor provision in it that would allow the Director of the Department of Professional Regulation to appoint an attorney to serve as a hearing officer in any disciplinary hearing, and I think they're already doing that. And I would be open for questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 602 pass. Those in favor will vote Aye. Opposed, Nay. The

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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, none voting Present. Senate Bill 602, having received the constitutional majority, is declared passed. 603? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 603...

PRESIDING OFFICER: (SENATOR WEAVER)

No, take it out of the record. Take it out of the record. Senators -- Senate Bill 604, Senator Klemm? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 604.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. 604 has been amended so that we would create -- and establish, I should say, really, a Home and Community-Based Services Task Force. The reason that we're doing this in Senate Bill 604 is that we're trying to see if we can do a comprehensive program of studies that we could help reduce the institutionalism -- or institutionalizing people on Medicaid, rather than keeping them probably in home-based service in their own home. And what we're trying to do is meet with all the departments, which we've done, with the Department of Public Aid, Department of Aging, DORS, to create a task force for them to study ways that we can implement, later on, by legislation, ways that we can reduce Medicaid type of expenditures. Many of you are familiar with the -- Oregon's comprehensive program. In Oregon, even though they're

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a much smaller State, they're suggesting their savings are well over a hundred million dollars a year because of a program they've established. We're looking to see if perhaps there are areas that we can do for this independent living. Rather than trying to mimic the Oregon program, we felt it would be fairer to have all the departments both working then with the nursing home industry, with the long and short care term providers, to come up with a program that would fit Illinois. And I do ask for your support on 604.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 604 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? Madam Secretary, take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 604, having received the constitutional majority, is declared passed. Senator Rea, on 607? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 607.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. Senate Bill 607 came out of committee on the Agreed Bill List. I know of no opposition to it. The Department of Public Health shall award grants to physicians that are -- would be delivering babies in rural designated shortage areas. These grants shall be used to reimburse physicians for the cost of obtaining the medical malpractice insurance. Senate Bill 607 is actually a follow-up to the Rural

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and Downstate Health Care Act that we had passed in 1990. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Seeing none, the question is, shall Senate Bill 607 pass. Those in favor will vote Aye. Those opposed will vote -- vote Nay. 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, none voting Present. Senate Bill 607, having received the constitutional majority, is declared passed. Senator Hasara, on Senate Bill 610? Out of the record. Senator O'Malley, on 614? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 614.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 614 amends the Crime Victims -- did I hear something -- amends the -- the Crime Victims Compensation Act by authorizing the Court of Claims to pay claims for certain services or expenditures, solely and directly to a person that is not the applicant. Under current law this is not permitted. Senate Bill specifically -- Senate Bill 614 specifically stipulates that the court may order that all or a portion of an award be paid solely and directly to another person other than the applicant, to the extent that -- that such other person has provided products, services or accommodations, the costs of which are included in the award.

PRESIDING OFFICER: (SENATOR WEAVER)

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

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Bill 614 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, there are 54 Ayes, no Nays, none voting Present. Senate Bill 614, having received the constitutional majority, is declared passed. 618, Senator Donahue? Read the bill, Madam Secretary.

END OF TAPE

TAPE 5

ACTING SECRETARY HAWKER:

Senate Bill 618.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill does two things, and it deals with the custody of a child. It requires that you have clear and convincing proof for the parent if they're leaving the State of Illinois to remove that child and that the impact has a direct effect on the child's welfare or the care of the child and -- or benefit to the child. This is a -- a very important piece of legislation, regardless if you're a man or a woman, a mother or a father, and I would hope we could have your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

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Thank you, Mr. President. The Body should know that this is a substantial change as it affects a parent's right to take a child out of State, and I'm not necessarily saying that's bad, but when you take a child out of State, you have to have more than just a reason. And the court has previously held that that reason is, what is in the best interests of the minor. And the reason for that existence is that, unfortunately, children became pawns in divorce, and sometimes out of spite, one -- one side would move away with the child to frustrate visitation. But what this aspect does is it raises the level of proof to the highest point in civil law for a person to determine -- or for a judge to determine that it is in the best interests of the minor. As the law exists now, it is a preponderance of the evidence, which is technically a shade over a majority: fifty-one percent, fifty-two percent. This would raise it to a preponderance of the evidence, which is just short of the criminal law standard, beyond all reasonable doubt. So, just so you're aware, this is a substantial change in the burden of proof for a mother, who normally has custody, to take a child to another state. So it cuts both ways. Just be aware of what it does.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you. I rise in support of this bill. You know, when a -- a child is to be taken away - out of the State - permanently, by the custodial parent, for whatever reason, it is certainly tantamount... Excuse me. Bad popcorn. It's tantamount to a change in custody. And a change in custody under the law currently requires a showing, by clear and convincing evidence, that it's in the best interests of the child. All this does is acknowledge the fact that when a child is to be taken out permanently by the custodial parent, it, in fact, is tantamount to

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a change in custody, and sets forth the same requirements that are in current law for that change in custody situation. I think it's a very good bill. I think it will promote fundamental fairness, not only in the interest of the child, but between the parties. And I rise in support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have some problems with this bill. I'm not sure whether I'm for it or against it, but I guess -- I run into that same problem. I think that we're all a little bit confused on -- by the words "best interest of the child". That then becomes a -- as I see it, a subjective call, if you will, on the behalf of the judge or someone else out there, and I think that that leaves it to -- to broad, broad brush. I just want to know, I guess, is who knows what's in the best interest of the child? The child's not going to be able to tell you. The parent very well may feel what they're doing is in the best interest of the child, and I just don't know -- you know, especially with the way it's so hard today, in Illinois, to get a job. And it's so hard in many of our states to get a job; that from there, you know, sometimes we have to move more often than we want to and we're more transient, and that may be considered -- even though it's a necessity, may not be considered to be in the best interest of the child. So I'm a little bit confused as to what constitutes the best interest of the child. And if somebody can give me a good reason - a good example - on that, I could probably join in, but I just have a tough time in my own mind trying to relate to that. So if anybody's got any answers, I'm willing to listen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton. Senator McCracken.

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SENATOR MCCRACKEN:

...(microphone cutoff)...for seeking recognition again, but in response to the inquiry, "best interest of the child" is a term of art currently in the law. It's the standard used in all of these custody issues. The only difference between current law and this bill, if it passed, would be the burden of proof in determining whether the best interests of the child are in favor or not in favor of making the move. So we don't -- we do not affect what is the ultimate question, only how convincing it has to be to the judge before he can grant, in this case, what is tantamount to a change of custody. So it's not very precise, but it's all we've got to work with.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. I voted Present in committee, and I still have reservations, and I'll tell you what they are. Clear and convincing evidence is not well-defined in the law. When you have a case that goes to trial in Illinois, we have standardized jury instructions. The Bar Association has not been able to come up with any definition of what "clear and convincing" means. The appellate courts have gone all over the ballpark on what "clear and convincing" means. Some have said it's close to beyond a reasonable doubt, but not quite; others have said that it's just a bit more than a preponderance of the evidence. But the problem is, there is no good definition. And I am very hesitant to expand another category of cases where we're requiring clear and convincing evidence, where there's no good definition of what clear and convincing evidence is.

PRESIDING OFFICER: (SENATOR WEAVER)

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

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SENATOR DONAHUE:

Well, thank you, Mr. President. Just in response to that: As Senator McCracken was indicating, if you want to take a child -- if you want to change custody of a child between one parent to the other, clear and convincing evidence is in the law. If you -- and taking them and removing them from their home or from their locality to another part of this country or another part of the world, for that matter, is tantamount to change of custody. And I think that's -- to use the figure "clear and convincing" in both areas of the Statutes makes a lot of sense. This is a very important bill, in my estimation, for -- and it is a change, and a major change. But what we're trying to do here is to make the emphasis on the child, and that's the key to it. Sometimes judges will say, "Well, because the mother's leaving, because the mother's going someplace else, it's automatically in the best interests of the child." I don't believe that's always the case. And I want to add one more point. And in this bill it doesn't prohibit -- it -- it doesn't say they can't take the child out of -- out of State; it just simply says, "Let's make sure it's the child's best interests." And I hope -- ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 618 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 41, the Nays are 8, 6 voting Present. Senate Bill 618, having received the constitutional majority, is declared passed.

PRESIDENT PHILIP:

Senate Bill 619. Senator Hawkinson. Read the bill, Madam Clerk.

ACTING SECRETARY HAWKER:

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Senate Bill 619.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill comes to us at the request of the Illinois State's Attorneys' Association. It's to fill a niche between the current crime of robbery and the crime of armed robbery. Right now, of course, robbery is a Class 2 felony; armed robbery is a Class X felony. This is to deal with situations where someone doesn't actually have a gun, but he leads his or her victim to believe that they have a gun - through the hand in the coat or some other thing - threatening the use of force and saying that they are armed and placing the victim in the apprehension that they are, in fact, armed. It does not create a nonprobationable offense; it still could be probationable, but it increases it from a Class 2 to a Class 1 felony. I would urge its adoption, and would be happy to try and answer any questions.

PRESIDENT PHILIP:

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

SENATOR HAWKINSON:

Just ask for a favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 619 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 50 Ayes, no Nays, 5 voting Present. Senate Bill 619, having received the required constitutional majority, is declared passed. Senate Bill 622. Senator McCracken. Take it out of the record. Senate Bill 627. Senator Donahue. Read the bill, Madam Clerk.

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ACTING SECRETARY HAWKER:

Senate Bill 627.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 627 clarifies that if a utility customer has been overcharged, the utility company must refund the customer and -- any overcharges with interest for the entire period of which the overcharges occurred. Proof of the overcharges must be verified either by company documents or by the individual. I think there has been some misunderstanding or lack of clarification under the Statutes right now regarding this, and this bill simply attempts to clarify that this can happen. I'd be happy to answer any questions.

PRESIDENT PHILIP:

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

SENATOR DONAHUE:

Favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 627 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 51 Ayes, 3 Nays, none voting Present. Senate Bill 627, having received the required constitutional majority, is declared passed. Senate Bill 628. Senator Topinka. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 628.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this would allow the Department of Public Aid to recover any assistance that was given in error to an applicant or recipient of public aid. The bill does come to us as a Public Aid administration bill, and DPA feels it needs this language to close a loophole in the Statutes. And that's all it does. I don't know of any opposition; however, I'm free to answer any questions, and, if not, seek a favorable roll call.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Am I on? Yeah. I was wondering if that last bill - if the Senator would accept an amendment that if there are any overcharges by utility companies, if they couldn't immediately refund those, too, to the people who are deserving of them.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

I just don't know if it would be quite germane to this bill, but it certainly is a consideration for down the road apiece.

PRESIDENT PHILIP:

Any further discussion? Senator Topinka, to close. Excuse me. Senator Shaw.

SENATOR SHAW:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

She indicates she'll yield. Senator Shaw.

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SENATOR SHAW:

You said this -- this bill came to you as -- as a Department bill? In the -- right now, what do they do when they -- when someone -- when they give a person some money that they are not entitled to? What happens now?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

They attempt to get it back.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

You say you needed this bill to help them recover the money. That's what I understood. Maybe I was wrong.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

They need to have the authority in order to recover, not only if it's done by accident, but also if it's done by the -- by the Department as well, so that they are free and clear to just go after this.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

I don't know. I was with the Department of Public Aid as an investigator for a long time - and I don't know whether you know this or not - I was in excess assistance, and they -- we -- that's what we used to do, is -- is get the money. I -- I don't know what has happened since that time. Maybe the Statute has been changed. But I was just wondering why did we need this type of legislation for this. Certainly we might need it, and certainly I would be in favor of them recouping any money, but... Go ahead.

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PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Apparently where the glitch lies is there's some confusion as to whether they can collect, if it is their fault, as a Department. And this locks that up. So even if it is their fault now, they can go after it.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just one question of the sponsor, if she'll yield.

PRESIDENT PHILIP:

She indicates she'll yield. Senator Jacobs.

SENATOR JACOBS:

As I read it, it talks about overpayments. Overpayments could also then be insurance, and if insurance is given and -- and they used the insurance, what would that person then be responsible for? For the price of the bill, or for the premium? What would they -- what would they be responsible for, in that case of an overpayment there? If -- if they were not, you know, supposed to be getting the -- the insurance at that time.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

This bill is limited to Medicaid. I don't know that it covers insurance.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

But would they not be getting a service, and therefore that service would be considered to be an overpayment of service?

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PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

No. And that's not my intent.

PRESIDENT PHILIP:

Further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Just a favorable roll call, please.

PRESIDENT PHILIP:

The question is, shall Senate Bill 628 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 628, having received the required constitutional majority, is declared passed. Senate Bill 629. Senator Karpiel. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 629.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 629 amends the Environmental Protection Act, and it provides that the Illinois EPA cannot proceed with notice and complaint procedures when a violation arises out of a -- from a voluntary pollution prevention activity, unless the violator fails to take corrective action or there is imminent danger to the public health. The intention of this bill is to encourage the regulated community to take voluntary pollution prevention activities. Right now they're afraid of doing that, because then to let the EPA in, they're

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afraid the EPA will see maybe some other irregularities or something, and it's a real disincentive for them to take these voluntary actions. This bill would take away that disincentive and hopefully encourage them to take voluntary actions in this regard.

PRESIDENT PHILIP:

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDENT PHILIP:

Indicates she'll yield. Senator Welch.

SENATOR WELCH:

Could you tell me who supported this bill in committee and who opposed it?

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Well, let's see. It was a 10 to nothing vote. No opposition? Oh, an opponent was UNO-VEN Company. These are the witness slips. Monsanto Company was a proponent. Illinois Chamber was a proponent. Obviously the IEPA was a proponent. And Donna Garman from the Illinois Fertilizer and Chemical Company <sic> was a proponent.

PRESIDENT PHILIP:

Any further discussion? Senator Karpziel, to close.

SENATOR KARPIEL:

I just ask for an Aye vote. Thank you.

PRESIDENT PHILIP:

The question is, shall Senate Bill 629 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

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Present. Senate Bill 629, having received the required constitutional majority, is declared passed. Senator -- Senator Cullerton, on Senate Bill 638. Do you wish to return the bill to 2nd Reading for the purpose of amendment? Is there leave? Leave is granted. On the Order of 2nd billing -- on the Order of 2nd Reading, Senate Bill 632 <sic> (638). Senator Cullerton. Oh, excuse me. Madam Secretary, read the amendment.

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. What the amendment does is to strip a number of the provisions that were put on by a previous amendment, thus leaving the Water Reclamation District's bill, which extends statutory bonding authority for capital projects from 12/31/96 to 12/31 in the year 2001. That's all that's left on the amendment. Be happy to explain the amendment on 3rd Reading.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If -- if not, those -- on Senate Amendment No. 2 to Senate Bill 633 <sic>, 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. Senate Bill 641. Senator Cullerton. Do you wish to move the bill to -- take it out of the record, or 3rd Reading? Take it out of the record. Senate Bill 662. Senator Butler. Read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 662.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Senate Bill 662 corrects kind of a peculiarity in the law which requires employers to allow employees a twenty-minute meal period. This applies very specifically to those employees of -- particularly small group homes who monitor individuals with developmental disabilities or mental illness and who must be on duty during the entire eight-hour work period. So this allows them -- allows them to eat on the job, so to speak, without violating the -- that specific law. I ask for a favorable vote.

PRESIDENT PHILIP:

Any further discussion? If not -- Senator Welch.

SENATOR WELCH:

Could you -- could I have a question of the sponsor?

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Butler, my notes show that the AFL-CIO is opposed to this bill. Could you explain why they would be opposed?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

I believe they -- at one time they were opposed to it. We did amend it to be more specific, and it -- it is now specific to individuals with developmental disabilities or mental illness. I think that erased their objection.

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PRESIDENT PHILIP:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yes, Mr. President. Does this, in fact -- is this permissive for the -- the employee, or is this mandatory for the employee?

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

I would have to say it's permissive. There may be some conditions under which they can allow some relief.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Is this then -- has this been requested by the employees of these nursing homes, et cetera? Because what it appears to do -- and I think you alluded to it in your discussion -- is that you are forcing people to eat on the job, so to speak -- while they're doing their duties, so to speak. And that appears to me to be a little bit of a problem. I'm not too sure if this doesn't violate federal law, by virtue of not giving the established time that's necessary.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

To the best of my knowledge, I do not think it does, Senator. That point has never come up.

PRESIDENT PHILIP:

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

SENATOR BUTLER:

I ask for a favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 662 pass. Those in favor

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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 48 Ayes, 2 Nays, no voting Present. Senate Bill 662, having received the required constitutional majority, is declared passed. Senate Bill 664. Senator Butler. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 664.

(Secretary reads title of bill)

3rd Reading...

PRESIDENT PHILIP:

Senator -- Senator Butler.

SENATOR BUTLER:

Senate Bill 664 adds the Meals on Wheels Fund to the checkoff list. It creates a checkoff contribution on the income tax return form for -- as I say, for Meals on Wheels. I would be happy to entertain any questions.

PRESIDENT PHILIP:

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

SENATOR BUTLER:

I ask for a favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 664 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 -- there are 54 Ayes, 1 Nay, no voting Present. Senate Bill 664, having received the required constitutional majority, is declared passed. Senate Bill 666. Senator Topinka. Take it out of the record. Senate Bill 667. Senator Topinka. Read the bill, Madam Clerk.

ACTING SECRETARY HAWKER:

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Senate Bill 667.

(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, this would establish the Long Term Care Facility Inspection Consolidation Task Force to study and make recommendations regarding the elimination of duplicative long-term care facility inspections by State agencies. And it would set January 1st, 1994, as a report date to the General Assembly and to the Governor. Currently we have six State agencies which run around loose inspecting nursing homes, and you wonder why, you know, the cost of going to nursing homes is so high, and the chaos is -- is always over there, because our agencies are always tromping through at undisclosed times, duplicating each other, stepping on each other's feet, but basically, because of agency turf battles, not wishing to come together to -- to come up with something logical where we could do it at one time and not keep the nursing homes at bay with huge time inconveniences, waste of money for the nursing home facilities and also for the State, because we have to pick up the travel time of all of these various inspectors running around loose in the State. We now, as I said, have six agencies that do this, which is the Department of Mental Health DD, Public Aid, Public Health, the State Fire Marshal, Aging and Transportation. We ask them that they would try to come up with a way to satisfy all of the needs of the State agencies in one consistent inspection, also a consistent set of rules which would govern long-term care inspections, and also just try and get these various rules manuals that they now have to consult, consolidated so indeed it could be a little bit more one-stop shopping. I

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think it's a good, commonsense, good-of-the-order bill, and I'd seek your positive votes.

PRESIDENT PHILIP:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I strongly support this legislation, because this has been a longtime Democratic initiative, and I merely -- and the bill is to mandate consolidation of the long-term care. And so I want to urge all of my Democratic colleagues on this side to please support and vote for this piece of legislation. Thank you, sir.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

Favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 667 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 667, having received the required constitutional majority, is declared passed. Senate Bill 670. Senator Burzynski. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 670.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

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

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This bill basically requires any balance in a working cash fund generated by a bond issue after January 1st, 1993, and later abolished, to first be used to reduce the next subsequent tax levy for a school district. Be more than happy to answer any questions.

PRESIDENT PHILIP:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, if you know the answer to this, who is the statewide School Management Alliance, and why are they opposed to your bill?

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

I believe that's the school boards, the school administrators - those individuals. Very simply, the reason that they would be opposed to this particular piece of legislation is that most school districts, when they abolish the working cash funds, obviously like to put those in their education fund. This bill would not allow them to do that at this time, and that's only for school districts that have established a working cash fund since January 1st of 1993.

PRESIDENT PHILIP:

Further discussion? If not, -- excuse me. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the bill. This may be a fine bill when we're adequately financing all of our schools throughout the State, but I think that this is a suggestion that the time has not yet come for this bill. We have

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school districts that are short cash, and this is a decision made by local elected board members as to how they're going to utilize their funds. I don't think this is the time to restrict their flexibility. See us in a couple years, after we change the School Aid Formula, after we pump adequate money into all the schools, then we can be more academic in what's right and wrong, what's stricter and less strict, but I just don't think this is the right time to impose this kind of restriction on our locally elected school board members. I rise in opposition to the bill.

PRESIDENT PHILIP:

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

SENATOR BURZYNSKI:

I can appreciate Senator Berman's comments. I really can. He also indicated though, matters of what's right and wrong - that perhaps this isn't the time to address those. Certainly I can understand that we have some school districts that are having considerable amount of problems, but currently in the Statutes, school districts can abolish the working cash fund, put it in their education fund, and then the following year, establish another working cash fund. I would submit to you that that's an abuse of the system, and that a vote in opposition to this bill is a vote for a tax increase without referendum. I would appreciate an Aye vote. Thank you.

PRESIDENT PHILIP:

The question is, shall Senate Bill 670 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? One more time. Have you all voted who wish? Take the record. On the question, there are 25 -- 21 Ayes, 31 Nays, 2 voting Present. Senate Bill 670, having not received the constitutional requirement, is declared failed. Senate Bill 680. Senator Madigan. Take it out of the record. Senate Bill 682. Senator Cullerton. Senator

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Cullerton. Read the bill, Madam Clerk.

ACTING SECRETARY HAWKER:

Senate Bill 682.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill deals with arbitration. Most Circuit -- most Circuits have reported success in reducing court backlogs by the use of mandatory arbitration. This bill would allow for the Supreme Court to tailor the jurisdictional amount for mandatory arbitration to fit the needs of each Circuit. We -- I think, in 1992, almost twenty thousand cases, which otherwise would have added to the judicial workload, were assigned to arbitration. What this bill does is to increase the amount in question from fifteen thousand to fifty thousand dollars for cases that would be subject to mandatory arbitration. It's supported by the Supreme Court, and I would be happy to answer any questions, and ask for an Aye vote.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, on Senate Bill 682, 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 682, having received the required constitutional majority, is declared passed. Senate Bill 684. Senator Topinka. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 684.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this would amend the Counties and the United <sic> Code of Corrections Code by permitting Cook County to purchase surplus items produced by correctional inmates without soliciting competitive bids. The Department of Corrections would be directed to determine prices for goods produced by inmates according to the cost of production for State and local governments and according to the usual market price for other sales. It's a way, we feel, of -- of providing skills for inmates in -- in prisons so that they indeed can come out with some kind of a skill that maybe they can sell and be productive and economically independent. It also takes the heat off of overcrowded jails, because we don't want to see our prison guards doing what's going on in Ohio and other areas. And ultimately, you know, for the social good of the future, you know, it might be good all the way around and at the same time provide units of government in the county with some furniture that will be good, be serviceable and have -- have some social merit as well. So I would seek a favorable vote.

PRESIDENT PHILIP:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. If I might, I'd like to pose a question to the sponsor.

PRESIDENT PHILIP:

Indicates she will yield. Senator Demuzio.

SENATOR DEMUZIO:

I thought I heard you indicate that this was Cook County only. It's my understanding this is all of -- all of the State. Is that

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correct?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Our staff tells me it is Cook County.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Well, let me -- while we're looking to see whether or not it is, in fact, statewide or not, what you are attempting to do, as I understood in committee, and as I understood in the analysis, was that you are exempting all of the counties -- you are authorizing all the counties to purchase, without soliciting bids, items that were produced by State prison inmates. And it seems to me that these inmates now that are gaining a salary as a result of making this additional furniture -- I mean, you know, we're costing us eighteen thousand dollars a year to house a prisoner in minimum security. It costs us twenty-three thousand for maximum and twenty-five thousand for those hundred and twenty on death row, and now we want to give them another salary here to make more equipment and exempt the counties so that our poor little small businesses in our area who have to be competitive, now have to compete with the State of Illinois and the prison -- prisoners. I don't think this is a very good bill, and I would ask every person in this place to take a look seriously at this one, because I don't think this is the kind of direction that -- or State policy that we want to be developing in Illinois.

PRESIDENT PHILIP:

Senator Hall.

SENATOR HALL:

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

PRESIDENT PHILIP:

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Indicates she will. Senator Hall.

SENATOR HALL:

Senator Topinka, who wants this?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Cook County State's Attorney Jack O'Malley.

PRESIDENT PHILIP:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in opposition to this legislation too. I've been hearing on the other side of the aisle most of the day about jobs. And this -- this is a good jobs bill for those that are in prison, but I think what we're doing with this bill -- and I know it's not the intent of this sponsor to do that - but we -- we've done it in the past with the laundry. We have laundries in our area that are going out of business because the inmates are competing and they're competing at a reduced price, and there's no possibility for the outside vendors to -- to complete -- compete. So whether you let counties, whether you let governmental agencies, no matter who you -- who you allow to purchase these goods, you are putting someone on the outside out of work. Now, I don't have any -- a lot of sympathy for the people that are inside of the prisons that are -- are worried about whether they've got some work to do or not. I'm more worried about the people on the outside of the prisons that don't want to get in there, and the best way to keep them from going into those prisons is to ensure they've got jobs. And this bill defeats the purpose, and I think we should all vote No.

PRESIDENT PHILIP:

Senator Carroll.

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SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
A question of the sponsor, if she will yield.

PRESIDENT PHILIP:

She will yield. Senator Carroll.

SENATOR CARROLL:

Senator Topinka, you indicated before that your staff told you that it was Cook County only. I am reading the bill and see no such reference to Cook or Cook County or population. Could you give me some kind of site so we can figure it out?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

I think at this point I'd like to take it out of the record so we can check that fact, and I've been waiting to be called on. So I would like to take the bill out of the record.

PRESIDENT PHILIP:

Take -- take it out of the record. Senate Bill 694. Senator Smith. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 694.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have Senate Bill 694 which is -- the purpose of this bill is to attempt to reduce health care costs and provide the health care consumer with knowledge about their hospital costs of their bills. And what we have asked the -- the Illinois Health Care Cost Containment to prescribe rules and require all hospitals

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to show the actual cost of items being charged to the patient on billing. How much does their hospital room cost? If they have operations, how much do they have to pay? Everything is high and people don't have money, but they do get sick. And so we're trying to protect them. I know that the Illinois Hospital Association has consistently opposed this, but people have to go to the hospital and they have to have some kind of comfort and assurance that they're not going to be taken to the ride or anything...(inaudible)...that hospitals are ever going to do that, but they have to have some assurance. And people -- our foreign people coming into our hospitals and they need to -- an assurance, something that they can see or somebody can read for them. And so, I'm asking that you give me a favorable vote on this piece of legislation.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, I strongly commend Senator Smith for being the lead sponsor on this bill, and as you can tell by your staff analysis, our Health Committee was extremely supportive in the -- on the basis of fairness, because as we look at the high cost of health care today and -- and -- in terms of trying to be competitive and trying to lessen that cost, it's only fair and right and just and proper that the public is able to shop and to know what it's paying for and to see an itemized bill. We've done this for other industries in the State - I think lastly and most notably the funeral directors. We see it on our cars when we buy cars - that the bills are itemized. We get itemized bills on our contracts. Why not for hospitals as well? It's a -- it's a bill that -- that lives and breathes and dies on fairness, and I would ask for your -- your entire support on this, because it makes good sense.

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PRESIDENT PHILIP:

Further discussion? Senator Smith, to close.

SENATOR SMITH:

Thank you, sir. I merely ask for a favorable vote.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 694 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 41 Ayes, 9 Nays, 2 voting Present. Senate Bill 694, having received the required constitutional majority, is declared passed. Senate Bill 704. Senator O'Daniel. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 704.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. Senate Bill 704, as amended, actually deletes all, and the amendment becomes the bill. And what it -- it does, it adds that when an airport authority is wholly located within a single county of less than forty thousand population, individuals employed by the local school district may serve on the -- the authority board. The City of Mount Vernon, the mayor there, asked me to introduce this legislation. He has a school teacher there that's serving on a board, and -- and I guess legally she can't do that. And he wanted to reappoint her, and it's pretty hard to get people to serve on those small airport authorities. So, I don't know of any opposition. If there's any questions, I'll attempt to answer. If not, I ask for a favorable roll call.

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PRESIDENT PHILIP:

Any further discussion? If not, the question is, shall Senate Bill 704 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 55 Ayes, 1 Nay, no voting Present. Senate Bill 704, having received the required constitutional majority, is declared passed. Senate Bill 706. Senator Farley. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 706.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the House <sic>. What Senate Bill 706 does is authorize the Cook County Forest Preserve District to purchase or lease property from other units of local governments or school districts. One of the purposes of this bill is to permit the district to enter into cooperative agreements with other units of local government to make purchases and pay for them over a longer period of time. Rather than levying for the entire cost of a cooperative purchase in one year, the bill would permit the district to spread the cost out over a longer period of time. And I would move, Mr. President, that we have a favorable roll call on Senate Bill 706.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

I just rise in support of this bill. This gives the county an opportunity to do some things that it needs to do at a better price.

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PRESIDENT PHILIP:

Any further discussion? If not -- Senator Farley, you wish to close? Ask for a favorable roll call. All right. The question is, shall Senate Bill 706 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have you all voted who wish? Take the record. On the question, there are 37 Ayes, 12 Nays, 2 voting Present. Senate Bill 706, having received the required constitutional majority, is declared passed. Senate Bill 707. Senator Farley. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 707.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the House <sic>. Senate Bill 707 is a -- validates the tax levy for the Cook County Forest Preserve. This is something that we've been doing over the last several years. And I know that there is some feelings that we shouldn't be doing this, but the purpose, Mr. President and Ladies and Gentlemen of the House <sic>, is to hopefully avoid some frivolous lawsuits, and I know that there's another Senator that would like to make a comment on this. So with that, Mr. President, I would just hope that we'd have a favorable roll call.

PRESIDENT PHILIP:

Thank you, Representative Farley. This is the Senate, not the House. I'll excuse you the first time. I didn't say anything the second time, but three times in a row. This is the Senate. Senator DeAngelis.

SENATOR DeANGELIS:

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Question of the sponsor, Mr. President.

PRESIDENT PHILIP:

The sponsor indicates he will yield. Representative Farley.

SENATOR DeANGELIS:

Congressman Farley, will you...

PRESIDENT PHILIP:

Indicates he'll yield. Go right ahead.

SENATOR DeANGELIS:

Will you take the oath with me that this will be the last time we will ever see this validation in this Body?

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

My apologies, Mr. President and fellow Senators, for my mistake. But, Senator DeAngelis, I will join with you in sending a strong message back to Cook County, that we would hope that this would not happen again. And I won't sponsor it again, if that's what they decide to do, though.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

Indicates he will. Senator Geo-Karis.

SENATOR GEO-KARIS:

My analysis says that you want to validate the levies for Cook County, the Cook County Forest Preserve District and all downstate forest preserve districts. How can you validate them if they weren't validated -- if they weren't valid to begin with? I have a question about that. Can you answer me?

PRESIDENT PHILIP:

Senator Farley.

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SENATOR FARLEY:

I'm conferring with the staff here, and the answer would be that they were not specifically itemized in detail as required by Statute.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I'm a little bit troubled, to say the least. If they weren't done properly to begin with, then are we going to validate something now that should have been done properly to begin with and wasn't done? I'm not trying to be difficult; I'm just curious.

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Well, Senator, we've been doing this since 1966 and -- I'm presenting the bill and -- and some of these questions, I think, might be brought up to the county board. But I could say that we've been doing this since 1966, and I would ask that hopefully this would be the last year we do it.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, I -- the way I understand it, this bill will prohibit the taxpayers from protesting his taxes. Why are we doing this?

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Well, it's intended to prevent frivolous lawsuits. That's been the intention.

PRESIDENT PHILIP:

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Senator Dudycz.

SENATOR DUDYCYZ:

Well, in that case, it will also prohibit legitimate lawsuits. Isn't that correct?

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

That's not my understanding. Maybe Senator Cullerton could offer some insight into that, being an attorney.

PRESIDENT PHILIP:

Senator Cullerton, our authority. Senator Cullerton.

SENATOR CULLERTON:

Yes. I think it would be helpful if -- if the Members have available a copy of the -- the actual bill. This is a validation of tax levy ordinances Section, which if you look at the bill, you'll see that what we -- we do with this bill is to add the year 1992. That's the part that's being added, because, going back to 1966, as the Senator had indicated, we've passed this bill. And I think if you look, perhaps, at the -- the language of the current Act, we say that -- that we're just stating in -- in State law that the tax levies are valid, in spite of the fact that there may be some technical mistakes in the way in which they adopted their ordinance. I do recall last year that I sponsored this bill. I know we, at that time, included the DuPage County Board and the DuPage County Forest Preserve District at their request. I understand that they also want to be added to this bill, and that they may want to put that amendment on in the House. But that's what it's about. It's -- it's really technical in nature. We've done it every year. There has to be, for example, according to the ordinances, specifically itemized in detail expenditures; that's required by Statute. And what this bill says is, for example, that notwithstanding that in the levy or appropriation

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ordinance, those stated amounts were not specifically stated, that the levy is still valid. That's the purpose of the -- the bill. It's not anything that -- out of -- out of line or unusual. As a matter of fact, as Senator Farley's indicated, we've done this since 1966, and have -- has in the past, and will in the future, include counties like DuPage.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Well, it's my understanding that what we're doing is we're validating the forest preserve district's tax levy and their appropriations. We're doing it by legislative action, and I don't think we want to do that. And I would hope that we would vote this down. Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

Indicates he will. Senator Hall.

SENATOR HALL:

Senator Farley - and I want to get this straight - is this statewide?

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

No. It's Cook County only.

PRESIDENT PHILIP:

Further discussion? Further discussion? Senator Geo-Karis, for the second time.

SENATOR GEO-KARIS:

May I address this to the sponsor? Our -- our analysis...

PRESIDENT PHILIP:

The sponsor -- the sponsor indicates he will yield. Senator

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Geo-Karis.

SENATOR GEO-KARIS:

Our analysis -- our analysis says that this bill will apply to all downstate forest preserve districts too.

PRESIDENT PHILIP:

...(microphone cutoff)...that a question or a statement? Okay. Senator Farley. Further discussion? Senator Farley.

SENATOR FARLEY:

It's my understanding that it is Cook County only.

PRESIDENT PHILIP:

Further discussion? Senator McCracken.

SENATOR MCCRACKEN:

Thank you. At the risk of bucking what appears to be the tide, I believe this is not so ominous. Matter of fact, I happen to do work in this area. So I suppose if I vote Yes, I'm voting against my private interest. But Senator Cullerton is right; this is -- this is technical only. This does not - this does not - defeat any substantive objection to the validity of the tax rates. Zero. Zero. If someone comes in and says the "i" is not dotted, the "E's" <sic> aren't crossed, that is defeated by this. Nobody has ever lost a lawsuit. It's never been dismissed. The substantive law is not affected. Now, you will then ask the question: "Why do we bother doing it?" And I don't know why. But...(microphone cutoff)...confident that what I'm saying is correct, it has no substantive effect on anybody's objection to the validity or extent of a tax levy or rate. Zero. It is not an ominous bill.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, we ought not to be in this business, but let me point out to you that on page 3, it refers to counties who have less

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than three million people, and this levy is extended for them as well. And that includes all counties outside of Cook, and on page - forest preserve districts - and on page 2, it's for counties over five hundred thousand. So, it is a statewide validation. But we ought to get out of it in Cook, and we ought to get out of it in all the State, and this is the last time we're going to be doing it. And that's why I asked the sponsor if we could, in fact, get him to agree, and I will agree, as the cosponsor of this bill, never to do this again.

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I was going to ask just the question that Senator McCracken mentioned. Why exactly do we do this? You may say, Senator DeAngelis, that this is the last year, and Senator Farley might say that this is the last year he'll sponsor it, but I've been here thirteen years; we do it every year, and if Senator Farley doesn't do it next year, some other some -- somebody will do it next year. But in all honesty, I want to know why we do this for the forest preserve districts. Why not the county boards in general or anybody else? Why do we do this? I'd like to have an answer -- a legitimate answer.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Very quickly, Mr. -- Senate President Philip. I -- since this bill evidently doesn't do much of anything, I just wanted to inquire as to whether or not this is Senator Farley's first bill.

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Thank you...

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PRESIDENT PHILIP:

To close. To close, I hope.

SENATOR FARLEY:

Thank you, Mr. President and Members of the Senate. Senator DeAngelis is correct. I was in error. It does cover downstate forest preserve districts. All I can say, Mr. President and Members, is I would hope for a favorable roll call. And I would agree with Senator DeAngelis that we shouldn't have to do this anymore, and I will send that message back.

PRESIDENT PHILIP:

On the -- on the question, shall Senate Bill 707 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 31 Ayes, 15 Nays, 7 voting Present. Senate Bill 707, having received the required constitutional majority, is declared passed. Merry Christmas. Senate Bill 712. Senator Palmer. Read the bill.

SECRETARY HARRY:

Senate Bill 712.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

I'm sorry. Senator Karpiel.

SENATOR KARPIEL:

I would like a verification on that bill, please.

PRESIDENT PHILIP:

Senator, we have gone to another bill. I did not see anybody's lights flashing up here. And -- and quite frankly, I think I'm going to proceed ahead. The bill has been read. Senator Palmer.

SENATOR PALMER:

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Thank you, Mr. President and colleagues in the Senate. This is a bill that would have the Department of Public Aid, in cooperation with the Department of Public Health, to devise and implement a demonstration program to furnish immunization for Medicaid-eligible children on a walk-in basis at local public aid offices by July 1st, 1994. I think that we are all aware of the advantage of immunization and of prevention of health problems and the cost-effectiveness, particularly of immunization. The Department of Public Health figures show that while ninety-seven percent of the children entering kindergarten had basic immunizations, only fifty-seven percent of those children two years of age outside Chicago and twenty-nine percent in Chicago had basic immunization - the immunizations recommended. This is not just a -- a matter for children who are low-income. More and more middle-income parents are also experiencing the high cost of vaccinations. This is a very simple bill. It came out of the committee with no opposition. And I'm happy to answer any questions, but I hope that I can get support for this bill, as it is the only immunization bill that we have out here this year in the Senate.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. But I -- on that previous action, I'm sitting here, and I saw Senator Karpel have her light on, and I've been in the Senate ten years and I've not seen that activity take place where we haven't at least given a Member the opportunity to verify a roll call. I think that that was unfortunate, and really a disrespect for a Member.

PRESIDENT PHILIP:

Senator Watson, let me say this. I did not see her light on. Somebody was standing in front of her. The Parliamentarian did

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not see the light on. We had read the bill the first time, and quite frankly, it was too late. Now if she -- if she would have screamed or somebody would have got up -- I just didn't see it, quite frankly, and I won't do it again. Now, any further questions? Senator Smith, to close. Excuse me. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I merely want to concur with the sponsor of this Bill 712 and say that I support this bill, because we here in Illinois, the large portion of our children rely upon the public health system for immunizations. And I think it's a very good bill. It's going to help us out an awful lot in this State, and I recommend that all of our people, please give her a favorable vote.

PRESIDENT PHILIP:

Senator Palmer, to close.

SENATOR PALMER:

I just ask for a favorable vote. Thank you.

PRESIDENT PHILIP:

The question is, shall Senate Bill 712 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, no voting Present. Senate Bill 712, having received the required constitutional majority, is declared passed. I might make this announcement: The Chair intends - I know it's about supertime - intends to go to 7 or 7:30. The longer that we go tonight, the quicker we'll get out tomorrow.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben, on 718? Out of the record. Senator Thomas Dunn, on 719. Read the bill, Madam -- Mr. Secretary.

SECRETARY HARRY:

Senate Bill 719.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would provide for a fee of thirty dollars to be paid to the -- to the State's attorneys in this State for each proceeding in a circuit court to enforce an order of protection if there is a finding of abuse, a violation of the order, or the defendant is held in indirect criminal contempt. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Dunn, to close.

SENATOR T. DUNN:

Thank you, Mr. President. This was on the Agreed Bill List. Urge your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 719 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 719, having received the constitutional majority, is declared passed. Senator Woodyard. Senator Klemm, on 734? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 734.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

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

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Senate Bill 734 amends the Boat Registration and Safety Act. It prohibits a person from operating a watercraft when there is any amount of an illegal drug in the person's blood. It does a few other things. It replaces the word "revoke" with "suspend" throughout the operating of the -- under the influence of drugs. Also increases the period of suspension for refusal to submit for a chemical test, from one to two years. Currently the suspension period now for taking or failing a chemical test or refusing to submit to chemical tests are both one year. Removes the requirement that chemical tests be given within three hours. In other words, this is similar to what we're doing now in the Motor Vehicle Law, and I think this just simply strengthens our Boating Registration and Safety Act. And I do ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR JACOBS:

Okay. According to our analysis, Senator, the -- all drug tests -- prior to -- to this bill, all drug tests were to be administered within three hours after an arrest. That is now being deleted. There's no limitation that is now given. Can you answer me, how long do they have to administer the drug test after the arrest is made?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, there would be no limit. It would be the same really under our Motor Vehicle Law, which has no limit also.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

You know, I don't know what effect it really has in the bill, and I -- and don't want to belabor the point, but -- but it seems to me that we're always told the time is the only thing that dissipates the alcohol. And if you don't have some limitation by which time you take this test, you could very well -- if you take it five or six hours later, you're going to be testing somebody who may have been drunk at the time, who now is sober.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

This -- this doesn't affect alcohol. This only affects the cannabis and drugs, such as that. And therefore, I would think that if the drugs are still in the person's blood after three or four or five hours, it would affect that person's ability to operate that watercraft, and therefore that's the reason we've removed it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we've had some very tragic accidents in the Chain O'Lakes region because of people who were on drugs, slammed into other boats, killed people, and I think this legislation is very necessary. And I certainly support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Klemm may close. Senator Klemm, do you wish to close? If not...

SENATOR KLEMM:

Just a favorable vote.

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PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 734 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 votes Aye, none voting Nay, none voting Present. Senate Bill 734, having received the constitutional majority, is declared passed. Senator Watson, on 735? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 735.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This legislation comes to us from Cook County State's Attorney Jack O'Malley. What it does is it mandates the school districts to provide instruction in violence prevention and conflict resolution in grades four to twelve. We do -- we are mandating, but with that comes a provision that says that the Drug-Free Schools and Community Act funding that comes from the federal government will provide the money to local school districts to implement this program. State Board of Education has indicated there's about twenty-three million dollars that's made available for this -- for this type of activity. Naturally, this bill won't create that kind of a cost, but there is that kind of money coming from the federal government in this program. The bill is amended, and maybe don't look at the original bill, because the amendment is pretty much the bill, as -- as we have it now. We do have a problem out there - there's no doubt about it - a situation in which -- not only in the inner cities, but throughout Illinois. It's even in my area - a rural

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area - which you'd think wouldn't have a -- a violence problem with -- with violent crime. We -- we certainly have it. And it's a problem, and I think that this type of legislation certainly tries to address that. The Center for Conflict Resolution, which is a Illinois not-for-profit corporation established by the Chicago Bar Association, wrote me concerning this legislation - Jon Weiss, who's the executive director. They're working now with Chicago schools in trying to implement programs in the schools to -- to help with conflict management. They're very supportive of this legislation. They look at this as a means by which to open up some communication with students in the classroom and teachers and others to try to resolve the problems that we're having in not only inner cities, because this is, as I mentioned earlier, not necessarily an inner-city problem. I'll be glad to answer any questions, and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR DONAHUE:

You indicated that, you know, the committee amended -- committee amendment took care of what we would consider a mandate. So if the federal funds aren't forthcoming, this is not a mandate on our local school districts. Is that...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

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SENATOR SYVERSON:

Is this -- this is still a mandate, but it's going to be an unfunded mandate. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

It is contingent upon the federal -- or federal funds being made available through the Drug-Free Program -- Drug-Free School Program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Second question on this, I guess, is the -- the time factor. What's this program going to involve? I mean, I'm concerned that we're putting more and more mandates on the classroom and we're forgetting what we're supposed to be teaching in the classroom.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, I share that concern, Senator. In the fourteen years I've served the people of my area, I share that mandate concern, and I've been very active in trying to resolve that -- that kind of a problem, and that's why the funding is with it. But what we've also allowed is for each local school board shall have the freedom to determine an appropriate curriculum. So there is that local control and local activity that will develop the curriculum. The State Board of Education will provide materials which are readily available, and the -- the Cook County State's Attorney brought with him, when he testified in committee, different curriculums that are being made available throughout the -- this State -- or this country, provided by Harvard University and others. So there -- there's materials out there, and I don't know

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that this would be a -- a major cost factor. And there is that local control aspect of it, of allowing the school districts at the local level to determine what activity would be involved.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Are we talking about though -- are we talking about a semester program like they have in gym? Are we talking about an hour a week? What -- what kind of -- is this every year, or is this just a one time over the course of a person's tenure in school?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

It -- it would be from grades four through grades twelve. And again, each local district will be allowed to develop the curriculum, and in many cases, it would probably be in the health class. That's where this is taught in -- in other school districts in other states. And the -- the mandate as to how many hours, or anything, is not in this at all. So it -- it's kind of an attitude that we'll make the materials available to you; you do with it as you wish at the local level. If it's a problem in your area and you think the materials would help and the guidance that we can give you from the State Board of Education, then -- then -- then go with it. If not, you do with it as you wish at the local level.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

But if we're mandating it, we're not saying "Do as you wish"; we're saying you have to teach this program if the federal funds are going to be there. I guess that's my first question. The second one is, once this program is up and running and the feds

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cut the program out, what are we going to do at that point then?
Do we just...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

The mandate would no longer be required, if the funds aren't available.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I think, you know, Senator -- Syverson is just absolutely right. Here's another unfunded mandate to school districts in Illinois. I suspect if the constitutional amendment would pass, it would take a three-fifths vote today. Unfortunately, it's only going to take thirty. Why do we keep doing these kinds of things when we don't have any money?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

I think this is an interesting show of a difference of opinion. I stand in favor of the bill. Let me just -- let me read the language that's in the amendment that's -- that is now the bill. Quote. "The State Board of Education and local school boards shall implement this Section pursuant to any grants of funds that are made available and received on or after July 1, 1993 from private sources or from the United States pursuant to the federal Drug-Free Schools...Act..." What that says to me is that we're saying, "Schools, teach this program if the money is available from private sources or the federal government. If it's not, you've got to pass." But I will tell you, Ladies and Gentlemen, the subject matter of this bill is very, very

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important. We read these horror stories, and it's not in any particular school district. It happens throughout the State. Violence control, conflict resolution should be taught to our children. We are pinpointing non-State money. I think it ought to receive an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I -- indeed there are many different interpretations of the language, and -- and, Senator Watson, I think there's enough confusion on -- on the language in the final paragraph. I would agree with those who -- who would suggest that that language is still a bit ambiguous. And -- and if you really want to pass the bill, it would seem to me you might want to take it out of the record, change that language, make it very specific, and I think you'll get many more votes for the bill. I -- I -- frankly, I think it's ambiguous enough. It's a matter of semantics, I think. But I think it's ambiguous enough that I can't support it in its present condition.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, that's certainly our intent. And if it clears up the matter, we'll be glad to take it out of the record and put that language in.

PRESIDING OFFICER: (SENATOR WEAVER)

Take it out of the record. Senator Fawell, on 757? Read the bill, Mr. Secretary.

END OF TAPE

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TAPE 6

SECRETARY HARRY:

Senate Bill 757.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that was -- I was asked to put in by the Illinois Commerce Commission. It has two components. It requires the electric utilities to request approval from the Illinois Commerce Commission before constructing lines of sixty kilowatt and above, and allows the ICC to set, by rule, a filing fee to accompany this filing, which will help defer the added cost borne to review the filings. And number two, allows the ICC to increase the copying costs of transcription meetings and certain other documents requested by outside parties. The fee, by the way, is a quarter. The reason the bill was introduced was, during 1992 Commonwealth Edison set forth plans to construct several transmission lines in Lake and DuPage County. Statute is very vague as to when an electric company must seek ICC approval before constructing such transmission lines. Ultimately, Edison did file certificates of convenience and necessary -- necessity with the ICC, but only after a great deal of encouragement from the Commission staff. Basically, what we're really talking about is when the electric companies want to put up these very high towers, which is what was happening in DuPage County, along -- in my instance it was along the prairie path. They, at that time, did not have to file with the ICC and tell them that they were going to put eighty-foot towers. This bill

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would require that filing. It is a consumer bill. The people along the -- those towers are concerned about the EMF, which is the electromagnet fields. If you are concerned at all about your constituents, you will vote Aye for this bill. And I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator, you say this is a good bill to vote Yes for, for the consumers, but the fact of the matter is, doesn't this fly in the least cost provision that normally we attempt to use for utilities? It appears that this flies in the face of that. It causes for higher utility costs, and in fact, as some of the people will say, that this could even cost jobs, and I don't think that's the intent of your legislation, but that appears to be some of the problems with the bill. Also, there appears to be a few opponents to this, which I'm sure most of you have seen, but all the way from the Chamber of Commerce to the IMA on your side, basically, and all the way to the International Brotherhood of Electrical Workers. I ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR DeANGELIS:

I observed the actions of the ICC recently. I'm quite concerned by some of the irrational behavior of that body. If this is a consumer bill, what happens if they say no to a line that's bringing electricity to consumers?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

What we are talking about is where they put the towers, not necessarily do they put the towers someplace. Now the argument that they had during the -- the time when they were putting them in DuPage County was, can they or should they put eighty-foot towers in the backyard of -- of homes, which is exactly where they are now going. There is a concern out there. They could have done that without even notifying the -- the homeowners - just come in and put the towers in. This at least allows the consumers to know that those towers are going to be ten or fifteen feet away from their back door.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

I have no problem with the consumer knowing, but this bill does far more than that. And frankly, Senator Fawell, the where will determine whether also. So, I mean, I don't think it's as simple as the where proposition. I think what you're doing here is creating a situation in which -- and you and I are all so familiar with a couple of community activists that are able to destroy an entire project that benefits a whole community, and particularly with the rather irrational behavior I've seen by their somewhat irrational chairman recently. So I'm really concerned about giving anybody that kind of authority that acts the way they behave right now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

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She indicates she will yield.

SENATOR DONAHUE:

How long do you think that the requests for these certificates for these power lines will take to get from the ICC? Do you have any estimate of time?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

In the -- in the time that it took -- from our experience, it took about three months. About ninety days.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

It took about ninety days to -- to have the ICC have your hearing? Well, what I'm asking is, how long will it take to get the certificates to do this. If -- I mean, it could delay -- right now you can ask to have a hearing, and as a Senator, I would think the ICC would listen. You know, do you still think it's going to take ninety days or longer to get a certificate?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

I don't -- I don't know when -- actually in -- in my instance, they can do it tomorrow, very frankly. What this is is to allow a hearing before those certificates are issued. That's what we're talking about. When we had this hearing - which was not mandated and was agreed to by -- by Commonwealth Edison - we had about two hundred and fifty people that showed up and voiced their objections. The lines are still going to go through, but at least the people had the right and the ability to come to the hearing, to express their concerns, and to at least be heard on the subject, and there's -- some accommodations have been made.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

Okay. Well, I don't -- I'm not sure that we need to put it into law that we can have a hearing, 'cause I think you can request that, and -- especially if there's a hullabaloo in your area and you want your constituents to have the opportunity. I think that exists today, without having to mandate that every time they do this, there's a hearing. But I have another question and that is, in our analysis it talks about establishing fees. Not necessarily -- I'm not concerned about the copies for the hearing or the transcripts, but what about the -- you're establishing a new fee for the certificates. Now, and it -- it doesn't give us what the amount of that fee is going to be. What will it be? Do you know?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

The -- the fee would be going through JCAR, which you and I happen to be on.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

This -- I'm sorry, sir, this is my last statement. I -- I don't have a -- I know where the Senator's coming from, and I think she has a valid concern. I don't think we need to put it into law, number one, for the first part, but I also feel that we, as a Body, need to establish the rates for those fees. We do serve on JCAR together, and I don't -- while I have a great deal of faith in the committee, I think we, the General Body, ought to be establishing that fee. So I would speak against the bill. Thank you.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, the reason for this bill is that the Statute is very vague. I wonder if we can have some attention, Mr. President. This is a very serious issue. The Statute at the present time is very vague as to when an electric company must seek Illinois Commerce Commission approval before constructing high voltage lines. Now, we've had a lot of research done on this subject, and in my county we've had at least four hearings and over a thousand people have shown up. There's been a lot of research done that the electromagnetic fields over schools, for example - lines over schools - have affected children's health. Now, I'm interested in jobs, but I'm also interested in saving lives. There's been cases of cancer that have been showing up, and there's been a lot of research done on it. And I think the only problem we have here is just make it into law that before an electric company seeks ICC approval -- or rather, before it establishes any transmission lines of high voltage, they must get ICC approval. How else are we going to protect the people? The Illinois Commerce Commission is the one that's supposed to regulate public utilities, and when you just say that's not important, I fail to see that reasoning. I think we have a duty to try and protect the people of Illinois, whether it's Edison or whether any other public utility's concerned. Let them do the right thing. Let them have a law that they know they have to proceed properly. And at the present time, the -- the law that's in -- is so vague. All we're saying is, if you're going to install high voltage lines, you should get ICC approval, and I speak in...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

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SENATOR BUTLER:

Thank you, Mr. President. Just to clarify something. Senator Fawell, your comments seem to say that this is a bill that will require hearings. It's more than that. As I read it, it -- it is -- it requires ICC approval. So what we're doing is expanding ICC powers, are we not?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Let me give you an example of what happened in my instance, and very frankly, we are taking -- we have taken care of our problem and -- you know, if this goes down, be my guest, but let me warn you, there will be no more hearings unless this bill is passed, because Commonwealth Edison, indeed, found out that they had to do certain things they didn't want to do. One of the -- one of the power lines was going to go right in front of Glenbard -- not Glenbard, Wheaton South -- Wheaton-Warrenville South. It was going to be across the street. What the people requested and finally got, only because of the hearings, was that that particular tower be moved approximately five hundred feet away from the school. There were a lot of parents that were very concerned about the fact that their children would be in the playground and these lines would be very close to them. Without the hearing, the tower would have gone up exactly where the electric company wanted it to. With the hearing, they got it moved. My problem is solved. If you don't believe you will run into these problems in the future, then vote No. I will warn you though, I have discovered, you will. When those towers come, you will have nothing to say about it; your schools will have nothing to say about it; your constituents will have nothing to say about it. And if you don't think your phone's going to be ringing off the -- off the hook, telling you to do something, talk to people

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like myself, like -- like Senator Geo-Karis who have run into this, and you're going to find you're going to be in deep trouble. All I ask is an Aye vote, and I think the discussion has gone long enough.

PRESIDING OFFICER: (SENATOR WEAVER)

Question is, shall Senate Bill 757 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. On that question, the Ayes are 17, the Nays are 36, 1 voting Present. Senate Bill 757, having failed to received the constitutional majority, is declared lost. Senator Shaw, on 775? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 775.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. This amends the Parenting Act, and extends the Statute of Limitations for action brought by parties alleging to be the natural parent. It increases the Statute of Limitation for filing a claim by parties alleging to be the child's natural parents, for two years after birth of the child, and two years after the child reaches the age of majority. And this is a bill that was given to me by the Chicago Bar Association.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 775 pass. All those in favor will vote Aye. All 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

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the record. On that question, the Yeas are 42, the Nays are 7, 5 voting Present. Senate Bill 775, having received the constitutional majority, is declared passed. Senator Donahue, do you wish to -- this bill returned to 2nd Reading for the purpose of amendment? Senator Donahue seeks leave of the Body to return Senate Bill 776 to the Order of 2nd Reading for the purpose of an amendment. Is there any objections? Hearing no objections, leave is granted. On the Order of 2nd Reading, Senate Bill 776. Are there amendments? Mr...

SECRETARY HARRY:

Committee on Public Health recommends Floor Amendment No. 1, offered by Senator Donahue, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue, to explain the amendment.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment allows not-for-profits and -- not-for-profit hospitals and hospitals owned by local governments to be given a written notice of any pending settlement for services that they've performed that they've attached a lien to, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on 778? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 778.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. Speaker -- or, Mr. President. I'm sorry.

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, Mr. Representative.

SENATOR MCCRACKEN:

Bad habits die hard. Senate Bill 778 would change the law regarding voluntary dismissals. Currently the courts are construing - although there is some confusion - they're construing voluntary dismissals to be a matter of right, even when otherwise dispositive motions are on file, and maybe even ready for hearing. This bill would not require the court to consider the voluntary dismissal before an otherwise dispositive motion, and so would change the law. This is being requested by the Bar Association. I believe both sides of the issue, plaintiffs and lawyers -- or plaintiffs and defendants, are at least neutral on that. So it's probably a good bill, because no one likes it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Mr. President, is it too late to ask for a verification on Senator Farley's bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Never too late. You want to reconsider the vote by which it was adopted?

SENATOR CULLERTON:

No, no. No, no. No, I'm in favor of this bill, too.

PRESIDING OFFICER: (SENATOR WEAVER)

Do you have a question of Senator McCracken's bill?

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SENATOR CULLERTON:

No. I'm in favor of Senator McCracken's bill. I think...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson, do...

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, my recollection in committee is that although this allows third-party claims to remain, that if they -- if the third-party claim is one for contribution, or indemnity, and is dependent integrally on the -- the underlying complaint, which has been dismissed, that they will also automatically fall away. Is that true?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. That is correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any further discussion? If not, the question is, shall the Senate adopt Senate Bill 778. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, 2 voting Present. Senate Bill 778, having received the constitutional majority, is declared passed. Senator Petka, on -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 780.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 780 amends the Criminal Code, and -- to include telecommunications services within the concept of property in Section 15 of Chapter 38. With telecommunications being defined as property, we also amend the Telephone Line Interference Act, and provide that under the terms of the Telephone Line Interference Act, that any person who is guilty of a second conviction -- or has a second conviction for the offense, a violation of that Act, is guilty of a Class 4 felony, or if the offense involves damage or destruction of telecommunications property in excess of three hundred dollars, and -- or if the offense was committed for remuneration. The bill was reported out of the Judiciary Committee on the Agreed Bill List, and I believe -- I would move for its adoption at this time.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR CULLERTON:

Senator, the -- the Section that deals with the Telephone Line Interference Act, where you're enhancing the penalties, do you intend for that to apply to the Section that you are amending with the word, "telecommunication services"? In other words, do you intend for this enhancement to apply to destruction of all property, or is it your intent for this -- this enhancement to apply just to -- for the destruction of telecommunication

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services?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

The enhancement will -- will apply to all definitions found under the Telecommunication Line Interference Act in Section 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 780 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 780, having received the constitutional majority, is declared passed. Senator Stern? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 786.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Mr. President and Ladies and Gentlemen of the Senate, this is a bill suggested by the Illinois State's Attorney Assistants, and it is designed to crack down on those who frequent prostitutes without having to prove that that person is a prostitute, and it thereby allows such persons to be prosecuted for soliciting an undercover cop or anyone else who might appear to them to be a prostitute. Currently solicitation for a prostitute only covers pimps and not clients. This bill would set that right. It was an agreed bill in the Judiciary Committee, and I ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there discussion? If not, the question is, will Senate Bill 786 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 786 is declared passed. 788. Senator Molaro. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 788.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Notary Public Act, and what it intends to do is clarify and define. Currently, the notary public -- there are certain ways that you can notarize someone's signature. Obviously, personal knowledge. One of the ways that it calls for is -- currently says that "A notary public has satisfactory evidence that a person is the person whose true signature is on a document if that person" -- and part three says, "is identified on the basis of identification documents." Well, the problem is if you've ever gone to real estate closing, now they have what they call agency closings. All -- a lot of closings are taking place at the title company. So a lawyer may not be a notary, or the buyers may not have a lawyer and they have to sign documents at a closing. So when the notary, who happens to be the closing officer, asks for identification, the current law says, "identification documents". No one knows what that means. So now what this bill purports -- the new bill says that, "is identified on the basis of a valid Illinois drivers license or another form

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of identification which has a photograph of the person." So instead of using -- all notaries throughout, they have no idea if a gas bill is sufficient or what is an identification document. This makes it clear. Either have a driver's license or have something with your picture on it. So if you're going to ask someone to notarize your signature, there should be some proper identification with your picture on it. So this -- so this makes it easier and defines what identification documents are. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Senator -- Thank you, Mr. President. Senator Cullerton asked me to ask if your second bill is supposed to be as meaningless as your first.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, -- Senator Stern.

SENATOR STERN:

I just wanted to ask the sponsor if he had thought of doing away with notaries altogether, which I think is a much wiser course of action.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern. Senator Molaro. Is there any further discussion? If not, the question is, shall Senate Bill 788 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 1 voting Present. Senate Bill 788, having received the constitutional majority, is declared passed. 792, Senator DeAngelis? Out of the record. 795, Senator Donahue? Read the bill.

ACTING SECRETARY HAWKER:

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Senate Bill 795.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue.

SENATOR DONAHUE:

Thank you -- very much, Mr. President, Ladies and Gentlemen of the Senate. This bill does exactly what it says in the Calendar. It creates a long <sic> Distance Learning Foundation. The Lieutenant Governor will create and appoint the board of directors. The Lieutenant Governor will be serving as chairman of the Foundation, and the Director of the Rural Affairs Council will serve as the initial Director of the Foundation. It allows us to raise money from the private sector, and establishes foundation that can be given out to the rural schools in Illinois, and I think it's a very good piece of legislation, and would ask for your support. Would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall Senate Bill 795 pass. Those in favor will -- will signify by voting Aye. And opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 795, having -- received the constitutional majority, is declared passed. Senate Bill 797. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 797.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

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SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 797 was a request from a constituent in Cook County who wrote me a letter complaining about some twenty judges who did not get reelected for retention, or get elected, period, and that the Cook County judges, of course, appointed those twenty-some judges to other positions. He thought it was a very bad idea. He contacted me, he wrote me. I mean, after all, they were defeated, yet we seem to go around the system and we appoint them anyway. What this does is prevent the Illinois Supreme Court from appointing anybody for a two-year period that has been defeated, either for retention or election. This is my one do-gooder bill of the year. I'll be happy to answer any questions, and -- and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. With all due respect to the President, I -- I really think that I have to rise in opposition to this. I could see if someone had been not retained, perhaps that might be appropriate, but someone who just runs in an election and they lose, they could be a very good judge, and I don't think that we should tell the Supreme Court they can't appoint them. You know, there was a judge named Charles Norgle, who was out in DuPage County, that was appointed to the Federal District Court in 1984. He had run in a Republican primary for the Office of Circuit Judge back in 1978 and was defeated. He was later on appointed as an associate judge, 'cause there was a vacancy, and he went on to -- you know -- as you know, go on to become a federal judge. He even ruled on the reapportionment case, as I recall. So I -- I think this goes a little bit too far. Maybe if it was amended so that it'd cover

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people who were actually not retained - they'd been on the -- the ballot for retention and the people, for whatever reason, decided to knock them out. But it seems to me that just because a judge was -- lost an election, the Supreme Court should have the discretion to appoint those who they think are talented enough to be -- to serve. So with all due respect to the President, I would oppose the bill for that reason.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I voted for this bill in committee so that it could have a complete hearing on the Floor. I, myself, feel very much like Senator Cullerton, with whom I very rarely agree. I -- I must say that in my county it would create a hardship, because if there is a good person - let's take Sam Maragos, who was a very good judge; he had lost - why shouldn't he be reappointed -- appointed, since he was a good judge? But I -- I think this bill is a hardship on my county, and therefore, I am constrained to vote against it, much as I love my President.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR PHILIP:

Thank you, Mr. President. I -- I get a kick out of Senator Cullerton, who says if you get defeated for retention we should keep you off, but if you get defeated in a regular election we ought to put you back on. I mean, you were defeated - period. If you're such a good candidate, so well-qualified, the people should be able to figure that out. I don't see any difference. I think it's a good idea, if these guys -- let them go out and make an honest living for a change. That would be my attitude. Find out

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what the real world is. We keep reappointing these hacks all the time. Let's get rid of them forever. I would -- I would just like to see a lot of green lights up there. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 797 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? One last call. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 25, 1 voting Present. Senate Bill 797, having failed to receive the constitutional majority, is declared lost. Senator Philip.

SENATOR PHILIP:

Yeah. Point of personal privilege, Mr. President. Just to say -- did I lose my voice? No, I didn't. You know, it's terrible - the influence that the judiciary has on the lawyers in the General Assembly, and that was a perfect example of it. You bunch of wimps.

PRESIDING OFFICER: (SENATOR WEAVER)

798, Senator Philip? Read the bill. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR WEAVER)

798.

ACTING SECRETARY HAWKER:

Senate Bill 798.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

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

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Hopefully that Senator Cullerton will look a little more favorably on this idea, but I'd be surprised. This changes the primary to the third Tuesday in May. Now, I'm a Republican County Chairman, probably been a Republican County Chairman longer than anybody in this Body, and I have been a precinct committeeman for a long time, and I want to tell you there's only -- very simply why I want to change the primary: better weather, and schools are in. Makes it easier for me to knock on doors and talk to people. Now we had, believe it or not, the primary in April, and -- from 1922 to 1964. And in my judgment, we made a mistake. It would be my attitude, quite frankly, in regard that we're thinking about the next -- next year -- next Session, that if the May 28th deadline works - and I'm convinced more and more every day it's going to work - that next year we adjourn on April 30th. So you would be home for your primary in May - everybody running for reelection, including myself. So it makes a lot of sense to me. I know I get some heat from the farmers once in a while. If you would look at the rural counties who complain about this, their primary voting is lousy. They have some of the lowest percentage of people voting in the primary - I hate to say it - in those rural areas. But I think it -- it's good. Its time has come, and I'd be happy to answer any questions. I'm just trying to make it easy for those people who knock on doors and ask people to vote and ask them to get out and vote. And remember, the schools are still in. So if you're a suburban area where people take vacations in the summer and the spring, school is still on, so everybody's home. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I agree with you, Senator. I think it's about time, and I'm in

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favor of that bill -- this bill, but I want you to know one thing: My Senator -- my seatmate is not a wimp, and he's an attorney, and he voted with you on that bill. So I want you to give him an apology.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you. Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, as surprising as this alliance may seem, I rise in support of this legislation. I think I may be the only former county clerk in this Body, and I very strongly approve of making the primary closer to the general election. And I think this is excellent legislation, and should be supported.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you. I'm not going to ask a question, but, Senator Philip, if you would listen to my comment, maybe you could address it in closing. I -- at this time, I rise in opposition to this, and let me tell you why. In my district, there are a large, large number of apartment dwellers. May 1st is a very big moving day. And as I see this - the third Tuesday of May - I raise the question, everyone who moves on May 1 may be disenfranchised, because they didn't live at their new address on -- thirty days or twenty-eight days before the election. If you can adequately answer that, I'll reconsider; but this is a very serious concern to those of us who represent apartment communities.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you very much, Mr. President, Members of the Senate. I just want Senator Philip to know that the Republican

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farmers support this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR LaPAILLE:

President Philip, with regard to Presidential years, what would occur with both the Republican Party delegate selection, as well as the Democratic selection, in that process? Would Illinois be taken out of that, or would we still have a March primary?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Yeah. It would continue to be the -- a May primary. There would be no change. We would be just doing it in May, instead of when we do it now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

So, in essence, Illinois would be taken out of what is called one of the pivotal weeks for both the Republican Presidential nominating process, as well as the Democratic process. We can look to past elections when Ronald Reagan carried Illinois, and went on to win the nomination. George Bush in 1988 won the nomination by carrying Illinois, as well as in '92, and President Clinton in 1992 carried Illinois and went on to lock it up. By having a May primary for the Presidential selection process, we're basically taking Illinois - a very important state to both parties in the Presidential sweepstakes - out of the process. Number two, I would also submit that for those that have been into tough

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campaigns, even if you get out on May 1, thirty days may not be enough to defeat your opponent. So I would stand in opposition to this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you. As long as you understand my following remarks are prefaced by the fact that I became a committeeman when I was six. I've been a committeeman thirty-seven years. We used to have May primaries. We voted for the President and the President's delegation in those days. There was no problem. What it does stop is, it stops us from having to go out in -- just before Christmas, getting our petitions signed. It prevents us, as committeemen, to having go out in the -- in the snow and the rain trying to get everybody to sign those darn petitions for everybody else, and frankly, it makes a lot more sense to have these primaries in the spring. It also will shorten that time between the primary and the general. Frankly, it sort of works to our convenience as incumbents, and not only that, but we don't have to listen to all this rhetoric for the rest of our lives. I think this is a good idea. We all ought to vote for it.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR PHILIP:

I would just, in closing, make a few comments. Indiana and Ohio had a May primary in 1990, so if you consider that -- if we would be -- Illinois would be kind of a block. Although that doesn't bother me, quite frankly, one way or another. Senator Berman, it says the third Tuesday in May, so that's three weeks away from May 1. I didn't know May 1 was a moving day, quite frankly. But if I remember correctly, and -- and I think I do, I

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think when you move that you have thirty days you can still vote at your old precinct. If I remember correctly. So I've answered all those questions. I happen to think it's a gigantic step in the right direction, and ask for some favorable votes. Thank you.
PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 798 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. On that question, the Ayes are 38, the Nays are 16, 1 voting Present. Senate Bill 798, having received the constitutional majority, is declared passed. Senate Bill 799, Senator Jacobs? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 799.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amends the Probate Act regarding unclaimed money, and it allows it to be deposited with the county treasurer, as it is now, but the -- the money will earn interest at the average rate paid on a three-month U.S. Treasury Bill issued during the time the money was on deposit. What this does, it saves the county from having to pay exorbitant interest that can be established while preserving the value of the initial deposit, and allows a vehicle whereby it maintains its value by -- by keeping up with the -- any inflation that may be because the -- the rate -- the T-Bill does fluctuate. I know of no known opposition, and ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there discussion? If not, the question is, shall Senate Bill 799 pass. Those in favor will vote Aye. Those opposed will vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 799, having received the constitutional majority, is declared passed. 810, Senator Jacobs? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last year this Body passed a -- a Intergovernmental -- I mean a -- passed a -- a Missing Child Recovery Act, and Habitual Child Sex Offender Registration Act, which was a good bill, and what this does, it allows us to -- to dispense that information across State lines and to receive it across State lines. I know of no -- no known opposition to this legislation, and ask for its support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 810 pass. Those in favor will vote Aye. Those opposed will vote No. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 810, having received the constitutional majority, is declared passed. Senate Bill 813, Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 813.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Despite the long and careful work a couple of years ago when the Illinois Mortgage Foreclosure Law was rewritten, an attorney in my district wrote this spring, and we conferred with the people who rewrote the Illinois Mortgage Foreclosure Law, and determined that there is a technical inconsistency that exists between the Forcible Entry and Detainer Section in the Illinois Mortgage Foreclosure Law. This bill harmonizes the differences to meet the intent of the Mortgage Foreclosure Law, and provides that a buyer who has entered into an installment contract for real estate on or after July 1, 1987, that -- and where the amount unpaid at the time of the foreclosure complaint is less than eighty percent of the original purchase price, shall be foreclosed under the Illinois Mortgage Foreclosure Law. I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 813 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 813, having received the constitutional majority, is declared passed. 825, Senator Ralph Dunn? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. This is a bill to amend the Vehicle Code, and requires that the use of a vehicle's headlights in rain, snow, fog, or other atmospheric conditions require use of the windshield wipers. This bill is cosponsored by Senator DeLeo, and several states are doing this now. The State Police support the bill, and asked that it be introduced. And be glad to answer any questions, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. Thank you, Mr. President, Ladies and Gentlemen of the Senate. We voted in committee to get this bill out, because I think it needs to have some discussion on -- on the Floor. What we're trying to do here makes a lot of sense, and we've had a lot of requests from a lot of people that this be done. It's nice to do these things voluntarily, but I think to -- to come around and try to mandate the people -- it's so easy whenever you turn on your windshield wipers to forget to turn on your lights, and I know it's going to take a while before it becomes habit-forming, but I'm here to tell you that I think during the period of time that it takes to adjust, we're all going to get more phone calls than we know what to do with, because people have been arrested because they're driving in the daylight with the windshield wipers on and without their lights on, and I think that that's something we have to take into consideration. I understand the safety factor, Senator -- Senator Dunn, and -- and I think from that standpoint it's -- it's a good bill, but from the other standpoint -- it's just hard to -- to always remember to do everything. You know, when you get in a car now, pretty soon you're going to have to blow into a little tube, then you're going to have to put your

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seat belt on, and then you're going to have to -- if it's raining you put your wipers on, your lights on, and then maybe there you per se in gear, you know, but other than that, I don't know what we'd do. So I -- I don't know -- I -- I think the intent behind this bill is good, but I think we should vote No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator Shaw.

SENATOR SHAW:

What is the -- what -- what is the penalty on this -- on this bill? Is there any penalty?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR R. DUNN:

I'd like for him to repeat his question. He's -- he's inaudible.

PRESIDING OFFICER: (SENATOR WEAVER)

He's asked what the penalty is, Senator Dunn.

SENATOR R. DUNN:

I don't know what the penalty is. I didn't have a penalty in the bill. It's just the law; you have to do it. It's what? Seventy-five dollars, I'm told by counsel.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

It's seventy-five dollars for driving in the rainy weather without having your headlights on. Is that...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

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SENATOR R. DUNN:

Yeah. If you -- if it's raining. If you turn your wipers on just for -- wash your windshield, you don't have to turn this on.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

On our way -- on our way down here, Senator, coming down from Chicago, sometime we run through about six or seven rainy spots, and what should we do in those cases? Would the police be able to -- sometime it's less than a mile, sometime it's about a quarter of a mile, you run -- do we have to turn out headlights on at that point?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR R. DUNN:

This is not my first bill, Representative Shaw -- Senator Shaw. And I'll tell you, you better take Amtrak if you don't know when to turn your headlights on. It'd be better -- when you come down.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

That's a -- that's a very good idea that we should take -- that's a very good idea that we should take Amtrak, and certainly to the bill: I think the sponsor -- the sponsor is -- is well-meaning in terms of this legislation, but I just happen to think that this legislation is before its time, and certainly I think it should be defeated.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I rise in strong support of this

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bill. If there's a problem with it, I think the only problem is, is that it doesn't require us to have the lights on all of the time. I wish I could remember which small country it is in Europe that just released a study about five weeks ago, which -- indicated that after this law was in effect, their accident rate dropped dramatically. I think this is a step forward, and I hope we give it a try.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Dunn, to close.

SENATOR R. DUNN:

Thank you, Mr. President. I appreciate your concern about the bill, and I appreciate Senator Severns -- it's the country of Denmark that they require headlights on all the time, as I understand. Their accident rate has been down. This will help reduce accidents. I certainly urge an Aye vote, and appreciate your support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 825 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 14 Nays, none voting Present. Senate Bill 825, having received the constitutional majority, is declared passed. 828. Senator Philip? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 828.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

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

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Senate Bill 828 creates a Residential Real Property Disclosure Act; requires sellers of residential real property to complete a document disclosing defects and other conditions. If they falsify the document, it also provides for payment of damages and attorney fees. This is one of my less -- least controversial bills, quite frankly. It's -- it's endorsed by the Illinois Board of Realtors, the DuPage Board of Realtors -- I understand the Department of Professional Regulations. I know of no objection. I'll be happy to answer any question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I rise in support. I'm a hyphenated cosponsor with Senator Philip, and I especially like the part about the attorney's fees.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro. Senator Molaro.

SENATOR MOLARO:

Hello? Oh, thank you. What I -- case law already exists that, you know, sellers do have to disclose latent defects; but since you all voted for my bill which purported to do nothing, I will vote for this bill, which I would submit also does nothing.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR WELCH:

Senator Philip, on the disclosure, does the owner of the property have to do any research back to their seller -- their previous owner to determine if any of the questions should be

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answered Yes - that there were defects, that there was a termite inspection, that there was something wrong at one point? Is there any requirement on the current owners when they're selling the property to do any investigation of any of the questions on this form?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

The answer is No. It's only what the -- the owner knows of personally. I -- you know -- let me say this: I believe they do this in California, some of the other states. It has come from the people who are in the real estate business. They think this is a good disclosure. You know, when you buy a house and somebody knows there's a broken something, or it floods, you know, the purchaser ought to have the right to know, quite frankly.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate Bill 828 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 828, having received the constitutional majority, is declared passed. 830, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 830.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 830, as amended, contains two major components to the bill, and I'll try to be as

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brief as possible. The first component of the bill requires the Director of Insurance to establish procedures for developing a uniform claim form for all accident and health coverage insurers. During the development of this claim form -- uniform claim form, all parties that were -- would be interested - hospitals, doctors, insurers, and anybody else that might be interested in the information contained on a uniform claim form - will be consulted and invited to the table as far as discussion in developing that particular uniform claim form that would be used by all health and accident insurers in Illinois. The second component of Senate Bill 830, as amended, creates the Small Employer Rating, Renewability and Portability Health Insurance Act. And what that does for small businesses of three to twenty-five employees: establishes portability when an employee wants to move from one small business to another, that there will be no problem with preexisting conditions on that -- or any preexisting condition that that employee may need as long as he meets the employee rules. It also provides for rate-banding, that is being utilized in several states, that will establish a -- a ceiling and a floor, as far as the annual rate increases that the health insurer may be able to pass on to the small employer. It provides that these plans are all subject to automatic renewal, except for cases of nonpayment, fraud, noncompliance of the Act, or misuse of a provider network. Establishes that in the event that the carrier chooses not to renew, that the carrier must provide advance notice to the Director of the Department of Insurance and to those employees that would be covered, at least a hundred and eighty days prior to the date of renewal. I think that pretty much highlights this bill. I think that it is a worthwhile proposal that addresses the problems of portability, and affordability, and the subject matter that has been much discussed, insofar as uniform claim forms. I'd be happy to answer any questions, and

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absent any questions, would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this legislation, as one of its joint sponsors. I think we have learned through the issue of the cost of health care that from - depending on which survey you believe - anywhere from seven percent to twelve percent of the cost of health care in this nation is based on the cost of filling out all these multiple forms. And when those of us who have studied this, and have been to the various hearings and forums on the issue, and found that there were as many as forty-seven different forms that a hospital had to keep in its computers, and probably another hundred forms on its shelf, in order to meet each individual insurer's demand for the format in which they wanted the information, they've identified these exorbitant costs that are truly passed on to those who have insurance and then to the State in form of like public aid payments. This is exactly the right way to go to help curtail the escalating costs of health care, and I would strongly urge its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR WELCH:

Senator, do you have a figure as to how much money would be saved by having a universal form for health...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

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SENATOR MADIGAN:

No, Senator, I don't, other than to tell you I'm reasonably comfortable in saying that it would be a substantial savings. But as far as an exact figure, no, I cannot provide that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, my House Member's been going around the district saying it would save eight percent of the health insurance cost, and I don't know where he came up with it, so I was wondering if you had any figures.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Madigan, to close.

SENATOR MADIGAN:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House <sic> Bill 830 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, no -- none voting Present. Senate Bill 830, having received the constitutional requirements, is declared passed. 841? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This bill was proposed by the bass tournament fishermen in the State, and to

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my knowledge, it's the only real fishy bill that -- of the Session. And here's the way it works: it deals with calling of fish, particularly in tournaments. If you catch a little fishy and you put it in -- in the live well, and then later on in the tournament you catch a bigger fishy, why you can take the little fishy out, put it back in the water, and keep the big fishy. That's what this bill allows. It was amended to also say that you had -- had to have an adequate size live-box, and so I presume if you catch a five-foot bass, you've got to have a five-foot live-box. That's what this bill does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House <sic> Bill 841 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, 2 voting Present. Senate Bill 841, having received the constitutional majority, is declared passed. 842. Senator Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 842.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This bill was suggested to us by a statewide adoption agency who work with Department of Children and Family Services and with some other agencies to try to get it in good shape, and we think it is now. It does a couple of things. The main part of the bill -- the criminal background check required in adoptions shall not be more than two years old; neither a clerk of the circuit court, nor a

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judge may require that a criminal background check or fingerprint review be filed with, or at the time -- same time as, an initial petition for adoption. It speeds up the matter of people getting adoptions through, and it's -- as far as I know, it's agreed by all the people in adoption agencies and by the Department of Children and Family Services. In addition, there were two other bills added to this in the committee. And they were Senator Grace Mary Stern's, and they -- one of them - 784 - amends the Adoptive Compensation Prohibition Act. Requires that petitioners who are adoptive parents to file a final accounting of all the payments for reasonable living expenses in the -- for the biological parents. And it also makes a few other changes, and -- and another bill called -- requires that every person or entity involved in adoption of a child to execute an affidavit setting forth the fees, hospital and medical costs, legal fees. I'll be glad to answer any questions. I'm sure that Senator Stern would be glad to answer any questions about those parts of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House <sic> Bill 842 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 842, having received the constitutional majority, is declared passed. Senator Topinka, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Topinka seeks leave of the Body to return Senate Bill 846 to the Order of 2nd Reading for the purpose of an amendment. Are there objections? Hearing no objections, so ordered. Leave is granted. On 2nd Reading, Senate Bill 846. Madam Secretary, are there amendments?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Topinka.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka, to explain the amendment.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, what the amendment does, it would only mandate tuberculosis tests for children residing in areas certified by the Department of Public Health as having a high incidence of tuberculosis, and that would include Cook, DuPage, Kane, Lake, Will and St. Clair Counties, and it would remove the dental exam mandate, and simply encourage parents to have their children undergo dental exams at the same time as they -- the school physical examinations that are currently required.

PRESIDING OFFICER: (SENATOR WEAVER)

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

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Jacobs, on -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 847.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The bill does pretty much what the headline says. It allows -- it prohibits, I should say, the expungement of arrest records and circuit clerk records of persons placed on supervision for, or

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convicted of, sexual offenses, which are misdemeanors committed against persons under age eighteen. Currently felonies may not be expunged. So that's why we didn't include them, but everything starts out small and seems to grow. So we would like to have these on the record forever, so ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 847 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. Senate Bill 847, having received the constitutional majority, is declared passed. Senator Cullerton? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 861.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Senate Bill 861 directs the Illinois Department of Public Health to study the special needs of pediatric ambulatory surgical treatment centers in the State of Illinois, and report back to the General Assembly by October 1st, 1993. There's only two pediatric ASTCs in the United States. One is located in Westchester, Illinois. It's operated and owned by the Children's Memorial Hospital of Chicago. It's been Children's Memorial's experience that this ASTC has certain special operational and other needs related to the very unique clientele, that being sick children. The Children's Hospital looks forward to participating in the study with the Department of Public Health, and the Department will report back

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to the General Assembly regarding how this particular ASTC might better serve the children's population. It's my understanding that the Department of Public Health fully endorses this bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If no discussion, the question is, shall Senate Bill 861 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, 2 -- the Nays are 2, none voting Present. Senate Bill 865 <sic>, having received a constitutional majority, is declared passed. Senator Severns, on -- excuse me. Senator Karpiel, on 865? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 865.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 865 changes the Illinois Clean and Beautiful program. It does four -- four changes to the program. It changes the name from Illinois Clean and Beautiful to Keep Illinois Beautiful. And that was at the request of the local program coordinators, because it keeps it more closely identified with Keep America Beautiful. It reduces the size of the -- size of the advisory board. It expands the purposes of the program and grants -- into -- going into the area of recycling, waste reduction and education. And it creates the Keep Illinois Beautiful Fund to accept any private contributions. What it does is to -- basically, is to change the focus of the grant program, rather than in littering, as it used to be, into

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the areas of recycling, reuse and education. And it will hopefully assist the program to receive future funding from private and public sector sources.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR PALMER:

Our analysis says that the Lieutenant Governor may authorize grants from any State funds that may be available. Could you speak more specifically about what that would mean?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

I understand that's been taken out of the -- by the amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 865 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 865, having received the constitutional majority, is declared passed. Senator Severns, do you wish to bring 868 back for an amendment? Do you wish to call the bill? Take 868 out of the record. 869? Read the bill, Madam -- Mr. Secretary.

SECRETARY HARRY:

Senate Bill 869.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This bill came about as a recommendation from one of my State's attorneys. It simply makes misuse of emergency services a disorderly conduct charge. I know of no opposition, and would urge its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall Senate Bill 869 pass. Excuse me. Senator Berman. Senator Berman.

SENATOR BERMAN:

Would the sponsor yield to a question? What -- what is the definition in the bill of "misuse"?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Misuse is a fraudulent or fictitious report -- made intentionally.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 869 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 869, having received the constitutional majority, is declared passed. Senator O'Malley? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 871.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

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Mr. President, Members of the Senate, thank you. Senate Bill 871 amends the Municipal Code to remove the maximum age limit of thirty-four years old for police applicants. This bill will allow boards of -- police commissioners free range when considering police applicants. Its intent is to allow them to hire older, more stable officers.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 871 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 871, having received the constitutional majority, is declared passed. 880? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 880.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President, Members of the Senate. As amended, Senate Bill 880 authorizes nonconsensual wiretaps for investigating the offense of committing, conspiring or soliciting to commit criminal -- criminal drug conspiracy. I'd yield to any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates -- will -- he will.

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SENATOR CULLERTON:

We have, on the -- well, let's put it this way: the -- the Act that this bill amends authorizes the interception of private oral communications by having the State's attorney ask a judge to authorize this form of legal eavesdropping. What -- what laws does it now -- what laws does it now apply to, and if you know, in Cook County, how many times has the State's attorney asked for this authority, and how many times has it been granted since this law went into effect?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

You give us a moment. We're double-checking.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

In response to the question: Under current law, a nonconsensual wiretap can be sought in the investigation of a violation of the manufacturing, delivery, trafficking of a controlled substance, or a calculated criminal drug conspiracy in relation to controlled substances or hostage situations.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

Okay. So this bill adds criminal drug conspiracy. Right? That's all it adds. And then, did you have an answer to that first question? Do you know how many times in Cook County since we've passed this that there's been this authority granted?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

The only answer -- I'm unable to answer that. I understand

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there's a report imminently.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? The question is, shall the Senate pass Senate Bill 880. Those in favor, signify by -- by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Yeas, 3 Nays, 2 voting Present. Senate Bill 880, having received the constitutional majority, is declared passed. Senator O'Malley, do you wish 881 to be returned to the Order of 2nd Reading for the purpose of an amendment? Senator O'Malley seeks leave of the Body to return Senate Bill 881 to the Order of 2nd -- Reading for the purpose of an amendment. Is there objection? Leave is granted. Senate Bill -- on the Order of 2nd Bill is -- on 2nd Reading is Senate Bill 881. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

The Rules Committee has approved for consideration Floor Amendment No. 1, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley, to explain the amendment.

SENATOR O'MALLEY:

Thank you again, Mr. President. Amendment No. 1 to Senate Bill 881 changes the definition of distance -- distance learning areas to reference instructional programs transmitted by electronic media - for instance, computers, video and audio. As originally introduced, the bill only referenced TV, tape or video instruction.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, -- for what purpose does Senator Berman arise?

SENATOR BERMAN:

I -- I think we're addressing the wrong bill, or we got the

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wrong bill number. I'm...

PRESIDING OFFICER: (SENATOR WEAVER)

881 is the bill we're addressing. For what purpose -- for what purpose does Senator Cullerton arise?

SENATOR CULLERTON:

Yes. If I understand this correctly, there were two amendments that are going to be offered, one of which was technical, which may have been referred directly from the Rules Committee to the Floor. That's the one we would be on now.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, are we on Amendment No. 1 to Senate Bill 881?

SECRETARY HARRY:

Amendment No. 1, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Is that a technical amendment? This -- Amendment No. 1 is a technical amendment. Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. Amendment No. 1 to Senate Bill 881 is adopted. Are there further amendments?

SECRETARY HARRY:

The Education Committee has reported Floor Amendment No. 2, offered by Senator O'Malley, as Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate -- Amendment No. 2 to Senate Bill 881 adds Chicago to the provisions of the bill. This was done at the request of the Board of Education.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. Amendment No. 2 to Senate Bill 881 is adopted. Are there further amendments?

SECRETARY HARRY:

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No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 899. Senator DeAngelis. Out of the record.
901, Senator Watson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 901.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This comes to us from the Secretary of State's Office, and as you know, Secretary of State makes available to commercial purchasers names of drivers and vehicle records on data base, and what this does is asks - or requires - that an agreement be established between the Secretary of State and those commercial purchasers prior to the purchase being made. It also establishes a means by which if someone would rather not their name be sent out, or divulged, then it would not -- it would not have to be done. Know of no opposition and be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall Senate Bill 901 pass. Those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 -- 54 Ayes, 1 Nay, none voting Present. Senate Bill 901, having received the constitutional majority, is declared passed. 902, Madam -- Mr. Secretary.

SECRETARY HARRY:

Senate Bill 902.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the carjacking legislation. I introduced this proposal of Secretary of State George Ryan. Senator LaPaille is a cosponsor. He introduced similar legislation. Senator Hendon is a cosponsor. He introduced a similar piece of legislation that added, I think, an important portion, that where a child is a passenger in a car that is hijacked, that it'd be an aggravating factor. Unfortunately, in our society from time to time a new -- new genre of crime comes along. We're all too familiar with the tragedies around the country of -- of car hijacking where someone armed or unarmed attacks a car, and either snatches the driver out; sometimes the driver, as we read yesterday about one story, is dragged, because they're caught in the rush, and -- and caught by a seat belt or something and dragged and seriously injured or killed; sometimes these carjackings occur where a young child is a passenger in the car and is taken for a ride after a mother or father is -- is yanked from the car. We had this legislation late last year, and because of the time constraints it was not able to be passed in both Chambers. But I think this is a laudatory proposal from the Secretary of State, and I commend the other Senators who have filed legislation and are cosponsors on it. What it does, if the aggravating factors of being armed with a weapon or you have a youngster or a senior citizen passenger, it is a Class X felony with a minimum seven years, and if there is not an aggravating factor present, it is still a mandatory minimum sentence that is imposed, so there will be imprisonment in the penitentiary.

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END OF TAPE

TAPE 7

SENATOR HAWKINSON:

In that case it would be a mandatory minimum of four years for a Class 1 felony. I would urge the adoption of this important legislation, and be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Stern.

SENATOR STERN:

Mr. President and Ladies and Gentlemen of the Senate, after reading the Corrections' Task Force report, I think we should all be very much concerned about any bill which places mandatory minimum sentences. However, I have to acknowledge that carjacking has become a serious threat. I think I voted against this bill in committee, and will cast a reluctant green vote on it. But I think we should pay attention to this problem. Mandatory minimum sentences are filling our prisons and we are unable to build our way out of it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR LaPAILLE:

As Grace Mary Stern said, the hijacker -- carjacking is becoming a problem. Being one that was a victim of billjacking, I would hope that perhaps we could put some criminal penalties into this when it gets to the House to work -- to make sure that

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billjackers are also prosecuted, since my bill was in first. But since we are all working cooperatively, I'm standing to commend the Chairman of the Judiciary Committee for including all of us onto his piece of legislation. We have worked cooperatively, and it's about time that we begin to put the thugs and the criminals who carjack cars, take children away with them from their parents when they're in shopping centers, and create havoc on the roads and -- and -- and commit crimes and rape, et cetera, behind bars where they belong. So I want to congratulate Chairman Hawkinson for a great job with this bill, and rise to support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Quick question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he will yield.

SENATOR CULLERTON:

On page 2 of the bill it talks about an aggravating factor, the person from whose immediate presence the motor vehicle is taken. By that, do you intend -- I mean, is it someone -- does someone have to be physically in the vehicle for this to be -- take effect, or if -- maybe you can give some definition to what immediate presence means.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

This language was suggested by Representative Homer in the House, and they would have to be -- it's the same language that we have in terms of robbery, I think, and you could be, I suppose, repairing your car, or changing a tire, or at the gas pump and -- and filling it up and still this offense would still take place. No, you couldn't be in the store away from the car at the time.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he'll yield.

SENATOR WATSON:

Senator, as you know, we have a State Mandates Act in Illinois. Is this exempt from the State Mandates Act?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

I don't think the State Mandates Act would apply. I think there's -- there is a correctional impact to be certain, but I do not believe that it would affect the cost at the local governmental level, because these -- these folks would be prosecuted currently but the -- the penalties would not -- are not at the level that they ought to be, in my opinion.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR HAWKINSON:

Before closing, I just -- just in brief response to Senator LaPaille, who -- who has cosponsored this bill: While he -- sometimes the -- the intent and the perceived reception is not the same, and I can assure the Senator - as is true with other bills that he had in our committee - that there would never be billjacking in the Judiciary Committee - that, in fact, I had -- I asked him if he would agree that we'd combine these efforts, and -- and had he said no, we would have heard his bill also. But I think this is -- is a good piece of legislation, and I would urge your Aye vote.

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PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill -- for what purpose does Senator LaPaille arise?

SENATOR LaPAILLE:

Since my name was used in the debate. It was only a joke, Carl.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 902 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 902, having received the constitutional majority, is declared passed. For what purpose does Senator Philip arise?

SENATOR PHILIP:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR PHILIP:

Yes. I just would like the Members to know what we're going to do tomorrow. We're going to come in at 9 a.m. sharp. I hope that everybody would be here on time. And the intention of the Chair is to run all through 3rd Readings, go to 2nd Readings, finish 2nd Readings, get everything in shape for next Monday. So I hope that everybody would have a good pleasant evening, and be here at 9 a.m. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Committee on Agriculture and Conservation -

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House Bill 1039; to the Appropriations Committee - Senate Amendments 3, 4, 5, 6, 7, 8 and 9 to Senate Bill 311, Senate Amendments 4 and 5 to Senate Bill 314, Amendments 2, 3 and 4 to Senate Bill 315, and Amendment 3 to Senate Bill 319; to the Committee on Commerce and Industry - House Bill 844; to the Education Committee - House Bills 207, 391, 392, 502, 505, 525, 729, 795, 916, 1218, 1305, 1387, 1507 and 1621; to the Committee on Environment and Energy - House Bill 745, and Senate Amendment 2 to Senate Bill 34; to the Executive Committee - House Bills 228, 644, 965, 989, 1540 and 2187, and Amendment 1 to Senate Bill 960; to the Committee on Insurance, Pensions and Licensed Activities - House Bills 1293 and 1761; to the Judiciary Committee - House Bills 246, 671, 840 and 2292; to the Committee on Local Government and Elections - House Bills 239 and 1650, Senate Amendment 4 to Senate Bill 45, and Amendment 2 to Senate Bill 211; to the Committee on Public Health and Welfare - House Bills 1803, 1852, 1897, 2347 and 2377, Senate Amendment 3 to Senate Bill 149, and Amendment 5 to Senate Bill 209; to the Revenue Committee - Senate Amendment 2 to Senate Bill 590; to the Committee on State Government Operations and Executive Appointments - House Bills 99, 821 and 1409; to the Transportation Committee - House Bills 462, 698, 824, 1451 and 1636; and Be Approved for Consideration - Senate Amendment 1 to Senate Bill 561.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Maitland arise?

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. For the purpose of an announcement. The Senate Committee on Appropriations will not -- will not meet tomorrow afternoon as originally scheduled. Our next scheduled meeting will be 1:30 on Monday afternoon. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

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House Bills 1st Reading.

SECRETARY HARRY:

House Bill 121, by Senator O'Malley.

(Secretary reads title of bill)

House Bill 508, by Senator Sieben.

(Secretary reads title of bill)

House Bill 543, Senator LaPaille.

(Secretary reads title of bill)

Senator LaPaille offers House Bill 967.

(Secretary reads title of bill)

House Bill 1013, Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1029, by Senator LaPaille.

(Secretary reads title of bill)

Senator Woodyard offers House Bill 1032.

(Secretary reads title of bill)

House Bill 1206, Senator Burzynski.

(Secretary reads title of bill)

Senator Barkhausen offers House Bill 1335.

(Secretary reads title of bill)

Senator Barkhausen offers House Bill 1343.

(Secretary reads title of bill)

House Bill 1399, Senator Smith.

(Secretary reads title of bill)

House Bill 1527, Senator O'Malley.

(Secretary reads title of bill)

House Bill 1549, Senator Barkhausen.

(Secretary reads title of bill)

Senator LaPaille offers House Bill 1733.

(Secretary reads title of bill)

Senator Madigan offers House Bill 2092.

(Secretary reads title of bill)

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Senator LaPaille, on House Bill 2103.

(Secretary reads title of bill)

And House Bill 2400, offered by Senator del Valle.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger moves that the Senate stand -- is there any further business to come before the Senate? If not, Senator Rauschenberger moves the Senate stand adjourned until 9 a.m. in the morning.

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