

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

35th Legislative Day

April 16, 1993

PRESIDENT PHILIP:

The hour of nine having arrived, the Senate will come to order. Will the Members rise, and our friends in the galleries rise, for the prayer? Today we have Reverend Sewell, Lincolnway Christian Church, New Lenox. Reverend Sewell.

THE REVEREND DAN SEWELL:

(Prayer by the Reverend Dan Sewell)

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, April 13th; Wednesday, April 14th; and Thursday, April 15th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

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

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

House Bills 596, 1385, 1424, 1456, 1457, 1768, 1941, 2120, 2169 and 2221.

Passed the House, April 15, 1993.

We have like Messages on the following House Bills: 149, 328, 443, 496, 659, 700, 788, 800, 816, 1010, 404, 418, 641, 783, 895, 1307, 1308, 1374, 1652, 1695, 1072, 1073, 1122, 1124, 1128, 1166, 1230, 1313, 1376, 1377, 1383, 1408, 1411, 1423, 1571, 1614, 1729, 1740, 1758, 1791, 1794, 1974, 2038, 2047, 2061, 2077, 2115, 2121,

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2122, 2130, 2153, 2227, 2375, (2405), 1398, 1434, 1479, 1651, 1707, 1756, 1838, 1854, 1855, 1896, 706, 747, 948, 961, 977, 1037, 1213, 1271, 1295, 1397, 32, 76, 292, 342, 354, 405, 420, 577, 619 and 684. (Bill within parentheses submitted in writing, but inadvertently not read into record.)

All passed the House, April 15th, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 78, offered by Senators Berman and Shaw.

(Secretary reads title of bill)

Senator Rauschenberger offers House Bill 79.

(Secretary reads title of bill)

House Bill 113, by Senators Hawkinson and Hasara.

(Secretary reads title of bill)

House Bill 134, Senator DeAngelis.

(Secretary reads title of bill)

Senator LaPaille offers House Bill 380.

(Secretary reads title of bill)

House Bill 454, by Senator LaPaille.

(Secretary reads title of bill)

House Bill 510, by Senator Karpel.

(Secretary reads title of bill)

House Bill 650 is offered by Senator Jacobs.

(Secretary reads title of bill)

Senator Watson offers House Bill 771.

(Secretary reads title of bill)

House Bill 772, Senators Rea and Ralph Dunn.

(Secretary reads title of bill)

House Bill 775, by Senators Ralph Dunn and Rea.

(Secretary reads title of bill)

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Senator Dudycz offers House Bill 1145.

(Secretary reads title of bill)

Senate Bill -- or House Bill 1146, by Senators Ralph Dunn and Rea.

(Secretary reads title of bill)

Senator Karpziel offers House Bill 1352.

(Secretary reads title of bill)

House Bill 1354, Senator Rauschenberger.

(Secretary reads title of bill)

Senator Watson offers House Bill 1497.

(Secretary reads title of bill)

Senator Ralph Dunn offers House Bill 1595.

(Secretary reads title of bill)

House Bill 2043, by Senator Smith.

(Secretary reads title of bill)

And House Bill 2046, offered by Senators Klemm and DeLeo.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

Senate Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 46, offered by Senator O'Malley.

It's congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. I would like to make an announcement, if I could have your attention for a minute. We're going to go to 3rd Readings. We're going to run through the Calendar completely, go to 2nd Readings, try to get everything on 3rd that we can today, and hopefully we'll be out of here around noon, 1 o'clock. We do have some committee hearings. I'm not sure that all the committees have to meet. We're waiting to talk to those chairmen. Some of them may not have amendments in those committees. So, we

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will try to play it by ear. We plan on coming in Monday morning at 10 a.m. sharp. All right. In the middle of page 17, Senate Bills 3rd Reading. Senate Bill 904. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 904.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 904 gives the Secretary of State discretionary authority to suspend the driver's license of a driver under the age of 21 who is found to have engaged in the illegal transportation of alcohol. That's all the bill does in its current form. I'd be glad to answer your questions, and would otherwise urge a favorable roll call.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, Senator Barkhausen, to close. All right. The question is, shall Senate Bill 904 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 53 Ayes, 1 Nay, 1 voting Present. Senate Bill 904, having received the required constitutional majority, is declared passed. Senate Bill 905. Senator Hawkinson. Read the bill.

SECRETARY HARRY:

Senate Bill 905.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

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SENATOR HAWKINSON:

Thank you, Mr. President. This bill amends the Illinois Identification Card Act and the Illinois Vehicle Code to require a minimum five-hundred-dollar fine or fifty hours community service for the use -- unlawful use of a driver's license to obtain alcohol or possession of a fictitious, fraudulent or unlawfully altered Illinois ID Card. We amended the bill, in accord with my discussion with Senator Tom Dunn yesterday, to provide that the community service is only required if it's available. I would ask for the passage of Senate Bill 905. I'd be happy to try and answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? All right. The question is, shall Senate Bill 905 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 905, having received the required constitutional majority, is declared passed. Senator Hawkinson. 906. Read the bill.

SECRETARY HARRY:

Senate Bill 906.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill deletes language that required the dismissal of a statutory summary suspension for a DUI when a police officer does not answer a subpoena. We amended the bill in committee to provide only that if the police officer fails to appear, it will be grounds for continuance. The bill came out

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of committee 8 -- 8 to nothing. I would ask for its adoption. Be happy to answer any questions.

PRESIDENT PHILIP:

Further discussion? Further discussion? All right. On Senate Bill 906, those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 906, having received the required constitutional majority, is declared passed. Senate Bill 907. Senator Hawkinson. Read the bill.

SECRETARY HARRY:

Senate Bill 907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill's offered at the request of the Secretary of State. The Illinois Supreme Court ruled unconstitutional the provision of the Illinois Statute that the provisions of a chemical test requested for a driver at fault in an accident resulting in injury or death could be used in another case where there was no probable cause to order the test. This bill is in response to that Supreme Court decision which now limits the conditions of the test when there actually is a ticket issued. So, there is an arrest. It also defines personal injury as a type A injury, which is intended to eliminate any guesswork by the officer in determining if the injuries are severe enough to warrant the chemical testing. This bill also came out of committee without opposition, I believe, and I would recommend its passage, and be happy to answer any questions.

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Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

He indicates he will. Senator Cullerton.

SENATOR CULLERTON:

This bill also adds the concept of -- of testing for drugs, and as I -- if I understand the bill correctly, it says any amount of cannabis or controlled substance would result in the suspension of the driving privileges. Is there any way in which someone could show that their -- that they perhaps had legally -- they legally were in possession of some narcotics that they could use as a defense? Because there are legal users of narcotics in certain cases, and this seems to say that -- if there's any amount, that they would lose their driving privileges.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, this is consistent with our other provisions in the Statute - our commercial driver's license provisions and so forth - and I'm not aware of any exceptions anywhere in any of those Statutes for use of narcotics while you're driving. And the -- the -- okay. What...

PRESIDENT PHILIP:

Any further discussion?

SENATOR HAWKINSON:

Just a moment. I...

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON

Just to complete that thought: the Statute says "unlawful use". So I think a prescription -- at least I'm advised that the

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lawful use would not be included.

PRESIDENT PHILIP:

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

SENATOR HAWKINSON:

Just ask for your favorable vote.

PRESIDENT PHILIP:

On the question, shall Senate Bill 907 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 907, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, do you wish to recall Senate Bill 908 for the purpose of an amendment? Senator Fawell.

SENATOR FAWELL:

Yes, I would like to take it back to 2nd to put a technical amendment on.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell seeks leave of the Body to return Senate Bill 908 to the Order of 2nd Reading. Is there leave? Leave is granted. Senator Fawell -- is there amendment on Senate Bill 907 <sic> (908), Mr. Secretary?

SECRETARY HARRY:

Mr. President, the Rules Committee has approved for consideration Floor Amendment No. 2, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, to explain the amendment.

SENATOR FAWELL:

This is strictly a cleanup. It's a technical amendment, is all.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen, on 910? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 910.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 910 embodies a number of recommendations made to us by the Business Corporation Act Advisory Committee of the Secretary of State's Office, most of which are completely technical in nature. The two that are somewhat substantive reauthorize the issuance of treasury shares by a corporation and, secondly, allow a board of directors of a corporation to approve a split of stock. Senator Tom Dunn and I are the cosponsors of this measure. We'd be glad to answer any questions, and would otherwise ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 910 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, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 910, having received the constitutional majority, is declared passed. Senate Bill 911. Senator DeAngelis. Read the

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bill, Mr. Secretary.

SECRETARY HARRY:

...(microphone cutoff)...Bill 911.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 911, as amended, does exactly what the title <sic> states, and that is that it eliminates supervision as an alternative to persons convicted of certain designated Class A misdemeanors. These misdemeanors are: domestic battery, criminal sex abuse, resisting police, escape, aiding escape, criminal damage by reckless use of fire, misdemeanor unlawful use of weapons, and boarding an aircraft with a weapon. The bill eliminates supervision as an alternative for the list of crimes that I've just described. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I don't think this is a good idea. Supervision is an opportunity for a judge to tell someone that -- after they've pled guilty, that they're going to be given a period of time that they're on supervision, and when their period of time is over with, if they haven't violated any laws, then there'll be a finding of not guilty. It's -- it's a tool that is used by judges in certain appropriate cases. Now if a judge is thinking about giving someone supervision for one of these offenses, but we take away his right to do that, what's probably going to happen - more likely than not - is the judge will simply find the guy not

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guilty. If it's a strong case, if the State has a particularly strong case and it's a very serious offense, the -- the judge will find him guilty. I mean, these things are not -- all of these penalties are Class A misdemeanors. They can go to jail for a year. So, I did not understand why we were doing this. I -- I questioned the witnesses in committee. It -- it seems to me that, once again, we're taking away a tool that judges use to keep people from committing further offenses. By eliminating it, we're going to end up having people have themselves go free and not have any control over them at all. So for that reason, I think it's a bad idea.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill -- I don't know about your local county jails, but if they're like the jail in Cook County, you're probably overloaded already. I just point out to you one possibility in this bill, and that's resisting a police officer. Now, I'm not sure what that is, but it means that under this bill, if you're charged with resisting a police officer, you cannot be admitted to supervision; you must be either fined or put in jail for up to one year. Now I would just suggest to you, Ladies and Gentlemen, I see no sense to this kind of an approach. The judge can evaluate the defendant and the judge can understand the difference between sentencing them -- sentencing that defendant to the county jail or supervision. A fine of a thousand dollars is the maximum fine, but if you have a person who is penniless or of very modest circumstances, you're going to require that they be put in jail. Well, that's not always the best alternative to a misdemeanor charge, and that's what these are - still misdemeanor charges. I think this is the wrong approach. Let the judge decide whether

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supervision will be the better approach - the better approach - to -- to shaping this defendant up and keeping him out of jail. He goes to jail, he may come out a worse criminal than if he's admitted to supervision. I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. With all due respect to the last speaker, the issue is not jail or supervision. The issue is whether the person who commits one of these misdemeanor offenses should have the offense on his or her record or not. Because if you get supervision, you can go to jail. As a condition of supervision, you can serve a jail sentence. This question is whether or not, instead of supervision, they should be given probation or a conditional discharge or, as Senator Cullerton says, be found not guilty. But the issue is not jail or not jail, because if the offense merits jail, even if they're given supervision, they can be given as a condition of supervision a jail sentence. And the same is true with conditional discharge or probation. There is a legitimate issue here: whether or not having a -- something on your record permanently should be the case, or whether the judge ought to have discretion or not after a period of time to allow this no longer to be on a person's record. But it is not an issue of jail overcrowding or whether to send somebody to jail.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President. I was just appealing to my counterpane <sic> across the aisle. The best thing for him to do is take this bill out of the record.

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Is there further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

Thank you. I think Senator Hawkinson really pointed out what this bill really does. And those crimes have need to be reviewed in a different way. I urge a favorable roll call on Senate Bill 911.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 911 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? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 14 Nays, none voting Present. Senate Bill 911, having received the constitutional majority, is declared passed. Senate Bill 914, Senator Petka? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 914.

(Secretary reads title of bill)

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 914 is an amendment to the Code of Civil Procedure. This bill is a recommendation from the Chicago Bar Association. It came out of the Judiciary Committee on the Agreed Bill List. What this bill does is resolve a conflict among the courts in connection with a conflict between creditors and third parties. It places a lien -- it provides that a judgment becomes a lien when a citation to discover assets is served on the judgment debtor or on a third party who holds the property of the judgment debtor. I would move for its adoption. I know of no opponents whatsoever.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes.

SENATOR CULLERTON:

The -- Senator Petka, as I understand it, under current law, a served citation operates as a restraining order, prohibiting the party to whom it is directed from disposing of or transferring property. Now, with this bill, this provides that a citation to discover assets becomes a lien on the property. Does this require that the lien be recorded, and if not, could -- does it -- do you have any idea as to what the priority of this lien is, as against other liens?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

It does not have -- Senator, it does not have to be recorded, and all effective liens enjoy a priority status.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Petka.

SENATOR PETKA:

All recorded liens enjoy a priority status.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton. Is there further discussion? If not, the question is, shall Senate Bill 914 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 52 Ayes, 1 Nay, none voting Present. Senate Bill 914, having received the constitutional majority, is declared passed. Senate Bill 926.

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Senator Welch. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 926.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. As many of you know, student loan defaults are one of the largest debts owed to the State and federal government. The purpose of this bill is to require the Illinois Student Assistance Commission to report to the General Assembly by February 1st of next year on additional opportunities for that Commission to cooperate with other State agencies to collect delinquent student loans. In the past, we've passed legislation to try to get lawyers to pay, to get -- try to get professionals to pay. This is another attempt to try to find more ways to get deadbeat loans paid off. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 926 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, Mr. Secretary. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 926, having received the constitutional majority, is declared passed. Senator Hall, on 928? Out of the record. Senator Philip, on 941. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 941.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 941, as amended, basically does three things. It authorizes the State Library to review all the rules of all State agencies and cooperate with LIS. Secondly, it allows the Secretary of State to charge twenty dollars a month for parking at the new parking facility. And thirdly, it allows the Secretary of State to withhold parking fees from people's salary if they don't pay for the parking at the State garage. Be happy to ask <sic> any questions, and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 941 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's 54 Ayes, no Nays, 1 voting Present. Senate Bill 941, having received the constitutional majority, is declared passed. 951. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

...(microphone cutoff)...Bill 951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 951 comes from the Racing Board and makes numerous changes in the Horse Racing Act. There is nothing controversial in these changes, and there is no opposition to Senate Bill 951. I'd be glad to answer any questions. I would ask for a favorable roll call.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 951 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 951, having received the constitutional majority, is declared passed. Senator Karpiel, on 952? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 952.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. This bill amends the Environmental Protection Act in order to meet the requirements for approval of the Clean Air Act Permit Program. It cleans up various provisions, provides greater consistency with recently promulgated federal regulations. It also modifies the fee structure to accommodate the resource demands of the Clean Air Act. And as far as I know, the fees that are changed in this and all the other clean-up provisions are -- have been agreed upon by just about everybody.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 952 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 952, having received the constitutional majority, is declared passed. 954. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 954.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Currently the Audit Commission - or the Auditor General, I should say - is auditing certain entities that fall outside of State Government, and we're asking that he be permitted to bill those entities. Some of those entities are the -- the Board of Admissions of the Bar, the Attorneys' Disciplinary Committee and other organizations. And that's all the bill does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 954 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 54, the Nays are none, none voting Present. Senate Bill 954, having received the constitutional majority, is declared passed. 955. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 955.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 955 does exactly what it says. Last year we decided that we would fund the Auditor General's Office by taking the money out of the treasuries that are held there for auditing purposes. And what this bill simply does -- it transfers those monies into the Audit Expense Fund.

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PRESIDING OFFICER: (SENATOR WEAVER)

Proceed, Senator. Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. First of all, we -- we're having some difficulty hearing, even what the speaker is saying. Would the...

PRESIDING OFFICER: (SENATOR WEAVER)

I don't know how we're going to solve that problem.

SENATOR SEVERNS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will. Senator Severns.

SENATOR SEVERNS:

Senator DeAngelis, I understand that -- that these are part of a series of bills that emerge from the Audit Commission. My question is: with the Bipartisan Blue Ribbon Committee meeting regularly and at -- hours, week after week, with the clear intent of reporting out a comprehensive product during the Fall Veto Session, I'm wondering why we're going about making changes to the Purchasing Act in this piecemeal fashion.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Severns, are you talking about the Purchasing Act Task Force?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns. I don't think she understood your question. Senator DeAngelis.

SENATOR DeANGELIS:

Well, I wanted to ask Senator Severns if she is talking about the Task Force on Purchasing. I don't know what task force she was referring to. Senator Demuzio passed a bill last year, 1939,

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which, in fact, caused this to happen, and this is simply the bill that makes it happen -...

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion?

SENATOR DeANGELIS:

...year after year.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Severns.

SENATOR SEVERNS:

Thanks. That answers it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 955 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 955, having received the constitutional majority, is declared passed. Senator Hawkinson? Read the bill, Madam Secretary. 956.

ACTING SECRETARY HAWKER:

Senate Bill 956.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the Senate Judiciary Committee bill, encompassing some of the recommendations of the Governor's Task Force on Crime and Corrections. It was my privilege, along with Senator Tom Dunn, to serve on that commission under the leadership of former U.S. Attorney Anton Valukas, represented by law enforcement officers and a broad

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spectrum of -- of corrections and community folks. Unless something is done, our prison capacity, including our recently opened prison and the boot camps, will be at the total maximum and prisoners would have to start being released in July of 1994. This report contains many of the recommendations of that Task Force, but not all of them. Some of the most important ones are not included here. Building a super max prison, which will enable us to control the most dangerous criminals and remove them from the ordinary prison system, is not in here. About six years ago, this Body passed a Community Corrections Act, which would allow our -- our courts the full broad range of -- of sentences, but we only funded it for a quarter of a year. One of the best recommendations of the Task Force is that that be fully funded so that the early offenders and young offenders can be dealt with before they reach prison stage. We also recommend some bed expansion and construction in East St. Louis. But none of those things are in this bill. This -- this bill deals with a few of the recommendations. It expands the impact incarceration, or the boot camp eligibility. It expands the earned time. It does not include the worst of our offenders. Although the recommendation was to include some Class X, this bill does not include Class X offenders for the increased earned time. We have a waiting list of some four thousand inmates who are currently eligible, under our current laws, for our educational programs, but they're not able to get in because we're not funding. And although it's not in this bill, it's recommended that we spend an additional seven million dollars this year to expand those programs, because the evidence has shown - from this State and other states - that, first of all, some forty percent of our inmates are recidivists. That means they've been in before. They get out, and within a short time, they're back in again. But the -- and that -- those folks really constitute a menace to our citizens. The evidence

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has shown that if, while in prison, they get a degree, they get some education, they learn a skill through correctional industries or they get drug and alcohol treatment, that they tend not to recidivate at as high a rate. And if we can keep those folks from getting back into crime when they get out, that is helpful. Because we have a waiting list of four thousand, I considered -- and the Judiciary Committee did not expand the list of eligibles to include Class X, and I'm opposed to including those; but, for those who do qualify, I think we ought to have the programs available, and we ought to cut back on recidivism. I'd be happy to answer any questions; otherwise, I would strongly urge the adoption of Senate Bill 956.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I also rise in support of the bill. As Senator Hawkinson has pointed out, we are very close to having the federal courts run our prison system. That is, by the way, the case in Cook County. I don't know if people realize that, but in Cook County, the Cook County Jail is run by a federal judge. And when judges set bonds, some bureaucrat might release that person out into the streets, even though a judge set a bond and that person didn't make bond. That's because there's just not enough beds. We are -- unless we do something about it, are going -- are going to come to that point here in the -- in the State. Now this bill, and these recommendations, are going to cost some money. It's going to be about seven or eight million dollars, and I would hope that when we do the budget, that we do certainly include that money, because in the long run, it's going to be saving money. There's probably about seventy-five hundred inmates that, as a result of this bill, will be -- not have to go into the overcrowded prisons, but rather their incarceration might be in a

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boot camp or with other type of restraints, other than having to send them to -- to jail. So it's important that we do this, and it's important that we understand, every time we keep on raising penalties, that we have to -- there's a cost associated with that. Unless we're willing to pay that cost, we're going to end up having -- turning over our -- our prison system to some federal judge. So I think it's a -- it's -- it was a very fine effort on behalf of the members of the Task Force. We ought to support the bill, but keep in mind that it might cost some money.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle. Senator del Valle?

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Hawkinson, I commend the Task Force. I think many of the recommendations are certainly long overdue, but I'm concerned about how we're going to generate the additional funds to be able to -- to provide enough opportunities for people to participate in the educational programs and in the substance abuse program. This bill increases the weighted good time for individuals who participate. But my understanding is, for example, in the prison industries program, that there are about eighteen hundred participants in that program. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Yes. Do you want me to answer your question now, or do you have more of it before I go on?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

I think the Senator raises a -- a extremely important point. First, technically, this bill does not mandate the inclusion

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unless the funds are available. But Senator Cullerton touched on that this is going to cost money; it's going to cost some seven or eight million dollars in this year to expand these programs. The alternatives, however, are much more expensive. To build each prison is a fifty-five-/sixty-million-dollar proposition to house some nine hundred inmates. Now, we're going to have to build some more, but we can't build our way out of it completely. If we increase the educational programs, the drug abuse programs, the correctional industries programs, which was at issue in another bill yesterday, but something the Task Force feels that we desperately need to do, so -- we can give jobs to some of these people on the outside. And the reason we do that is so that they will not prey upon our citizens and create new victims of crimes once they get out and, therefore, have to be returned to prison. But this will not be inexpensive. I mentioned in my opening remarks that we desperately need to fund the community corrections program. That will be expensive; it will take dollars. This is not cheap, but there is no cheap answer to the problem of crime in Illinois or crime in America. We have to either put the money in -- in ever-expanding prisons - and I favor building them as we need them, and I've supported them in the past - but we need to put them in programs, and we're going to have to face up to that. Now, this bill doesn't contain the funding. That'll have to come in the budget, Senator, but I will support that funding, because we have to do it in order to deal with the problem - to deal with the problem of crime in Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

Again, for -- for clarification: Your projection is that an additional eight -- seven to eight million dollars will be needed to expand the education, substance abuse programs and for

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electronic detention and the boot camp programs; a total of seven to eight million dollars for all these areas will be needed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

The expense to expand the programs to the degree necessary is seven to eight million dollars. The Department advises me that the net cost after the savings, because of the additional beds saved, will be four million dollars this year.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Well, based on the -- on the growth of the inmate population, I -- I don't see how they could project a savings, because that population is going to continue to increase.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I think you raised a good point, Senator. I -- I think seven or eight million is probably close, but the Department estimates some cost savings of four million. As we refill these beds, I'm not sure where those cost savings will come from. But you're -- you're on target. It is going to cost money, but I think it will cost less money than the alternative.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I hate to interrupt a good debate, but I'd like a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR R. DUNN:

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I have a group from Evansville, Illinois. The eighth grade in the gallery behind me here - thirty-three of them - and they've been up and been listening now for the debate, and -- let's welcome them to the Legislature.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests in the gallery please rise? And welcome to Springfield. Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Let me -- I -- I, too, rise to -- to support this -- this measure, and I -- I only disagree with one thing that you've said, Senator Hawkinson. You -- you indicated that we might be able to spend our way out of this. I don't think we're going to be able to spend our way out of this, and this thing -- I probably have more prisoners incarcerated in my district, because of the fact of the number of prisons that I have in my district. And I think electronic detention and some of the things that are other aspects in this bill, I think, are absolutely necessary, and I would rise to support this bill in its -- in its total.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, I don't think you need an additional support voice, but I think this is genuinely constructive legislation and precisely the kind of thing that we should be laying our emphasis on. We know these things work, and we should all be voting Yes on this. It's not a crisis that we're responding to, as we often are; this is constructive, long-range possible solutions to intransigent problems. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

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Thank you very much. Five years ago, four years ago, three years ago, and two years ago, I introduced a bill which gave good time for going to school and trying to educate these prisoners. It's nice to see that the -- the rest of the Assembly has finally come around. It is true: about eighty-seven percent of our prisoners are functionally illiterate when they go into prison. If we don't start educating them, they're just going to turn right around. I -- this is a good bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. I just want to say that I think that with the serious problems that we have within our correctional facilities, I'm very pleased with the recommendations that have come back from the Task Force, and I feel that we should move as -- as early as possible in the implementation of most of those recommendations. I think this bill addresses many of those concerns, and certainly support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I, too, support this, but I want to add a word of caution. I had a long conversation with a downstate judge over the weekend, and they are -- there is an apparent growing concern about good time and its net effect on the attitude of -- of potential criminals; that is, he was saying he could sentence somebody to a year and they're out in fifty-nine days. And of course, that's -- that same kind of mathematics works as the -- as the sentence expands. The point is that I hope the Judiciary Committee takes a really good look at -- at -- at good time to make sure we're not going overboard and we're creating a negative attitude on the part of potential -- let's call them

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potential prisoners.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson, to close.

SENATOR HAWKINSON:

Well, first, let me respond to a couple of comments. If I did, I certainly didn't intend to say we could spend our way out of this. It's going to be a very expensive proposition. We cannot build our way out. I did indicate I think we probably are going to have to build some more, however. But that's not in this bill either, although we do recommend as part of the Task Force a super max prison and some additional construction. Senator Butler, I share your concerns on good time. As a matter of fact, I think eventually we ought to move to do away for all -- with all the day-for-day good time that's given out automatically and replace it completely with an earned time concept; that you have to earn it by getting an education or getting your drug abuse training or getting a skill through correctional industries. We balanced it in this report by not allowing the most serious offenders to get this new good time. The Class X offenders - your robbers, your rapists - they are not eligible. And this bill does not make them eligible for that kind of good time. But the evidence has shown that for those who we've already made eligible, that if they get the education, if they get the skill, they are less likely to be back within a year -- having committed another crime upon our citizens. And that's why it is recommended in this Task Force. I think it's important that we pass this part of the package, and I would urge your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 956 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 53, the

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Nays are 1, none voting Present. Senate Bill 956, having received the constitutional majority, is declared passed. Senate Bill 960. Senator DeAngelis? DeAngelis? Senator DeAngelis. Senate Bill 964, Senator Hasara. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill -- pardon me, 964.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill would allow the Health Care Containment Council <sic> to share some of its hospital-specific data with other State agencies as they need to use it in official performance of duties. And particularly, it would enable the Council to help the Department of Public Aid with some of its Medicaid case reporting, because they already have the information and it will save duplication of gathering this kind of data. It did pass on the Agreed Bill List, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, thank you. As a matter of personal privilege, I'd like to have the record reflect that I intended to vote Yes on Senate Bill 956. I hit the wrong button.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Any discussion? If -- if not, the question is, shall Senate Bill 964 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

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Present. Senate Bill 964, having received the constitutional majority, is declared passed. Senator DeAngelis, you were busy. Do you wish to call 960? Out of the record. Senate Bill 966. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 966.

(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 966 amends the Professional Engineering Act to require technical submissions to bear a seal signifying work was developed in conjunction with accepted engineering standards. Committee Amendment No. 1 removed language that set out new examples of what constitutes the practice of professional engineering. This new language concerning the work to be sealed is in recognition of accepted standards that some State agencies mandate. With the adoption of Committee Amendment 1, I know of no opposition.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 966 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 57, the Nays are none, none voting Present. Senate Bill 966, having received the constitutional majority, is declared passed. Senate Bill 973, Senator Klemm? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 973.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. Speaker -- or Mr. President and Ladies and Gentlemen of the Senate. Pardon me for the slip. Senate Bill 973 amends the Structural Work Act, but before everybody gets excited about it, let me explain what happened. In a recent court case, Herson versus Corrigan Construction Company, a court judge had, I feel and many feel, erroneously looked at the Statute of Limitations that is normally used for architects and engineers in designing of buildings, which is normally a four-year Statute of Limitation, and applied that to a worker's injury and applied that to the Structural Work Act for all cases. What Senate Bill 973 does is puts a Statute of Limitation that has been commonly used and recognized, even by the Trial Lawyers and everyone else, as a two-year limitation. So, I'm not trying to limit what has been the practice in law and in practice before, but I'm trying not to extend it erroneously to an area that was appropriately four-year Statute of Limitations for architects. It was interest...

PRESIDING OFFICER: (SENATOR WEAVER)

We're getting a little noisy. Can you hold down your conferences? Please. Continue, Senator Klemm.

SENATOR KLEMM:

Thank you. It was interesting, in a recent article by the Chicago Daily Law Bulletin, that -- it's reported in the article that a Chicago attorney, Curt Rodin, who is a second vice president of the Illinois Trial Lawyers Association, said that he and his colleagues in the plaintiff's bar had been surprised by the court's ruling in Herson because they had assumed that the two-year Statute of Limitation governing actions under the Structural Work Act was appropriate. So, therefore, what we're just doing is to codify, so we can eliminate any other further

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confusion. I do ask for your support on Senate Bill 973.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In committee we talked about this for quite a while, and I just have a question of the sponsor. I understand that the courts have given four years. Perhaps I did not understand; I couldn't hear you very well before. I'm sorry. Is -- why are we reducing it, as I understand it, to two years, when the court is giving four years for this period of time?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, in this one case, HERNON versus E.W. CORRIGAN Construction Company, one judge had interpreted a Section that normally was used in the interpretation of Statute of Limitations for architects and engineers on designs of buildings. It's quite appropriate, I think, to have a longer Statute of Limitation for possible structural defects, because they're not always easily identified. Sometimes it takes couple of years before you find out something is cracking or breaking up. And that's the reason we have a longer period of time of Statute of Limitations for that type of design and architectural work. And when he looked at the case, he took that Section and applied those four years then to a -- a person's injury, which has normally been two years. And the Trial Lawyers have assumed and thought it has always been two years. That has not been codified, but I understand that that's what it's been. This would just say it would be the two years that has been recognized consistently, except for that one case. And so we're trying to do it. Even the Trial Lawyers, as I indicated before - the second vice president - had indicated that,

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hey, everybody thought it was two years. We have no problem with it. It was the one case; I'm trying to correct an oversight of one judge that ruled one way.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you again, Mr. President. Just to the bill: I'm not quite convinced yet about the need to shorten this to two years, just based on the people who appeared before us at the committee, and I would think we could just wait a while on -- on making such a change that might drastically affect people's lives.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR CULLERTON:

I understand, Senator Klemm, that what you're saying is that -- your understanding is, is that the current Statute of Limitations for this is two years, but there was a court decision where some judge interpreted the Statute to give a four-year Statute, applying a -- what you think is an inappropriate Statute of Limitations of four years. So the bill is designed to make certain it stays at two years. Now my question is this: You say in your bill, two years after the cause of action occurred -- accrued - "two years after the cause of action accrued." Now normally, in a -- in a two-year Statute of Limitation for a personal injury action, it's two years after the -- the date of the occurrence, or two years after it's reasonable for someone to have expected -- to have discovered the -- the injury. In other words, there's certain medical injuries that might occur, and you

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don't realize you have the injury until after the period of -- after the date of the occurrence. Is it your intention to have the -- that same principal apply in this particular case, as it does in all of the other two-year personal injury Statutes of Limitation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, maybe I can ask you the question. How has it been applied in the past when they've gone under -- mostly the two years?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yeah. It's been from the date of reasonable discovery, as I understand it. And I just want to make sure you're not -- you're not changing it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

No, I'm not -- my intent is not to try to change it and shorten the time that normally has been there. I'm just trying to correct, I think, one case that everybody seems to feel was erroneously given.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

On that point, as I understand from reading the -- the bill, it says "accrued". The new bill says "accrued", Senator Cullerton, as opposed to "occurred"? If it says "accrued", I think that would include the meaning that has been attributed to it; that it's from the time of reasonable discovery. If it says

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"occurred", then I think there's a -- there could be a problem.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

One other question, then, of Senator Klemm: Did you intend for this to be retroactive, or a...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, I -- I don't know if you could make it retroactive. I -- I...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith. Excuse me, Senator Klemm.

SENATOR KLEMM:

I -- I -- I'm under the advice that you can't extinguish a cause of action because of this. So therefore it would not apply in those cases.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR SMITH:

I'd like to inquire: Wouldn't this limit the worker's rights by reducing it? Wouldn't this reduce it -- the limit -- the rights of the persons involved by reducing this to two years like this?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, not really, because they have been interpreted not to have had the four-year Statute of Limitations prior to this one

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case. So we are not changing anything that has been historically done in the past. So we're not taking anything away from anyone that had been doing it. It just -- we're trying to correct, I think, an error by one court, and then it would also clarify for everyone what they can or cannot do, rather than making it ambiguous as it is now.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 973 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 31, the Nays are 25, none voting Present. Senate Bill 973, having received the constitutional requirement, is declared passed. Senator Cullerton.

SENATOR CULLERTON:

Is it -- am I on time to ask for a verification, or am I too late?

PRESIDING OFFICER: (SENATOR WEAVER)

Yesterday, you would be on time. Today you were on time. That is always in order. Madam Secretary, will you verify the -- Senator Cullerton has requested a verification. Will all Senators be in their seat? The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Does Senator Cullerton question the presence of any Member voting in the affirmative?

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SENATOR CULLERTON:

Yes. Is Senator Madigan still on the phone?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan is still on the phone.

SENATOR CULLERTON:

This time -- this time he was on the phone. And Senator Fawell.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR CULLERTON:

I think she's on the phone with Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell is on the phone. She is on her way. Any further...

SENATOR CULLERTON:

No further questions. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

On a verified roll call, there are 31 Yeas, 25 Nays, none voting Present. Having received the required constitutional majority, Senate Bill 973 is declared passed. Senator DeAngelis, do you wish to call 987? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 987.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Do you have your microphone adjusted, Senator? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Is that better? Senate Bill 987 is a product of the Governor's Task Force on Higher Education. The bill is four hundred and twenty pages long, and it does the

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following: It eliminates the Board of Regents and the Board of Governors; creates separate governing boards with the same powers that are -- for those schools that are in those systems; makes Sangamon University a campus of the University of Illinois; makes the size, selection and terms of the new governing board on the new boards the same as those for Southern Illinois University; eliminates seats held by special interests; and makes various technical changes throughout the Statutes to replace references to the Board of Regents and the Board of Governors. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I agree that change is -- is needed, but I'm not so sure that this is the bill that accomplishes the kind of change that -- that is needed in higher education - public higher education - in the State of Illinois. I don't understand, Senator DeAngelis, why on the one hand we're eliminating a couple of systems, but then on the other we're strengthening the strongest system in the State of Illinois. We're adding the campus of Sangamon State to the University of Illinois. And the other inconsistency here is the elimination of the Illinois Community College Board seat on the Board of Higher Education, and the elimination of the Illinois Student Assistance Commission seat on the Board of Higher Education. I don't understand why we're doing those two things. Could you please explain to me why the Task Force has recommended both of those?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

It's an excellent question, Senator del Valle. First of all, let me tell you that, you know, the glass is either half empty or

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half full. I look upon what you consider to be the strengthening of the U of I as also the strengthening of Sangamon State University. I look at it from the other standpoint. In terms of the seats being eliminated: Since the governing boards are going to be affiliated with the universities, we have chosen to make the State Board of Education <sic> a citizens' governing board, and that's why we took the special interest groups off of that governing board.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Ladies and Gentlemen. Thank you, Mr. President. I stand in opposition to this bill, and I would hope that -- I think that this is an interesting position because, if I was going to portray this, this is more of a -- of what many times the Republicans would say: "This is a Democratic bill." We're increasing the bureaucracy. We're increasing overhead. We're increasing administrative costs. That's what you charge us with. But this is a Republican-sponsored bill. Let me tell you what this bill doesn't do, first. We've got some serious problems in higher education, and this bill does not address any of them. It does not address the issue of tuition; student financial aid; availability of courses - and we've heard about these -- the nightmares and the long lines and the -- nonavailability of necessary programs for our children to get through their universities in four years; now it's -- five years is more of the -- of the rule than the -- than the -- than the exception; unserved regions in Illinois, with higher education, such as Rockford, Peoria, the Quad -- Quad Cities; the absence of efficiency in allocation of resources, which are instructional, research or community services. Now let me tell you what the bill does do. That's what the bill doesn't address. It substitutes

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forty-nine positions in place of sixteen positions. The Board of Governors and the Board of Regents -- I'm sorry, the Board of Regents have given us some cost estimates of implementing this bill. They estimate that the cost under the new system will be thirteen million three hundred and sixty-nine thousand three hundred dollars. That includes quarterly meetings, training expenses, self-insurance, new staff, higher salary costs. One and a half million dollars per campus, times seven: It's eleven million dollars. Additional costs of two million dollars, for a total of thirteen million dollars. The present costs under the current system is three million dollars. This bill, in these tight budget times, is going to cost us for bureaucracy - not for student aid, not for education, but for the bureaucracy - an additional ten million dollars. This bill makes no sense at this time. I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

We look at this on paper and we don't realize what actually happens on these campuses. I've -- I've pushed this issue for the last eleven years, and I still think it's a good idea to have separate governing boards. When I represented the University at Northern Illinois -- Northern Illinois University - I don't want to change their name, Senator Burzynski - when I represented them, whenever we had a really important decision affecting Northern Illinois University, you know what happened? The decision would be put off till the month they had the meeting at Illinois State or Sangamon State. When Illinois State had a really important issue and the campus was really concerned and wanted to be there, what did they do? They pushed the issue off till the next month when they were at DeKalb or in Springfield. It was absolutely ridiculous. It took away any control, any input from students and

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faculty. This bill gives them that authority. It lets them have on-campus governing boards. They are going to be in contact every single month. The boards will know what's going on on that campus, 'cause they're going to have to be there for their meetings - none of this putting it off till it's easier and there's no public accountability. I remember attending one of the Board of Regent meetings in DeKalb, and they were scared to death because I showed up and they thought the press was going to be following me in there. They hated to see me show up, because they knew that I might raise some questions. What this does is bring accountability to these systems. What it does, it eliminates some of the bureaucracy. We talk about creating bureaucracies; what about the two million dollars for the Board of Regents' budget? What about the housing allowance we have to have down here for the -- for the head of the Board of Regents to live lavishly? It's absolutely ridiculous and a waste of taxpayers' money. Let's get the money back where it belongs, back to each of the schools. When we pushed Senate Bill 1 just six or seven years ago for a separate board for Northern Illinois University, we said they would get back part of the two million dollars that's spent on the Board of Regents. They could use that for paying for whatever meetings they have. They don't have the travel expenses that we have now. I think it's a good idea for many reasons: It keeps people in contact with the Board; it's more accountable; they're more accessible; and I think that they will know what's going on on each campus. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This will probably be the most difficult vote that I have cast in my fifteen years in the General Assembly. I have

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agonized and agonized over this decision. Over a year ago I -- I called the Governor, and I called Lieutenant Governor Kustra, and I called Art Quern; and I -- asked each one of them if they wouldn't please form a task force on higher education, similar to what we had done in elementary and secondary, because back a number of years ago in elementary and secondary, you may recall that we set about the task of making elementary and secondary more accountable. And we worked diligently. And we've worked right up now through accountability legislation, where now elementary and secondary is more accountable to the people of this State, and that's as it should be. I asked the three gentlemen to do this: Create a task force of people who are on the periphery of higher education - not directly connected with higher education, but yet had a good understanding of the system in Illinois - and study not only governance, but credit-hour generation, tuition policy, relationship with the privates, and a number of other things. Let's do it right. Let's do it over a period of two years. Study what other states are doing. View their strong points and their weak points, and bring it into Illinois and really make higher education accountable. I didn't even get the courtesy of a call back from any one of the three. What did we do? We created a sixty-day task force. We didn't appoint the members for the first thirty days, and then in thirty days we had come up with a plan that completely rewrote the governance system in Illinois. I don't know whether this plan is bad or good. I've tried to analyze that. But let me tell you what I fear. Every one of these universities are sitting there and the people in those communities are sitting there, thinking, "Aha. Now we've got a special board - a separate board; we're going to get more money for our university." That's what they're thinking. And some should and some should not. I represent the community where Illinois State University is located. I attended school there.

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It is my university. I feel strongly about her. But she is not the University of Bloomington or the University of McLean County, but she is a global university, as all the others are. We have an interest in our individual universities, but we have to have a bigger interest in the whole system, and I'm not sure this does the whole system justice. I'm not sure that it does. A difficult decision for all of us; one that I've agonized over for a long time. And I can tell you as I stand here now, even though I've gotten undue pressure from my community, I don't know how I'm going to vote on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

END OF TAPE

TAPE 2

SENATOR HENDON:

Thank you, Mr. Chairman. Will the speaker yield to a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR HENDON:

Thank you very much. Senator, who will bear -- who will pay for and how will we pay for the additional costs that are going to occur because of this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'm glad you asked that question, Senator Hendon,

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because I don't think it's going to cost any more. The comments that Senator Berman made about costs came from a self-serving point of view, and I understand that. But if you think that the Board of Governors or the Board of Regents, when they do their work, do not, in fact, use the staffs at the universities - respective universities - for much of that information and help, you are wrong, because they are not getting it out of a blue sky. And what you're going to have to do is reallocate some of those staffs to do those functions. But to suggest - to suggest - that these Boards are doing all this work all by themselves is totally incorrect. They are, in fact, utilizing university personnel. In fact, they couldn't get the information without them. So, my -- my thought is that it's not going to cost anything.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Are you saying that you can create a larger bureaucracy with forty-one people, rather than sixteen people, and no additional costs occur?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, it's utterly -- Senator Berman is very clever with words sometimes. The bureaucracy he's talking about are board members - private citizens - who are engaged with no compensation to work in these positions. Now if you choose to call them a bureaucracy, fine. But I don't think they're... They're -- they're somebody who's going to assist. Because, you know, you have to keep in mind - and, Senator Hendon, you more than I would probably know this - is that each university needs to have a special mission, and many of them do. And if they have a special mission, why are we putting them all into one pot, when

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those boards that govern those schools who have a better view of that mission, who can better work with that mission, will help direct that institution to move forward in that mission?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

My concern here Senator DeAngelis -- and you know, we've known each other for quite some time, and I certainly respect you a great deal, but my concern here is -- is with the costs. And I'm probably one of the few Democrats that support a tax cap. Will you guarantee a cap or put some kind of cap on the cost of this matter, to make sure that it doesn't cost the taxpayers of Illinois any additional money? Will you guarantee that here on the Floor today?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

I cannot guarantee anything; I'm not the Chairman of Appropriation, but I can tell you this: On its face, it ought not to, and I will be as much interested in you -- as you are in seeing that that number's held.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

So if we -- if we put a cap on the costs for accommodations, for travel, any additional costs, will you -- will you support that cap and -- and fight vigorously for that cap, to make sure that the taxpayers of Illinois don't have to bear any additional costs for this matter?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

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Senator, I have always believed in fighting for the taxpayers of the State of Illinois. Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me.

SENATOR HASARA:

...Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 987. We have, in the last few years, passed many bills that gave those who are most affected by a topic or an organization more control over that organization. I -- I can think of bills, for example, that put disabled people on committees and boards that affected them; put parents, who were affected by decisions government made, on boards and commissions so that those who are affected have a much greater say in what happens to them. That's what I see us doing in this bill. We are saying to universities, "We think that the people in your areas and those who have graduated from your universities know more about the direction that university should go, and so we want to give you more of a say, because you, in fact, are more affected by what happens." Certainly I would like to address the issue of my own area and Sangamon State. There is great support in this community for Sangamon State becoming a branch of the University of Illinois. We feel that as a capital city, we should have, certainly, the best university that Springfield could have. And I think few could deny that that would not be the case if, in fact, Sangamon State became the third branch of the University of Illinois. There has been some concern in Springfield that Sangamon State would be a branch and not a freestanding university of its own, and I do want to let local people know that I have a

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letter in front of me now from Bob Kustra to the President of Sangamon State, stating that the full intention is for Sangamon State to become its own campus, and certainly not just an extension of the Champaign campus in -- in -- of the University of Illinois. But I feel that this, indeed, is a positive step, not only for Sangamon State, but for the University of Illinois, and hopefully, for the General Assembly. Maybe this isn't the best plan that could have been developed to change university governance. Maybe we didn't spend long enough on it. But I would have to say that I've seen a lot of plans that have been studied and discussed for years and years that have, in -- in a number of years in the future, not turned out to be such good ideas either. So I say let's give this a chance. None of us know, at this time, exactly how much it's going to cost, but I would stand up here and guarantee you that when you're cutting bureaucracy and giving each campus its own board of nonpaid board members, I believe you are bound to save resources. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon, I thought you had completed your questions.

SENATOR HENDON:

Thank you, Mr. President, and I'll be very brief. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR HENDON:

Since the sponsor has indicated his desire, which is similar to mine, to protect the taxpayers' interests, will -- will the sponsor send this back to 2nd Reading for the purpose of adding a cap amendment?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

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No, because we're on 3rd Reading and we're voting on it right now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Well, in conclusion, Mr. President, if my honorable friend will not send this back to 2nd Reading for what he has already said he agrees to and will support, then I have to stand by Senator Berman's figures. I mean, either we're going to support things we're going to support, or not. There is no rush to pass this today. Our honorable President, President Pate Philip, I am certain, would give you ample time to get this in a 3rd Reading once again, if you would just yield and send it back to 2nd Reading for what you have already agreed would be a friendly amendment - not an unfriendly amendment, but an amendment that you said you support - one that would simply protect the taxpayers of Illinois. I believe the money should be spent on the -- on the students and not on additional bureaucracy, and that is why I have to vote No, since my friend -- I could have voted Yes if he would yield for a friendly amendment, but since he won't, then I have to believe that he knows Senator Berman's figures are correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of this legislation, and I wish not to be redundant and will associate myself with the remarks made by Senator Hasara just a few minutes ago. I'm certainly not in total agreement also, with all of the aspects of this bill, and I'm painfully aware and very cognizant of the fact that this bill will not pass in its current form in the Illinois House. But we certainly do need reorganization. We certainly need

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accountability in higher education. I believe we ought to keep the process moving. There is an ample time for us to continue discussions with respect to reorganization of higher education, and I would urge my Members to vote Aye and to keep the process moving along so we can keep discussions -- and make them very fruitful and hope that we can get an agreement with the House before we adjourn this Session. So, thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of this piece of legislation. I concur with the other proponents of the legislation in what this is intending to do. Certainly we are trying to do our best to get more money into the educational process and not into the bureaucracies. We can talk about thirteen million dollars; we can talk about fourteen million dollars - whatever someone says it's going to cost. My particular board at Northern Illinois University - and I hope Mr. Hendon hears this - says that they think they can absorb this into their administrative costs for about a hundred and twenty-five thousand dollars a year. That's certainly a far cry from thirteen million dollars a year. You know, we can study issues to death here in the General Assembly and in Springfield, but this is not a new idea. These ideas have been floating since the seventies, since former State Representative Joe Ebbesen first introduced a separate governing board for Northern Illinois University. So I would urge an Aye vote, and appreciate your consideration for that. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

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Thank you, Mr. President and Members of the Senate. There's a lot been said here, but there were two speakers that I think you really should listen to what they had to say, and that was Senator Berman and Senator Maitland. I don't think either of those speakers had any real criticisms about the fact of decentralizing the administration and -- and making it more accessible and more accountable at the local level. But there was some fundamental concerns and issues that were raised there that I think the sponsor of this bill and the -- and the Governor and the Lieutenant Governor ought to really take note to, and that is the need to address some of the other major concerns with the problems of higher education in this State and the time to do it. I don't see the urgency right now of singling out this particular issue and addressing it right now in the absence of dealing with the total problem of higher education. I'm afraid that if we move forward with this bill today, the possibility of -- of us coming back and recognizing the necessity and the urgency of addressing some of the more fundamental problems with higher education in this State will be put on the back burner and not dealt with. We cannot afford to go into the 21st century without recognizing and addressing some of those basic problems with higher education in this State. That is all that Senator Berman and Senator Maitland has been saying in -- in their -- in their speech on this Floor. And I think you ought to take note to it, and we ought to defeat this bill at this time.

PRESIDING OFFICER: (SENATOR WEAVER)

Channel 20 requests permission to videotape. Is there leave? Leave is granted. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Senate. I appreciate very much Senator Maitland's very thoughtful comments, and I want to continue in that vein. As a strong supporter of

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Chicago school reform, which has as one of its main elements local control, autonomy and so forth, it is a difficult matter to decide whether or not to vote for or against this bill. But I have finally reached a conclusion and I am opposed to this bill, and let me tell you why. This is not a matter of giving autonomy; it is not a matter of downsizing; it is one of fragmenting. If you will take a look - and I hope that you will, and I hope that we will not vote for this bill so that you'll have time to do so - if you will look at the Task Force report given to the Governor, you will see some contradictions here. On the one hand, this bill calls for abolishing the system and replacing it with seven different boards of governors. At the same time, the same Task Force report encourages the Illinois Board of Higher Education to be even more forceful in eliminating programs that are duplicatory <sic> and that do not directly focus on what our main concern should be, and that is the delivery of good education to students by well-trained professors in universities, with research and all that we should have in this State in order for us to have a world-class education system in higher education. You may recall that the Illinois Board of Higher Education in 1990 looked at this matter and said that they did not see a reason for changing the governance. In addition, there has recently been produced by the Illinois Board of Higher Education the PQP Report, and listen to the words that are attached to those letters: Productivity. Quality. Priority. That is what we should be doing and focusing on in our universities. Now imagine the contradiction: Instead of having a system, we will now have seven individual campuses. Can you really believe that seven distinct governing boards will be happy prioritizing, eliminating, and on the other hand, being willing to follow what should be our direction of prioritizing and not creating new entities? I strongly urge us, let us not fragment when we have gone a long way now actually to doing what

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we should do by eliminating the duplication. This is not the time, and this is not the way.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Excuse me. I think all of us could have a list of -- a litany of things that this bill doesn't do, but one of the problems I think in any legislative body is there's almost a God-like attitude that whatever we think about or whatever actions we take, we can solve all problems. It seems to me that the main question is this: Is there a need for improvement? And as far as I can determine from the remarks of every person that's -- has spoken this morning, there is need for an improvement. So the second question is: Is this a good start? Well, I haven't heard anybody say it isn't a good start. I've heard every -- I've heard some say that -- that it needs more work, and I would agree with that. I think what we face is several years to really see whether or not this is -- this is the right path and how it might be corrected. So I think, rather than trying to solve all the problems - all the litany of problems - we ought to ask ourself: Can we start here? Is it a good beginning? I think it is, and I'm going to vote for it.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm very, very concerned about this, because we're talking about the regency and the governing bodies of the higher colleges of education in our State, which should be utopia - the very best. And I see a lot of fear. I'm so afraid that we are beginning to see the beginning of the end of our educational system here in the State of Illinois. Now, we're talking about we want to rid

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ourselves of the Board of Governors and the Board of Regents. They're only charge -- costing us presently about three million dollars. And if you institute and take them, divide them and put the seven universities that we have here in the State of Illinois on their own, they're going to have to implement their own system, which is going to cost them a lot of money. Then you're talking in terms of merging Sangamon State with the University of Illinois. University of Illinois is one of our top -- is the top university in our State. If they send -- merge with the University of Illinois, they are going to have to raise salaries commensurate to that of the University of Illinois. Sangamon State will have to do that. Then you're talking about our seven universities. Now I'm personal; I'm concerned about the university -- State university -- what is that? State -- Chicago State University. They are doing well now. They're going fine. If they have to become solvent to take care of their own, it's going to be difficult for them to try to raise money to maintain their standards. You're talking about southeastern inner-city studies; it's in my district. They need the help and the assistance of the Board of Governors to make them continue to be solvent. But far removed from that, they're talking about reducing and cutting out classes, across our -- our -- our seven universities. I want to read this to you: The Board of Higher Education has recommended that forty-six instructional units be either eliminated, consolidated or reduced at the Board of Governors' university and colleges. Eight at Chicago State University, seven at Eastern Illinois University, twelve at Governors State University, ten at Northeastern -- Illinois University, and eight at Western Illinois University. The breakdown is as follows... and I have that. But the thing about it is, you're going to eliminate courses that our young people in the State of Illinois are going to need in order to make the

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quality of education that they should have in this State. This is bad. Here you want to cut out the law department at Northern in DeKalb, and so many other courses across this State - and this is no good - and eliminate all of those classes - what these young people need. I say that we should think this thing out; we should not decide this now. The additional cost per campus, if you divide these colleges - seven universities - across, is going to add - and this is estimate, I know - of one million two hundred and eighty-nine dollars and twenty-five -- two hundred and twenty-five thousand dollars. And the cost, as it is estimated, to create this new system is going to cost us over ten million dollars. This, I think, is bureaucracy in action: to tear down what we already have, instead of building up what we already have and make it better for the future. Tearing it down and getting ...(inaudible)... with these oversight boards is not the answer. And I say to all of our people, please, think twice before you make your vote today.

PRESIDING OFFICER: (SENATOR WEAVER)

WCIA and the Illinois Information Service request permission to videotape. Is there leave? Leave is granted. Senator Jones.
SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

I think he will. Senator DeAngelis.

SENATOR JONES:

Senator DeAngelis, the bill in its current form -- is this the bill that you expect to become the final product, or are we still in the negotiation stages on certain aspects of it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

The -- the bill that you see - the four hundred and twenty

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page document - is the bill that is currently in the Senate that we are voting on. And if I had the vision and the ability to prophesy what the end result is, I would probably not be sitting in the Illinois Senate; I would probably be doing something else.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, I wish you would have answered more frankly and more straightforward as to the intent. But I don't believe the bill is going to end up the way it is. I'm in opposition to this proposed legislation, simply because what you are doing with several of the small universities in this State is you're putting them in position wherein they would have to compete with the big universities, such as the University of Illinois vis-a-vis Northeastern, Northwestern -- I mean, not Northwestern, but Northeastern, Western and Chicago State University and et cetera. And we know from past experience the influence of certain universities as relate to the dollars and programs in this Body. Now if you are going to say that Northern -- Northern Illinois University, Chicago State University, Eastern Illinois University is all going to have to compete with the University of Illinois, as relate to programs, as relate to funding, you're placing them at a very distinct disadvantage. The -- to separate those universities out there by themselves and expect them to receive the same resources, the same adequate funding as our flagship university, you're doing a disservice to the majority of the students in the State of Illinois that attend those universities from the urban areas. And when I asked you the question - Do you expect this bill to remain the same? - I know it's not going to remain the same, and you know it is not going to remain in the same shape and form. So I stand in opposition to the bill, based on that one fact: that you're taking the Board of Governors,

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you're separating them, and you're making them all compete with the University of Illinois. That's totally unfair. Those universities are currently underfunded right now, and they would have a very, very difficult time coming to this Body to receive the necessary resources it needs to -- to educate many students from the urban area of the City of Chicago. So I stand in opposition to this bill. And mark my words, Senator DeAngelis, you know - you know - that negotiations are going on right now to deal with that particular aspect, and I wish you would be more straightforward with us on this issue. But I stand in opposition to this bill as it is currently drafted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. I'd just like to -- to give to the Senate the old saying that, "If it ain't broke, don't fix it." And what we're hearing here is we have a system that's not perfect, but yet and still it is workable, and I think it is salvageable. And this bill here is not timely at this point in time. And if it's in order, I would like just to move the previous question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter, there's one more speaker and then that will conclude the debate. Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. For those that might want a little history on this issue, several years ago there was an election and there was a president in Eastern Illinois University that decided to come out for a certain candidate. And I'll have you guess who that Eastern Illinois University president came out for. After that election, the Board of Governors terminated that president because, like all university presidents, you're not supposed to

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get involved in politics and you're not supposed to be open. Suddenly from the Governor's Office, this reform emerged. So what you're witnessing today is pure political bossism coming out of the Governor's Office in retaliation for a firing of a friend who came out in a political campaign against university regulations. That's why we're here. That's why we're debating this issue. That's why reorganization of the Board of Regents and the Board of Governors has emerged so quickly. This had to be done. We'll have another bill that will say because the Republican Party lost all three U of I trustees this last election, let's reform that; let's make them appointed now. So what you're witnessing is pure political power in the Illinois State Senate by the Governor of this State and the Republican Party. And if you're for a higher education, you'll be voting No on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Mr. President. I'm not going to attempt to respond to all the comments, but I'm going to try to draw them down to several types. First of all, this is, in fact, a very, very difficult vote. I happen to have one of the universities in my area that's under one of these boards, and I have worked with the boards, and they're an extremely good board. This bill is not directed at anybody. It's directed at the change that has to be made. One thing that has been universal: Opponents, proponents - all of them are critical of what has happened in higher ed. And let me tell you: if you're critical, then you've got to also be critical of how we got there. And you can't in one breath say, "We need change", and then in the next breath say, "Leave it alone". You cannot, in fact, have it both ways. Now, these schools - these universities - all have different missions. And then they are kind of meshed together through these boards, and

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part of the focus of that mission is lost in that process. What this bill does, essentially, is it gives them direct access so they can fulfill their mission, and it gives them support through a board that will help them when they might lose their way, or when they might need the help to do that mission. And I have to tell you: When we get to costs, I won't even dignify that, because I'm not going to allow somebody who is a strong opponent to come up with a number that was pulled out of air. But I've got to tell you something right now: Any time anybody can argue that eliminating an intermediate bureaucracy is going to cost more, I don't know where they're coming from, 'cause essentially that's the thrust of this bill. It's eliminating an intermediate group. Now how that could cost more is beyond my wildest dreams. Now, like I said, I appreciate the sincerity of a lot of the people that spoke. I have a great deal -- amount of respect for my colleague, Senator Maitland, and I know it is a difficult decision. But I have to tell you: If we are going to change - if we are going to change - we must change. And let me just tell you, the first change that's essential in any change is the structure of who's been doing the governing. And this bill does exactly that. And I'm not suggesting that this is going to be the thing that's going to solve everything. Senator LaPaille, Governor Edgar has been in support of separate systems since he first entered the Legislature. And to suggest that all of a sudden - and by the way, this is not his bill - all of a sudden he comes up with an idea because of some form of retribution, is totally erroneous. Let's address the needs of higher education through change. A trip of a thousand miles starts with the first step. This is the first step. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 987 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 37, the Nays are 18, none voting Present. Senate Bill 987, having received the constitutional majority, is declared passed. Senate Bill 990. Senator Dunn. Out of the record. Senator <sic> 991. Senator DeAngelis. Out of the record. Senator Demuzio, on 993? 993. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 993.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 993 is the bill that came to us from the Illinois Association for the Deaf. There is -- there was some controversy originally about the word "American". It has been taken out, for those of you that have received some communication from those individuals who are, in fact, deaf students or -- or deaf teachers from around the State. What this bill does now is it simply requires candidates for certification for teaching the deaf and the hard-of-hearing students to demonstrate proficiency in sign language, as determined by the Illinois State Board of Education. And that is all it does. And I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 993 pass. Those in favor will 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 55 Ayes, no Nays, 1 voting Present. Senate Bill 993, having

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received the constitutional majority, is declared passed.

PRESIDENT PHILIP:

Take it out of the record. 998. 998? Senator McCracken. Take it out of the record. Senate Bill 1000. Take it out of the record. Senate Bill 1031. Senator Fitzgerald. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1031.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 1031 creates minimum statewide penalties for the sale of liquor to minors, for providing fraudulent ID to a minor and for use of fraudulent ID for the purchase of alcoholic beverages. It establishes a minimum penalty of five hundred dollars if somebody sells or gives alcohol to a minor. It establishes a minimum penalty of five hundred dollars if you sell or give a fake ID to a minor. It also establishes minimum penalty of two hundred and fifty dollars or twenty-five hours of community service, if possible, at an alcohol prevention center if a minor uses a fake ID. And I would be open for any questions.

PRESIDENT PHILIP:

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

SENATOR FITZGERALD:

Thank you. The bill passed out of committee unanimously, and I'd appreciate a favorable vote.

PRESIDENT PHILIP:

On the question, shall Senate Bill 1031 pass, those in favor

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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's 54 Ayes, no Nays, 1 voting Present. Senate Bill 1031, having received the required constitutional majority, is declared passed. Senator -- Senate Bill 1032. Senator Hasara. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1032.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Under this bill, a person convicted under the Cannabis Control Act or the Illinois Controlled Substance Act may receive a sentence of supervision or probation once. The way things are now, a defendant may receive a sentence of probation and then on a second offense get supervision or vice versa. So that limits that option to one offense.

PRESIDENT PHILIP:

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

SENATOR HASARA:

Just ask for a favorable roll call.

PRESIDENT PHILIP:

On the question, shall Senate Bill 1003 <sic> (1032) 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 -- on Senate Bill -- Senate Bill 1032, having received -- on the question, there are 50 Yeas, no Nays, 5 voting Present. Senate Bill 1032, having received the required constitutional majority, is declared passed. Now, WAND-TV has

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requested permission to videotape our proceedings. Is leave? Leave is granted. I would like to make an announcement. We're going to have some committee meetings at -- at noon - Executive and Insurance. Education, Judiciary, Public Health will not be meeting today. So we intend to have a -- probably a half hour meeting and then come back in at 12:30, and hopefully get done with 3rd Readings and some 2nd Readings. So -- and let me say this, too: that probably some of you have forgotten, there is an election Tuesday, April 20th - township and municipal elections. I have voted absentee already. If you haven't -- haven't voted absentee, you're in trouble. I think, in my county anyway, you can still go to your local city hall or the election board and vote. So I would hope that everybody would -- would certainly do that, for -- township government is very important in my community, anyway. Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Could you repeat your statement as relate to the committees and meetings? 'Cause I didn't quite get it quite -- many Members didn't quite understand your statement.

PRESIDENT PHILIP:

All right. Executive Committee and Insurance Committee will meet at noon for a half hour. These committees will not meet at all: Education, Judiciary, Public Health will not meet at all. We're going to go for a half hour. We'll be -- come back at 12:30. Well, you know what? As soon as we get through with 3rd Readings and do a few 2nds. The sooner the better, as far as I'm concerned.

(SENATE STANDS IN RECESS)

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(SENATE RECONVENES)

PRESIDENT PHILIP:

All right. 3rd -- 3rd Readings. Senate Bill 1033. Senator Petka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1033.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1033 amends the Criminal Code and adds two aggravating factors which a judge or a jury may consider in the imposition or possible imposition of the death penalty. This bill was initially introduced as part of the -- Governor Edgar's drug-fighting package. It was amended yesterday on 2nd Reading to introduce a paragraph which was basically the request of the Democratic State's Attorney of Grundy County, David Neal, dealing with torture murder. The -- the first provision or the part of the Governor's drug package deals with the death penalty for drug kingpins who either counsel, solicit, or order a so-called hit. The torture murder provision deals with a situation which involves a death which is premeditated and intentional in which a prolonged period of agony or pain is the intended result when death results. This is a result of a case - a very sensational case from Grundy County - in which a woman was tied up or bound, was doused with an accelerant and was set afire and ultimately died. I urge the adoption of this amendment -- or this -- this bill, and I would be happy to answer any questions.

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PRESIDENT PHILIP:

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

SENATOR PETKA:

I'd simply ask for a favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1033 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 45 Ayes, 1 Nay, 1 <sic> (5) voting Present. Senate Bill 1033, having received the required constitutional majority, is declared passed. With leave, we'll go to Committee Reports. Leave is granted. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Approved - House Bill 1007, request to change sponsorship to Senator Burzynski, House Bill 118, request to change sponsorship to Senator Mahar; referred to Appropriations Committee - Senate Amendments 10 and 11 to Senate Bill 311, Senate Amendment No. 5 to Senate Bill 315, Senate Amendment No. 4 to Senate Bill 319, Senate Amendments 4 and 5 to Senate Bill 320, Senate Amendment No. 2 to Senate Bill 321, Senate Amendment No. 1 to Senate Bill 521, Senate Amendment No. 3 to Senate Bill 528, and House Bill 1146; referred to Education Committee - Senate Amendment No. 1 to Senate Bill 87, Senate Amendment No. 1 to Senate Bill 135, Senate Amendment No. 2 to Senate Bill 504, Senate Amendment No. 2 to Senate Bill 950, and House Bills 78, 79, 508, 650 and 1032; referred to Environment and Energy Committee - House Bills 510, 771, 772, 775, 1352, 1354 and 1527; referred to Executive Committee - Senate Amendment 6 to Senate Bill 1, and

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House Bill 1013; referred to Financial Institutions Committee - House Bill 1343; referred to Insurance, Pensions and Licensed Activities Committee - Senate Amendments 1 and 2 to Senate Bill 430, and House Bills 1206 and 2092; referred to Judiciary Committee - Senate Amendment No. 2 to Senate Bill 206, Senate Amendment No. 2 to Senate Bill 1078; House Bills 121, 543, 967, 1029, 1335, 1549, 1733, 2103 and 2400; referred to Local Government and Elections Committee - Senate Amendment No. 11 to Senate Bill 130; and House Bill 1145; referred to Public Health and Welfare Committee - House Bills 134, 1399 and 2043; referred to Revenue Committee - Senate Amendment No. 3 to Senate Bill 552, House Bills 113, 380 and 454; referred to State Government Operations and Executive Appointments Committee - House Bill 2046; and referred to Transportation Committee - Senate Amendment No. 1 to Senate Bill 536.

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PRESIDENT PHILIP:

Senate Bills 3rd Reading, the bottom of page 19. 1036. Senator O'Malley. Take it out of the record. Senate Bill 1037. Senator DeAngelis. Take it out of the record. Top of page 20. 1042. Senator Petka. Senator Petka. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1042.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1042 amends the Marriage and Dissolution of Marriage Act in the State of Illinois by simply inserting a provision which many believe has been well understood for a number of years. As the

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law currently reads, a marriage between a man and a woman is valid in this State. The new language of this bill says that a marriage between a man and a woman is the only valid form of marriage in this State. And as used in this Act, man means a person of the sex that begets offspring, and a woman means a person of the sex that bears offspring. And it specifically prohibits individuals of the same sex from being marriage <sic>. Now, the reason for this legislation, Mr. President and Members of the Senate, is that there has been no question in this State, at least, that we have not had any need for the State sanctioning of such unions; however, other States have challenged Statutes and specifically have filed suits to -- to basically permit the State to sanction a marriage between those of the same sex. I think that the language, in light of the fact that it is only by implication in the Statute that such unions are prohibited, and in light of the fact that in the -- in the changing realities of the world we live in, that it becomes very apparent that as a matter of public policy that we reaffirm that the only union which will be basically permitted, solemnized and licensed and registered in this State will be between that of a man and a woman. At this point, I would be free to answer any questions.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know yesterday we saw a lot of bills that had no meaning that passed the Senate, even though everyone recognized they did nothing, and this one seems to do nothing twice. The Act that he's amending - let me read you the -- the law, before the amendment. "A marriage between a man and a woman licensed, solemnized and registered as provided in this Act is valid in this State." What else do you need? To go on and say that it's only

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valid if it's valid, is not only redundant, I think it's silly. We already have the formality. There's nothing else that can be solemnized in this State. There are no cases pending that anyone's aware of. It's not by implication. It is in Section 201, "A marriage between a man and a woman licensed, solemnized and registered as provided in this Act is valid in this State." Why are we wasting taxpayer money on the paper cost of printing something that is just adding redundancy to the language? And I think this is silly.

PRESIDENT PHILIP:

Is that a question or a statement?

SENATOR CARROLL:

Both, but I'll leave it as a statement.

PRESIDENT PHILIP:

All right. Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, in my former life I was a county clerk, as I indicated once before on this Floor, and when a situation similar to the one that apparently haunts the Senator who sponsors this came up, I asked my State's attorney for an opinion on the matter, and was told that the law was perfectly clear that marriage could be solemnized only between people of opposite sex. This is surplusage, unnecessary, and I think, a moral statement.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR McCracken:

This is not a frivolous -- I almost said this is not a frivolous lawsuit, and I had to catch myself. This is not a frivolous issue, and this is not a bill that does nothing, for one very important reason: It is becoming an issue all over the country. What is undoubtedly the case is that it has been the law

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in Illinois, for as long as Illinois has had laws, that same sex marriages are not recognized under our Code. However, it is important that this Legislature stand up and say, in light of these changes which we see all around us, it is time to reaffirm that as a matter of public policy the State wants to recognize marriage only between a male and a female. Now you all may sit back and laugh and say, "Boy, they're not enlightened. What are they talking about? Times are changing. It's just a life-style choice." I beg to differ. Laws, as I have said before and as we all know, are normative; they represent values. And whether you deny that or not, it does not change the fact that law conveys value. It is a statement of value, and frankly, I've always thought it is intellectually disingenuous to contend otherwise. So the issue is not: Will there be values reflected in the public policy? The question is: What values will, of necessity, be reflected in public policy? And in light of what's happening all over America, including New York, including Chicago, where there's talk of giving benefits to domestic partners of employees, it is time to stand up and speak for the State of Illinois. So, my friends, I do not believe this is frivolous. I agree with Senator Carroll that it undoubtedly has always been the law, but let us make it express, in light of what's happening all around us. I rise in support.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. The domestic partners law in Chicago does not necessarily deal with people of the same sex. There are a number of situations where one person may have just been taking care of another person of opposite sex, and no hanky-panky at all was going on. So I just wanted to clear that up.

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PRESIDENT PHILIP:

Senator Carroll, for the second time. Excuse me.

SENATOR HENDON:

I'll be -- I'll be through in one second. I have to take just one breath there, Mr. President. This law makes no sense to me. It's already on the books that we only recognize marriages of -- dealing with people of the opposite sex. And when we come to these moral majority type of legislation, it just is amazing to me when I stand in this -- in this Chamber with a law that has some significance, that will get prostitutes out of the streets in front of our children, and the same Senator who votes against that now wants to pick on some little frivolous, nonexistent situation right now in the State of Illinois. This is not L.A. This is not New York. This is Illinois. We don't need this; we don't have this. And -- and if you're going to be family values, be consistent with it. That's all I'm saying to the -- to my good friends on the other side. Be consistent with your family value issues, because I intend to bring the prostitution issue back to this Floor, and I will remind you of your vote today on this.

PRESIDENT PHILIP:

Senator Carroll, for the second time.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I do hate to rise a second time, but again, I think one of the prior speakers had indicated that it should be expressed. I guess I'm not being very clear. Let me try for the third time to just read to you 750 ILCS/Section 5, Section 201. Formerly Chapter 40, paragraph 201. "A marriage between a man and a woman licensed, solemnized and registered as provided in this Act is valid in this State." The only marriage valid in this State is a marriage between a man and a woman. There has been no cases to the contrary. There cannot be. This is the law of Illinois. Why are

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we going through this frivolous act? I think this bill is a waste of the taxpayers' money. You cannot be more express than saying a marriage between a man and a woman is valid in this State. That is the law of Illinois.

PRESIDENT PHILIP:

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

SENATOR PETKA:

Well, thank you, again, Mr. President, Members of the Senate. It's strange how two officers of the court, lawyers, can look at a Statute and see two completely different things. I'm going to read -- again the Statute that one of the Senators on the other side of the aisle has referred to. It says, "A marriage between a man and a woman licensed, solemnized and registered as provided in this Act is valid in this State." Period. Then there are a series of prohibitions, and the prohibitions deal with bigamy, with polygamy, with incest; it also deals with relationships and family relationships and near-family relationships. All I'm suggesting here is that we don't get into a situation like a judge in New York who permitted a lesbian couple to adopt by saying because there was no prohibition in the Statute, that the state would permit it. What we want to say here at a very early stage is that, yes, we are going to honor the time-honored traditional Judeo-Christian concept of a union between a man and a woman. That's all this legislation says; that's all this legislation hopes to do. It is not superfluous. It is something that absolutely, necessarily will put a stamp from -- from the State of Illinois of what can be recognized as a valid marriage in this State. And for that reason, I'd urge its adoption.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1042 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you

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all voted who wish? 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 29 Ayes, 15 Nays, 7 voting Present. Senate Bill 1042, having not received the required constitutional majority, is declared failed. Senator Petka.

SENATOR PETKA:

Put that on Postponed Consideration, sir.

PRESIDENT PHILIP:

Yes. As you know, our new rules say you have to have 24 affirmative votes. You have more than 24 votes. Postponed Consideration. Senate Bill 1043. Senator Shaw. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1043.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. 1043 amends the Municipal Code to civil service examination fees. It raises the -- the fee from three dollars to fifteen dollars, and it's my understanding that there is no objection to the bill. And it's been over thirty years since this fee has been raised. I ask for Aye vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? All right. The question is, shall Senate Bill 1043 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? Take the record. On the question: 54 Ayes, no Nays, no voting Present. Senate Bill 1043, having received the required constitutional majority, is declared passed. Senate Bill 1064. Senator Palmer. Read the

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bill.

ACTING SECRETARY HAWKER:

Senate Bill 1064.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Senate. This is a self-help bill. It passed out of committee unanimously, and I would like your support for it. The amendment, just so you know, it does not create a bank; it creates a board, the Federal-State Community Development Bank Board, which would be a mechanism to accept federal, State and private development funds for investment in economically depressed communities. It establishes criteria for financial institutions to meet prior to being able to accept investment funds. It creates a board that would bring economic development into economically deprived communities, and the board shall be appointed by the Governor and the State Treasurer. You may, I'm sure, have been reading the paper that as part of the President's economic development program, with an emphasis on self-help for communities, there is proposed a new system of development banks. The South Shore Bank, which is one of the prototypes that is being looked at, is in my district, and it has done an excellent job of revitalizing a community over the last twenty years. I think in today's Tribune there is a note that the LaSalle Bank and others are investing even more in the South Shore Bank. This bill would be in place to capture any funds that the new federal program may direct towards the State. I would be very happy to answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not,

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Senator Palmer, to close.

SENATOR PALMER:

Ask for a favorable vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1064 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 28 Ayes, 17 Nays, 9 voting Present. Senate Bill 1064, having not received the required constitutional majority, is declared failed. Senator Palmer.

SENATOR PALMER:

I request that that bill be put on Postponed Consideration. It received 28 votes.

PRESIDENT PHILIP:

That -- that request is in order. It only takes 24 votes. It's on Postponed Consideration. Senate Bill 1068. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1068.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Members of the Senate. Senate Bill 1068 seeks to amend the confiscation of weapons provision of the Criminal Code. This -- specifically what we're seeking to do is -- is provide that weapons used in a homicide, when no longer needed for evidentiary purposes, may be returned to their lawful owner or may be destroyed or confiscated - however the judge sees fit. The bill authorizes the court to transfer the weapon to the

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sheriff for destruction, or the Department of State Police or the seizing agency. This -- this bill passed out of committee unanimously. It's supported by both the NRA and the gun control advocates. This is prompted by a incident whereby the confiscation of weapons statutes could not be applied to a situation where an assailant killed himself after committing a tragic violence of murder. I ask for your Aye vote.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT PHILIP:

He indicates he will. Senator Geo-Karis.

SENATOR GEO-KARIS:

If -- supposing this gun was stolen from a rightful owner and used in a homicide. Would the rightful owner be able to obtain it back under your bill?

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Yes, Senator Geo-Karis, this bill takes that circumstance into account. It amends the provision regarding the ability of a person to make a claim; instead, when no longer needed for evidentiary purposes, the court may return it to its lawful owner, if the gun was stolen. That's one of the provisions in the bill.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

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

PRESIDENT PHILIP:

Sponsor indicates he will. Senator Hendon.

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SENATOR HENDON:

My question, Senator, is on the -- is along the same lines as Senator Geo-Karis. You say they may return the gun to the rightful owner, or they may destroy the weapon. Is that -- who -- is that at the court's discretion? Because if it's -- if the rightful owner had nothing to do with the -- the crime, such as the gun was stolen, I believe the gun should be returned to the rightful owner. And that's my only problem that I have with it, Senator Cronin.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Yeah. Your question is a legitimate one, but for purposes of direction for the court, we permit any one of a number of different circumstances to be considered. The court may, in its discretion, number one, if the weapon was stolen, order the return of the weapon to the lawful owner; two, order the weapon to be transferred to the sheriff of the county for destruction; or, order the weapon preserved as property of the governmental body for evidentiary reasons. We tried to put all of those circumstances into one -- one provision, so that -- and, in fact, we've included that, whereby before it wasn't included.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Well, I would -- I think it needs to be cleared up just a bit that will allow the rightful owner of the weapon, if they had nothing to do with the commission of the crime, to get the return of their weapon. And if the sponsor is willing to do that in the House, then I'd have no further questions, and we could perhaps do that in the House. Because if you -- if you spent your three or four hundred dollars and bought

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a -- a weapon and it's not an illegal weapon, then you should have the right to the return of that weapon. I've had some cases in Chicago where I've had people having all kinds of trouble trying to get their weapon back - that they rightfully bought and rightfully owned and legally licensed to have - from the courts, because some judge decides, or some State's attorney, that they just want to confiscate and destroy that weapon. And I think that's unfair. So, if the sponsor is willing to work on that in the House, then I'd have no -- no further -- nothing further.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just have one question, if the sponsor will yield.

PRESIDENT PHILIP:

He indicates he'll yield. Senator Jacobs.

SENATOR JACOBS:

The -- the -- there appears to be no provision that once all the evidentiary system has been processed, once the decision is made as to what's going to be done with the weapon at that time, if the original owner doesn't want it or can't be contacted -- why is there no provision for the police department maybe to sell this, to use that money then to -- to fight crime in other ways? Is there any reason why that was not considered?

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Well, that -- that's a good suggestion. I -- I think in the bill we provide for a couple different alternatives. The judge may order the weapon to be preserved as property of the governmental body. The police could use it in that circumstance. They may order the weapon to be transferred to the Department of

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State Police to be used for crime laboratory purposes or for training purposes. We could include that, if you'd like. If I may, just to explain to you what prompted this, real quickly. As you know, there's a confiscation of weapons standard -- statute already in place, but it doesn't contemplate a very narrow set of circumstances which happened in my community, whereby this stalking incident -- this assailant shot down two victims and then killed himself. Well, the gun that was used in that incident was the -- the family of the assailant was seeking to recover the gun for -- for some purposes - to promote some sort of book or something. Who knows why? But it's a weird part of the law that we're trying to address - a very narrow area where you can confiscate a weapon when it's not needed because there's no trial there.

PRESIDENT PHILIP:

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

SENATOR CRONIN:

Yes. I think we've explained it pretty thoroughly. This is, as I say, a bill that has been worked on by both sides of the gun debate. We have some agreeable language here. If it makes some of you feel more comfortable to change a "may" to "shall" in the House, I think that that's something that we could do. But I ask for your Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1068 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 1068, having received the required constitutional majority, is declared passed. Senate Bill 1076. Senator Sieben. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 1076.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the House
<sic> (Senate). This bill... We keep making the same mistake,
don't we?

PRESIDENT PHILIP:

You'll get used to it.

SENATOR SIEBEN:

We'll get used to it. Ladies and Gentlemen of the Senate...

PRESIDENT PHILIP:

Senator -- Representative Farley?

SENATOR SIEBEN:

I think Bruce did it three times yesterday. I'll try and only
make the mistake once.

PRESIDENT PHILIP:

Senator Farley.

SENATOR FARLEY:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

Go right ahead.

SENATOR FARLEY:

I just want everybody to know, I'm not alone. I keep...

PRESIDENT PHILIP:

You aren't.

SENATOR FARLEY:

I -- I -- not only though -- I -- I would point out that I not
only get confused sometimes what Chamber I'm in, but I keep going

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back to my old parking place, too.

PRESIDENT PHILIP:

Well, welcome to the Senate, Senator. Senator Sieben.

SENATOR SIEBEN:

Mr. President, this bill amends the Marriage and Dissolution of Marriage Act to deny visitation rights to persons convicted of child sexual abuse or sexual molestation. It stems from a case in Henry County where a mother tried to seek protection in the courts for visitation of her children. Her ex-husband was convicted to seven years in jail because of child -- sexually abusing her daughters, which were his stepdaughters. After serving two years of the seven-year sentence, he was released after two years and sought to reestablish visitation rights, which she tried to fight in the courts. The State's attorney in Henry County has suggested this language to say that those visitation rights could be denied until - until that father - until he completes a court-approved course to be sure that some protection has been given to those children. Be happy to answer any questions.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's really not fair of Senator Sieben to pick a bill of this important as his first bill, because I had a lot of good things I wanted to hit him with, but we're not going to be able to. The -- the one thing I do want to ask, though, in your -- in your discussion, you indicated that this was permissive. As I look at the -- the bill, that under any circumstances, if a -- a non-custodial parent has been convicted of a sex crime, even if it's not with the child of that -- of -- of that family, that under no circumstances could that person visit, even under supervision. And I want to know if it is permissive, or whether

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it is, in fact, a "shall" rather than a "may".

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Under the language of the bill, it would not be permissive. The non-custodial parent or relative, when they come out of prison from serving the term - this convicted sex offender - would have to get permission from the court, seek permission from the court, for visitation by completing some type of a treatment program that the court had approved.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

But then, I guess -- so it is permissive from the standpoint that he does have recourse, or she does have recourse, number one. And then after the parole is over, then that's not a consideration. Is that correct?

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

This deals with the period of time while on parole or on mandatory supervised release. After they come off, it would be permissive.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Then -- thank you, Mr. President. I ask for strong support of this legislation.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

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

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this is an excellent bill. I have a case right now in my county where the father, when he'd take the -- the six-year-old daughter, would molest her and the child was traumatized, didn't say anything about it till about a year later, and then he wants visitation rights with the child. The psychologist said, "No, he can have visitation rights as long as there's someone else present from the family." I think this is a good bill, because if there's anything that's most horrifying, is molesting children, and I certainly commend Senator Sieben for sponsoring this bill. I'm for it.

PRESIDENT PHILIP:

Further -- further discussion? If not, Senator Sieben, to close.

SENATOR SIEBEN:

Thank you, Mr. President. This is an important issue in the area of protecting children from convicted sex offenders. I would ask for an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1076 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? Take the record. On the question, there's 54 Ayes, no Nays, 2 voting Present. Senate Bill 1076, having received the required constitutional majority, is declared passed. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to have leave of the Body to have Senator Madigan be shown as the lead sponsor on Senate Bill 252.

PRESIDENT PHILIP:

Is leave granted? Leave is granted. Senate Bill 1077. Senator Petka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 1077.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1077 is the Private Correctional Facilities Construction and Operation Act. This Act would permit private enterprises to construct correctional facilities and to permit those private enterprises to lease those facilities to the Department of Corrections. It would also permit the Department of Corrections to authorize inmates to participate in the construction and rehabbing of -- of the prisons. Additionally, it would require that compensation be paid to the inmates and would also -- the compensation that it would -- be earned would be used to offset the costs of the inmate's incarceration. You might refer to it as the Republican Bed and Breakfast Program for Convicts. Also -- it also would repeal the Private Prison <sic> Moratorium Act of 1991, I believe. The purpose for this legislation is simply to implement in the State of Illinois a concept which basically started with Prime Minister Thatcher in England, and that is that private enterprise, when put to the test, can -- can basically construct and do things cheaper, more efficiently and economically than any bureaucracy known to man. Also, and most importantly, the individuals who would be permitted to work in this program are nonviolent offenders. We're not talking about murderers, rapists, armed robbers and those who -- who have created enormous bodily harm and injury to victims. We're talking about individuals who are behind bars for theft, for burglary, the deception, forgery and crimes which basically are what we call crimes against property. The reason that so many of these people are behind

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bars, in my opinion, is that they have never, ever learned the causal relationship between working and eating. And because of that, it is very, very important that instead of whiling away their hours watching porn flicks behind the walls of the Department of Corrections, that we give them an opportunity to develop the work ethic, and when doing so, perhaps give them a skill so that we won't have to build as many prisons as perhaps may be envisioned in Senate Bill 956, which we recently passed out of here. I think that privatization is an idea whose time has come. It's an idea that will absolutely save money for the State of Illinois and in -- and as an incidental benefit, may serve as a vehicle for re-inculcating <sic> inmates into society. Because I might remind you that under the Illinois Constitution, one of the goals of the criminal justice system is to restore an offender to useful citizenship, and this would be a major move in that direction. Mr. President, I urge adoption. I'd be happy to answer any questions.

PRESIDENT PHILIP:

Well, there are at least eight lights flashing. I hope you'd all keep the questions down. You will never -- we'll be here at 6 o'clock tonight at the rate we're going. Senator Rea.

SENATOR REA:

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

PRESIDENT PHILIP:

Indicates he'll yield. Senator Rea.

SENATOR REA:

Senator, could you tell me what the position of the Department of Corrections might be, and what they may have to say about this project?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

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Senator, I didn't hear the last part of that question.

PRESIDENT PHILIP:

Senator Rea.

SENATOR REA:

The first part is what is the position of the Department of Corrections; and secondly, what comments do they have to make on this?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

The -- the Department of Corrections, as I understand, is neutral on this piece of legislation.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDENT PHILIP:

Wait. Excuse me. Senator Rea, again. Go ahead.

SENATOR REA:

To the bill, Mr. President: It's -- my second question was not answered in terms of the Department of Corrections, and I would have been very interested in knowing what the -- their position. But according to the fiscal note, which I have from Corrections that was filed on March the 17th -- or dated March the 17th, let me just share with you this - I think it's very important: Private correctional facilities are in limited operation around the country. Most research has failed to show any long-term savings from a privatization of correctional centers and a number of privately operated prisons have experienced significant security problems. Few benefits due to privatization of major prisons are readily apparent. The Department does

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currently contract with a privately operated community correctional center in Chicago, and believes that smaller facilities hold more potential promise for privatization. The Sections of the bill which authorize use of inmate labor on construction projects is a problem for the Department. In states where inmate labor is utilized, construction quality is often low. Moreover, use of inmate work crews on a large scale would necessitate hiring significant numbers of budgeted levels. Use of inmate labor in this manner could also lead to labor problems on other Department construction projects. Finally, the deduction of all the inmate wages to a restitution fund only after other deductions authorized by law have been made from the committed persons' accounts would lead to significant unrest in the inmate population, placing correctional staff at increased risk. Now, I certainly rise in opposition to this. I know that, for instance, in my area and in other parts of the State - for instance, the high unemployment that we have in addition to what the Department has said. I also know that many times when you get into the contractual arrangement, that this goes out of state. We've seen this happen before. Now, there has been a limited number of these operations around the country, and why is that? The reason is -- the states are very reluctant. They have not been successful in other places. There are many unanswered questions, even including the legal questions, about, you know, who is responsible when an inmate dies or is seriously injured. What about the bankruptcy problem? Who takes this over? Check in terms of the State of Pennsylvania, where they had a private company running a prison and went bankrupt and created all kinds of legal problems and also became a public safety nightmare. Look at this legislation very carefully. It's -- I would urge you to vote No.

PRESIDENT PHILIP:

Senator Demuzio.

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END OF TAPE

TAPE 3

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senator Petka, I think I said in committee that the privatization idea is certainly a concept that -- it certainly ought to be explored, particularly in the manner which we have conducted ourselves by spending over five hundred million dollars in the last fifteen years on correctional institutions in -- in Illinois, and it looks from the task force that what we can -- building some more. But let me point out to the Members what this says. It says it would permit a private enterprise to construct, operate and lease correctional facilities to the Department of Corrections and would allow inmates to be used in the construction of the prisons and would require compensation that would be earned by the inmates to be used to offset the cost of a person's incarceration. Does that mean, Senator Petka, that there will be a sliding scale that would be developed for those prisoners and they -- they will be able to keep a portion of those dollars that they earn?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

The bill, Senator, on page 12 says that all sums which are received as wages shall be basically placed into this fund.

PRESIDENT PHILIP:

Senator Severns. Well, your light is not on, but go ahead. Senator Demuzio.

SENATOR DEMUZIO:

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Well, the light is on when I begin; it must have been turned off over there. Well, let me again reiterate. I think that the privatization concept - I think - is one that we certainly ought to explore. Yesterday we had a bill that would allow prisoners to be -- be making office equipment and would allow for no bid of any of the counties or municipalities that were to buy the -- the furniture and the equipment from -- from the prison correctional institutions and they would be able to be afforded the opportunity to have money that would go into their -- their pocket as -- as inmates. I said yesterday, you know, we're spending eighteen thousand dollars a year for a prisoner in a minimum security setting, twenty-three thousand for those in maximum security, and twenty-five thousand for those - a hundred and twenty to twenty-two - that are on death row. I just think that allowing prisoners the opportunity to go out into the communities like - I don't know how they're going to be housed - I don't know how they're going to be transported - to teach them a trade, it seems to me that there are more advantages to going into the prison system today than there is in trying to get them out. It just seems to me that we're going in the wrong direction with that concept, and I would rise in opposition to this position.

PRESIDENT PHILIP:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I, too, rise in opposition. A question that was raised during the committee hearing, and one frankly that has not been addressed by way of any amendments since that hearing was: How do we prevent felons who have violent criminal backgrounds from participating, and handing over to them electric saws, hammers, equipment that could become dangerous. And in -- while Senator Petka responded in committee that that is not his intent, the reality is this bill doesn't do anything to

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prevent that from happening. I think there's too many unanswered questions with this bill. While your intentions, I'm certain, are -- are appropriate, I think the bill has too many unanswered questions to pass out of the Senate with so many very serious concerns that have been raised by many Members during the committee debate, and concerns that in large part have been reiterated here today. I would urge a No vote.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT PHILIP:

Indicates he'll yield.

SENATOR COLLINS:

Senator, will -- given that these are private owned businesses that will be doing this construction, will they have to pay the prisoners prevailing wage?

PRESIDENT PHILIP:

...(microphone cutoff)...Petka.

SENATOR PETKA:

Senator, there's nothing in this bill which would -- which would speak to that issue at all.

PRESIDENT PHILIP:

...(microphone cutoff)...Collins.

SENATOR COLLINS:

If -- if they are privately owned businesses, Senator, then that's one of the flaws of the bill. Why should they get -- not pay prevailing wages, which on most other projects that is subsidized by the State in some way, they have to pay prevailing wages? So why not prevailing wages for -- for this -- for this -- this industry?

PRESIDENT PHILIP:

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Senator Petka.

SENATOR PETKA:

I understand the point you're making, Senator. It is not my purpose to make convicts rich. It is my purpose to make convicts work and permit them to work. One of the reasons that prison construction costs approach sixty and seventy million dollars and why many people were forced to vote for a bill that basically let prisoners out early - and I might add, I did not - I think that one of the reasons for that is because it costs too doggoned much money to build these prisons. I'm looking for economies from people who have a lot to gain by working out. And incidentally, in just answering another Senator's question, this program does not envision violent offenders going out in the street. I'd be the last person in North America to permit that to happen. As I indicated in my opening remarks, we are talking about a very select and narrow group of offenders, and if -- and the -- the intent - and the Department of Corrections can read that intent into this bill - is to let those offenders out who currently are permitted to pick up papers along the sides of highways.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. The -- the sponsor did not answer my question, but let me speak to the -- to the broader issue here. The reason he can't answer the question is because really what this bill does -- it's the same thing that they used to have in the South, and this is really equal to chain gang labor; slave labor - that's what this is - for a private owned business. They really are going to get almost free labor; they can pay them what they want, no provisions that they have to pay them even minimum wage in this bill. But we're talking about privately owned entities; that's wrong. Now, the concept - the

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policy - that we're establishing here is, rather than focusing on how do we stop the -- the -- the increase in the prison population, we are creating an industry here, that would encourage increasing the number of prisoners, because if you're going to have people out there building our prisons, you got to have inmates to fill them. Let's be real here. If I'm going to go out there and start constructing some prisons, then I'm going to have some inmates to put in there. Otherwise it doesn't make sense. It takes away -- it's a conflict -- it takes away the -- the emphasis of getting people out of prison and doing something about the problems that causes people to commit crimes in our society. And that -- I think this is a bad concept. It's bad public policy, and we ought to defeat this bill.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, and Ladies and Gentlemen of the Senate. My heart is bleeding for prisoners who don't get the prevailing wage. For heaven's sakes, they did a lot to get into those prisons, and they took away from people and then you want to give them prevailing wage? Where's the common sense about that? First of all, these people will be trained; they will be learning a trade from the private enterprise here. And I might tell you, about the establishment and operation of private correctional facilities -- must be reviewed by the local authorities. The county board of the county in which the facility resides must approve the establishment of said facility. The operational contract of any such facility must be submitted by DOC to the governing body of the local government in which the facility rests, for its review and recommendations. We're trying to teach these people a trade. If they're going to learn a trade by this kind of an operation, what is wrong with it? We've got to learn -- to teach people to

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learn to work. The work ethic is very important in this country, and we're getting away from it constantly when we say we should pay prevailing wage to the prisoners. I rise in -- to speak in favor of this bill and forget this poppycock, and let's do the right thing.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First of all, just for everyone's information in this Senate, everybody in jail was not guilty. And let me repeat that: Everybody that is incarcerated did not commit the crimes for which they were incarcerated. Many of them were just poor, simply could not find a good attorney, and some others simply the jury ruled the wrong way. So everybody in jail is not a criminal, that's first of all. Will the sponsor yield for some quick questions?

PRESIDENT PHILIP:

Are you making a statement or asking a question?

SENATOR HENDON:

I'm asking a question.

PRESIDENT PHILIP:

All right. The Senator indicates that he will answer your question.

SENATOR HENDON:

After the construction of the prisons, Senator Petka, will the prisons then be privately run? Will the private entity have anything to do with the running of the prisons?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

That is -- that is the gist of the bill; that private correctional, or private corporations, or private adventurers will

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be running the prison with the -- on the basis of -- of a lease that they will be entering into with the Department of Corrections.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

When -- when a private entity - a for-profit entity - runs any business, they're running it in order to make a profit. If the prisons are run to make a profit, won't making a profit come before security, come before rehabilitation?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

That is simply not true. And I believe it reflects a dwelling upon hostility towards private profit and private industry. What -- what this industry will do, is make sure that the lease that they enter into will not be terminated because of material breaches of that -- that lease contract. And from my perspective, they have every incentive to make sure that the -- the prison is more secure than a bureaucracy.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Mr. President, there are a number of business men and women in this Senate, and not a single one of them will run a business and lose money, or run a business and not try to turn a profit. So there is absolutely no way in the world that Senator Petka can tell me that a for-profit capitalistic corporation - when we live in a capitalistic society - is going to run a prison and put security, or put rehabilitation of the prisoners above the profit. The reason why the State Governments run the prisons now, is because they have a purpose and a mandate to rehab the prisoners

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and keep the public safe. I don't believe that any private industry is going to care as much about keeping the public safe when they look at their bottom line and they determine that it's cheaper, and therefore more profitable, to have a cheap cell than to have a cell that's going to lock somebody up. So what we could in fact be doing today, is make sure it's easier for prisoners to escape, because any businessman is going to try to turn a profit, and we know that is true. Now some of you groaned when Senator Collins mentioned that this is slavery, that this is the old chain gang situation. But not a Senator in this Body would work and not let some of that money end up in your pocket. And it is wrong even for a prisoner for them to work and not get some of that money. That is slavery, 1993. You don't have to like it, but that's what it is, and we should vote this down, keep the public safe, because without this, they're just going to be trying to make a profit and they're not going to care about keeping the public safe.

PRESIDENT PHILIP:

Thank you, Senator. Senator Fawell. And I hope you'll keep it brief. Senator Fawell.

SENATOR FAWELL:

I don't -- I don't think I could match that. You know a couple of years ago we had a Senator on-- on the Democrat side that -- that he and I used to...

PRESIDENT PHILIP:

Could we have some quiet, please? You know what? I'm trying to get people out of here, because I know everybody wants to go home. The longer we talk, the more commotion, the longer we're going to be here. Now I intend to get through 3rd Readings today, to give everybody a shot, and come back -- do committees, and come back and do 2nd Reading. You know, after the point has been made two or three times, you don't have to get up and say the same

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thing again. So anyway, Senator Fawell.

SENATOR FAWELL:

He and I used to talk, and one of the things that he would mention - and by the way his name was Senator Newhouse - one of the things that he used to mention is the fact that his people quote and unquote, could not get into the unions and therefore could not learn a trade. Maybe there are some flaws in this bill, but stop and think about it, this might by one way -- this is the way they used in California to get the -- some of the ex-cons into the trades. At least it'll teach them how to do some of the carpentry and some of the bricklaying, et cetera. My cousin used to be a Chaplain at Bridewell, for any one who might be interested, and I'll tell you the way the trades used to teach bricklaying in Bridewell. It came in -- bricklayers union came in and laid three layers of brick, mixed a batch of mortar that could never be hardened from now until eternity. And every time there was a group such as us came through the jail to take a look at it, they would grab a few trustees, run them into this room, and have them supposedly lay brick. Nobody ever learned a trade in Bridewell. Maybe this might be one way they could learn a trade and take it back to society and stay out of prison. It's not a bad idea, and I'm for the bill.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Would the sponsor yield?

PRESIDENT PHILIP:

He indicates he'll yield. Senator...

SENATOR TROTTER:

Senator Petka, I'm wondering who will regulate these private companies. Who would oversee and ensure that the job is done correctly?

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PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator Trotter, in Section 25, paragraphs (b) and (c) of the bill, the Department will establish procedures for the screening of offenders and juvenile delinquents, and the Department shall review, inspect and evaluate all correctional facilities which are operated under this Act.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Well, you're saying that this will be done within the Department, so there will not be a new oversight committee created which would enforce us to spend more dollars?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, the idea of this legislation is to trim the bureaucracy and not to expand it. So we're not going to create another bureaucracy, if that's what you mean.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you very much. Well, that is the question; I did want to know whether we're going to create a new -- new level bureaucracy. Also, is this -- would this override a home rule issue, as far as looking at going into a private community into a -- a city and circumventing their building codes and their building regulations? Are we setting up new standards here?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

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Senator, the -- the same provisions that are required for the spotting of a prison right now in Illinois will be -- will be continued in this legislation. So the answer to your question is no.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

One: If there are accidents on these sites, who is going to pay for the lawsuits? Would that be incumbent upon the State, private agencies? Is this written into the -- the law?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator Trotter, under current law, when inmates are -- are performing services related to their incarceration, they are not permitted to sue the State of Illinois.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

But they're going into a private enterprise, I mean, so they're not suing the State, so if they're injured, they -- they can't get workmen's compensation, they can't sue for negligence, so how do they get compensated for the injuries that happen here on the work site?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, they're not. We're not talking about repealing the thirteenth amendment to the United States Constitution on involuntary servitude. These folks are going to be given an opportunity to sign up for the program. If they don't want to work, that's their problem. There are incentives for these folks

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to learn a trade. If they don't want -- want to be a part of the program, they don't have to be.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Okay. Presently, I believe there's legislation saying that we're -- we're trying to do away with the Scaffolding Act. So here we have people who are working on a site. Would the private companies have to pay into a compensation fund, to ensure that there's not any suits -- maybe even by -- say if they get killed, so their estate or the families of these people can -- can sue or get compensation, if there's a wrongful death?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

The Act contains no such provisions.

PRESIDENT PHILIP:

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

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. I don't even know where to start. I've taken so many notes I think I've given shorter closing arguments than with this summary, but quite candidly, I'm not surprised that a fiscal note was filed by a bureaucracy that basically tries to protect its own burgeoning. I'm not surprised that the Department of Corrections may be hostile to an idea like this. I really am not. I was a State's attorney in a county that had three prisons. I had to deal with these folks and just like any bureaucracy, once it starts, it -- it -- it gains eternal life. All I'm suggesting is we have a new idea and bureaucracies are hostile to new ideas. This idea simply says that we are going to try to implement the constitutional

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mandate of 1970 in restoring offenders to useful citizenship. We talk about jobs, jobs, jobs, but what good does it do for a person to sit behind closed doors, watch pornographic movies, enjoy life at our expense, and when he walks out, simply not be able to get a job, because he doesn't know how to do a damn thing. My suggestion to you folks is to pass this legislation. Let's take a bold and innovative step, move forward so that we don't have to spend sixty million dollars to incarcerate individuals. And, you know, despite what one Senator may say, those folks are behind bars because a judge or a jury has found them guilty. They've done something wrong - at least in the eyes of impartial citizens of this State. And it -- it seems to me that -- it just seems an attack on the integrity of the judicial system to suggest otherwise. What -- what I'm suggesting to this Body is let's move forward; let's discard the ideas that simply don't work, and let's do something that will perhaps be a very, very progressive step for the rest of - not only this State - but the rest of this nation. Let's get on with it. Vote Yes.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1077 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 that question, there are 25 Ayes, 26 Nays, 3 voting Present. Senate Bill 1077, having not received the required constitutional majority, is declared failed. Postponed Consideration? Postponed Consideration. Senate Bill 1082. Senator DeAngelis. Senator DeAngelis. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

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Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1082 is the bill that changes the method by which the trustees of the University of Illinois are approved. We will be moving from an elective process to an appointed process. This process will occur after the next gubernatorial election. There can be no more than five members of the nine trustees from the same party. We will add one nonvoting student member to the current body, and we will change all the appropriate Statutes necessary to get this accomplished. I urge that we adopt -- that...(microphone cutoff)...

PRESIDENT PHILIP:

...(microphone cutoff)...discussion? Senator LaPaille.

SENATOR LaPAILLE:

Here we go again. Reorganizing higher education in Illinois, the Jim Edgar style. So we have an election; for years the University of Illinois trustees have been elected statewide. They are guardians of close to a two-billion-dollar operation at the University of Illinois. People don't realize the budget of the U of I. I asked the State Board of Elections to see if perhaps the electoral process has maybe been unfair, and the State Board of Elections took a look at the last fifty years of University of Illinois elections in Illinois, and here's what that shows: Forty-five times Democrats won, thirty-nine times Republicans won. Now that's not bad for a fifty-year record that shows that on the whole everything is pretty even. But once again, and 1992 rolled around and we were fortunate to win all three University of Illinois trustee spots. But there were many times that the Republican Party in this State won all three, but we didn't jump up and say, "Let's reform; let's make it appointed," because we lost all three. To the spoils go to the victor. And what has happened here -- to the victor go to the

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spoils, and -- and I just again think that to be reorganizing higher education in this State out of the second floor of this building, I would think that they would have a lot of other important things to worry about, like putting people back to work, health care, crime, drugs, and they are obsessed with reorganizing higher education in this State. This is a bad bill. I'm very glad it was separated, at least, from the first reorganization proposal. I would even think the sponsor knew that he had to separate it, and that's why this is standing on its own, and I would encourage a strong No vote. Let the electoral process work in Illinois.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Senate. I am strongly opposed to this bill. I look at my analysis and I see under Number 4 the Governor's task force opposition maintains that these are unknown names on the ballot, and their election is held solely for the benefit of party leaders. I draw your attention to the fact that this last time, for the first time in history, a Latina woman led the ticket. If this is an unknown name, I think we need to rethink what elections mean in communities like the one from which she came, which is extraordinarily proud of her accomplishments - not as a Democrat, but as a Latina woman who has accomplished a tremendous position. In my community in Chicago, this is one of the main vehicles by which we have to participate in the governance of the flagship university of the State of Illinois. I don't want to give that up, and I don't think you should ask my community and others across the State of Illinois to do so. When did we get to the point where we think that it is better to appoint than to elect, particularly in an area this important? I urge you to vote No on this bill.

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PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senator DeAngelis, I was with you on the last reorganization bill. I have to leave you on this one. You know, I am quite frankly surprised that you are attempting to take these trustees out of the elected process and put them into the appointment process whereby every lobbyist and special interest will be down buttonholing the Governor to get his or her appointment to the board of trustees. I think the board of trustees of the University of Illinois - the flagship - it's too important that we leave this to the elected -- to the appointed process. I think the elected process they remain accountable and accessible, and certainly this is not part of the reorganization of higher education. I don't want special interests and lobbyists downstairs lobbying the Governor for their particular appointees to this board. I think it ought to be -- remain in the elected process, and besides that, Senator, we wouldn't know how to reapportion.

PRESIDENT PHILIP:

Further discussion? Further -- Senator Fitzgerald.

SENATOR FITZGERALD:

Very quickly, I just want to make the point: How many of you can name the U of I Board of Trustees? I think that what -- what it is, is it's really a referendum on the parties. And when we were doing redistricting we used those U of I numbers to show how base Republican or base Democratic votes were in a district, and I would just say it's really not an election; it's just a referendum on the parties, and I urge to support for the bill.

PRESIDENT PHILIP:

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President and Members, I generally believe in the maximum -- maxim that good government is good politics and vice versa. I -- I'm afraid in this situation we have to admit that the -- that the opposite is true, and that the passage of this bill, as much as I support it, is going to -- going to reek great hardship on all of us who have depended for years on the election of the University of Illinois Trustees to -- in order to find a bellwether to determine just how Republican or Democratic our district or the State or some region of the State is. The -- the question has arisen over here in informal conversation how we could ever possibly go through another reapportionment process without having had the benefit of electing University of Illinois Trustees. That having been said, I think this is at least one occasion - and there ought to be lots of others - where the importance of good government outweighs the dictates of what we might think is good politics, and I urge the passage of the bill.

PRESIDENT PHILIP:

Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill is designed to take politics out of the university systems. And I -- and I need no stronger evidence -- no stronger evidence than having the two main opponents being the current Democratic party chairman and the previous party chairman. And that in itself is evidence about how they want to maintain this political process of appointment. Now, Illinois right now is only one of five states in the country that continues to use an elected board of trustees. And I have to tell you that I have two letters here from Democrats, both more recent trustees from the U of I - Nina Shepherd and Mr. G. W. Howard III - who strongly recommend -- strongly recommend an appointed system. In fact, Mr. Howard even goes on to say that he has seen

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the process be more political and more polarization on the activities of the board. I urge your favorable vote on Senate Bill 1082.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1082 pass. Those in favor, vote Aye. Those opposed, Nay. The voting's open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 29 Ayes, 25 Nays, no voting Present. Senate Bill 1082, have not received the required constitutional majority, is declared failed. Did Senator DeAngelis want to put it on Postponed Consideration? You got 24 votes. Postponed Consideration. Senate Bill 1083. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1083.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President and Members of the Senate, Senate Bill 1083 amends the Fire Protection District Act by providing that a board of trustees shall not be required to conduct a promotional examination until a vacancy exists, or is anticipated by the board will exist. This bill clarifies the intent of the current law by specifically stating that no fire protection district board is required to conduct a promotional exam until the board knows that a vacancy for promotion exists or will exist. This will result in cost savings, and is -- is consistent with de-mandating.

PRESIDENT PHILIP:

Further discussion? Further discussion? Senator O'Malley, to

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close.

SENATOR O'MALLEY:

Favorable roll call, please.

PRESIDENT PHILIP:

The question is, shall Senate Bill 1083 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 1083, having received the required constitutional majority, is declared passed. Senator Weaver, do you wish to go -- this bill returned to 2nd Reading for the purpose of amendment? Senator Weaver seeks the leave of the Body to return Senate Bill 1085 to 2nd Reading. Hearing no objections, leave is granted. 2nd Reading. Senate Bill 1085. Senator Weaver. Excuse me. Mr. <sic> Secretary, read the amendment.

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Stern.

PRESIDENT PHILIP:

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, this is a very simple amendment, which simply gives the voting public sixty days rather than thirty to gather signatures on a petition to request a referendum on the question of levying a property tax to retire bonds. And also halves - H-A-L-V-E-S - the number -- the percentage of voters needed to sign that petition from ten percent to five percent. It's a people-oriented, small-d-democratic, good-government amendment. I ask your Aye vote.

PRESIDENT PHILIP:

Any discussion? Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Question of the sponsor?

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PRESIDENT PHILIP:

She indicates she'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

Why not the even-better method, which is the front-door referendum?

PRESIDENT PHILIP:

Senator Stern.

SENATOR STERN:

The bill was not mine, Senator Hawkinson. I did what I felt was appropriate.

PRESIDENT PHILIP:

Further discussion? ...(microphone cutoff)...regard the adoption of Senate Amendment No. 1 to Senate Bill 1085. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. 3rd Reading. Oh, any further amendments?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 1087. Senator DeAngelis. Read the bill, Madam Secretary. You say take it out of the record? Take it out of the record. Senate Bill 1096. Senator del Valle. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1096.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill requires private business and vocational schools to disclose their student loan default

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rate, and also designates the Illinois Student Assistance Commission as the State agency responsible for the private business and vocational school oversight under the federal law. I ask for a favorable vote.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Question of the sponsor, Mr. President.

PRESIDENT PHILIP:

Sponsor answers he -- he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator del Valle, is it your intent to have this bill pass out of this Chamber and -- and go to the House and be amended and returned to us?

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Yes. I've indicated that if the Illinois Student Assistance Commission is in need of an amendment, that it can be done in the House. I'm not sure that there is a need for an amendment.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Do you know of any language that will include barber and cosmetology schools in this bill?

PRESIDENT PHILIP:

Senator del Valle.

SENATOR DEL VALLE:

Well, I -- I think that -- that the current language that designates the departments that the Student Assistance Commission will work with covers that, because it -- it includes the Department of Professional Regulation, which is the Department

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that oversees barber and cosmetology schools. But if there's a need for the clarification, we will do that.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

So, in other words, just clarifying language, not new language dealing with cosmetology and the barbers. Is that correct?

PRESIDENT PHILIP:

Senator del Valle, to close.

SENATOR DEL VALLE:

I ask for a favorable vote.

PRESIDENT PHILIP:

All right. On the question, shall Senate Bill 1096 pass, those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On Senate Bill -- on the question, there are 55 Ayes, 1 Nay, 1 <sic> (0) voting Present. Senate Bill 1096, having received the required constitutional majority, is declared passed. Senate Bill 1105. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1105.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1105, as amended, deals with the increases and fees for liquor licenses. It also creates four new categories of licenses. This comes from the Liquor Control Commission. I think most parties that are in the industry are in support of this, or in agreement or -- they're not in

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opposition to it. So I'd urge the passage of Senate Bill 1105.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1105 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? Take the record. On the question, there are 47 Ayes, 8 Nays, no voting Present. Senate Bill 1105, having received the required constitutional majority, is declared passed. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 47, offered by Senator Weaver.

(Secretary reads SJR No. 47)

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd ask -- ask leave to suspend the rules for the immediate consideration of Senate Joint Resolution 47.

PRESIDENT PHILIP:

Senator...(inaudible)...that we suspend the rules for the -- the purpose of the immediate consideration of Senate Joint Resolution 47. Is there leave? Leave is granted. Senator Weaver moves the adoption of Senate Joint Resolution 47. All those in favor, signify by saying Aye. Those opposed, Nay. The resolution is adopted.

SECRETARY HARRY:

Senate Resolution 269, offered by Senator LaPaille.

It's congratulatory, Mr. President.

PRESIDENT PHILIP:

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

SENATOR KARPIEL:

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Thank you, Mr. President. Just to announce that there will be an Executive meeting in Room 212 immediately upon adjournment.

PRESIDENT PHILIP:

Yeah. I -- I might make this comment: that the intention of the Chair would be to have a half hour for committee meetings; come back here as soon as the committees are done - I'm assuming about 1 o'clock - and do 2nd Readings and then go to Motions to Discharge. All right. Introduction of bills.

SECRETARY HARRY:

Senate Bill 1107 offered by Senators Cronin and Dudycz.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

Senate will recess until 1 o'clock.

(SENATE STAND IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Message from the House.

SECRETARY HARRY:

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

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

House Bills 666, 702, 839, 1120, 1552, 1809, 2028, 2074, 2223 and 2417.

Passed the House, April 16, 1993.

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We have a like Message on House Bills 115, 304, 488, 587, 673, 1198, 1320, 1360, 1587 and 1746.

All passed the House, April 16, 1993.

From Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Amendment No. 3 to Senate Bill 252 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 270, offered by Senator Butler.

It's congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. We will now proceed to the order of Resolution Consent Calendar. I would ask leave to add 269 and 270. Is there leave? Leave is granted. Mr. Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Senate Bills on 2nd Reading. Senator Barkhausen on the Floor? Senator DeAngelis, on Senate Bill 5? Senate Bill 17. Senator Cullerton asks leave for Senator Geo-Karis to handle Senate Bill 17. Do you wish to call the bill, Senator Geo-Karis? Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 17.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on -- take it out of the record. Senator Farley, we ready on Senate Bill 47? I'd ask leave for Senator Farley to handle the amendment. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 47.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley. Any further amendments? Excuse me.

SECRETARY HARRY:

The Committee on Local Government has reported Amendment No. 2, offered by Senator Weaver, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave to have Senator Farley handle this amendment? Leave is granted. Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 2 further adds that State universities may enter into contracts for utilities, equipment and fuel for terms not longer than ten years. The University of Illinois Board of Trustees may enter into contracts for periods not to exceed ten years for the delivery of coal, fuel oil and natural gas, to be paid from appropriations for the year in which the fuels are to be delivered. All of the contracts are subject to termination and

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cancellation in that year the General Assembly fails to make an appropriation to make payments under the terms of the contract. Adds an effective immediate date, and, Mr. President, I would move for the adoption of Senate Amendment No. -- or No. 2 to Senate Bill 47.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Geo-Karis, on 207? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 207.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on 209? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 209.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Are there further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

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3rd Reading. 227. Senator Maitland. 227. Out of the record. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

I'd just like to pose a parliamentary question if I might. When -- as we go through the Calendar here and -- and as these amendments have been recommended Be Adopted in committee, is there any way in which we could get a short explanation as to what those amendments were that were adopted at some point?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

I have asked to move it to 3rd Reading today and plan to return it after the amendments have been considered in the committee. That's all.

PRESIDING OFFICER: (SENATOR WEAVER)

I think he was speaking in general, is that right? Those amendments that -- are you speaking about the Floor amendments adopted in committee?

SENATOR DEMUZIO:

That -- that is correct, because it changes the bill, obviously - in some instances, substantially. I'm not talking about Senator McCracken's bill. I'm just asking a global question here. How do we know what those amendments -- how do the Members know what those amendments are that didn't serve on that committee and...

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Demuzio, we ask -- we ask if there's any discussion or explanation. We've just explained one amendment that came through committee. I asked Senator Farley. So we try to explain the amendments that have come from -- Floor amendments that have come from committee. Senator Jones.

SENATOR JONES:

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Well, Mr. President, what he's attempting to do - and I -- I concur, 'cause the issue was raised before: why don't we do this then, to save that -- us from going through this all the time, let's have the sponsor of the amendment to briefly describe what the amendment does, you know, rather than just go ahead and adopt. Then this way this question will not continue to come up all the time.

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Jones, I thought that's what we were doing. Committees <sic> adopted in committee are explained if there's any -- any question about them. On Floor amendments we ask: Is there any discussion? When there is no discussion we proceed ahead. Senator Jones.

SENATOR JONES:

Well -- well, what we are saying, see, most Members, even though it's a Floor amendment, and all the Members in this Body are not on their respective committees that the amendments are being heard in, so why don't we have a policy that the Floor amendment sponsor, if it is adopted, will go ahead and explain -- tell what the amendment does, and if there's any questions or discussions, then they will discuss it.

PRESIDING OFFICER: (SENATOR WEAVER)

We have been doing that, Senator. On the Order of 2nd Reading. Senator Barkhausen, on 447? You wish to have it read? Senator Cronin, on 452? Out of the record. Senator Berman. Out of the record. Senator Butler, on 498? Out of the record. 499, Senator Butler? Out of the record. Senator Fitzgerald, on 341? Read the bill, Mr. Secretary.

SECRETARY HARRY:

...(microphone cutoff)...Bill 341.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Donahue, on 524? Senator Donahue, on 524? Out of the record. Senator Sieben, on 594? Senator Maitland, on 609? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 609.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Any amendments from the Floor certified for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Palmer.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer. Is Senator Palmer on the Floor? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. This is -- is a friendly amendment. I would be -- would ask leave of the Body to be allowed to explain the amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Leave is granted. Senator Maitland, to explain the amendment.

SENATOR MAITLAND:

Thank you, Mr. -- Mr. President. Floor Amendment No. 1, in my view, does make the bill better. It clarifies that a foreign professional service corporation must comply with the proper regulatory authority. I have no objection to this, and I would therefore move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Any -- any discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The amendment is adopted. 3rd

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Reading. Senator Cronin, on 615? Do you wish to move the bill? Hold it. Out of the record. Senator Woodyard? Read the bill, 616, Mr. -- Mr. Secretary.

SECRETARY HARRY:

Senate Bill 616.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there any amendments approved for consideration?

SECRETARY HARRY:

Committee on Environment and Energy reports Amendment No. 3, offered by Senator Woodyard, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard, to explain the amendment.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. The bill itself deals with low-level radioactive siting process. The amendment -- Amendment No. 3 does basically four things: it requires a task force in the bill to hold public hearings; it expands areas of criteria for the task force to consider; it expands the task force by two members - one an environmentalist, and another a -- a member of a local unit of government; and it changes from thirty days to ninety days the time for objections.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of Amendment No. 3, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

The Committee on Environment and Energy reports Amendment No. 4, offered by Senator Welch, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch. Senator Woodyard.

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SENATOR WOODYARD:

Mr. President, I think Senator Carroll wants to present that amendment. It is a friendly amendment, and we certainly accept it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll, to explain the amendment.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With leave of the Body, on behalf of Senator Welch, it makes it a violation of the Low-Level Radioactive Waste Management Act to locate low-level radioactive waste sites above a mine shaft or within two miles of an active geological site. And I believe this is agreed with Senator Woodyard, and that I would move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Karpel, on 625? Out of the record. 626. Read the bill, Mr. Secretary. 626.

SECRETARY HARRY:

Senate Bill 626.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there amendments approved for consideration?

SECRETARY HARRY:

The Committee on Environment and Energy reports Floor Amendment No. 4, offered by Senator Ralph Dunn, Be Adopted.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Ralph Dunn, to explain Amendment No. 4. On Senate Bill 626, Senator Dunn. You have a Floor amendment? Senator Karpel, to explain the amendment.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Amendment 4 to Senate Bill 626 replaces the language of Senate Bill 626 and it becomes the bill. The amended bill would authorize the EPA to set up a voluntary program for laboratory certification of drinking water, waste water and hazardous waste, and fees would be paid by the labs to the EPA in order to receive certification. Under the Federal Safe Drinking Water Act, public water supplies must be analyzed by certified laboratories. There are five such laboratories in the State of Illinois. This would start a new voluntary certification program whereby the EPA, for a fee, would certify environmental labs to conduct analyses of drinking water, and Department of Public Health and other State agencies are excluded from the program.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of the amendment, signify by saying Aye. Opposed, Nay. Amendment No. 4 is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Ralph Dunn, on 632. Read the bill.

SECRETARY HARRY:

Senate Bill 632.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

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Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

The Committee on Commerce and Industry has reported Floor Amendment No. 2, offered by Senator Palmer, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Ralph Dunn, to explain the amendment.

SENATOR R. DUNN:

Thank you. This is technical amendment put on in committee, and I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

The Committee on Commerce and Industry has recommended Floor Amendment No. 3, offered by Senator Sieben, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Ralph Dunn, to explain the amendment.

SENATOR R. DUNN:

Thank you. This is an amendment to put on -- to authorize the Abandoned Mined Lands Reclamation Council, which is a hundred percent federally funded, to spend money for reclamation on non-coal mined areas, it'll eliminate public health hazards. I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

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3rd Reading. Senate Bill 642. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 642.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, to explain the amendment.

SENATOR DUDYCZ:

Mr. President, it's my understanding that the amendment is strictly technical in nature.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not -- excuse me. Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Could the sponsor tell me what is the technical nature of the amendment that you just -- or recommended for adoption?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

This was a request of the Senate Enrolling and Engrossing. They wish to add an amendment to make it correct, technically.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? All in favor of the amendment, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

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SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 671. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 671.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Fawell. Senator Maitland, on 677? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 677.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

The Committee on Public Health and Welfare reports Floor Amendment No. 3, offered by Senator Carroll, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll, to explain the amendment.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 3 would be the requirement that any nursing home that has been assessing the six-dollar-thirty-cent assessment tax to their private pay patients could not add to that any administrative charges, and I would move its adoption.

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PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dudycz, on 714? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 714.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

The Committee on Local Government has reported Amendment No. 3, offered by Senator Dudycz, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, to explain the amendment.

SENATOR DUDYCZ:

Thank you, Mr. President. The amendment changes language which would allow the Police Training Board to appoint investigators, rather than inspectors, to be authorized to obtain background information on the arrest and conviction records of applicants for police departments, and it also removes the language "conservators of the peace". This -- this amendment removes opposition from the Illinois Chiefs of Police and the State Police.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying

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Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted.
Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 739. Senator Dudycz. Read the bill, Mr.
Secretary.

SECRETARY HARRY:

Senate Bill 739.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd -- 3rd Reading. Senator Butler, on Senate Bill 743. Mr.
Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 743.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

The Committee has reported Floor Amendment No. 2, offered by
Senator Butler, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Butler, to explain Amendment No. 2.

SENATOR BUTLER:

Thank you, Mr. President. Floor Amendment No. 2 corrects two problems that might have existed in the Act. One, removes the State units of local government and school districts from -- from the Act; there was some concern about that. Secondly, it removes the ability of counties with a population under three hundred thousand to hire special assistants to enforce the Act. There was some concern that this -- this might prove to be a bigger problem. So we have removed it from the bill. I know of no opposition.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of Senate -- Floor Amendment No. 2 to House <sic> Bill 743, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Karpziel, on -- Senator Karpziel? Read the bill, Mr. Secretary. 74 -- 64.

SECRETARY HARRY:

Senate Bill 764.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

The Rules Committee has approved for consideration Floor Amendment 3, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Karpziel, on Floor Amendment No. 3.

SENATOR KARPIEL:

That -- that's simply a technical amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. Amendment No. 3 is adopted. 3rd Reading. Senator DeLeo. Senator McCracken, on 770? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 770.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any amendments -- Floor amendments approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken, on Floor Amendment No. 3.

SENATOR MCCRACKEN:

Thank you, Mr. President. I move the adoption of Floor Amendment No. 3. It's a technical amendment suggested by staff.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. The motion carried. Floor Amendment No. 3 to Senate Bill 770 has been adopted. 3rd -- any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Philip, on 773. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 773.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Petka, on 779? Out of the record. Senator Barkhausen. Senate Bill 840. Out of the record. Senator O'Malley, on 870? You wish the bill -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 870.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen, 888? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 888.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

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Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

The Committee has reported Floor Amendment No. 3, offered by Senator Barkhausen, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen, to explain Amendment No. 3.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 3 to Senate Bill 888 simply makes clear that the bill is to be given a prospective application only, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 to Senate Bill 888 is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 900. Senator McCracken. 900. Out of the record. Senator Barkhausen, 935? Out of the record. Senate Bill 937. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 937.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Any amendments -- any Floor -- amendments approved?

SECRETARY HARRY:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 950. Senator McCracken. 950. Senator McCracken? Out of the record. 1021. Senator Carroll. Read the

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bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1021.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

The Committee and Financial Institutions has reported Floor Amendment No. 3, offered by Senator Carroll, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll, to explain Amendment No. 3.

SENATOR CARROLL:

Why, thank you, Mr. President. Amendment No. 3 is really at the request of the Illinois Housing Development Authority. It is to make the bill permissive so that they are permitted to go to the Federal Home Loan Bank Board to obtain loans for their purposes, rather than making it mandatory, and I would move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of Senate Amendment No. 3 to Senate Bill 1021, signify by saying Aye. Opposed, Nay. The Ayes have it. Senate Amendment No. 3 is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Jones, on 1024. Senator McCracken, on 1067 -- 69. Read -- read the bill. 1069, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1069.

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(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1078. Senator LaPaille. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1078.

(Secretary reads title of bill)

2nd Reading of the bill. One amendment adopted in committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. ...(microphone cutoff)...have completed the 2nd Reading. We will go to the Order of Motions in Writing. Senator Smith on the Floor? Senator Smith, you wish your motion heard? Senator Smith. Take it out of the record. Senator Stern. Senator LaPaille. Senator Stern, do you wish your motion called on Senate Bill 153? Senator Stern on the Floor? Senator LaPaille, on 298, you wish your motion called for discharge? Senator Smith, on 303? 304? Senator Smith. 307, Senator Smith? Senator Demuzio, on 361? Senator Demuzio.

SENATOR DEMUZIO:

Mr. -- Mr. President, will we have the opportunity to go to

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these discharge motions also, perhaps Monday?

PRESIDING OFFICER: (SENATOR WEAVER)

We can't guarantee that.

SENATOR DEMUZIO:

What about Tuesday?

PRESIDING OFFICER: (SENATOR WEAVER)

It's not possible to go to this order of business every day. So I can't guarantee you that we'll ever get back to them. If you wish to call them, now's the time to call them.

SENATOR DEMUZIO:

Can I have leave to come back to mine?

PRESIDING OFFICER: (SENATOR WEAVER)

Today?

SENATOR DEMUZIO:

Pardon?

PRESIDING OFFICER: (SENATOR WEAVER)

Today?

SENATOR DEMUZIO:

Just leave...

PRESIDING OFFICER: (SENATOR WEAVER)

Do you want leave to come back to it today?

SENATOR DEMUZIO:

Leave to come back to it.

PRESIDING OFFICER: (SENATOR WEAVER)

Possibly.

SENATOR DEMUZIO:

Today?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith, on 368? Senator Rea, on 624? Senator Smith, on 691? 693? Senator LaPaille, on 699? Do you wish to call your motion? 703, Senator LaPaille? Senator Stern, on 785? Senator Palmer, on 886? Senator Welch, on 961? Senator Carroll, on 971?

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972? Senator Trotter, on 978? Senator Welch, on 981? Senator LaPaille, on 1012? Senator Smith, on 1028? Senator Welch, on 1091? Senator LaPaille, on 1101? Committee Reports.

SECRETARY HARRY:

Senator Karpiel, the Chair of the Committee on Executive, reports Amendment No. 5 to Senate Bill 1 Be Adopted; and Amendment No. 1 to Senate Bill 960 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Donahue arise?

SENATOR DONAHUE:

Thank you, Mr. President. I would like to let our side of the aisle know that we are requesting a Republican Caucus immediately following adjournment. It'll be very short, but we'd like to have a meeting. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 3, offered by Senators Severns and Woodyard.

(Secretary reads title of bill)

House Bill 275, by Senators Woodyard and Severns.

(Secretary reads title of bill)

House Bill 98, by Senator Berman.

(Secretary reads title of bill)

House Bill 399, by Senator Barkhausen.

(Secretary reads title of bill)

Senator Burzynski offers House Bill 473.

(Secretary reads title of bill)

House Bill 553, Senator Smith.

(Secretary reads title of bill)

Senator Trotter offers House Bill 639.

(Secretary reads title of bill)

House Bill 677 is offered by Senators Welch, Hawkinson and

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Jacobs.

(Secretary reads title of bill)

Senator Barkhausen offers House Bill 732.

(Secretary reads title of bill)

House Bill 904, offered by Senators Woodyard and Madigan.

(Secretary reads title of bill)

House Bill 991, Senator Trotter.

(Secretary reads title of bill)

Senator Donahue offers House Bill 1406.

(Secretary reads title of bill)

House Bill 1498, by Senators Berman, Carroll and Smith.

(Secretary reads title of bill)

Senator Trotter offers House Bill 1609.

(Secretary reads title of bill)

Senator Klemm offers House Bill 1719.

(Secretary reads title of bill)

Senator Trotter offers House Bill 2170.

(Secretary reads title of bill)

And House Bill 2333, offered by Senator Smith.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any further business to come before the Senate? If not, the Senate -- Senator Philip moves the Senate stand in adjournment until 10 a.m., April the 19th. Monday, April the 19th, 10 a.m. Senate stands adjourned.

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