

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDENT PHILIP:

The hour of nine having arrived, the Senate will please come to order. If our Members will please rise, and our friends in the gallery would please rise. Today we have the prayer by Reverend Haas, Aurora Community Church, Aurora, Illinois. Reverend Haas.

THE REVEREND DAN HAAS:

(Prayer by the Reverend Dan Haas)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, April 15th; Friday, April 16th; and Monday, April 19th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. Messages.

SECRETARY HARRY:

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

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

House Bills 757, 1539, 1570, 1717, 2195, 2245 and 2282.

Passed the House, April 19, 1993.

We have a like Message on House Bills 176, 343, 474, 979, 1164, 1281, 1524, 1569, 2024 and 2173.

All passed the House, April 19, 1993. Submitted by Anthony D. Rossi, Clerk of the House.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 325 is offered by Senators Tom Dunn and Woodyard.

(Secretary reads title of bill)

Senator Demuzio offers House Bill 331.

(Secretary reads title of bill)

House Bill 605, presented by Senator Geo-Karis.

(Secretary reads title of bill)

Senator Watson presents House Bill 930.

(Secretary reads title of bill)

House Bill 1072, Senator Peterson.

(Secretary reads title of bill)

Senator Woodyard offers House Bill 1124.

(Secretary reads title of bill)

House Bill 1125 <sic> is offered by Senator Barkhausen --
House Bill 1128.

(Secretary reads title of bill)

Senator Topinka offers House Bill 1222.

(Secretary reads title of bill)

House Bill 1385, offered by Senator Jones.

(Secretary reads title of bill)

Senator Cullerton offers House Bill 1730.

(Secretary reads title of bill)

Senator McCracken offers House Bill 1750.

(Secretary reads title of bill)

House Bill 1791, by Senator DeAngelis.

(Secretary reads title of bill)

Senator Sieben offers House Bill 1797.

(Secretary reads title of bill)

House Bill 1838, by Senator Cullerton.

(Secretary reads title of bill)

House Bill 2221, by Senators Jacobs and Smith.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

(Secretary reads title of bill)

And House Bill 2383, by Senators Topinka and Severns.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

...(microphone cutoff)...I could have your attention. We're going to go through 2nd Readings - hopefully somebody will move their bills - and then to 3rd Readings. It's the intention of the Chair to probably go fairly late tonight. As you know, my -- my attitude is going to be late tonight, tomorrow night, so we can all get out of here early on Friday. So without further ado, we're going to do 2nd Readings, the top of page 2. Senate Bill 38. Senator Maitland. Read the bill.

SECRETARY HARRY:

Senate Bill 38.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Senator Maitland. Oh. Any -- any further amendments approved?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Oh -- oh -- okay. Senator Maitland. I'm sorry.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This is Senate Bill 38, and this contains the -- the report of the Task Force on School Finance that we debated for -- for over -- for nearly two years. It was debated in committee, and Senator Berman and I have agreed that this bill ought to, for the near term, be re-referred to the Committee on Rules. It is -- it is a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

totally new concept in school finance. We recognize the concerns and problems, and I would therefore move that -- that this committee <sic> be re-referred to the Rules.

PRESIDENT PHILIP:

Senator Maitland moves that Senate Bill 38 be re-referred back to Rules. Is there leave? Leave is granted. Senate Bill 128. Senator Raica. Senate Bill 206. Senator Cullerton. Mr. Secretary, read the bill. Okay. The bill is being held. There's a fiscal note required, so we haven't received that. So, take it out of the record. 227. Senator Maitland. Take it out of the record. Senate Bill 246. Senator Petka. Take it out of the record. Senate Bill 447. Senator Barkhausen. Take it out of the record. Senate Bill 452. Senator Cronin. Read the bill.

SECRETARY HARRY:

Senate Bill 452.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Are there any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 473. Senator Berman. Read the bill. No. Take it out of the record. Senate Bill 498. Senator Butler. Take it out of the record. 499. Take it out of the record. Senate Bill 524. Senator Donahue. Take it out of the record. Senate Bill 615. Senator Cronin. Take it out of the record. Senate Bill 625. Senator Karpziel. Senator Karpziel. Take it out of the record. Senate Bill 672. Senator Fawell. Take it out of the record. Senate Bill 766. Senator DeLeo. Read the -- read the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SECRETARY HARRY:

Senate Bill 766.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd -- 3rd Reading. Senate Bill 779. Senator Petka. Take it out of the record. Senate Bill 840. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 840.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

The Education Committee has reported Floor Amendment No. 1 Be Adopted, sponsored by Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 1 -- well, let me say first of all that the bill is an attempt to provide some form of assistance to a school district, North Chicago Unit District 187, in my district, that is -- has petitioned to dissolve. And so the bill and these amendments are an attempt to help prevent that. Amendment No. 1 removes a mandate that adjacent district must levy a property tax to provide financial assistance to North

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Chicago, and makes it clear that the regional board of school trustees would only be requiring -- potentially requiring, or authorized to require, contributions, and then the adjacent districts themselves would be empowered to impose a levy. And I move its adoption.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

Yeah. The sponsor indicates he'll yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, if I understand your amendment, this deals with the problem of the North Chicago School District 187, and it requires school districts adjacent to this school district to provide a financial contribution to North Chicago if required. And this would allow the funds for such a contribution to be generated by a new property tax levy. Does this -- something that's -- are these districts entirely within your Senate district?

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't mean to beg the question, Senator Cullerton. This amendment is really just a technical correction to the original bill. The conversation that you seem to be... I -- I would suggest the conversation you seem to be wanting to get into is probably one that's best for 3rd Reading.

PRESIDENT PHILIP:

Any further discussion? Further discussion? Senator Barkhausen moves the adoption of Amendment No. 1 to Senate Bill 840. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. 3rd Reading. Oh

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

-- further amendments?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Amendment No. 3, Mr. President and Members, makes it clear that any levy that would be imposed by one of these adjacent districts, in order to recoup the expense of a contribution because it is over and above their normal school expenditures for their own schools, would not be subject to the property tax limits otherwise in effect. And I move its adoption.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. I'm sorry. Senator Barkhausen, this is the one that I perhaps was most interested in. This is an exception to the property tax cap bill that we passed last year or the year before, I believe. Do you know whether or not a similar type of exception will be built in to the property tax cap that's proposed for the -- in Senate Bill 1? Senate Bill 1...(microphone cutoff)...

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I haven't taken a -- a close look at Senate Bill 1, but inasmuch as I understand there's a general rule of statutory construction that the specific takes precedence over the more general, I would think it might, but I haven't looked at it in that respect.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Let me just then see if I can get to the heart of the matter. Do the -- do the people in the surrounding districts around North Chicago -- are they aware of the fact that we're lifting this tax cap limitation and that they might be subject to an increase in property tax?

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Just -- two things. One is that, yes, generally, I think a number of them are, inasmuch as there's been quite a bit of publicity about the general problem and about this approach to it. But secondly, as is a sort of a cliché around here, this -- this legislation is permissive only. And we'll get into that more on 3rd Reading, but it's designed to give the -- this otherwise obscure group of officials - the regional board of school trustees - the -- the power to do this, but only as a last resort, if it looks like they're otherwise going to be approving a dissolution petition and forcing the adjacent districts to incur a much greater expense than the taxpayers of those adjacent districts would incur as a result of this legislation.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Mr. President, I'd just request a roll call on the amendment.

PRESIDENT PHILIP:

A roll call is always in order. Senator -- any further discussion? Okay. On Amendment No. 3 to Senate Bill 840, all those in favor will vote Aye. Those opposed, Nays. 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. 34 Ayes, 10 Nays, 1 voting Present. Amendment No. 3 is adopted. Are there further amendments?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SECRETARY HARRY:

Amendment No. 4, offered by Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, last amendment here. Amendment No. 4 says that insofar as this regional board of school trustees finds that the problems experienced by the North Chicago District are attributable to underfunding in federal impact aid, which is at least half of the school district's problems, that contributions could be required from other high school districts and unit districts in Lake County. There is an exception to the -- this possible required contribution for -- for poorer districts, defined here as being districts with under one hundred thousand per pupil in EAV. I'll be glad to answer your questions, and would otherwise ask for this amendment's adoption.

PRESIDENT PHILIP:

Senator Cullerton. Oop. Senator Cullerton. Further discussion? If -- if not, Senator Barkhausen moves that Amendment No. 4 to Senate Bill 840 be adopted. All those in favor, signify by saying Aye. Those opposed, Nays. Ayes have it. Amendment No. 4 is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 900. Senator McCracken. Read the bill.

SECRETARY HARRY:

...(microphone cutoff)...Bill 900.

(Secretary reads title of bill)

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDENT PHILIP:

Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...(microphone cutoff)...Bill 935. Senator Barkhausen, you want that bill read? Senator Barkhausen, on Senate Bill... Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 935.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Have there been any -- any Floor amendments that have been approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senate Bill 950. Senator McCracken. Do you wish that bill called? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 950.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SECRETARY HARRY:

The Education Committee has reported Be Adopted Floor

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle, to explain the amendment. Senator del Valle?

SENATOR DEL VALLE:

Thank you, Mr. President. The amendment requires the recommendations of the Service Delivery Committee, created for the City Colleges of Chicago by the bill, to contain a specific time frame for implementation, and it requires the committee to reconvene at the end of that time period and evaluate and report to the Governor and the General Assembly on the implementation of the committee's recommendations. I move for the adoption of the Floor amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is there any discussion? Senator del Valle moves for the adoption of Amendment No. 2 to Senate Bill 950. All those in favor, say Aye. Opposed. The Ayes have it. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senate Bill 1024. Does Senator Jones wish that called? Senator Jones? 1025? Senator Jones, do you wish that bill called? Well, take it out of the record, Mr. Secretary. The Senate will now go into Executive Session for the purpose of advise and consent. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Ralph Dunn, Chair of the Committee on State Government Operations and Executive Appointments, to which was referred the Governor's Message of March 4, 1993, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I move the Senate resolve itself into Executive Session for purpose of acting on the Governor's appointments set forth in his Message of March the 4th, 1993. Mr. President, with respect to the Governor's Message of March the 4th, 1993, I will read the salaried appointments to which the Senate Committee on State Government Operations and Executive Appointments recommends the Senate do advise and consent:

Department of Alcoholism and Substance Abuse - James Long of Springfield, to be the Director of the Department for a term ending January 16th, 1995.

Central Management Services - To be the Director of Central Management Services for a term ending January 16th, 1995, Stephen Schnorf of Charleston.

Department of Children and Family Services - To be the Director of that Department for a term ending January 16th, 1995, Sterling Ryder of Springfield.

To be the Director of the Department of Commerce and Community Affairs for a term ending January 16th, 1995, Jan Grayson of Chicago.

To be the Associate -- Assistant Director of the Department of Commerce and Community Affairs effective March the 1, 1993 for a term ending January 16th, 1995, Romuald Poplawski of Wilmette.

Department of Conservation - To be the Director of that Department for a term ending January 16th, 1995, Brent Manning of Pawnee.

To be the Assistant Director of the Department of Conservation for a term ending January 16th, 1995, Bruce Clay of Springfield.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

The Environmental Protection Agency - To be the Director of that Department for a term ending January 16th, 1995, Mary Gade of Waukegan.

To be the Director of the Department of Lottery for a term ending January 16th, 1995, Desiree Rogers of Chicago.

To be the Director of the Department of Mental Health and Developmentally <sic> Disabilities for a term ending January 16th, 1995, Jesse E. McDonald of Springfield.

To be the Director of the Department of Professional Regulation for a term ending January 16th, 1995, Nikki Zollar of Chicago.

To be the Assistant Director of the Department of Revenue for a term ending January 16th, 1995, Renee Thaler of Northbrook.

To be the Director of Transportation for a term ending January 16th, 1995, Robert Kirkland Brown of Sherman.

Mr. President, having read the salaried appointments, I now seek leave to consider the appointments on a roll call, unless some Senator has an objection to these appointments. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is -- any discussion? The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. The 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, the Ayes are 53, the Nays are 0, those voting Present are 0. A majority of the Senators elected concurring by a record vote, the Senate does advise and consent to the nominations just made. Senator Dunn.

SENATOR R. DUNN:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

You have heard the motion. Those in favor, say Aye. Opposed, say No. The Ayes have it. The motion carries. We will now return to the Orders of 3rd Readings on regular Senate bills. We are on the middle of page 8. We will start with Senate Bill 340. Senator Fitzgerald, do you wish 340 called? Take it out of the record. 341. Take it out of the record. 344. Senator McCracken. Mr. -- Mr. Secretary, read the bill. Senate Bill 344.
SECRETARY HARRY:

Senate Bill 344.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen of the Body. Senate Bill 344 would cap noneconomic damages in tort cases at two hundred fifty thousand dollars. This is prompted by concerns over tort reform generally, and has been under some form of consideration on and off in this Body for many years. Those of you in the General Assembly in 1985 and 1986 remember the degree of tort reform passed at that time.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Let's have a little order. Please.

SENATOR MCCRACKEN:

One of the proposals which did not succeed at that time was a proposed cap on noneconomic loss. This bill would add that element of -- of tort reform. I move its passage.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Sponsor says yes.

SENATOR TROTTER:

Okay. Senator McCracken, you're actually -- caps on what, specifically? For us non-attorneys, what are you putting caps on?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

It's commonly known as "pain and suffering". Frankly, there may be other noneconomic elements, but if there are, they -- they would not be much. So primarily, if not exclusively, on pain and suffering element of damages.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter, are you finished? Senator Cullerton.
Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 344. Ladies and Gentlemen, let me give you a little insight into what noneconomic loss is. One of the beauties, I would suggest, of our justice system is the recognition of pain and suffering - future pain and suffering - as well as past pain and suffering. Let me give you a hypothetical. You're driving your car; you get into a automobile accident in which the driver of the other car runs a red light. You were totally in the -- in the right, but as a result of that collision, you lose both legs. You lose both legs. And because of the nature of the injury, it's not even possible to give you a prosthesis, or artificial limbs, and you are twenty-one years of age. You have a life expectancy of another fifty-plus years, and you're going to have to live in a wheelchair - in a carrier. You are not going to be able to live your life as you have for your past twenty-one years, because you don't have your legs. Fifty years you're going to have to live that way. Under this bill, the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

compensation that you are going to be paid, under Senator McCracken's approach to justice, is that you'll be paid about fifteen dollars a day for the pain and suffering that you're going to experience for the next fifty years. That's -- the pain and suffering loss would be limited to two hundred and fifty thousand dollars. I ask you to just think in your own mind: What's it worth; what is the compensation to you? And I'm not talking about any kind of a windfall; I'm talking about payment to you for the pain and suffering that you will experience without legs for fifty years. I suggest the best vote for your constituents and for our system of justice is a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I also rise in opposition to Senate Bill 344. In committee really one profession presented this as -- as, in fairness, a way they thought they could reduce some health care costs. But I asked the questions, and I ask the Members, particularly on this side of the aisle, to realize that this bill is far broader than just dealing with health care. If you have a child that is the victim, is run over in the street by a drunk driver - by a drunk driver - and either, as Senator Berman suggests, made a quadriplegic or killed, well, that child doesn't have a lot of economic damages. There's no projected income, loss of income. There may be some funeral expenses or medical bills. But we're saying by this bill that that child's life is limited to two hundred and fifty thousand dollars. You know, that same day in committee we passed - and I think the Senate has probably already passed or will shortly pass - a bill that will make drug dealers civilly liable if, by giving an illegal drug to our kids, they harm, they kill or maim or otherwise harm our children. Well, if we pass that bill and then we pass this bill, the most

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

that drug dealer can be hit for, for killing or maiming our children, is two hundred and fifty thousand dollars. This bill is far too broad. It's been rejected many times in the past, and I urge, particularly, my colleagues, to look beyond any politics in this and see what we're really doing, and vote No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR MOLARO:

What is the broad-based reason behind this proposed legislation? What's the -- what's the underlying reason, Senator?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

I'm glad you asked that, Senator. Pain and suffering damages are not quantifiable. They do not have predictability. Other elements of damages can be quantified. Other elements of damages have some degree of predictability. Pain and suffering awards do not have that degree of predictability, and whether the cap is two hundred fifty thousand, five hundred thousand, five million dollars, I do not imply by this bill that that is the value I place on someone's peace of mind and/or life. We are faced with some tough choices here. Now, health care considerations are the precipitating factor in this; however, the bill does apply to all tort actions, and I think it probably has to as a matter of constitutional law. The point is this: We have to make some hard decisions about how we are going to allocate dollars in society for health care, for insurance costs, for tort judgments. And we

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

have seen, over the years, very large awards, which I believe, and many of us believe, are skewing those considerations. The largest part of those awards - the most unpredictable portion of those awards - is pain and suffering. Now I'm not saying this is an easy vote, and I'm not taking this lightly. But I believe we are at a crossroads in America's civil -- in American civil justice, and we have to make some hard choices. We are not alone in this, by the way. Some years ago, California imposed a two-hundred-fifty-thousand-dollar cap on noneconomic loss. Indiana has caps. So, we are facing some difficult times, and this is seen as one component in a measure of tort reform.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro, are you done with your question?

SENATOR MOLARO:

Yes, I'm done with that question, but I do have a comment, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Okay. Proceed.

SENATOR MOLARO:

Okay, thank you. Well, if -- if you're talking about unpredictability, this certainly -- all you're doing is capping where it could go. You know, what a jury's still going to do between zero and two hundred and fifty thousand dollars, obviously, no one knows, so the unpredictability of it is still there. All it does, to me -- it seems to me that, you know, if you have a doctor or a lawyer or whoever is out there, all you're going to do by this, if you put the cap, is allow the insurance company to lower the rates so some doctor who's making four hundred thousand dollars a year might save seventeen hundred dollars a month or seventeen hundred dollars a year in insurance premiums. As far as health care, I don't know how this helps health care out, because you're still going to be treating the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

injury itself. All you're going to do is cap the award for pain and suffering. It doesn't -- it doesn't do anything with health care at all. So as far as health care and unpredictability, you know, I don't know how it helps. Second point that I'm trying to make is this: If we -- if we wind up looking at where pain and suffering came from, as far as being awarded juries, if you talk any injury whatsoever, whether it's a bad permanent disfigurement or any type of injury, what we always said in common law - and it's been around in this country for many, many years - is that you're trying to make someone whole; you're trying -- that's the idea of recovery from negligence. So if someone, God forbid, is in a car accident and you look at the fact that there's ten-thousand-dollars damage to their car, you know, fifty thousand dollars of lost work, fifty thousand dollars in -- in medical bills - the economic loss - you still go up and say, "Okay, let's give them their hundred and forty thousand dollars that they lost economically." But you still say, "Wait a second. I'm still not whole. I was suffering. I stayed up at nights. I couldn't go to sleep because of pain. I was up at night wondering if I'm ever going to look good anymore, if I'm ever going to have a life anymore, and that quality of life has been taken away from me through someone's negligence. It's taken away." Now, what is that worth? I submit to you, I have no idea what that's worth - to have someone going through pain and suffering for years. And you're going to say, "Well, your economic loss was a hundred and forty thousand dollars. That's all you're going to get." And we're going to put some cap - some arbitrary cap that you took out of the air - and say, "That's what the cap's going to be for you losing the quality of life." Well, I submit that the idea was to make someone whole. And what that may be may be unpredictable, but to take it away from people is a much, much, you know, greater loss. To get out there and say that we're not going to give you

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

what you're entitled to for pain and suffering due to someone else's negligence, we will not let the person be whole. And that's what this is all based on. That's what tort -- tort law has been based on. Now, when you talk about noneconomic loss, you're not talking about just pain and suffering; you're talking about disfigurement; you're talking about permanent disabilities; you're talking about your -- your whole loss in society, your loss of consortium. And to say that those things should be capped at two hundred and fifty thousand dollars, I submit to you, is kind of frivolous. So, you're not only -- you're not only putting a cap; you're -- you're -- you're taking away the whole theory that this country and England has been based on, and -- and that's the whole theory of torts and the whole theory of making someone whole for an injury caused by someone else. And I think this two hundred and fifty thousand dollars is not only low; I don't know what figure you could come up with. And I don't think it'll stop frivolous lawsuits, because most frivolous lawsuits aren't in the six-, seven-hundred-thousand-dollar range. So, thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As a non-attorney, I have a couple questions on this bill. Number one, what's so magical, Senator, about the two-hundred-and-fifty-thousand-dollar figure? Where does that come from? Is that arbitrary? Is it -- what is the situation here with the two hundred and fifty thousand?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken, if you choose to answer.

SENATOR McCracken:

Two hundred and fifty thousand dollars was the figure, among

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

others -- or adopted, among other states, by California when it initiated this. That seems to be the figure on most people's minds in the country. I acknowledge, to the extent we pick a figure at all, it does contain some degree of arbitrariness. I guess the question is: Is any figure legitimate, and would support on the other side of the aisle change if we raised the figure?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Perhaps. Also, is there any -- any criteria in here or any provision for inflation, as we go down the line? Is there any provision in here for differential in age? Someone has a noneconomic claim at sixty-eight versus eight. I think that that varies, and I think that it's part of the problem with something as small as two-fifty. You know, if you'd take that and put it in a bank, as an example, today, at today's rates, you know, you're still going to be living sub-poverty; whereas if you have a -- a loss limit which at least has a maximum, that is realistic -- I agree with you one hundred percent that we cannot continue to do eight-, ten-, fifty-, sixty-million-dollar provisions; I see no way we can do that. I just, for one, think that the quarter of a million dollars, in many cases, is not a lot. And I think that it's one that if we could move that up to the area of a million dollars, I think you might gain some support on this side of the aisle.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken...(machine cutoff)... Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. Chairman. Question -- or President. Excuse me. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Sponsor says he'll yield.

SENATOR DONAHUE:

In -- in some of the questions that were asked, they're insinuating that the total amount that will be awarded when you include the medical costs and -- and things of -- you know, the loss of economic benefit to the person, that that is all included in this two-hundred-and-fifty-thousand cap. That's all separate from what the noneconomic benefits from the pain and suffering. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

So, in essence, the medical costs could be five hundred thousand dollars for the life and the duration of that person's life. The other things could be more than that; but, for pain and suffering, would just be limited to the two hundred thousand -- two hundred and fifty thousand dollars. Is that not correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. You know, a number of years ago we were confronted with what was described as an insurance crisis down here in Springfield, and we responded -- with legislation. It was specifically aimed at the -- the problem

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

of medical malpractice, and we passed a medical malpractice reform. And what that reform was primarily aimed at was the -- trying to make insurance available for doctors. We aimed that legislation at the problem of frivolous lawsuits - people who were bringing lawsuits that -- and then settling them for nuisance value, so it's driving the cost of insurance up for physicians. And we changed it, and we made it very difficult to bring a -- certainly a frivolous lawsuit. In fact, we made it difficult to bring any lawsuit, because we said that you have to have another physician first look at the facts to make sure that there's a valid claim. And we passed that law, and it had an effect. It had an effect on the number of lawsuits that were filed in Illinois, and it's had an effect on the malpractice availability and on the premiums. In committee, it -- there was testimony that there was actually a refund made back to the physicians with regard to their medical malpractice. And that bill was a bill that was aimed at the system. It was aimed at the amount of -- of frivolous lawsuits; it was aimed at the -- the practice of lawyers, perhaps, making too much money. There was even a cap put on the amount of money that the lawyers could make. But it didn't go to the victim. It wasn't primarily aimed at the victim. These people are people who have been successful in jumping through the hoops that we have created, and they have convinced a jury of their peers - with no jury exemptions anymore in the law - that there was negligence. And that jury then looked at the medical costs, the lost wages, and they tallied them up, and they came up with a number. But then a lawyer has to say, "There's some other things I want you to consider." As a previous speaker said, just pain and suffering? Just pain and suffering? No, there's more than that, and we've stated them: disability, disfigurement, mental suffering, loss of society, loss of consortium. Those are presented to a jury, and that jury makes the decision.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Apparently, under this law, they still will make a decision, but we, down here in the General Assembly, are going to tell that jury, "Oh, and by the way, when you get to two hundred and fifty thousand, time out - you got to stop." We're just picking that number. In Indiana, it's seven hundred and fifty thousand. Well, we thought it was a good number; that's what they have in California. Well, what are we going to accomplish here? "We have to make some tough choices," the sponsor says. Well, we have to make some tough choices. The person who's been -- who's been proven to be a victim of malpractice -- we're making a tough choice for them. They're not going to be able to get what a jury would otherwise award them, because we have to make some tough choices. The tough choices? Insurance premiums perhaps going down? You'd think so, but when you look at the states that have these caps, there's no correlation between the amount of premiums that are paid and these caps. They do not lower hospital costs. If we look to Indiana, where they have this seven-hundred-and-fifty-thousand-dollar cap, there's no lower hospital costs. So we're making a tough choice all right, and we're putting money in somebody's pocket that otherwise ought to go to an injured victim who has proven their case in front of a jury of our peers. It's a -- not a -- I believe, not even a well-motivated bill. It's a -- it's a -- it's a selfish bill, and I would ask for a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Yes, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he will yield.

SENATOR COLLINS:

Senator -- Senator McCracken, I want to -- I want to --

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

because I want to understand clearly here what you're doing, and why -- I guess why you're doing it. If General Motors, for example, recognized that they had some -- "X" number of faulty automobiles on the streets and this bill went into law, and they recognized that if people were hurt in that automobile - because of those faulty automobiles - they had a choice of paying -- recalling all of those automobiles back or paying the two hundred and fifty thousand - I think you're saying - or two-hundred-thousand-dollar cap here for pain and suffering, for people having accidents, do you think it -- it would be more economically feasible for them to - under this bill - to leave those faulty cars on the streets and run the risk of the few accidents that they would have and not recall the cars at all?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

You've raised issues regarding the social policy behind an award of punitive damages. Punitive damages is not addressed in this bill. But let -- let me digress for a moment, since you brought it up. Is it fair to award one hundred five million dollars in punitive damages? Doesn't the whole country suffer that loss? Not just General Motors. We have got to get this system under control so that it can be affordable - reasonably affordable, through insurance, which spreads the risk.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

We're -- we're talking about negligence here. We're talking about the -- deliberately knowing that something is wrong, that a product is faulty, that will cause an accident that can paralyze people for the rest of their lives, and you knew that. And now you're saying we ought to make it easy for you and put a cap on

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

how much they can go into court and sue for. That's what I'm concerned about, and that's what's wrong with this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I -- I rise just so as to more thoroughly equalize the ratio of those speaking in favor of the bill to those speaking against it, and lest anybody think there isn't a fair amount of support for this measure, and -- and then, just briefly, to make a few points. I -- I concede at the outset that there is no particular magic in the two-hundred-and-fifty-thousand-dollar amount. Senator Jacobs, I think, you know, made a somewhat good point, and yet, on the other hand, as Senator McCracken has said, that is the figure that has been adopted by some of our sister states. California, Indiana, and I believe Colorado, are good examples. The tort system, I think it's fair to say, is -- is basically a zero-sum system. Any money that is paid out to those recovering in lawsuits has to come from somewhere. And I think it is -- it is highly misleading for those who oppose changes of various kinds to suggest that -- that these changes are only recommended by those seeking to make insurance companies more profitable. Insurance companies are -- are only part of the equation. They are -- insurance takes up a smaller and smaller percentage of the market, and more and more entities in our society today have had to self-insure. And as -- and examples of that, I would point to governmental entities of various kinds, the City of Chicago, the Chicago Transit Authority, whose claims are going through the roof, and that's part of the pressure bringing about the trend towards higher and higher fares for some of your constituents to pay. One of their judgments in the last year - one of the verdicts - was for twenty four million dollars - a large portion -- I think the largest portion of which

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

was for noneconomic damages. So these are costs that, in one form or another, all of us are paying. They're not -- this is not simply money that is accruing to shareholders of some insurance company. Insurance companies themselves are largely pass-through entities. Some of them - perhaps most of them - are for-profit companies, but many of them are mutuals and any -- any so-called profits that are derived simply accrue to -- to their -- their premium payers, their policyholders, in the form of lower premiums or higher premiums, depending on their results. So what this proposal aims to do is to make our tort system, as Senator McCracken has said, more predictable and -- and more efficient. And the least predictable part of the handling of a lawsuit today is the attempt to gauge just what pain and suffering is worth. By imposing a limit of -- of some kind, it will, I think, enable these suits to be handled on a much more efficient basis. It will bring about at an earlier date the payment of the award to those who deserve them, in a way that -- that will make most plaintiffs in most situations completely whole and -- and will not seriously shortchange them. This is a measure that deserves your support, and I hope it receives it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in -- in support of this legislation, and -- and I'm here to tell you, I'm not a doctor and I'm not a lawyer, and I've got a son-in-law that is a trial lawyer. But to -- my reasoning for supporting the thing, I'm concerned about the escalating cost of health care in this State. I represent counties all up and down the Indiana line, in Crawford County, in Lawrence County, in Wabash County, in White County. Nearly every one of our doctors have gone across over in Indiana and -- and set up practice at Evansville, or

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Vincennes, or Princeton, or Terre Haute, and once they hang their shingle up, they've made fifty thousand dollars just for the cost of malpractice insurance. So, you know, I don't know what the answer is. I'm not blaming the lawyers, but I am -- I'm concerned about the cost. And we're going to have to do something to -- to try to reduce the cost of health care in this State. And Indiana doesn't have a seven-hundred-and-fifty-thousand-dollar deductible -- cap; they've got a two-hundred-and-fifty-thousand-dollar cap.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken, to close.

SENATOR MCCRACKEN:

The matter has been thoroughly debated. I'd just like to make a couple points in closing. I think Senator Jacobs hit the nail on the head, and whether we disagree about the particular limits involved, relatively speaking, is -- is a small difference. The concept is enormously important. Health care reform is on everybody's lips, and although this applies to torts generally, health care is what is the driving factor in this -- in this measure-seeking reform. Now, I understand it's got a lot of opposition, and it's not a pleasant thought to have to put some limits on these recoveries. But, as Senator Barkhausen stated so eloquently, this is the portion of the awards which causes the most problem. These costs - unlike maybe the way some people view this - these costs are not borne exclusively by one segment of society. Ultimately, we all pay. We either pay our insurance company; we pay our doctor more. The costs have to be spread throughout the society in order to make -- to make any meaningful award affordable. And I'm afraid the time has come where we can no longer afford the limitless jury's decision that pain and suffering is -- is -- is worth millions and millions and millions of dollars. Let me say this: This is arbitrary, but so is the converse of the proposition. It also is arbitrary, because you

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

know as well as I that if the injured party has not been injured by a deep pocket, we will never arrive at the issue of pain and suffering, because there will be no pool to recover from. Now maybe - just maybe - one of the consequences of this is more broad-based coverage. Maybe coverage is more affordable. Maybe with more coverage, you will have more awards in numbers of judgments themselves. So it is not a difficult thing -- or it is not an easy thing to do. I acknowledge that fact. I'm not up here with glee - believe me - but we are at a crossroads. And I believe this -- the most important element of tort reform has too long been neglected.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 344 pass. Those in favor will vote Aye. Those who are opposed will vote No. 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 34 Ayes, 23 Nays, none voting Present, and 2 not voting. Senate Bill 344, having received the constitutional majority, is declared passed. Senate Bill 345. Senator McCracken. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 345.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

Thank you, Mr. President, Ladies and Gentlemen. Senate Bill 345 would allow McCormick Place to use electronic wire transfer, in lieu of the paper trail, for its financial transactions. I move its passage.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Any -- any discussion? Any discussion? Senator Cullerton.

SENATOR CULLERTON:

The sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he will yield.

SENATOR CULLERTON:

Senator McCracken, what are employee-related expenses, as found in this language of the bill? What do you contemplate those to mean?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

Whatever's authorized under current law is unchanged. Beyond that, I don't have an answer.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, my understanding is that this is a new law; that there's -- this is new language. If you look at the -- if you look at the bill on line 26, it talks about payroll. I understand what that means, but then it says, "employee benefits-related expenses". And there's also, I would point out, if you want to take a look at amending this in the -- in the House, there's also a limit on -- of five hundred dollars for checks, but on this particular form, there's no limit. So you might want to consider -- amending the bill for a limit and a definition of "employee benefits-related expenses".

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Sponsor indicates he will yield.

SENATOR PALMER:

Senator McCracken, if this is put into place - a wire transfer - what public evidence would we have of the accountability of the money? Typically when checks are written, there is some paper trail of how monies have been spent. Through a wire transfer, how would that...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

That's a good question, and the irony is that wire transfers create paper trails as well. The paper trails are created, I believe, but among the banks involved, rather than -- well, they -- they are created by the banks, copied to -- to the client, and there is, in fact, paper evidencing those wire transfers.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Question of the speaker again.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Indicates he will yield.

SENATOR PALMER:

Senator, would this paper trail then be available for public overview or for us to know how the money is being spent? Would it operate in the same way as the -- the present operation?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

It -- it does not address it in the bill. I honestly don't know if in some other Section of the law there is some requirement that -- that documents be discoverable or made public. It does not change whatever that is now.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken, you wish to close? If not, the question is, shall Senate Bill 345 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 1 Nay and 3 voting Present. Senate Bill 345, having received the constitutional majority -- the required constitutional majority, is declared passed. Senate Bill 360. Senator Barkhausen. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 360.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 360, approved unanimously by the Local Government and Elections Committee, amends the North Shore Sanitary District Act and Sanitary District Act of 1917, increasing, from forty to one hundred thousand, the amount of a contract that a sanitary district board of trustees may let in an emergency. It -- it does require, in such case, the approval of four out of the five members of the sanitary district <sic>. I know of no opposition, and urge your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is... You've got to turn on your light first, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, for your kind -- admonishment. Let me pose a question to the sponsor, if I might,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he will yield.

SENATOR DEMUZIO:

As I understand this bill, we are increasing, from forty thousand to a hundred thousand, the amount of a contract for the North Shore -- North Shore Sanitary District and districts that are organized under the Act, that they can go ahead and let bids without public advertising or competitive bidding. Is that -- is that correct? And would that include Springfield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Demuzio, I'm not sure what all sanitary districts operate under the Sanitary District Act of 1917. I would point out again that it does require the approval of -- in the case of the -- I'm looking at the bill. In the case of the Sanitary District Act of 1917, two-thirds of the members of the board; in the case of our North Shore Board, four -- four out of five of the members. I am -- I was told by those presenting the bill to me that those of you representing territory within the Metropolitan Water District, that -- that that district can make expenditures without the approval of the board whatsoever. It can be done by the act of the executive director or the staff. So this is still more restrictive, I believe, than the provisions which pertain to the Metropolitan Water District.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you. I am told it also includes Springfield, Champaign-Urbana, Peoria and a number of others, and that the City of Chicago only has a twenty-five-thousand-dollar threshold for

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

emergency purposes. And also, the Metropolitan Water Reclamation District in Chicago just raised their threshold only from twenty-five to fifty thousand. We are going from forty to a hundred thousand in this. I beg your pardon. I guess the Metropolitan Water Reclamation District wants to do that. But I don't know what the purposes are, and you'll have to persuade me in your closing argument that this is necessary.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I'll try to be eloquent, but brief. This -- again, this is for emergencies only. We've seen the kind of emergencies which can befall some of our local governments: witness the major mega-emergency taking place within the City of Chicago within the last year. This is a very small expenditure. It does have to be approved by an extraordinary majority. In the case of the Sanitary District Act, which, from what you say, I assume affects Springfield, Champaign and other downstate communities, it would require a two-thirds vote. In the case of our North Shore District, as I said, it would require four out of five of the members to approve these expenditures. A hundred thousand dollars is still not a lot of money when you consider the millions of dollars that these sanitary districts approve in expenditures for their major capital expenditures and other operating expenditures. And I, again, urge your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question is, shall Senate Bill 360 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? ...(microphone cutoff)...all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Take the record. On that question, there are 24 Ayes, 27 Nays, 2 voting Present.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senate Bill 360, having not received the constitutional required majority, is declared failed. Senate Bill 376. Take it out of the record, Mr. Secretary. Senate Bill 380. Senator Cronin. You wish that bill called, sir? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 380.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 380 seeks to amend the Revenue Act to allow property taxpayers to pay their tax bill in installments - in three equal installments. With this legislation, property taxpayers would be able to pay their tax bills in six installments, rather than what's currently the law - two installments. The most important feature of this bill is that it is not a mandate. It allows counties to adopt this procedure if they so desire. It has passed out of committee unanimously. I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. This is an excellent bill, fine legislation, by an excellent Senator. And I -- I urge my colleagues to support it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

A man of outstanding judgment. Senator Cullerton.

SENATOR CULLERTON:

Yes. If the sponsor would yield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he will yield.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR CULLERTON:

I'm wondering if you misspoke. Did you -- you said six installments. Did you mean three installments?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Yes. Three installments for each... Currently you can pay in two installments. So you get three installments for each payment of the bill, which would be a total of six.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, then if we're concerned about the taxpayers, are the taxpayers going to have to pay their taxes sooner or later than they do now?

PRESIDING OFFICER: (SENATOR DeANGELIS)

...(microphone cutoff)...Cronin.

SENATOR CRONIN:

No, they won't pay any sooner. This will just give them the ability to spread their payments out over a period of time. In -- in this County of Cook, you get your tax bill in May and September -- is that correct? March. Okay. So you can make your payments in three equal installments. Your March bill, you could pay a portion of it in March, April and May, and then when you get your second tax bill in -- in September, you could pay that in a September, October, November payment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Okay, then, so the answer to my question is, you can pay your bill later than you pay it now. And so, the next logical question would be: how much money do the taxing units lose in interest by

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

not having the taxes - which, if I understand them correctly, in Cook County, for example, are paid a year late to begin with? How much money would the local governments lose?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Senator Cullerton, under this bill, the taxpayer would still be obligated to make one-third payment upon the due date of the bill. So there would be no revenue loss upon the immediate effect of this bill. And once again, I do emphasize that this is permissive. If the county board of the County of Cook does not want to adopt this plan, they do not have to, but this is something that they may consider as a taxpayer-friendly, so to speak, type of way to collect property taxes. This doesn't mandate anything. This merely gives the county board the flexibility should they decide to allow property taxpayers a little bit easier method of paying their property taxes over a period of time, in installments. And for those reasons, I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, thank you. And to the bill: I do have a fiscal note from the Illinois Department of Revenue. And assuming that this does pass and the county board does have this option, here's what they should consider: The taxing districts will lose the use of one-third of the money for one month and another one-third for two months because of the change in the due dates. So they'll endure a cost of borrowing money until the payments are made, and interest currently charged them is about five percent. Taxing districts will end up having to delay tax sales for two months, which means that they would lose the use of the money paid by tax

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

sale buyers for that time. And, of course, the county or the township collector will have additional costs from handling four more transactions per parcel per year. So when we give this benefit, if we wish to, to the taxpayers by paying their tax bills later, since the governmental entities that receive the money will have to spend -- will lose money, they may have to raise taxes in order to make up for the loss. So, it could be viewed as somewhat of a shell game, and I think that the county board, if this was to pass, should take that into consideration when they make their determination.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR DONAHUE:

Senator Cronin, in our analysis it indicates that township officials are opposed to this, and I think Senator Cullerton might have hit on it. But can -- do you know what their objection is?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

I think there's some concern about the fact that there would be a cash flow lag here, and I think that's what Senator Cullerton was trying to get at. I think you have to try to keep this a little bit in perspective. As I stated earlier, this is permissive. But secondly, if this passes, as I hope it does, and if a county board seeks to implement this, no individual taxing body or local government spends all of their levy at any one time. The interest lost is -- is very minor. You're talking about two-thirds of one-half of the bill. The cash flow that would be

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

coming in is coming in at an incrementally slower pace - no doubt about it. But that's the trade-off. The trade-off is, is that the taxpayers are only going to have to come up with a portion of the bill every month. I mean, yes, there's going to be a trade-off here; it's not painless. But the net amount of money - the net revenue to any taxing district - hasn't changed one penny.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

Just one more quick question. The townships then would have a say through their county board because of the optional aspect of this. If they wanted to -- it's the county board that will vote on it, and the townships will have the input through the county board. Is that the...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon, do you wish to rise for the second time?

SENATOR HENDON:

Just -- just very briefly, Mr. Speaker, in response to -- to my honorable friend, Senator Cullerton. Right now the counties are selling people's taxes to tax buyers, and people are suffering because they have to pay this large eighteen percent every six months just to try to recover to get their property back. I believe government is supposed to work for the people and put the people first sometimes, and we have to make it easier for people on this issue of taxes, because we're taxing people out of their homes right now. And we need to be a little more sensitive to people and a little less sensitive to governmental bureaucrats.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I -- I urge you to carefully consider this vote -- this measure, and I urge your support for it. This is a taxpayer-friendly concept. All it does is permit those property taxpayers that have a tough time paying their bill - those who have a tough time coming up with a lump sum once in March and once again in September for the County of Cook - all it does is permit these people - these senior citizens, these families that are struggling to make ends meet - it gives them a chance to pay their property taxes in a little bit easier and more manageable method. The local governments that are impacted by this will never see a dime of change in their net revenue. There will be some cash flow slowdown, but that's the trade-off for our taxpayers. I -- I urge your support for this permissive -- permissive law. It's not mandated, and thank you very much.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 380 pass. Those in favor will vote Aye. The 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 53 Ayes, no Nays, 3 voting Present. Senate Bill 380, having received the required constitutional majority, is declared passed. WAN-TV <sic> requests permission to videotape today's Senate proceedings. Do they have leave? Thank you. Leave is granted. Senator Madigan? Senate Bill 398. You wish it called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 398.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 398 -- updates various Acts of the Illinois Revised Statutes, changing the term "venereal disease" to "sexually transmitted disease", and it also provides that a consent to a medical or surgical procedure executed by a parent who is a minor would not be voidable because of that person's minority. I'll be glad to answer any questions, would ask for its passage.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 398 pass. Those in favor will vote Aye. The 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 55 Ayes, no Nays, no voting -- none voting Present. Senate Bill 398, having received the required constitutional majority, is declared passed. Senate Bill 423. Senator Cullerton, do you wish that bill called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 423.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill is a suggestion from a judge in Cook County, Judge Locallo, who sits in the -- at 26th and California and -- in the branch courts there; at least he did. Under current law, if an individual's out on bond for a felony and then they're arrested for another felony, the State can file a violation of bail bond

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

petition. And then once they file that petition, the person's held without bail until he appears in court before the previous felony matter is pending. And the problem with the current law is that in certain circumstances, individuals who are out on bond on one felony, have been arrested for possession of a controlled substance or possession of cannabis, and then this bail bond petition is filed, and then when the controlled substance is analyzed some three or four weeks later - at least in the case of Cook County - the result is a negative controlled substance; that is, that it's -- it's not what it's alleged to have been. And then the problem is, for the individual, of course, they've been in custody. But in the case of Cook County, the problem is that our county then has to incarcerate someone, who otherwise wouldn't have been incarcerated, for three or four weeks. And because we are under court order, other people are released - people who perhaps should be incarcerated. So to avoid this situation, the proposal in the bill is that the -- the violation of the bail bond petition could not be filed for possession of controlled substance or possession of cannabis unless the individual has been indicted for the second charge or there's been a find of probable cause after a preliminary hearing. This still allows the flexibility. If the State wants to keep this guy locked up, they can just file an -- an indictment; or, in the case of a preliminary hearing, they would have had to have had the test on the controlled substance. It turns out that our -- in Cook County, at least three cases a day in one of two courtrooms that do this work where a lab comes back negative for controlled substance. And as I said, our problem in Cook County is, our county jail is literally under court order to release people. So when a judge sets a bond for fifty thousand dollars for somebody for armed robbery, he -- that -- some bureaucrat might literally release that guy, even though he didn't put the money up, because of the overcrowding.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

So I -- think this is a reasonable approach, and be happy to answer any questions and ask for an Aye vote.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DeANGELIS)

...(microphone cutoff)...is, shall Senate Bill 423 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 23 Ayes, 3 Nays, 26 voting Present. Senate Bill 423, having not received the required constitutional majority, is declared failed. Senate Bill 433. Senator Hawkinson, you wish that called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 433.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill comes to us from the Management Association of Illinois. It amends the Human Rights Act. It has eleven-some provisions. Essentially they are aimed at cutting down the length of time that one of these cases now takes. Most of these cases are taking anywhere from four to five years to investigate before they come to Commission or go to court. This bill would put a two-year limitation on it. At the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

end of the two years, if it was not concluded in its investigation by the Department, the complainant would then be able to take the case directly before the Commission. I should let the Body know that the Legal Assistance Foundation does still oppose this bill. The Department still opposes this bill, but the primary basis of their objection is that the funding is inadequate to staff the Department at this point. The Management Association, in another ten minutes, will continue their negotiations and meetings with the Department and Legal Assistance on this bill. I suspect there will be some changes if it passes this Body and comes back to us from the House. I know that the Management Association is -- is actively lobbying in favor of increased funding so that we can adequately staff the Department, but all agree that we have to do something about the tremendous delay that is now -- we're now facing on these cases. It is not fair to the alleged victims of this kind of discrimination, and it's certainly not fair to those employers accused who have these quote "investigations" hanging them -- over their heads for four to five years. I would urge the passage of Senate Bill 433 to keep this process moving and the negotiations moving. I'd be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle.

SENATOR dEL VALLE:

Thank you, Mr. President. Senator Hawkinson, I certainly agree that we need to shorten the period. Five years, four years, is certainly too long, and I'm glad to see that we're moving in that direction. But the real issue here is -- is funding and being able to adequately staff the Department so that investigations can be conducted in a timely manner. We know that the Department is backlogged. It is rarely able to begin an investigation before eighteen months after the complaint is filed.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

A two-year limitation would effectively eliminate the changing party's right to an investigation, an important procedural right that the General Assembly created for victims. Now, I would be able to support this bill if we could guarantee that we are going to provide enough funding to hire enough staff for the Department to be able to conduct these investigations within the time frame that this bill calls for, but we're not guaranteeing that here today. And I heard you say that we're going to work this out or try to work this out in the House, and I'm -- I'm supportive of -- of the thrust here, but the guarantees, the assurances, are not here. Could you respond to that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I don't think there's anything wrong with the language of this bill. You have hit upon the funding problem, which is -- is truly a crucial element here. But, Senator, when I served in the House some eight or nine years ago we had this same problem, and it's time that we do something with the law to force this into a reasonable period of investigation. Four and five years is simply an unreasonable period of investigation, and that's what we've got now. We need to lobby for the funding; that is certain. But I think we need to pass this to put the pressure on so that these will be funded. I might also note that this gives two years to do the investigation, and it will only apply prospectively -- not to cases in the pipeline now, but to cases that would be filed after the -- the effective date of this bill. And I think we -- I think we simply have to move in this direction. I understand the funding concern. I share it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he will yield.

SENATOR PALMER:

Senator Hawkinson, I certainly can understand and agree with the need to make some amendments to the way the Human Rights Commission operates. I would have questions though, too. What is there in this legislation that provides the right to appeal, and secondly, what is there that guarantees that a district attorney might not strategically delay giving information?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Appeals are not affected by this legislation, and State's attorneys are not involved here. We're talking about the Department's investigation - Department of Human Rights. And I see Senator Cullerton shaking his head, but if -- if parties delay, the Department now does not wait for a dilatory party, and nothing in this legislation requires it. If there's a dismissal of the case, you can go to the Commission, and if the two years has expired, you can go to the Commission.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I -- just want to make a point that I was not shaking my head at Senator Hawkinson, but rather at -- at Senator Weaver, who is attempting to have a Rules Committee meeting during the course of this debate, so... But -- but maybe I could, on that point, ask a question. On page 7 of the bill there's a Section that's struck, and the Section that reads -- it's Section 3. It's the top of page 7 of the bill. It says when the Department dismisses a charge under its section -- under this section, it shall notify

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the complainant that he or she may seek review of the dismissal order before the Commission. The complainant shall have thirty days from receipt of notice to file a request for review by the Commission. That language is struck, so perhaps you can explain what that means.

PRESIDING OFFICER: (SENATOR DeANGELIS)

I don't think that was a question. You could address -- okay, Senator Hawkinson.

SENATOR HAWKINSON:

I believe that refers to the subject of the amendment that you had -- originally offered and withdrawn. It's my understanding that now where there's a -- a hold-harmless offer -- settlement offer - in other words, where the complainant is given all the relief that he or she could get with an order, in other words the back wages and so forth - that if he or she are completely made whole, that there's no reason to have a review. I believe that's what that's directed at.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator del Valle, for the second time.

SENATOR DEL VALLE:

Well, Mr. President, I apologize, but I did have a second question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Thank you. According to the notes I have here, after the effective date, Senator Hawkinson, of January 1st, '94, in order for the Department of Human Rights to comply with the terms of this bill, DHR would have to dismiss the unassigned cases. If these cases are dismissed without investigation, DHR could lose its entire -- EEOC funding, which presently consists of 1.8 million dollars per year, because DHR would no longer be

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

substantially equivalent with the federal law. Is that a correct statement?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

I'm advised that is not true, for two reasons: one, it doesn't apply to cases in the pipeline, and I'm also advised by staff that they receive money for cases referred to the Commission even where the investigation is not completed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson, to close.

SENATOR HAWKINSON:

This is an important bill for those who are bringing charges under the Human Rights Act and for those against whom charges are being brought, because the time period under which these cases are now being investigated - of four to five years - is simply unacceptable to the fair processing of these cases. I understand that if we pass this bill, we have to come up with more money to fund the Department, and I think both the proponents and the opponents of this legislation realize that that is important to do and that we need to strive to do that as a corollary to this legislation. But I think this is a step towards resolving the totally unconscionable delay that we're seeing in these cases now, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 433 pass. Those in favor will vote Aye. Those who are opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 8 Nays, 1 voting Present. Senate Bill 433, having received the required constitutional majority, is declared passed. Senate Bill 435. Senator Garcia, you wish that called? Senator

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Garcia? Take it out of the record. Senate Bill 436. Senator Hasara? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 436.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 436 makes some amendments to the Mine Subsidence Insurance Act. Most of them are technical; there are a couple that are really the guts of the bill. Probably the most significant separates out the residential insurance from commercial building insurance in the Mine Subsidence Fund. The board -- all these suggestions came from the board of directors, and they felt that one large commercial claim really could bankrupt the Residential Fund. So they're suggesting separating out the two Funds. That's really the most important item that's in this bill. I would be glad to answer any questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President, and I do apologize, Senator Hasara, but on that last vote that just took place, I punched the wrong button. And I want the -- the record to reflect I voted No on the previous question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The record will show -- so reflect.

SENATOR HENDON:

Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

On that question, shall Senate Bill 436 pass, those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 436, having received the required constitutional majority, is declared passed. ... (microphone cutoff) ... Bill 448. Senator Barkhausen, do you wish that called? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 448.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 448 is a recommendation of the Business Corporation Act Advisory Committee of the Secretary of State's Office, and is supported as well by the Illinois Retail Merchants Association. It amends the Business Corporation Act to allow for the indemnification by the corporation, or its shareholders, of officers and directors. I'd be glad to answer any questions. It passed unanimously in our Senate Financial Institutions Committee, and it deserves all of your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President, I rise in support of this bill. The bill, as Senator Barkhausen said, passed out unanimously from the committee. It's somewhat technical in dealing with directors' liability, but I know of no opposition to this bill from the judiciary side. So I urge an Aye vote.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 448 pass. Those in favor will vote Aye. The 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 54 Ayes, none voting Nay, 1 voting Present. And Senate Bill 448, having received the required constitutional majority, is declared passed. Could we have leave to go back to Senator Demuzio's bill, who was in Rules Committee? You don't want it called? Senator Cullerton, who was also in Rules. Leave is granted. Senator Cullerton. Mr. Secretary, read the bill. Senate Bill 442.

SECRETARY HARRY:

Senate Bill 442.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This is a bill that was worked on by the condominium committee of the Chicago Bar Association. Makes a number of noncontroversial changes to the Condominium Property Act dealing with condominium rentals, assessments and utility payments. The bill decreases the minimum notice that must be given to tenants of intent to convert to condominiums from a hundred and twenty days to thirty days. Requires a court to vacate judgments for possession of condominium units upon expiration of lease term when the board of managers has leased a unit. It allows the board of managers to lease the unit and return to the board by order of possession for not more than eighteen months. Rental income applied to assessment or other costs with any surplus goes to the owner. It deletes a reference to common interest community. It requires a developer to pay all

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

common expense incurred or accrued prior to first conveyance of unit, and it deletes provisions requiring separate assessments. I'd be happy to answer any questions, if I can. I don't believe it's controversial, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Stern.

SENATOR STERN:

Mr. President, may I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor -- indicates he will yield.

SENATOR STERN:

Senator, I -- I don't live in an apartment, and it's been a long time since I have, but it seems to me that thirty days is very small notice to an apartment dweller that the building is going to convert to a condo. Is that -- I -- I can hardly believe the Bar Association is supportive of that. That could be a real hardship, it seems to me.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Was that a question, Senator Stern?

SENATOR STERN:

...(microphone cutoff)...Sorry, it was a question. Is -- do I understand correctly that on thirty days notice, my building can be transformed into a condominium?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

If I can... Give me a second to -- to find that Section, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...(microphone cutoff)...Cullerton.

SENATOR CULLERTON:

Mr. President, this is a -- kind of a long bill. So what I'd

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

like to do is take it out of the record so I can find that Section, then I can - with leave to come back after - I can answer the Lady's question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Take it out of the record. With leave of the Body, we'd like to go to the Order of Committee Reports. Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Committee on Agriculture and Conservation - House Bill 1552; to the Appropriations Committee - Amendment 5 to Senate Bill 319; to Commerce and Industry - Amendment 1 to Senate Bill 499; to Education - House Bills 280, 963, 1756 and Amendment 1 to Senate Bill 730; to Environment and Energy - House Bills 496, 1374 and 1526, Amendments 4 and 5 to Senate Bill 227, and Amendment 4 to Senate Bill 770; to the Executive Committee - House Bills 1230, 1271, 1379, 1434 and 1758, Amendment 4 to Senate Bill 625, Amendment 3 to Senate Bill 718 and Amendment 2 to Senate Bill 960; to Financial Institutions - House Bills 1408 and 1412 and Amendment 3 to Senate Bill 935; to Insurance, Pensions and Licensed Activities - House Bills 1572 and 1974; to Judiciary - House Bill 1971 and Amendment 4 to Senate Bill 183; to Public Health and Welfare - House Bills 587, 1037, 1213, 1397 and 1651; to Revenue - House Bills 684 and 747, Amendments 2 and 3 to Senate Bill 473, and Amendment 3 to Senate Bill 590; and to the Transportation Committee - House Bills 149, 328, 1360 and 1587 and Amendment 4 to Senate Bill 868.

Submitted by Senator Weaver.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Watson seek recognition?

SENATOR WATSON:

Yes, thank -- thank you, Mr. President. A point of personal

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

privilege, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Please state your point.

SENATOR WATSON:

Mr. President, I just happened to notice that -- how smooth things ran while the Rules Committee was meeting, and I'd like to make a suggestion that the Rules Committee meet more often and more -- spend more time in the anteroom, because I think the process would go a lot quicker and a lot smoother. Could I make that suggestion to the Chair, please?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Absolutely. And you could include with that that Senator Cullerton should be given all Democratic bills, because he speaks on them anyhow. Okay. With leave, we'd like to return to the Order of 3rd Reading. Senator Demuzio, would you like to call 450? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 450.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 450 is a -- a proposal that has been before the General Assembly on a number of occasions since 1988. For those Members who were not here, let me refresh the memory of those who were, and probably enlighten some of those who were not. In 1988 the General Assembly passed a sales tax reform bill, which provided for a use tax on items that were purchased outside of Illinois, used in the State, but not titled, registered, or licensed, and deposited those monies in the State and Local

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Government Sales Tax Reform Fund. At that time we distributed those -- monies: twenty percent went to Chicago, ten percent to the RTA, and generally the balance went into a downstate non-Chicago fund that would create a bonding program for sewer and water projects across Illinois. What has happened now with that fund, that it has been so successful that it is now beginning to generate a surplus. Those are downstate, or non-Chicago monies that were being used now by the Governor to balance the budget - about thirty-eight million dollars this year. This bill has passed out of the General Assembly on -- at least three occasions that I can remember, because I refuse, and certain Members that are non-Chicago persons refuse to give up on that money. This bill would create a new -- I'm sorry, three-hundred-and-fifty-million-dollar bond authorization of which twenty hundred and fifty would be for sewer and water projects for communities in Illinois with less than two million population, and it would also create a one-hundred-million-dollar bond authorization for school district construction bond funds, and it is similar in nature to that which has been here for the last two years. Again, it is money that goes back to local governments in the form of grants and loans to finance sewer and water projects, and in some instances, school district construction bond funds. And I'd be happy to answer any questions; ask for your favorable support. It has not received a negative vote in the last two years that I can recall; it has always died in the House. But I think as long as we're getting into negotiations, we ought to put this bill on the -- in the Illinois House, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Since this bill incurs State debt, pursuant to Article IX, Section 9 of the Constitution, no State debt which is defined as bonds or other evidences of indebtedness which are

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue, and which are incurred by the State may be approved, except in a law passed by a vote of three-fifths of the Members elected. Senator Demuzio, do you want to close or... Okay. The question is, shall Senate Bill 450 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 2 voting Present. Senate Bill 450, having received the required constitutional majority, is declared passed. Senator Barkhausen, you wish Senate -- Senate Bill 453. Senator Barkhausen. Read the -- the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 453.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 453, which passed unanimously in the Senate Financial Institutions Committee, is a simple and straightforward measure that clarifies the manner in which a -- an interest in an annuity can be perfected and secured. It changes the language of Article -- part of Article 9 of the Uniform Commercial Code, and this is a matter which has been -- is under study in the uniform law conferences, moving in the -- in this direction. I'd be glad to answer any questions, and otherwise, would urge your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall Senate Bill 453 pass. Those in favor will vote Aye. The opposed will vote

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. And Senate Bill 453, having received the required constitutional majority, is declared passed. Senator Weaver would like to have leave to come back to 485. He's on a mission. Do we have leave? Leave. Senate Bill 486. Senator McCracken, do you wish... ..(microphone cutoff)...McCracken on the Floor? Take it out of the record, Madam Secretary. Senate Bill 496. Senator Madigan, do you wish that bill called? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 496.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 496 amends the Illinois Motor Vehicle Theft Prevention Act and basically tightens down the way that the Council expends the Trust Fund. Specifically, the administrative costs are limited at ten percent and the Council can only use funds on programs that are designed to carry out the mission of preventing motor vehicle theft. I don't know of any opposition to this bill. Would -- happy -- be happy to answer any questions, and would ask for its passage.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 496 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 -- take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 496, having received the required constitutional majority, is declared passed. Senate Bill 500,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Madigan? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 500 is an initiative of the Association of Health Maintenance Organizations. Basically, what the bill requests is that benefits that would be covered to an employer under self-insurance plan, can, if -- if the HMOs so desire, match those coverages under the self-insured plan. Purpose of the HMO -- or purpose of Senate Bill 500 is to be able to allow HMOs to remain competitive with a self-insured plan that's in force with a particular employer. I think at this point I should try to establish legislative intent as to what an HMO is as far as health prevention <sic>. One of the questions that have come up is from the American Cancer Society, and how this would affect mammograms and fibrocystis <sic> or fibrocystic - I don't know if I'm pronouncing that right, but everyone knows what I'm talking about. This bill is not intended to address those treatments or those services which are health preventive <sic> services. If an amendment would be required to further clarify this over in the House, I would be more than happy and would insist that that be done. But basically, that is what the bill does, and I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall, for what purpose do you seek recognition?

SENATOR HALL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Sponsor indicates he will yield.

SENATOR HALL:

Senator Madigan, what is the position of the Department of Insurance on this?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Senator Hall, they -- it's my understanding that they have some concerns. There may be some clarifying language that they would like to have also over in the House, and that is what the position of the Department of Insurance is at this point.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

Well, I'm -- I'm looking at this and it says that they have expressed concern that the bill grants to HMOs the power of insurance companies, but fails to provide for their proper regulation. Is that what you have reference to?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

That's right, Senator Hall. That's what I was referring to as far as their concerns.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I had voted No in committee, essentially because of the position of the American Cancer Society, but based upon the representations of Senator Madigan that this language will be corrected, because both he and I, and I think most of the people on this Floor, do not want to jeopardize the mammogram or the fibrocystic approach

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

regarding breast cancer in this thing, we -- I'm going to vote Aye to move the bill along and to address that language in the House.

Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yeah, I just have one further question in regards to this also. Does this have an adverse effect on the in vitro fertilization?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

The question -- did you ask, Senator, does this have an adverse effect on in vitro? It could have if the self-insured plan does not offer in vitro coverage and the HMO wishes to match the benefits on that coverage to the self-insured plan.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

I'll try to be brief. Then the...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Please.

SENATOR CULLERTON:

...the folks from Resolve -- they are still opposed to the bill. Is that correct, Senator Madigan, as far as you know?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

They were opposed in committee. I don't know what their position is currently, Senator.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR CULLERTON:

But there's been no amendments to the bill. Is that correct?
Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? If not, Senator Madigan, to close, if
he chooses.

SENATOR MADIGAN:

I would just ask for a favorable roll call on Senate Bill 500,
with the understanding that the language and the American Cancer
Society's concerns -- if we have not established that with
legislative intent, we will establish that with language over in
the House.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 500 pass. Those in favor
will vote Aye. The opposed will vote Nay. The voting is open.
Have all voted who wish? Have all voted who wish? Have all voted
who wish? Take the record. On that question, there are 44 Ayes,
12 Nays, none voting Present. Senate Bill 500, having received
the required constitutional majority, is declared passed. Senator
Watson, Senate Bill 504? Do you wish this bill returned to 2nd
Reading for purposes of an amendment?

SENATOR WATSON:

Yes, I do, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson seeks leave of the Body to return Senate Bill
504 to the Order of 2nd Reading for the purpose of an amendment.
Hearing no objection, leave is granted. On the Order of 2nd
Reading is Senate Bill 504. Mr. Secretary, are there any Floor --
Madam Secretary - excusez moi! - are there any Floor amendments
approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Watson.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson, to explain the amendment.

SENATOR WATSON:

Thank you, Mr. President. Amendment No. 2 now becomes the bill, and this involves the statewide alternative teacher certification program. This deletes everything after the enacting clause and now becomes the legislation, which passed out of the committee unanimously, and there was no opposition. The amendment requires the candidates for the Illinois Teacher Corps program to earn resident teacher certification already provided in Section 21-11.3 of the School Code. And to earn this certificate, the candidate must have a bachelor's degree with a certain grade point average, five years of professional experience, successfully passed the certification test, enrolled in an approved master's program, and completed a six-week summer training course. I just move for its adoption.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With respect to the amendment, all it's going to do is make it more difficult for people to participate in the alternative teacher certification. Probably won't be utilized, but I guess it'll make good public relations for the Governor. It's actually harmless. So, thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All right. All those in favor -- any further discussion? All those in favor of Floor Amendment No. 2 on Senate Bill 405 <sic>, say Aye. Opposed. The Ayes have it, and the amendment is adopted. Any further Floor amendments, Madam Secretary, approved for consideration?

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senator Petka, for what reason do you seek recognition?

SENATOR PETKA:

Mr. President, this is a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR PETKA:

It is my honor to welcome to Springfield Dan Reedy, President of the Kendall County Farm Bureau, and a group of senior students at Yorkville and Newark High School, which is in my district. They're sitting in the President's Gallery.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Please rise and be recognized by the Senate. Senate Bill 530, Senator Mahar? Do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Mahar seeks leave of the Body to return Senate Bill 530 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Senator Mahar. On the Order of 2nd Reading is Senate Bill 530. Miss -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar, explain your amendment.

SENATOR MAHAR:

Thank you, Mr. President and Members. This Floor amendment -- what this bill deals with, vehicle emission testing standards, which have to be increased by -- as directed by the Federal Government. Currently, companies, corporations in Illinois that have large fleets are able to do the testing at their facilities.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

This bill would add that language to the -- to the present proposal, and so it would be the same as they -- they are doing presently. I would move adoption of Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, all those in favor of adopting Senate Floor Amendment No. 2 to Senate Bill 530, say Aye. Opposed, say Nay. The amendment is adopted. Madam Secretary, any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar, to explain your amendment.

SENATOR MAHAR:

Thank you, Mr. President. This is a -- a technical amendment that was referred to the Rules -- by Rules Committee to the Floor, and I would move adoption of Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All those in favor of Floor Amendment No. 3, say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments, Madam Secretary, approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senator Fawell, for what reason do you rise?

SENATOR FAWELL:

Just for an announcement. There will be no Transportation meeting today. There is a technical amendment that we are going to -- we would like to discharge from the committee on Senate Bill 868. It was inadvertently referred to the committee. It shouldn't have been; it's a technical amendment, and therefore we will not have a Transportation Committee hearing until next Thursday.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank -- thank you, Senator Fawell. We will now return to the Order of 3rd Reading. Senate Bill 531. Senator Mahar, do you wish that called? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 531.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill establishes that 9-1-1 shall be the statewide cellular emergency phone number and that *-7-7 is the nonemergency public safety number. The Illinois State Police shall be the emergency cellular 9-1-1 answering point outside of the City of Chicago, unless otherwise provided by law or by rule. This permits existing public safety answering points located throughout the State to continue answering cellular 9-1 <sic> calls, if they so wish to do so. It also establishes a thirty-cents-per-month charge on the owners of the cellular units, and the bill permits a separate rate to be established for the City of Chicago. The bill allows cellular phone companies to keep one percent of the amount collected from the surcharge for -- for administrative costs and also an additional one percent may go to the Illinois Commerce Commission for administrative duties. The balance of this surcharge fund will be deposited in a Cellular Phone Emergency Services Fund in the State Treasury, administered by the Illinois State Police. The purpose of this -- of the balance of the funds is for the design, implementation and operation of the statewide cellular 9-1-1 system. It will also allow for a pass-through back to the local PSAP, should they wish to be the answering point for

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

cellular 9-1-1. It also permits existing emergency cellular answering systems to continue to operate until the new system is fully in effect. The Floor amendment, which has been adopted, does two things. The industry and the State Police are in agreement that there shall be no minute charged on 9-1-1 calls. and it also goes further to restrict how the money in the Cellular Phone Emergency Systems Fund will be used. It is similar -- patterned after what the language is for land-based 9-1-1s. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. I rise in support of Senator Mahar's bill on the emergency cellular phone system for Illinois. Illinois will join several other states that have a cellular one emergency number of 9-1-1, if this bill is put into law and signed by the Governor. I think it's a bill where if -- many of your constituents feel they are buying phones for their wives, for their children that go to school, and they basically have false security right now, because those individuals think that their family members are protected on the Illinois highways and township roads and rural roads, and they, in fact, are not. Because if they were to dial 9-1-1, nothing would happen. Senator Mahar's bill -- I'm glad to have joined it as a chief cosponsor, and hope that everyone in the Illinois Senate supports it. Thank you very much.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

Senator Mahar? Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar says he will.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR HALL:

I'm sorry, I was in the phone booth when this was called. Let me see.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Dialing 9-1-1?

SENATOR HALL:

Have we corrected the problem that I talked about? Is it corrected in this bill -- in your amendment?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

You may wish to restate your problem.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

He would like to know what the problem is.

SENATOR HALL:

Well, the problem is that -- and which I explained when it was over there in -- in the committee. I have a cellular phone that's with Southwestern Bell. I'm downstate, and I want to see that -- this is what you have for Chicago. Right? Or statewide? It's...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

The -- the thirty-cents monthly charge will be statewide for the design and implementation of the system. After one year, the Illinois Commerce Commission has the opportunity to review the rates and adjust that monthly charge. The bill allows for the Commerce Commission to designate a charge for the City of Chicago and a separate, different charge for downstate. We anticipate

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

that this charge for both the City and downstate will be less than thirty cents a month. We think it'll be -- we think it'll be far less for downstate Illinois though, as opposed to the City of Chicago.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

Well -- well, do you understand what I'm saying on -- as far as what I'm -- down here. I -- I would -- would not be using a -- a 9-1-1. Yet, that I have a phone that's with the -- from Missouri, and I'm still going to be charged the same as if I were using it? Is that what you're telling me?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

This is a statewide emergency response 9-1-1 for cellular phones. All of the -- all of those units that are owned by residents of the State of Illinois will receive a thirty-cent monthly charge.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar, do you wish to close?

SENATOR MAHAR:

I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On that question, shall Senate Bill 531 pass, those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 531, having received the required constitutional majority, is declared passed. Senate Bill 533. Take it out of the record, Madam Secretary. Senate Bill 534. Senator Mahar, you wish that called? Read the bill, Madam

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Secretary. Senate Bill 534.

ACTING SECRETARY HAWKER:

Senate Bill 534.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is virtually identical to the bill which passed this Body with a large majority of votes last Session and had some problems in the House. What it does is it increases the tipping fees and that schedule remains the same, such that we may clean up our hundred and five sites that we have requiring cleanup in the State of Illinois. Hopefully, we'll be able to clean them up somewhat sooner. The business community -- this is the schedule that the business community has signed off on; that would be the Illinois State Chamber, the IMA and the Chemical Industry Council. The bottom line is that the Hazardous Waste Fund would increase by four million dollars, from two and a half million to six and a half million, and the Solid Waste Management Fund would increase by four million dollars, from sixteen million to twenty million. I'd be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Mahar, do you wish to close? The question is, shall Senate Bill 534 pass? Those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 534, having received the required constitutional majority, is declared passed. Senate Bill 536. Senator Geo-Karis, you wish that called? ...(microhpone

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

cutoff)...out of the record. Senate Bill 538. Senator Karpel?
Take it out of the record. Senate -- Senate Bill 545. Senator
Burzynski. Senate Bill 551. Senator Lauzen. Senator Lauzen, did
you wish Senate Bill 551 called? Read the bill, Madam Secretary.
ACTING SECRETARY HAWKER:

Senate Bill 551.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Fellow Senators, Ladies and
Gentlemen, Senate Bill 551 amends the Illinois Investment Tax
Credit Act to more clearly define which investments and property
are eligible for the credit. This is a technical correction that
makes the Illinois law and definition consistent with the IRS
rules. This question has led to a number of disputes, depending
on individual audit findings, most of which are now tied up in
court. To ease the litigation gridlock, the Department of Revenue
and the State's business community have developed a clearer test
to determine eligibility for the credit, which is embodied in this
bill - Senate Bill 551. At the request of the Department of
Revenue, language restricting the application of this credit has
been added, which adequately reflects the original intent in the
law. This bill does not expand or increase tax credits. It does,
however, clarify the qualifications before an investment tax
credit can be taken. It hopefully will eliminate a large amount
of litigation that occurs every year, and free up tax dollars to
go to their desired objective. This bill has been developed with
counsel from the Department of Revenue, which has no opposition to
the bill. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Senator Lauzen, could you tell me what the fiscal impact would be on the State of Illinois if this bill passes?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator Welch. According to the Department of Revenue, which is a proponent of this bill now with the amendments, there is no fiscal impact. As a matter of fact - or no negative fiscal impact - as a matter of fact, what will occur is that a number of cases - audit cases - that are now in litigation will be solved by the clarification.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton. Any other discussion? Senator Rea.

SENATOR REA:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor indicates he'll yield.

SENATOR REA:

Would this change the tax credit investment, in any way, for the installation of equipment for clean -- cleaning coal, and burning of clean coal - the technology?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I don't believe so -- I don't believe so, Senator Rea.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Rea.

SENATOR REA:

Does it redefine mining in any way?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I believe that this is a redefinition of the manufacturing, mining and retail process, to bring the State of Illinois in line with the Internal Revenue Service.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just rise in support of this legislation. I think that it is a fine piece of legislation which will lead to better investment in the State of Illinois by our manufacturing base.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any other discussion? Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very -- thank you very much, Mr. President. I just ask the Body for Yes votes on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 551 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, no Nays, 1 voting Present. Senate Bill 551, having received the required constitutional majority, is declared passed. 552, Senator Dunn? I got the wrong Dunn. Okay, Senator Dunn? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 552.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

(Secretary reads title of bill.)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR R. DUNN:

...(microphone cutoff)...would take it out of the record again...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Take it out of the record. Senate Bill 554. Senator Klemm? Senator Klemm, do you wish that bill called? All right. Take it out of the record. Senate Bill 561. Senator Geo-Karis. Senator Geo-Karis, do you wish this bill returned to 2nd Reading for purposes of an amendment?

SENATOR GEO-KARIS:

Yes, sir, I do.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis seeks leave of the Body to return Senate Bill 561 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 561. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis, to explain the amendment.

SENATOR GEO-KARIS:

Mr. President, Floor Amendment No. 1 is a technical amendment which corrects a drafting error because current law was omitted and needs to be shown as being stricken here. And I move the passage of this amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? All those in favor of Floor Amendment No. 1

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

to Senate Bill 561, say Aye. Opposed? The Ayes have it, and the amendment is adopted. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senate Bill 570. Senator Donahue? Take it out of the record. Senate Bill 577. Senator Karpziel? Take it out of the record. Senate Bill 582, Senator Madigan? Senator Madigan, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR MADIGAN:

Thank you, Mr. President. Yes, I do.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Well, okay. Senator Madigan seeks leave of the Body to return Senate Bill 582 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 582. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan, to explain your amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Amendment No. 2 -- or Floor Amendment No. 2 to Senate Bill 582 is technical, and was suggested by Enrolling and Engrossing, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All those in favor of Senate Floor Amendment No. 2 to Senate Bill 582, indicate by saying Aye. Opposed. The Ayes have it, and the amendment is adopted. Any other further Floor amendments approved for consideration, Madam Secretary?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senate Bill 586. Senator Woodyard, you wish that bill called? Take it out of the record, Madam Secretary. Senate Bill 592. Senator Cronin? Take that out of the record. Senate Bill 594. Senator Sieben. Senator Sieben, 594? Take it out of the record. Senate Bill 597. Senator Mahar. Senator Jacobs, for what purpose do you seek recognition?

SENATOR JACOBS:

Just a point of personal privilege. I just want to welcome our good friend, Senator Molaro, to the President's Gallery on the Democratic side.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Molaro. Senate Bill -- Senator Mahar? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 597.

(Secretary reads title of bill)

3rd Reading of the bill.

SENATOR MAHAR:

Recall it -- excuse me -- recalling -- I wish to seek leave to recall this for an amendment.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Okay. Senator Mahar, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar seeks leave of the Body to return Senate Bill 597 to the Order of 2nd Reading for the purpose of an amendment. Does he have leave? Hearing no objection, leave is granted. On

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the Order of 2nd Reading is Senate Bill 597. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar, to explain your amendment.

SENATOR MAHAR:

Thank you, Mr. President. This is an amendment -- well, first of all, this is the alternative fuels bill. This is an amendment that was worked out with the Corn Growers and the Farm Bureau to clarify some of the mechanisms. I have a suspicion this bill is going to continue to change, but I would like to at least adopt Floor Amendment No. 3 and move it along the process.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All those in favor of Floor Amendment No. 3 -- any discussion? All those in favor of Floor Amendment No. 3 to Senate Bill 597, indicate by saying Aye. Opposed, Nay. Senator Raica, did you wish to speak on this - in the middle of the roll call? Senator Raica.

SENATOR RAICA:

Thank you. A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Well, can -- can I finish this roll call, and then I'll get you in one second?

SENATOR RAICA:

Very well.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Hearing no objection, leave is granted. We've called the roll. The amendment is adopted. Any further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

3rd Reading. Senator Raica.

SENATOR RAICA:

I apologize, Mr. President. I was just so engulfed with all of Senator Mahar's fine legislation today. I just wanted to inform the Body that I have been informed that there's going to be a Local Government and Election Committee hearing this afternoon at 12 o'clock in A-1 of the Stratton Building, and I'd just appreciate if all the Members would be on time.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Okay. Senate Bill 598. Senator Barkhausen, you wish that bill called? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 598.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 598 comes to us now largely in response to a decision of November, 1992, by the Office of the Comptroller of the Currency, which approved an application by the First of America Bank, a -- a nationally chartered bank, seeking to open a branch pursuant to a 1984 ruling known as the Deposit Guarantee Case. The effect of the decision by the Office of the Comptroller of the Currency is to allow for nationally chartered banks the basically unlimited branching rights for nationally chartered banks in Illinois. It is my understanding that the rights of State banks in -- to -- to branch is determined by State law treatment of savings and loans. And -- so what this bill attempts to do is to put State-chartered banks on a parity with nationally chartered banks. An alternative approach has been suggested by the Community Bankers, in the form of Senate Bill

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

485, which we will also be discussing, and I have, in the past and even in this instance, always expressed an interest in compromise where compromise makes sense. The problem, as I see it, with the alternative approach is that it would require us to impose, at least for a five-year period, restrictions that do not now exist on both -- on both State-chartered savings and loans on the one hand, who are savings banks as they are sometimes known, and on nationally chartered banks on the other hand. So the alternative to Senate Bill 598 before us would require us to roll back, at least for a five-year period, the branching rights that are now available to savings and loans and nationally chartered banks. I believe that the -- the approach suggested here in 598 makes more sense as a matter of public policy; although, as I say, I understand where those who are interested in 485 are -- are coming from, and I understand the continuing interest around these parts in promoting compromises of various kinds. I'd be glad to answer your questions; this is a somewhat technical subject. There are at least three other sponsors of this bill, I should say -- Senators DeLeo, Butler and Shaw -- and I thank them for their willingness to cosponsor this important measure.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's not, Senator, that I'm opposed necessarily to the bill, I -- I -- I would most certainly like to see the procedure changed, however, and still have 485 heard first. And the reason I say that -- I think there's a lot of us who would like to vote for this bill, but without 485 we don't feel that it is something we can do. And this bill takes the drastic approach, which calls for the extraordinary majority as prescribed in -- in our State Constitution. So this is changing the existing status quo, and I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

would just wonder if the Senator would be willing to take it out of the record for the moment, until 485 is heard.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, I don't -- we'll be getting to the other bill in fairly short order. We've got to deal with all these matters, of course, within the next few days, so I don't see any particular reason to do that, Senator.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Jacobs, Senator Weaver asked leave early on to call back 485, so I think that's going to to be done rather shortly. Senator Jacobs.

SENATOR JACOBS:

I understand that, but I -- that was 'cause of procedural -- and the fact that some of the leaders were not on the Floor, and I just would -- would have preferred to see it the other way, 'cause I think there's -- a different vote would be held on both of the votes. So I just think that that changes the ball game a little bit.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. -- thank you, Mr. President and Ladies and Gentlemen of the Senate. This is one of those issues that we often talk about that we get caught in the middle on, because in our districts we have community banks and we also have IBA bank members - big banks and little banks. I have a district just like that, and in fact, the past president of the Illinois Community Bankers from East Dubuque is in my district, and he has lobbied me quite hard on their proposal on this issue, purporting that that is the compromise that will resolve the issue. And I must say

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

that I don't believe that is the compromise that will resolve the issue. I think this is the legislation that will move banking in Illinois forward. I believe Senate Bill 598 is the bill that we should pass and that will put this issue to rest. Changing in bank structure has been coming for a long time; it is not something that we're going to unravel here very quickly. The people in the banking industry have been aware of this structure change for a long time. In the State of Illinois, you know, all service providers essentially can -- can provide without limitations or restrictions on -- on branching, other than State banks, and this bill simply grants parity to State banks in Illinois and will move us forward. I've had several meetings with various bankers in my district - large banks, small banks, national banks, community bankers - and I truly believe that the preponderant position of the bankers in my district is that we pass Senate Bill 598. I intend to vote Yes for it. I think it is the progressive approach to moving banking forward in this State. It doesn't take a step backwards; it doesn't reimpose any restrictions on savings and loan. And I think we need to move forward with this legislation and grant parity to State banks. I intend to vote Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I think back to 1987, when the big banks faced reciprocal interstate banking. Back in '87 we gave the big banks until December of 1990 to prepare for that. Now, I think the small banks know that eventually there'll be total deregulation, but they're just asking for sixty months to prepare for it. So I would -- I had hoped that we could come to some compromise. The community bankers have, as addressed in my bill, given up eighty-five percent of that which they -- the big banks

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

want, but still there's no compromise. So, eventually there will be deregulation, but I -- I just felt that the logical way to proceed was to give home office protection to the small community banks, who through their years have served their communities well, those sixty months to prepare for it. So I intend to vote Present.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Since this issue, in fact, deals with branch banking, I would expect the Chair to -- apparently the Chair is prepared, under the -- to make a ruling about the -- Article XIII, Section 8, of -- of the Constitution, with respect to branch banking.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair is prepared, sir, and will make it at the appropriate time. In fact, I will read for it, because I think the Members ought to know this is a very unusual situation. This bill authorizes branch banking. Section 8 of Article XIII of the Illinois Constitution requires that branch banking be authorized only by a law - please pay attention - approved by three-fifths of the Members voting on the question or a majority of the Members elected - whichever is greater. Senator Fitzgerald. Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. I'd like to preface my remarks with a -- a personal note here. I think that I have a conflict on this issue, and therefore will not vote or will vote Present. My family's involved in banking. I'm a director of several banks, and I -- I don't -- wouldn't feel comfortable voting on the issue. But at the same time, I'd feel remiss if I didn't share with you some of my experience in the banking industry and my thoughts on

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

this. I think that this is a great bill because it would put Illinois in line with what -- some of the powers that banks in other states - Ohio, Michigan - all have, and I think it would do away with the last vestiges of laws that have hampered our financial services industry. And one of my pet peeves in the Legislature since I've joined is protectionism in any form. I've seen a lot of legislation down here that goes under the guise of consumer protection in one form or the other, but in fact, it's really just a means to protect one industry or another. And this whole idea of home office protection - believe me, this does not protect consumers. I don't know if any of you saw the movie that they ran a couple weeks ago at Easter time called "Quo Vadis?", which -- they had the Emperor Nero in the Colosseum going thumbs up or thumbs down when he would decide whether someone would be fed to the lions. Well, if you go into a small town that, by law in Illinois, is not allowed to have more than one bank, who does that hurt? That hurts the consumer. There's one bank that they can go to to request a loan. There's one bank that they can go to in that town to see if they can get -- what kind of rate they can get on deposits. That is anticompetitive; it's protectionism. It's called home office protection; it's a bad idea. This is a good bill for consumers. I urge you to vote for it, and -- and I think the people of this State will benefit. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I have both the small banks and large banks within my legislative district, and I think I've probably heard from all of them on this issue. I feel that there is one thing for certain, and that is that we do need to act upon this issue during this Legislative Session, because there's no question that the national banks in Illinois are operating at a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

very distinct competitive advantage over our State banks, and this is going to continue to grow. I had hoped, and still hope, that there can be something worked out as we move along, and this does not prohibit things from being worked out as we move through the legislative process. So I would certainly encourage an Aye vote on Senate Bill 598.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn - Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. Since early days of the Constitutional Convention, I've been opposed to branch banking. I'm still somewhat opposed to it, but I realize after twenty-four years -- I believe we're going to get it. The -- the requirement for three-fifths of those voting or a -- three-fifths of those voting or a majority of those elected was kind of a compromise we worked out in the Constitutional Convention. It had quite an interesting background. But I also wanted to report that I am a director of a bank. But as such, why I'm going to vote for this bill, and I'll probably vote for the other bill when it comes up a little later, and we hope that they work them out -- get a better agreement worked out while they're in the House or when they come back. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio, for the second time.

SENATOR DEMUZIO:

Well, another parliamentary inquiry then. The branch banking provision in the Article XIII, Section 8, says that "Branch banking shall be authorized only by law approved by three-fifths of the members voting on the question or a majority of...members elected, whichever is greater, in each house of the General Assembly." How is a Present vote to be determined, then, by the Chair?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Well... In regards to the requirement that it be three-fifths of the Members voting, a Present vote is considered a vote. Sometimes you just don't want people to understand. In that -- the requirement is -- is for three-fifths of those voting, a Present vote is considered a vote, as -- as a person voting. Are you done, Senator Demuzio? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I've been waiting twenty-seven years for something to come up that would be a conflict of interest. I'm going to vote for this bill, and it may be a conflict of interest.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Stand -- stand proud, Senator Hall, stand proud. Any other discussion? Senator Barkhausen, to -- I'm sorry, Senator Sieben.

SENATOR SIEBEN:

I'd also like to state that I have a potential conflict of interest, because I do serve as a bank director.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President and Members, I'd just like to say in closing that in -- in every other state where an application has been made to the Office of the Comptroller of the Currency by a nationally chartered bank, based on the fact that state savings and loans in those states have unlimited branching rights, as they do here in Illinois, and based on an argument that savings and loans are to some extent in the banking business, and that the nationally chartered banks ought to have the same branching rights as the savings and loans, and -- and where those applications have been granted in -- in every one of those other ten states, except Illinois, state banks were subsequently granted the same

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

unrestricted branching rights that the national banks had been given. So we are simply doing, by this legislation, what -- what these other states have been -- done when faced with the same question. There is no reason that I can see why the results should be different here in Illinois than it's been elsewhere, and I urge your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Just for the purposes of -- of the benefit of clarification, so that everybody who's voting understands this, let me reread again - the bill authorizes branch banking - Section 8 of Article XIII of the Illinois Constitution requires that branch banking be authorized only by a law approved by three-fifths of the Members voting on the question or a Member -- or a majority of the Members elected, whichever is greater. The Chair would like to acknowledge it, too, has a conflict. But I am a director of both community and national banks. I will be voting my conscious -- conscience - consciously voting my conscience - on both bills. The question is, shall Senate Bill 598 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. ...(microphone cutoff)...voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 46 Ayes, 2 Nays, 8 voting Present. Senate Bill 598, having received the required constitutional majority, is declared passed. Senator Weaver, you had asked leave previously to call 485 while you were doing the work of the State. Senator Weaver, on Senate Bill 485? Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 485.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Weaver.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR WEAVER:

Thank you -- thank you, Mr. President. Senate Bill 485, as amended, would relax the current branching laws as follows: It would repeal the numerical restrictions; it repeals the geographical restrictions; it reduces the home office protection to six hundred feet in towns over fourteen thousand; it reduces home office protection to a half a mile in populations of five thousand to fourteen thousand, but it retains the home office protection at one mile for towns with populations under five thousand; it repeals all branch banking restrictions, effective July the 1st, 1998. For over a hundred years, State and national banks in Illinois have been subjected to branching restrictions, and those restrictions have worked. The banking system in Illinois is one of the healthiest in the nation, but now we're faced with total deregulation, and that was brought about by an unelected bureaucrat in Washington. It affects every state in the nation. This bureaucrat has never even been confirmed by the United States Senate. Senate Bill 485 represents an effort by the small banks to compromise those supporting unlimited branching. It is a fair and a reasonable compromise. As I stated a while ago, when the big banks were faced with reciprocal interstate banking in 1987, we gave them until December of 1990 to prepare. Now the small banks are asking for similar treatment. In Illinois, this is the Body that determines where State and national banks can go - not Washington. Senate Bill 485 provides the same rules for both State and national bank, and I think there ought to be an orderly transition toward total deregulation. I would be happy to try to answer any questions the Membership has.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Again, the bill authorizes branch banking. Section 8 of Article XIII of the Illinois Constitution requires that "Branch banking...be authorized only by law approved by

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

three-fifths of the members voting on the question or a majority of the members elected, whichever is greater...". Senator McCracken.

SENATOR MCCRACKEN:

Yes, I am a director of a bank also, and will be voting my conscience. I think it's interesting, though, that a few years ago the big banks needed three years to get ready for competition and -- and today would deny that to the smaller banks. I can't imagine a justification for that. The claim of necessity of competition imposed by the Comptroller's Office I think is specious. It -- it really is not such a competitive issue as they would make it to be. I don't think there's anything wrong with the compromise proposed in this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and Members of the Senate. I recognize that the other legislation, 598, is already passed, and I know there's concerns on both sides on this issue, but I think in fairness to all, to these -- all these problems are worked out. I intend to vote Yes on this bill, as I did on the previous bill, and I would hope that the most of the Membership who voted Yes on the previous bill would do likewise, because this issue will still be debated over in the House, and let's give both groups the opportunity to work out a -- a reasonable compromise.

END OF TAPE

TAPE 3

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any other discussion? Senator Weaver, to close.

SENATOR WEAVER:

Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR DeANGELIS)

I'm sorry. Senator Sieben's light just came on. Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I said on the previous bill, this is one of those tough ones where you can be caught in the middle, but I don't believe a resolution to this problem is going to be worked out by passing both pieces of legislation. And I want to commend the community bankers, and I want to commend my colleague for the hard work that they've put in on this bill, trying to find a compromise since last November 12th. But I -- but I rise in opposition to this legislation. It seems clear to me, as I stated before, that financial institutions in Illinois can best operate most efficiently without arbitrary restrictions on where they can branch. National banks already clearly have this right, only to be clouded by current State law. Savings and loans, as well as other financial institutions and other financial providers, such as credit unions, currency exchanges, finance companies, can branch anywhere in this State without restrictions. And I can appreciate the community bankers' desire - as I said, the president of the community -- past president of the Community Bankers Association lives in my district - I can understand their desire to want to keep the lid on in Illinois. However, the world is moving ahead whether we in Illinois banking want to be part of that or not. The best way for a bank to protect its market is to be competitive on rates; to provide excellent service; and to meet the needs of the customer. Senate Bill 485 simply takes a step

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

backwards and postpones the inevitable. I would suggest a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. I think that the Membership has expressed themselves; there's been a good bit of debate. Everyone knows what the issue is, and hopefully some compromise can be worked out. Personally, I'm getting tired of being middled by the big banks and the little banks, and I'm sure all of you are also. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 485 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 10 Nays, 5 Present. Senate Bill 485, having received the required constitutional majority, is declared passed.

PRESIDENT PHILIP:

Yeah. I'd like to make an announcement. It's the intent of the Chair to recess until the hour of 2:30, allowing the committees to meet, do their amendment work and get back here by 2:30 sharp. So -- Senator Weaver moves the Senate stand adjourned <sic> until the hour of 2:30. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, just to point out, I know yesterday and maybe last week when we were adjourning, various committee chairmen made announcements with regard to committee meetings. The Senate Financial Institutions Committee has a -- what will be a -- I promise, a very brief meeting at 1 o'clock in A-1 to consider only Senate Bill 935.

PRESIDENT PHILIP:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I have made this announcement to some of you privately, but the Senate Appropriations Committee will not meet this evening, and we're now scheduled for tomorrow afternoon at 1:30, and that's -- that's tentative at this point.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Senate Ag Conservation Committee will meet. We only have one bill, one amendment. Should take ten minutes. Let's do that at 2 o'clock.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR R. DUNN:

Thank you -- thank you, Mr. President. The State Government Operations and Executive Appointments is going to meet right now at 12 o'clock in 212. We only have two bills, and we won't be long. Urge the Members to be there.

PRESIDENT PHILIP:

Thank you, Senator. Senator Butler.

SENATOR BUTLER:

Thank you. Commerce and Industry will meet at 2 o'clock in Room 400.

PRESIDENT PHILIP:

The Senate -- Senator Weaver moves the Senate stand adjourned till 2 -- recessed. Excuse me. Recessed till 2:30. Hearing no objections...

(SENATE STANDS IN RECESS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

(SENATE RECONVENES)

PRESIDENT PHILIP:

...(machine cutoff)...Senate please come to order. WCIA-TV seeks leave to videotape the Senate today. Is there leave? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Local Government and Elections, reports Senate Amendment 3 to Senate Bill 45 Be Adopted, Amendment 4 to Senate Bill 45 Be Adopted, Amendment 4 to Senate Bill 128 Be Adopted, and Amendment 2 to Senate Bill 211 Be Adopted.

Senator Ralph Dunn, Chairman of the Committee on State Government Operations and Executive Appointments, reports House Bills numbered 248 and 751 Do Pass.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Amendment No. 3 to Senate Bill 935 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Amendment 2 to Senate Bill 34 Be Adopted, Amendment 4 to Senate Bill 227 Be Adopted, Amendment 3 to Senate Bill 610 Be Adopted, Amendment 4 to Senate Bill 770 Be Adopted, and Amendment 3 to Senate Bill 227 Tabled by sponsor.

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Amendment 2 to Senate Bill 586 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 1790, 1804, 1808, 1886, 1888, 1900, 1901, 1903, 1906, 1907.

Passed the House, April 20, 1993.

We have like Messages on House Bills 2102, 2109, 2129, 2152, 2160, 2163, 2363, 2407, 2420, 2423, 69, 71, 161, 252, 356, 382, 672, 675, 936, 2424, 1109, 1158, 1203, 1235, 1256, 1257, 1272, 1298, 1332, 1344, 1362, 1372, 1391, 1426, 1452, 1453, 1466, 1476, 1643 and 1671.

All passed the House, April 20, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 124 is presented by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 354, by Senators Jacobs, Smith and others.

(Secretary reads title of bill)

Senator Topinka offers House Bill 444.

(Secretary reads title of bill)

House Bill 641, Senator Hendon.

(Secretary reads title of bill)

Senator Weaver presents House Bill 702.

(Secretary reads title of bill)

House Bill 977, Senators Jacobs, Smith and others.

(Secretary reads title of bill)

House Bill 1010, by Senator Topinka.

(Secretary reads title of bill)

Senator Peterson offers House Bill 1073.

(Secretary reads title of bill)

House Bill 1126 is offered by Senator Burzynski.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

(Secretary reads title of bill)

House Bill 1324, by Senator Dudycz.

(Secretary reads title of bill)

Senator Topinka offers House Bill 1377.

(Secretary reads title of bill)

House Bill 1398, by Senators Smith, Trotter and others.

(Secretary reads title of bill)

Senator Mahar offers House Bill 1479.

(Secretary reads title of bill)

House Bill 1489 is by Senator Cronin.

(Secretary reads title of bill)

House Bill 1543, Senator Cullerton.

(Secretary reads title of bill)

Senator Dudycz offers House Bill 1642.

(Secretary reads title of bill)

Senator Cullerton offers House Bill 1746.

(Secretary reads title of bill)

Senator Barkhausen presents House Bill 1787.

(Secretary reads title of bill)

House Bill 1927, Senators del Valle and Hendon.

(Secretary reads title of bill)

Senator Karpziel offers House Bill 2115.

(Secretary reads title of bill)

House Bill 2121, Senator Palmer.

(Secretary reads title of bill)

Senator Palmer offers House Bill 2122.

(Secretary reads title of bill)

House Bill 2169, Senators Jacobs, Smith and others.

(Secretary reads title of bill)

And Senator Hendon presents House Bill 2417.

(Secretary reads title of bill)

And House Bill 2120, by Senator Palmer.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Resolutions.

SECRETARY HARRY:

Senate Resolution 278, offered by Senator Hall and all Members, as is Senate Resolution 279.

They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Would the Members please be in their seat? We are going to 3rd Reading. We'll be starting with Senate Bill 601. Senator Fitzgerald. 603. Senator Fitzgerald. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 601.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 601 does two things, primarily. First, it prohibits courts from staying Department of Professional Regulation disciplinary actions that relate to patient care; and secondly, it defines how to show good cause and to get a stay of a Department action in other nonpatient care cases. And I'd be -- stand open for questions from the Members.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? The question is, shall Senate Bill 601 pass. Those voting in -- those in favor will vote Aye. Opposed, vote Nay. I'm sorry. Senator Trotter.

SENATOR TROTTER:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald. He indicates he will yield, Senator Trotter.

SENATOR TROTTER:

Thank you very much. Senator, amazing how this seems identical to the bill we just had yesterday, 324, which in that bill we ascertained that what you're attempting to do in this legislation is actually unconstitutional. Were you aware of that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Why, I wholeheartedly disagree that it's unconstitutional. In fact, it's very constitutional. But I'd be happy to answer any questions you have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

So what is your intent here? Is your intent to -- to limit the actual stays that the courts have mandated, or what?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, I gather you're talking about a case that was delivered to me by a member of your staff earlier today. The Ardt versus Illinois Department of Professional Regulation case, which was a 1992 case in which they declared a -- they said that the circuit court had the power to stay Department actions, even though the administrative review law had prohibited stays during the pendency of judicial proceedings incident to disciplinary action. My intent here is actually to enact law which comports with the Ardt case. Now, Section -- Article VI, Section 9 of the Illinois Constitution says that courts shall have the power to review

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

administrative actions as provided by law. Now, here we are delineating specifically when the courts can and cannot stay Department actions. And Senate Bill 601 comports with the holding in the Ardt case and delineates by Statute appropriate cases for prohibiting stays. The Ardt case, which your staffer gave to me this morning, says that the -- the -- that case found that the Dental Practices Act's prohibition of stays was unconstitutional to the extent it restricted the powers of a court to issue stays where appropriate. And -- and my -- Senate Bill 601 defines when it is appropriate to issue a stay and when it is not. And what it says is, the courts cannot stay an action of the Department of Professional Regulation where the Department's action concerns direct patient care, and it codifies a public policy that we don't want incompetent doctors, or dentists, or podiatrists, or whatever, practicing during the pendency of their case. On the other hand, the courts can stay actions of the Department in which their decision did not -- was not based on direct patient care. As was in the Ardt case, a dentist was suspended because he was advertising in an impermissible manner; he was advertising dental services that were free of pain. And that was really -- that had nothing to do with direct patient care. It was a different issue. So -- this -- this bill comports with the Ardt case. It's fully constitutional. The Constitution clearly contemplates that the Legislature will set appropriate parameters for regulating the -- the powers of the courts to issue stays.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Senator, I'm not going to debate it any further. I'm just a country boy from Cairo, Illinois. Just know a little something about the Constitution, not a whole bunch about the law. However, I think this is something that's going to have to be litigated in

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the courts. And as I said yesterday, we -- we've started a bad precedent, and we're continuing it -- continuing that by voting for this bill. And I recommend everyone on this end just to vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Under the definition of "good cause", the applicant has to show three things, and those three things are listed. Does a judge have to specifically set forth those three findings in his order, in order for a stay of the administrative decision?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

I don't know that the judge would have to set it forth in his orders, but certainly he would be called upon by the Statute to consider those factors.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Well, it would seem to me, then, that what you're asking for is the judge to prejudge this appeal, because one of the requirements -- one of the three requirements is that there exist a reasonable likelihood of success on the merits. So what you're asking for here is that the judge makes a initial decision, whether the appellant is going to win or not, before he hears any testimony. So it seems to me that that is totally contradictory, and doesn't make a lot of common sense either.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? That was a statement. Was that a question, Senator Welch?

SENATOR WELCH:

It was a question with an exclamation point on it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senator Welch, that is really the standard that we have for all -- I mean, there has to be, in -- in all cases of equitable relief, injunctions, TROs, the plaintiff has to show a reasonable likelihood of success on the merits. He doesn't have to show that he's going to win the case for sure, but he has to have more than a colorable claim. He has to have a decent case. It can't be frivolous. It's kind of a ruling at the margins there. And this is a common sense case. What we're trying to do here is make it possible to get stays where direct patient care is not implicated, but to make it difficult, if not impossible, to get stays of Department action where direct patient care is implicated. We don't want doctors, or podiatrists, or dentists, who have endangered someone's health or life, to be out there practicing because they got a sharp lawyer to get a stay for them. We want to take those people out of the profession until there's a final resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Well, I think the difference though, Senator, is that here the circuit court is acting as an appeals court. They're not hearing all of the witnesses and all of the testimony. In a temporary restraining order, they're acting as a court of first jurisdiction where they have witnesses and -- and hear the case from beginning

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

to end. I think that's the difference between the two.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Senator Fitzgerald, to close.

SENATOR FITZGERALD:

Thank you, Mr. President. This is a -- a common sense bill that -- that helps us take doctors, or dentists who have endangered their patients' safety, keep them from getting stays while they've been -- had their licenses suspended. It's wholly constitutional. Reasonable judicial review of administrative decisions is provided for by Statute, and a prohibition against stays in appropriate circumstances under the Ardt case, which -- which my friends on this side of the aisle have cited, does not infringe on the judiciary's inherent power to review administrative decisions. I'd urge a favorable vote. This is supported by the Medical Society, the Illinois State Dental Society and the podiatrists. I do not know -- to my knowledge, there is no opposition to this bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 601 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 42 Ayes, 10 Nays, 2 Members voting Present. Senate Bill 601, having received the required constitutional majority, is declared passed. Senate Bill 603. Senator Fitzgerald. Senate Bill 603. Out of the record. Senate Bill 606. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 606.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Syverson.

SENATOR SYVERSON:

Thank you. Senate Bill 606 broadens the sales tax exemption in manufacturing to include the introduction of raw materials onto the premises. Basically, this bill is going to exempt such things as dies, jigs, molds, patterns, computers that are involved in the manufacturing process. This is a -- not a unique bill. This is -- this is the same type an exemption that eighteen other states in this country currently have. We're supporting this bill mainly because this is a manufacturing -- this is a jobs bill that I think is very important to the State of Illinois. Over the last ten years we've lost nearly four hundred thousand manufacturing jobs, and this is just one small step to try to bring manufacturing jobs back to Illinois. And I would answer any questions that we have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. I'd like to ask the -- the sponsor a few questions, if I may.

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he'll yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Syverson, you are amending the Use Tax Act. Ladies and Gentlemen, I think we ought to be listening to what Senator Syverson is trying to do this afternoon. He's trying to redefine the manufacturing process in the State of Illinois. Senator Syverson is adding new language, and I think you should be very, very careful in listening to what this new language is. Senator, you are defining the manufacturing process as the introduction of raw material into the premises where the manufacturing process is conducted and shall include storage and handling of material

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

before the first operation of stage of production. Let me ask you a couple questions, Senator. How would you define the introduction of raw material in the manufacturing process?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

First of all, Senator Dudycz, I -- I appreciate the fact that you finally read through a bill, and I think you should be commended for that. Now, as to your question of introduction of raw material, I -- if you heard my opening remarks, we did cover that. Covers all raw materials, dies, jigs, molds, patterns, the things that are involved in making -- involved in the manufacturing process.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

I'm sorry, Mr. President, but I didn't hear his answer. Maybe I was the only one on the Floor listening, 'cause it seems like everybody else was having conversations, but if the Senator would please repeat his answer.

PRESIDING OFFICER: (SENATOR MAITLAND)

Briefly, Senator, please.

SENATOR SYVERSON:

You want me to repeat it from the very beginning? No -- the -- its -- we're talking about introduction of raw materials, which means all the process in manufacturing, from dies, to jigs, to molds. That process, to broaden it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well, then in the production of products, such as milorganite - you may be familiar with milorganite. That is the fertilizer

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

manufactured by municipal sanitary districts processing sewage and -- and waste materials. How would you define the processing of materials such as milorganite? What would be the first operation of stage of production? Are we talking about digestion of the -- the product, or -- or -- which process are we discussing here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

That's a very good question, and that's something that would have to be worked on in the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess I follow and -- and join Senator Dudycz in -- in questioning the wisdom of this legislation. And let me also start maybe by asking a few questions. Senator, would the purchase of gas to run the car or truck that brings the raw material to the plant or the materials from the plant to the final distributor -- as I read the bill, that would be exempt from any sales tax on the purchase of fuel. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

The bill clearly defines it as introduction of raw materials onto the premises. So, no, it would not include gas.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

But I believe you also talk about the -- in the bringing of raw materials, including storage and handling of materials before the first operation or stage, and the transportation of the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

unfinished goods between the manufacturing or assembly facilities in the storage or finished goods. That would clearly be buying fuel for the vehicles in transportation. And therefore, are you not exempting them from sales tax in the purchase of those fuels?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Again, I think that -- we're talking about the manufacturing process. Says from the -- when the production -- entry of raw material onto the place. I -- I don't think it's going to include the transportation part of it, and if there's a discrepancy in that, that's something that can be worked out, I think, with the House on the wording, so that it would not include your concerns about transportation. That's certainly not the intent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Senator Syverson, you have not identified the cost of this exemption, and whether or not you have replaced this lost revenue with any other revenue, such as a tax or something. Could you identify what it will cost the State, and whether or not you have suggested a replacement.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

I'm glad you brought that up. And that's one of the reasons why I wanted to push this bill forward, because with every passing day the cost of this bill seems to go -- with every passing day this -- this bill seems to go higher and higher. I think we got a fiscal note here that had mentioned the fact the cost of this would be approximately five hundred and fifty million dollars, according to the Department of Revenue. But I have to bring out a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

report, also from the Department of Revenue, which states that the total sales tax paid by manufacturing - all inclusive - is only three hundred million. So the numbers that the Department of Revenue is giving is not correct at all. The numbers that we have put together from Grant Thornton and from the IMA state that, including research and developments, we're looking at a low side of twelve to fifteen million, to a high side of twenty-five to thirty million in cost. Then again, it's not a question of tax; it's a question of revenue. And I believe by putting this money back into manufacturing, it's going to generate more jobs, in the long run generate more revenue than what we lose.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Let me just speak then. I disagree with you in your figures, and let me explain to you why. I disagree with you in your figures, and let me explain to you why. And -- and you did not identify that the Department of Revenue had said that it will also cost in excess of fifty million dollars in income loss to the State for the research and development. So they've got it at six hundred million. But what you failed to mention in -- in your comment that it might be a lower figure, is you're only talking about the tax on the final product. We do not have a value-added tax format here in Illinois. So what you're exempting is their purchase of the raw materials - the taxes they were paying to their suppliers. You're only talking about the taxes that they were charging on the final product at sale. There's a lot in that chain that you would have exempted. And I would guess -- to me, when you're talking six hundred million dollars, which is more, in fact, than the surcharge tax generates, I have no idea where that money would come from, and I would hate to have to see the schoolchildren go without funds because we have

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

given away six hundred million dollars. And I would urge opposition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. I'm in a very uncomfortable position here, Senator, as a Member of the Senate Revenue Committee, and this is your first bill, I understand, and possibly your only bill. And yet I have some very serious reservations about this bill. The -- the estimates by the Senator and also by Department of Revenue are very, very diverse. The Department indicates the possible revenue loss - part of this based on the experience of studies in Michigan and also New York, in which this occurs, that do indicate that it -- it's a very big-ticket item - possibly in that area of five hundred million dollars. And there seems to be some mixing of apples and oranges on this particular bill. I hope Senator Syverson is correct and that the fiscal impact is only somewhere between eleven and twenty-one million dollars, but at this point in time, I, as an individual Senator on this Floor, do not know what this fiscal impact is. And if you'll look at the bills that we have passed out of committee, many of them still on your Calendar, there are an awful lot of credits, exemptions and erosion of -- of property tax bases. And I don't have a composite figure as to what that impact is, and with those -- with those problems, I -- I just am very hesitant to support your bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I am very much opposed to this bill. I voted against it in committee, and the more I hear about it, the more opposed I am to it. I think we should give pause

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

when we cannot even decide what the loss will be - that uncertainty in itself, whether it's the fiscal note or whether it is the figures that Senator Syverson put together. We are looking at anywhere from five hundred and fifty million to twenty million or so, loss. And one of the issues that we raised in the Revenue Committee this year was that we should be cautious about doing piecemeal exemptions, and this seems to me to be -- have the effect of being -- the process of being a piecemeal, but in effect being fairly omnibus, because we really don't know at each stage of this how much money will be lost and then what that total figure is. And finally, to the question of whether this is a jobs bill: I think we have become too -- to use that -- that phrase too readily. Everything is a jobs bill. I would suggest that this is one of the failed supply-side economics measures that was, I think, to my satisfaction, thoroughly discredited, and I would suggest that we vote No on this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. I realize this is the sponsor's first bill, but in spite of that fact, this is one of the finest bills I've seen come along. This is a bill, I think, that's going to inspire businesses and employment in Illinois. You know, we think we're going to lose money when we allow the manufacturing industry and the free enterprise system to function without controls or without taxation. You know, when we do that, we create jobs; we create expansion; we create things that grow, and that takes money to do it. You cannot suppress an industry and expect it to pick it up. So what we do is -- in the General Assembly, we start creating public jobs and everything else to create employment, rather than going to the free enterprise system, as the sponsor's doing here, to create the jobs, create

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the -- the incentives for us to compete in a world market. Now, I'll tell you, our Illinois manufacturers are having a tougher time every time when we keep doing it. This could free it up. This is one of the great bills I've seen, and I -- I applaud the sponsor of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Hall.

SENATOR HALL:

Senator, I see this is opposed by the Municipal League, Department of Revenue and AFL-CIO. You said that you had your figures. How did you arrive at your figures that were different from what they have? How did you arrive at that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

First of all, again, let me stress that the numbers that are being thrown out -- this six-hundred-million-dollar number is absolutely ludicrous. We have the numbers from the Department of -- of Revenue right here in my hand - a report from them stating that the total sales tax paid for manufacturing is only three hundred million. So how could we take one small portion of it and all of the sudden come up with six hundred million? It's ludicrous. So those numbers are not true. The numbers that we've got are from numbers put together from -- from Grant Thornton and from the IMA tax -- IMA tax committee, who've come up with these numbers, which I think are much closer. And also, I want to respond to a couple other questions. Senator Palmer talked about,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

"not sure what the loss would be." Let's look at what the loss of manufacturing jobs are going to be. I'm sick and tired of towns like Rockford seeing manufacturing jobs up and leave our states, and seeing Target stores and Wal-Mart stores coming in. You can't raise a family when you're earning six dollars an hour with no benefits at Targets. Manufacturing jobs are what made this State great, and manufacturing jobs are what can bring that back. We need those good, skilled jobs, high-paying jobs, in this States. And this bill is the first step to help bringing back the hundred -- hundreds of thousands of manufacturing jobs we lost. This is one step to help generate more revenue in Illinois, and I would submit, this is not going to cost us anything at all, in the long run. It would generate more revenues.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hall.

SENATOR HALL:

Well, I want to thank you, but my information is that you're talking about two different taxes here. I mean, have you thoroughly looked into this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

...(microphone cutoff)...look into it. Again, I -- I have no idea. We've talked in committee meeting; Kevin was there, and he said there's no possible way he could come up with some numbers, and all of a sudden two weeks later here we are at six hundred million, which is just a number they picked out of their hat. We need to ask them where they came up with those numbers, because our numbers clearly show that it's not anywhere near there. It's considerably less. As I said, anywhere from ten to thirty million, depending whose estimate we look at.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd just like to point out to the Members, this is the biggest revenue bill of the Session. It's bigger than the income tax surcharge extension, and I hope everybody knows how they're voting on this. But the estimate given by the Department of Revenue, as to the cost, is based on comparing what happened in other states. In the Revenue Committee, the Department head didn't have that comparison available to them. That's where they came up with the fiscal note coming up with a six-hundred-million-dollar cost. Six hundred million dollars out of the State General Revenue Fund. We have no way to make that up, Ladies and Gentlemen. It's going to come out of the schools. It's going to come out of Mental Health. So if you want to cut down on funding to schools, then you vote Yes on this bill, because that money has to come from somewhere, and it's going to come right out of the General Revenue Fund and right out -- out of our school budgets. So I certainly hope that all of you think twice before you vote for this. You know, we had a fellow a couple weeks ago -- gave a speech about voting for kids or concrete. Well, Ladies and Gentlemen, this is a choice of kids or manufacturers, and I hope you come down on the right side. I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Just one quick comment. I think, first of all, if a twelve-million-dollar figure is right, Senator, we're in bad... If the twelve-million-dollar figure is right, we're in really sad shape, because that doesn't amount to very much. It would seem to me at least ten times that would be a logical number. Secondly, I think we have to remember, this is

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

going to cost local government at a time when we're looking to, perhaps, take away the surcharge money from the local government. This is just one more instance where we're -- we're pulling down the -- their income, and I think we better be cautious about it. We may be going too far.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. And I hate to rise to oppose a bill, especially a Senator's first bill, but again, here we go back to the old Reagan trickle-down theory, far as tax -- tax breaks. There is nothing in this bill that indicates that the employment is going to increase if this piece of legislation pass. But what's so sad about this, at a time when we are trying desperately - desperately - to put a budget together, desperately to fund the many programs - local, as well as at the State level - here we have a piece of legislation that's going to pull millions of dollars out of the State budget, as well as the local units of government budget, and I'm very surprised that our Governor has not addressed this. I don't think the question was asked, but is Governor Edgar supporting this piece of legislation to take more revenue out of the State budget? Is -- is Governor Edgar want to pull more and more revenue from the schoolchildren upstate, downstate, cross-state? This is a very poor piece of legislation. I see the Governor's spokesman on the Floor. Is this what he is proposing? Then it is in terrible, terrible shape, and I -- Senator Syverson, you are a great Senator. You have great potentials, but I don't think the Members should vote for this bill just because it is your first bill. I think this bill should receive a resounding No by all Members of this Body, and you -- and if you come over here, Senator, I'll give you a good piece of legislation so that you can stand up and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

pass that piece, but this is a terrible bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson, to close.

SENATOR SYVERSON:

Senator Jones, just to respond to two of your comments: first of all, whether or not the Governor supports it, I hope that's not what -- how you base your vote on - whether or not the Governor supports it or not. I hope you're independent-minded. Second of all, you talk back -- to going back to Reaganomics. If you remember in Reaganomics, revenue generated in the '80s grew many times. The problem is, we just had a Congress that spent it faster than it was coming in. But again, what this comes down to is, how long are we going to continue to throw manufacturing jobs out of our State? How long are we going to continue to tell our families that you can try to make it working at a Venture store at five dollars an hour? There's no dignity in those kinds of jobs. We need manufacturing jobs for our family. This is the first step to help improving our business climate in Illinois, and I ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 606 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 30 Ayes, 23 Nays, 2 voting Present. Senate Bill 606, having received the required constitutional majority, is declared passed. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Would appreciate it, Mr. President, if we could have a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Carroll has requested a verification. Will all Senators be in their seats. The Secretary will read the affirmative votes. Mr. Secretary, please.

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, do you -- do you question the presence of any Member?

SENATOR CARROLL:

Thank you, Mr. President. I didn't -- oh, I'm sorry. I see Senator Weaver now. No. I -- I -- everybody's here.

PRESIDING OFFICER: (SENATOR MAITLAND)

On a -- on a verified roll call, the Ayes are 30, the Nays are 23, there are 2 Members voting Present. Having received the required constitutional majority, Senate Bill 606 is declared passed. Senate Bill 610. Senator Hasara? Senator, do wish the -- the -- the Senate Bill 610 recalled to the Order of 2nd Reading?

SENATOR HASARA:

Yes, I do, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara seeks leave of the Body to return Senate Bill 610 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 610. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Amendment No. 3, offered by Senators Farley and Hasara.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara. I'm sorry. Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Amendment No. 3 becomes the bill, and what it does is talks about and amends the Environmental Protection Act in regard to toxic chemical release report violations. By August 1 of each year, the EPA shall issue a notice that the Agency has failed to receive all required toxic chemical release forms, and provide a thirty-day grace period to that person to submit the forms. Any person who fails to file the forms in a timely manner shall be liable for a civil penalty of one hundred dollars per day beginning the thirty-first day after the person receives notice and shall continue until January 1 of the following year. All these penalties shall be deposited into the Environmental Protection Permit and Inspection Fund. What we're asking for is the adoption of the amendment. Mr. President and Ladies and Gentlemen of the House <sic>, this -- this has been worked out with the Agency and the IMA, and I would therefore move, Mr. President and Ladies and Gentlemen, for the adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion on the motion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 616. Senator Woodyard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senate Bill 616.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Senate Bill 616 is somewhat of a response to - and amending - the bill that we passed on the last day of the last Session, on January 12th - Senate <sic> (House) Bill 1918, which became the Public Act dealing with siting of the low-level radioactive waste site. There are basically five components to the bill which expands, at least, public input that people would have if they object to -- to where that low-level will be sited. It will require the task force to hold public hearings, which they didn't really have to do prior to this bill. It expands the area of -- of criteria to be considered by the task force, particularly in areas of transportation, meteorology and other scientific conditions. It expands the task force by two members, putting a -- an environmentalist, as well as a member of a local unit of government, on that task force, and it changes from thirty days to ninety days the amount of time that a person may file objections to the issuance of a license. It also contains the amendment proposed by Senator Welch, in which -- it says that a low-level site cannot be sited where there is an inactive coal shaft or shaft mine within two miles of an active geological fault. Those are what the bill does. It's my understanding the Governor does agree with -- with these changes in the siting process. Be glad to answer any questions, or move for its passage.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? If not, Senator Woodyard, you wish to close? The question is, shall Senate Bill 616 pass.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no one voting No, no one voting Present. Senate Bill 616, having received the required constitutional majority, is declared passed. Senate Bill 617. Senator Barkhausen? Read the bill, Mr. Secretary, please.

SECRETARY HARRY:

Senate Bill 617.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 617, which was approved without opposition in the Senate Executive Committee, is sponsored by Senator Berman and myself. It would put the -- the Administrative Code in the public domain. If you'll remember, we've done this same thing with regard to the Illinois Revised Statutes. It is felt that if we make this available to those who want to publish it, the Administrative Code will receive wider circulation than it does currently, when it is only published by the Index Division of the Secretary of State's Office. I'd be glad to answer your questions, and otherwise ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator, one of the problems with any transition like this - and we've found it with the publication of the Code - is they have to change all the Chapters and those who deal with the Code are finding it a very difficult transition to make. If the Administrative Code is published, can those who publish it continue to use the kind of Chapter and Section designations that are currently used so we won't have the same confusion when this goes into the public domain that we're having with the Revised Statutes?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I believe they can, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Any further discussion? If not, Senator Barkhausen, to close. The question is, shall Senate Bill 617 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no one voting Present. Senate Bill 617, having received the required constitutional majority, is declared passed. 622. Senator McCracken? Senator McCracken on the Floor? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 622.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen. Senate Bill

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

622 would -- would delete the current requirement that all copies of Supreme and Appellate Court opinions be distributed to every judge in the State. It would allow these opinions to be distributed as necessary, in the judgment of the Supreme Court. It should save a little money and -- and certainly go a long way toward eliminating unnecessary bureaucratic activity. I move its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator -- or, Senator McCracken, you wish to close? The question is, shall Senate Bill 622 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no one voting Present. Senate Bill 622, having received the constitutional required majority, is declared passed. 623. Senator McCracken. Senator McCracken. 626. Senator Karpziel. Senator Karpziel, 626? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 626.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Senate Amendment 4 to this Senate Bill 626 became the bill, and what it does is it sets up a voluntary program for laboratory certification of drinking water, wastewater and hazardous waste, whereby fees would be paid by labs to EPA in order to receive certification. Currently under the Federal Safe Drinking Water Act, public water supplies must be analyzed by certified

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

laboratories. There are about fifty-one such laboratories in the State of Illinois. You don't need laboratory certification, but under the new -- this new program, the EPA would, for a fee, certify the drinking water, and we would meet the guidelines of the Federal Safe Drinking Water Act.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she'll yield, Senator Watson.

SENATOR WATSON:

In my district, we have the Centralia Lab that's run by the Department of Agriculture - animal lab. They do some testing of samples for municipalities, and they've talked about charging individuals - municipalities - for that service. Is this included in this -- this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpel.

SENATOR KARPIEL:

Would that -- would that be considered a State agency?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes, it would.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpel.

SENATOR KARPIEL:

Department of Public Health and State agencies are excluded from this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Senator Hawkinson.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is this -- is this going to be the program, then, for testing our municipal water supplies, or is this a separate issue?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

This is a separate issue. I know what you're referring to.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she'll yield, Senator Hall.

SENATOR HALL:

Senator, I see where there is roughly 4.8 million in outstanding fees, and 3.8 millions are considered uncollectible. Why is this happening?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Sorry, Senator Hall. I -- I couldn't hear a thing you said.

SENATOR HALL:

If my -- hear correctly, the EPA supports this bill. Currently the Agency has roughly 4.8 million in outstanding fees, of which 3.8 millions are considered uncollectible. Have you any idea why they're uncollectible?

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Karpiel.

SENATOR KARPIEL:

Senator Hall, I think -- are you referring to the original bill, 626? The amendment took... The amendment took everything in the original bill out.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR KARPIEL:

I just ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 626 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no one voting Present. Senate Bill 626, having received the constitutional -- constitutional -- constitutional majority, is declared passed. Senate Bill 632. Senator Ralph Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 632.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senate Bill 632 removes the requirement that mine examiners have to be covered by a collective bargain agreement. It states more clearly that judicial review of a hearing might be sought only after a hearing officer issues a decision. It allows the Department of Mines and Minerals to accept applicant's bond without a separate surety under certain

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

conditions. And it also reauthorizes the Abandoned Mined Land Reclamation Council, which is one hundred percent federal-funded, to spend money for -- on non-coal use on mine -- on sites that are -- eliminate public health hazards. I'd be glad to answer any questions, and urge adoption -- or passage.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Dunn, you wish to close? On that question... The question is, shall Senate -- Senate Bill -- Senate Bill 632 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, no one voting Present. Senate Bill 632, having received the required constitutional majority, is declared passed. Senate Bill 638. Senator Cullerton. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 638.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amends the Metropolitan Water Reclamation District Act. It extends the District's present statutory non-referendum bonding authority to the year 2001. The purpose is to provide a long-term, stable source of funding for major capital projects to provide sewage treatment and pollution control services for the Cook County area. These projects include the tunnel, the reservoir and the Chicago underflow programs for flood relief. The bonds also reduce local property taxes because they are leveraged to generate federal funding for seventy-five percent of the cost of the major

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

projects. The projects require long-term planning and implementation; therefore, it's important for the District to maintain, if possible, and enhance its bond rating so that the bonds with the -- which the District issues will now have relatively low interest rates. If we can obtain the next higher rating, we will save the taxpayers about two and a half million dollars in interest on every hundred million dollars worth of bonds. And the rating services consider, among other factors, the District's authority to issue bonds, and then make sure it's secure. And that's what the purpose of the bill is. So, be happy to answer any questions, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Cullerton, you wish to close? On that -- on the question -- the question is, shall Senate Bill 638 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 49 Ayes, 1 Nay, 6 Members voting Present. Senate Bill 638, having received the constitutional required majority, is declared passed. Senate Bill 641. Senator Cullerton. Read... Senator Cullerton, do you wish that bill called -- recalled for the purpose of an amendment? Senator Cullerton seeks leave of the Body to return Senate Bill 641 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 641. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton, would you explain your amendment, please?

SENATOR CULLERTON:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Yes. This was a suggestion of the -- I believe, the Hospital Association, who initially were opposed to the bill. It just indicates that nothing contained in this Act shall require any hospital or other entity that provides health care services to employ or to contract with a clinical psychologist. The bill relates to clinical psychologists, and they also support the amendment. So I'll move for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment -- the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 642. Senator Dudycz. Out of the record. Senate Bill 650. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 650.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a bill that was unanimously supported in the Judiciary Committee, making some revisions to our mortgage foreclosure law. It represents a compromise between lenders, on the one hand, and consumers and borrowers and, to some extent, tenants, on the other. And I'd be glad to try to answer your questions. It's quite a complicated bill, but seeing as though it was...(microphone cutoff)...

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Barkhausen, do you wish to close?

SENATOR BARKHAUSEN:

Just -- just to finish my sentence. My light went off. Seeing as though the bill was unanimously approved in committee, I would ask for the same show of support here.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 650 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no one voting Present. Senate Bill 650, having received the required constitutional majority, is declared passed. Senate Bill 651. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 651.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bills 651 and 652 I am cosponsoring with Senator Trotter. They are both general Revisory Acts, which are offered to us by the Legislative Reference Bureau, and I ask your unanimous support for this first one, Senate Bill 651.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Barkhausen, you wish to close? On that question -- the question is, shall Senate Bill 651 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no one voting Present. Senate Bill 651, having received the required constitutional majority, is declared passed. Senate Bill 652. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 652.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is the same sort of bill as Senate Bill 651. I'd ask for the same roll call as you provided on the prior bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? The question is, shall Senate Bill 652 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no one voting Present. Senate Bill 652, having received the required constitutional majority, is declared passed. Senator -- Senator Topinka, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Topinka seeks leave of the Body to return Senate Bill 666 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On that Order -- on the Order of 2nd Reading is Senate Bill 666. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Amendment No. 1, offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this amendment is basically a compromise we've arrived at with the Department of Public Aid, which now removes any objection they may have had. It provides for changes to provide bed reserve payments of one hundred dollars <sic> (percent) of the normal daily rate for up to ten days per fiscal year, and bed reserve payments of seventy-five percent of the normal daily rate for up to thirty days per fiscal year, and this would be applicable to private developmentally disabled homes. The whole bill is designed ultimately to allow families to take their disabled relatives home for holidays, weekends, without losing their bed space, yet providing compensation to those homes that do, indeed, provide for them. So I think we've got the -- any glitches here now worked out with this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 678. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 678.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 678 seeks to amend the Juvenile Court Act and the Unified Code of Corrections to require AIDS testing of juveniles adjudicated delinquent on a sex offense. Also AIDS test results obtained pursuant to the adult sex offender AIDS testing provision "shall" be given to the victim and "may" be given to the defendant. This is a bipartisan effort to comply with federal grant funding guidelines. Federal law requires the State to test certain convicted sex offenders, including adjudicated delinquents, and to inform the victim. We're seeking to comply with those guidelines in order to capture 1.7 million dollars in revenue. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, who pays for these tests? Is it the local governmental unit, or who pays?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The county -- the county pays. It's a mere investment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Stern.

SENATOR STERN:

Will the Gentleman yield for a question?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Stern.

SENATOR STERN:

You indicate that after the tests have been taken, the results will be given to the victim and "may" be given to the defendant. Under what circumstances would they be withheld from the defendant?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

In an effort to protect the civil liberties of defendants, we made that permissive language.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Stern.

SENATOR STERN:

That doesn't wash with me. I'm sorry.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

It would be within the discretion of the court. So it is not mandated, and as I say, this was an effort to observe the civil liberties of the defendant. We wanted to make it a requirement that the victim is notified, but recognizing the sensitivities of defendants' rights and so forth in this area, we did not want to mandate this, and it was within the discretion of the court.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Stern.

SENATOR STERN:

I'm really honestly trying to understand. I don't understand how the civil rights of the defendant would be violated by being informed either that he has AIDS or he has not AIDS.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Any further discussion? Any further discussion? Senator Cronin, to close. I'm sorry -- I'm sorry, Senator Cronin. I think she was just making a statement. Senator Berman.

SENATOR BERMAN:

I -- I've got a question of the sponsor, Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he'll yield, Senator Berman.

SENATOR BERMAN:

If the court is going to order a AIDS test... Senator, if the court is going to order an AIDS test and the complaining -- the victim knows that that test has been ordered, and we're allowing the judge to not disclose that, you've created a situation where that -- that victim is being victimized a second time. She -- that hypothetical woman, who's the victim, is going to go loony wondering whether -- what that answer is to the test. Why would we want to do this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Senator Berman, the bill provides that the victim "shall" be notified. That -- that's a requirement. And in fact, that was Senator Dunn's amendment that did so.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Just -- just to reiterate the points that were made. This is an effort to seek compliance with federal guidelines. We already do have an AIDS notification provision in -- in the law. This just seeks to include juveniles who have been adjudicated delinquent, and the victims of those crimes. I seek and urge you to vote Aye.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

The question is, shall Senate Bill 678 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 53 Ayes, no -- no Nays, 2 voting Present. Senate Bill 678, having received the required constitutional majority, is declared passed. Senate Bill 680. Senator Madigan. Out of the record. Senate Bill 684. Senator Topinka. Senate Bill 714, Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 714.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Ladies and Gentlemen, Senate Bill 714 is an initiative of the Illinois Police Training Board. This bill would allow the Board to appoint investigators who shall be authorized to obtain background information on the arrest and conviction records of applicants for law enforcement. Such information shall be provided by the State Police, who may charge a fee which does not exceed the actual cost. This language removes the "conservators of the peace" language that was originally in the bill, and it has changed their title from -- from inspectors to investigators, and has subsequently removed opposition from the Chiefs of Police and the Illinois State Police. The bill also authorizes the Police Training Board to conduct training courses twice each year within each of the Mobile Team Regions, rather than the State Police Districts. In the State of Illinois there are sixteen mobile regions -- or sixteen mobile training units, and they better represent, geographically,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the State than the twenty-one police districts. And I know of no opposition. I seek your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Dudycz, the analysis says that the Illinois Local Governmental Law Enforcement Officers Training Board can appoint inspectors who are conservators of the peace. I -- do they carry weapons, and do they also have uniforms?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

No. The conservators of the peace language has been removed. They will -- they are not authorized -- they are not carrying weapons. They are -- this -- they will be utilizing personnel that are -- they are currently employing. This is just giving them access to information like the LEADS network and other means to continue their investigations.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Senator Dudycz -- I'm sorry. Senator Lauzen.

SENATOR LAUZEN:

Senator, are there any costs involved to appointing new inspectors?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, no, there is no mention here of new inspectors. What

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

they are doing is they are utilizing the employees that are currently there.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? You wish to close, Senator Dudycz? The question is, shall Senate Bill 714 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, no one voting Present. Senate Bill 714, having received the required constitutional majority, is declared passed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Thank you, Mr. President. I would rise to request a Republican Caucus immediately in -- in President Pate Philip's Office, and it will last about an hour.

PRESIDING OFFICER: (SENATOR MAITLAND)

That request is in order. Senator Cullerton.

SENATOR CULLERTON:

Yes. We would ask for a Democratic Caucus in the Minority Leader's Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

That request is in order also. The Senate will stand in recess until the hour of 5 o'clock.

(RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate will come to order. Committee Reports.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SECRETARY HARRY:

Senator DeAngelis, Chair of the Committee on Revenue, reports Amendment No. 3 to Senate Bill 552 Be Adopted; and Amendment 2 to Senate Bill 590 Be Adopted.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Amendment No. 2 to Senate Bill 1000 Be Adopted; and Amendment No. 1 to Senate Bill 499 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

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 Bill 35, 45, 667, 1129, 1356, 1743, 1983, 2117, 2150 and 2154.

Passed the House, April 20, 1993.

We have like Messages on House Bills 335, 689, 691, 1077, 1113, 1224, 1261, 1299, 1325, 1848, 2280 and 2294.

All passed the House, April 20th, 1993. From Anthony D. Rossi, Clerk of the House.

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

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

House Joint Resolution 19.

Adopted by the House, April 14, 1993.

We have a like Message on House Joint Resolution 21.
Adopted by the House, April 20th, 1993.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 276, offered by Senator Watson and all Members.

Senate Resolution 277, by Senators Smith and Jones.

And Senate Resolution 280, by Senator Farley and all Members.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 404, offered by Senator McCracken.

(Secretary reads title of bill)

House Bill 673 is presented by Senator Hasara.

(Secretary reads title of bill)

House Bill 1016, by Senators Madigan and Hasara.

(Secretary reads title of bill)

And House Bill 2028, by Senator Madigan.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

Let me call to the attention of the Members, we're going immediately to 3rd Reading once again. The first five bills will be 718. Senator Sieben, Senator Woodyard, Senator Watson, Senator Dudycz, Senator Butler, Senator Madigan.

END OF TAPE

TAPE 4

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

All right, Senate -- Senate Bills 3rd Reading, middle of page 13. 718. Senator Sieben? Out of the record. Senate Bill 730. Senator Woodyard. Out of the record. Senate Bill 735. Senator Watson. Read the bill, Mr. Secretary. I'm sorry. Okay. Senator Watson, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR WATSON:

Yes, thank you, Mr. President. This is the bill that dealt with...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator, excuse me just a minute. Senator Watson seeks leave of the Body to return Senate Bill 735 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, is leave granted? Leave is granted. On the Order of 2nd Reading is Senate Bill 735. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. As you may recall, this is the legislation dealing with the conflict resolution and violence prevention. Some Members were concerned about the fact that -- the mandate issue here, and what we've done with this particular amendment is rewrite that paragraph dealing with the funding for the mandate, to make it perfectly clear if the dollars and cents aren't there to fund this particular mandate, then the mandate would not be required. I would ask for your adoption -- your approval.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Any discussion on the motion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

Senate Bill 739.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 739, as amended, amends the Code of Civil Procedure applying to actions reviewing a final administrative decision brought under the Illinois Municipal Code's provision governing the discipline of fire fighters and police officers. This bill allows additional parties to be added to -- by amendment if the complaint was filed in a timely fashion, and the Amendatory Act of 1993 applies to those cases pending on its effective date and to all cases filed on or after its effective date. This was presented at the request of the attorney from the Fraternal Order of Police. Amendment No. 1 added an immediate effective date and exempted the City of Chicago from the bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DUDYCZ:

Roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

The question is, shall Senate Bill 739 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 53 Ayes, no Nays, no one voting Present. Senate Bill 739, having received the required constitutional majority, is declared passed. Senate Bill 743, Senator Butler? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 743.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Thank you very much. Senate Bill 743 creates the Union Employee Health and Benefits Protection Act, which will protect the monies withheld or contributed by an employer on behalf of an employee, and these funds would be held in trust for the employees. This is the product of negotiations between the State's Attorney's Office, the Management Association of Illinois and -- the Carpenters' Union, representing several other unions. We have removed all of the language which was found objectionable, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. I stand also in support of this piece of legislation. For those Republican Members that are worried about their rating with the AFL-CIO, this is the only bill that they're supporting in the Illinois State Senate this Session. So, I commend Senator Mahar for a great bill -- or Senator Butler

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

for a great bill, and you -- maybe you'll get one flag from the AFL-CIO because of that Gentleman over there.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BUTLER:

Senator LaPaille, thank you. I may get not -- I -- I may get one dollar from the AFL-CIO too. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 743 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no one voting President <sic>. Senate Bill 743, having received the required constitutional majority, is declared passed. Senate Bill 756. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 756, as amended, allows the Prairie State Chiropractic Association to assist the Department of Professional Regulation in disciplinary activity. That's all the bill does, and I would ask for its passage.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Madigan wish to close? The question is, shall Senate Bill 756 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 49 Ayes, 2 Nays, 1 Member voting Present. Senate Bill 756, having received the required constitutional majority, is declared passed. Senate Bill 759. Senator Petka? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 759.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 759 amends the Illinois Criminal Justice Information Act and the Unified Code of Corrections to require the sentencing court to consider a societal crime impact statement. A couple of years back we passed legislation -- and which was signed by the Governor, which basically provided that a court had to make a finding of how much incarcerating an individual would cost in terms of the -- as a part of the picture of a person being sentenced to prison. All this legislation does is have the court consider sentencing factors, which basically provide that if an individual is not sentenced to prison, how much it may cost society as a whole. The United States Department of Justice and the National Institution -- National Institute of Justice have run studies in connection with this, and these figures are readily available. So, this just will bring a little bit of balance to the sentencing process, and I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Welch.

SENATOR WELCH:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Can you tell me what the cost of this will be to the State?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

According to the fiscal impact, Senator, that was filed, the Criminal Justice Authority says that they'll be required to -- to put on two additional people. Quite candidly, I don't see why, because the figures are already available through the National Institute of Justice in Washington. I was part of that committee that put together those -- that study about eight years ago, so...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he'll yield, Senator Berman.

SENATOR BERMAN:

Senator Petka, what -- what does it mean by the "annual societal crime impact"?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, there's a -- there's a study - or actually a series of studies - that were commissioned by the Justice Department in the middle -- early to mid-1980s which talk about how much crime a person commits, and what it costs in terms of increased insurance rates, what it costs in terms of increased replacement costs for -- for a -- for victims of crimes as a result of a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

single perpetrator who goes out. Studies have shown that perpetrators that -- that are actually caught are a very small percentage of those who actually commit crime, and with those individuals who are -- who are actually caught and incarcerated, that if these individuals are -- are basically a medium, that they will -- that they -- if they're not incarcerated, will cost society about two hundred to three hundred thousand dollars for simply roaming the streets.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

You talked about incarceration. Is the issue here that a judge should be made aware of the cost of incarceration or the potential cost of not incarcerating?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

It's a dual test. Right now, under the Statute, a judge is made aware of -- via the legislation which we passed, which talks about how much it costs to incarcerate a person. This legislation will give the judge additional information about what it would possibly cost to not incarcerate this person.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

But that cost is a empirical study based upon an overall view of society, and according to the study you refer to, back in the 1980s. Who's going to do this new empirical study?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

There will be annual report, Senator, that will be filed with

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the clerk -- with the court.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Is the State going to -- just -- just nod your head and I'll respond. The State is going to do this -- this study?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

The Illinois Criminal Justice Information Authority will do that study on an annual basis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

I'm just not clear on what the additional costs of this mandate are going to be on the State, and what the benefit to the society or to the defendant is going to be. How do I relate Joe Smith, who's been convicted of armed robbery, and the present sentencing guidelines? What difference does it make what an empirical study is going to be? If I'm the judge, I know what -- what I'm able to do. I think what you're doing is opening a door here for appeals process that if the judge sentences this person to a term in jail that exceeds the empirical costs of that particular crime, the basis of the appeal is going to say that the judge has done a disservice to society, and it's a ground for reversal. I think this bill is going to work exactly opposite to what you intend it to do. I don't think it makes any sense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of Senate Bill 759. I think it's important that we balance the correctional

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

impact note with the costs - which are certainly out there and recognized by everyone - of not incarcerating certain offenders. And I think Senator Petka's got a good bill and we ought to support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Thank you. Thank you, Mr. President. I -- I still have a hard time understanding, Senator Petka -- if he will yield for a question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator.

SENATOR MOLARO:

What -- what do you mean by the societal cost or the cost to society of the crime? Is it a particular dollar number? In other words, I remember this morning, myself and Senator McCracken getting into a -- a debate of how difficult it is to put a cost on pain and suffering when it comes to torts and negligence. Are we looking for a cost of pain and suffering when it comes to particular crimes?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, an excellent question. What has -- what is done here is this: The -- there is a national data bank that stores information about the amount that is reported by victims of crimes in the losses that they sustain. There is also available through a national data bank, the number of reported crimes that are basically required to be -- that are filed, as a part of -- as a part of our uniform crime reporting procedures. Also, there is -- there is an estimate, which any National Institute of Justice, or Department of Justice bureaucrat can confirm -- can furnish, which

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

-- which basically is an estimation of the average number of crimes that is committed by a so-called average offender. When you put those three together, you can come up with a number.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

But then, I -- I guess that begs the -- the next question. Then, of course, what you're doing is you're going to get this average cost of a crime and you're going to say a judge should take a look at it for what's an average taken together and apply it to a particular defendant. And I would submit to you that maybe if you're trying to balance it out, as Senator Hawkinson submitted, maybe it would be better to try to appeal, or repeal, the fact that a judge has to take into account the impact of incarceration. That might be a better idea than adding this on.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Well, that's a heck of a proposal. I -- I can tell you where this idea originated, Senator. It did not come from myself; it came from a sitting circuit judge, who happens to be a friend of mine, who said that it is really kind of silly when he's asked to pass on a sentence, that all he's to concern himself with is the impact, or the amount of money that is -- that is spent to incarcerate somebody, when he knows doggone well that the person may have been responsible for crimes where the amount of money that may be involved may be a multiple of what it'd cost to incarcerate him. And so he said at least to bring some balance to the system. That's where I'm -- that's where it came from.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further discussion? Senator Petka, to close.

SENATOR PETKA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Mr. President, I believe the issues and the questions have fairly -- or, the issues have been crystalized by the questions. I do think it's just a measure to bring a little bit of balance to the system. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 759 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 38 Ayes, 14 Nays, 2 Members voting Present. Senate Bill 759, having received the required constitutional majority, is declared passed. Senate Bill 764. Senator Karpziel? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 764.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 764 is a bill to establish a mechanism to clean up tracts of land so that they can be put back into productive use. The need for this mechanism is brought into focus when a developer learns that a piece of property has, because of its previous use, been left with some -- degree of contaminants upon it. This Legislature -- we passed a Responsible Property Transfer Act that makes it clear that a seller must notify a prospective buyer of what contaminants, if any, are present on the site. Senate Bill 764 next -- now goes a next step by allowing that prospective buyer to go to the EPA - the IEPA - and say, "Here is what's on the site and here is a work plan to remove, contain, or otherwise remediate the site." If the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

agency approves the plan, after review, the prospective buyer carries out the plan at his cost. The owner, buyer and financial institution are protected from any further liability for contamination on the site. It's a mechanism to protect the public health and to get private capital to clean up sites that can be used. I ask for your Aye vote. It came out of the Environment and Energy Committee unanimously, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR KARPIEL:

Vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 764 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 48 Ayes, 3 Nays, no Members voting Present. Senate Bill 764, having received the required constitutional majority, is declared passed. Senate Bill 770. Senator McCracken is in Rules. Is there leave to get back to that bill when Mr. -- Senator McCracken gets -- returns? The leave is granted. Senate Bill 773. Senator Philip? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 773.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 773 tries to get to a problem that -- that deals with people who have the death penalty; that sometimes in

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the past, a lawyer or the victim, at the last minute, claimed that they have a problem -- they have a mental problem and they don't understand they're being executed. And what happens, it has to go all the way through the courts once again. What this says, you can't use that at the last minute as a defense to get a new trial or a new hearing, but it still leaves it up to the Governor's discretion. If the Governor is convinced that that person does have a mental problem, doesn't understand what's happening, they can certainly ask the Governor to intervene. Be happy to ask <sic> any questions, but I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Body. This bill, of course, reminds me of the bill earlier this morning, in that you see a couple of abuses here or there, or maybe a lot of abuses, and to stop the abuses, you wind up making it -- and you hurt the people who need it the most. For over five hundred years, in Anglo-Saxon law, we've never put insane people to death. The reason you do that is, you want to make sure that -- how can someone who's insane intone -- or atone for anything that they've done? The second reason that I think it's bad is, how can someone who doesn't understand what they're facing, talk to their lawyer, or talk to somebody about what appeals they have or what exactly is -- is going on? I mean, the reason you have the death penalty, if there's anything to be gained by retribution, is that the person that you're punishing understands what they're being punished for, or even understands when they're walking to the -- to the electric chair, gas chamber or hanging - if we ever get that bill - they should understand where they're going. If they're walking to the gallows, they should know they're walking

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

to the gallows and not walking to -- to read the funny papers. If they don't understand that, what's the sense of doing it? Obviously, we're not going to turn this into a -- a debate on the death penalty, because we have the death penalty, but, man, if I'm going to punish somebody, they should know where the punishment's coming from.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Molaro, I mean, you and I basically come from the same neighborhood, grew up in the same neighborhood. What I don't understand, though, is how your thinking differs from mine. I mean, one thing I'm finding very hard to understand -- that's like saying, this guy can go out, kill as many people as he wants to kill, they -- and they're going to give him the death penalty for that. I mean, it wasn't that he was -- they give him the death penalty; he's going to be put to death, but now we're going to have second thoughts, because maybe he doesn't realize he's going to be put to death. And I have a real problem with that, because this idiot probably went out there -- let's just talk about Speck; let's talk about Gacy; let's talk about anyone you want to talk about that's on death row, and we're going say now, maybe he doesn't understand why -- or not why he's going to be put to death, but actually that he's going to be put to death. He killed these people. What if it was a family member, a relative, a neighbor? How can any of us sit back and even second-guess this thing? Probably if you had a gun at home, you'd probably go and shoot this knucklehead anyway. So I mean, what I'm trying to say is let's not sit here and second-guess that -- this guy maybe doesn't realize fully why he's going to be put -- or that he's going to be put to death, maybe we should wait a week until the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

fever subsides or that he truly understands that he's going to be put to death. He understood why he killed all these people. I got no problem pulling the switch. I think this -- deserves an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I might remind you of -- of Speck and John Wayne Gacy. The guy's been there since 1981; he has received free lawyers, public defenders that we're paying for. To have him in the last minute, after he has spent since 1981 -- to come in at the last minute and say, "I have a mental problem," I don't know -- "We don't know whether this guy's -- going to understand that you're punishing him." In my judgment -- you know what? I wish that we gave the victims the due process that we give these criminals. Do you ever think about the poor person who -- who has been killed, or mugged? We never seem to think about those people. We're more worried about the -- about the criminals than we are the persons who -- who -- who they have victimized. So, I certainly think this is a step in the right direction, and I would certainly ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 773 pass. Those in favor, vote Aye. Those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 43 Ayes, 7 Nays, 1 Member voting Present. Senate Bill 773, having received the required constitutional majority, is declared passed. Senate Bill 776. Senator Donahue. Read the bill, Mr. Secretary.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SECRETARY HARRY:

Senate Bill 776.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 776 does two things. It amends the Ambulatory Surgical Treatment <sic> Act and deletes the requirement that Department of Public Health must make four inspections every year. This bill says they can still make those four inspections, but they don't have to make them quarterly. And the amendment that's on the bill amends the Hospital Lien Act to provide that no civil settlement in which a lien has been attached by a not-for-profit hospital or a hospital that's operated by a unit of local government can be satisfied without first providing the hospital with written notice that agreement has been reached. Be happy to answer any questions; otherwise I'd ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Berman.

SENATOR BERMAN:

Would the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Berman.

SENATOR BERMAN:

I don't have a copy of the amendment. Would you explain again what is unique about this amendment in relation to the Hospital Lien Act?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

It's my understanding that the hospitals can attach a lien for a settlement, but they're not notified when there's -- agreement's been reached. So, when -- most of the time the people are long gone and they don't get their money. And that -- we're just basically saying that when the settlement's being reached, that, hey, tell the -- or tell the -- people that own it, the hospital or the units of local government, that, yes, a settlement's been reached, so they can get their money.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

I -- I just suggest respectfully that staff -- I'm not sure they're explaining this correctly. Let me tell you how the Hospital Lien Act works, and then you tell me how this changes it. Right now, if I'm involved in an accident and I'm taken to any hospital and they render a thousand dollars of service to me, the hospital sends to the person that caused my accident - it's an automobile case - the hospital sends a notice to the defendant and to the defendant's insurance company and to my lawyer. I cannot settle the case and the defendant's insurance company will not settle the case, without having the name of the hospital on the check. They must receive a release or pay that thousand dollars. How does this change that existing law?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

From what I understand, Senator Berman, and you know the law and I understand that, but I don't think that's exactly how it's working. The individual is receiving the check, and they're not paying the settlement; otherwise, the bill wouldn't be before us. There is a definite problem, and the -- and the hospital that will be most helped by this legislation is the Cook County Hospital.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman?

SENATOR BERMAN:

Would you again state what the problem is? I -- I'm -- I'm sorry.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Obviously it isn't working that way, because the hospital that this will benefit most is Cook County Hospital. The defendants, or the people that are the victims, are receiving the settlements; the hospital is not being notified, and they're leaving with the money, and the hospital bill is not being paid. That is the problem, and it's obviously not working, or this legislation would not be necessary.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BERMAN:

All right. I've -- I've read the amendment; let me tell you what the difference is, and this makes a substantial difference. This says, under existing law, any provider has to undertake its own notice process, so that if a case is settled and there's no lien filed, there's no lien. You don't have to go out and look for creditors. This bill says that where there is...(microphone malfunction)...injury, the injured person must give notice to the hospital of the claim before a settlement is made. In other words, the hospital can sit back and do nothing to perfect its claim. The injured person must take those steps. Now I just want to -- just give me a half a second. And I guess the question is: If they don't do this, who's -- who's responsible? Could you answer...(microphone malfunction)...question?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

This -- I think the point is, is this is units of local government -- hospitals owned by units of local government are not-for-profit hospitals, and the way it's working is that they're not being notified. We're just asking that they be notified when a settlement is being reached. The lien has already been applied; they have applied the lien, but at the settlement time, they're not getting notified, and that's the situation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Berman.

SENATOR BERMAN:

I -- I respectfully beg to differ with you. That's not what this amendment does. This is where no lien has been filed. This is an entirely different approach to the obligation, or to the -- to the privilege given to hospitals to file liens. This puts the onus on the injured person - not on the hospital. For example, if you look on page 2, lines 4 -- starting on line 4 through 14, it says no judgment, award, settlement or compromise shall be satisfied without first giving the hospital notice of the judgment, award, settlement or compromise and a reasonable opportunity to perfect and satisfy its lien.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

You said it yourself, Senator, in the ninth line, "reasonable opportunity to perfect and satisfy its lien." A lien has been filed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Well, Senator Berman, you have another question?

SENATOR BERMAN:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Let me just say, when the word "perfect and satisfy" means that in the case -- let me -- let me ask one question and -- and let me put it this way: Is it your intent to provide the hospital a source of satisfaction of its bill if it hasn't filed a lien before a settlement is achieved?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

No, not at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. In that -- in that regard, I think we have to ask ourselves: Who's in the best position? Who has the most knowledge? The hospital may not always know that a claim is going to be filed or a complaint is going to be filed, and if this amendment, as you stated, Senator, simply requires that -- that the injured party notify the hospital that there is a claim filed, and then the hospital has the duty to file its lien, I don't think we're doing anything that we ought not be doing. And I think the Senator has a good bill, which ought to be supported.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Donahue, to close.

SENATOR DONAHUE:

Thank you, Mr. President. Just simply...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator. Senator. I'm sorry. Senator Berman.

SENATOR BERMAN:

Let me suggest -- I would just like a commitment from the sponsor that when the bill goes to the House, an amendment be put on to clarify exactly what you said: that there must be a lien filed by the hospital before the settlement, in order for this to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

take place. If that's the case, I have no problem with it, and if you give me that commitment in your closing comments, I'll support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue, to close.

SENATOR DONAHUE:

Thank you. Senator Berman, I have absolutely no problem. That is not the intent of this legislation. As we read it, it says when a lien has been filed, they simply get written notice so they can receive their settlement. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question -- the question is, shall Senate Bill 776 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 53 Ayes, no Nays, 1 Member voting Present. Senate Bill 776, having received the required constitutional majority, is declared passed. Senate Bill 792. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 792.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 792, as amended, does not do at all what the title suggests. In fact, even before it was amended, it did not do what the title suggested. Senate Bill 792, as amended, does the following: Currently, under law, school districts are mandated to have five hours -- five clock hours of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

daily instructional time. Included in those five hours can be study hall, recess and lunch - three very important subjects in school. This bill simply says, in those five hours, you cannot include those three items; that you must have five hours of instructional time. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of the bill. I think that it's a step in the right direction, to make sure that the kids that are in school are getting the sufficient hours of -- of education, not just custodial care, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis, to close. The question is, shall Senate Bill 792 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, 1 Member voting Present. Senate Bill 792, having received the required constitutional majority, is declared passed. Earlier today leave was granted to return to -- for DeAngelis to -- to return to -- Senate Bill -- 382. Senator DeAngelis, you wish to call that bill? Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 382.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. Senate Bill 382 is the bill that many of you asked about. It creates the bonding authority of a billion dollars for

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

school construction over a ten-year period. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Hearing no discussion, let me read into the record: This bill incurs State debt. Pursuant to Article IX, Section 9 of the Constitution, no State debt which is defined as bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, may be approved except in a law passed by a vote of three-fifths of the Members elected. Senator Jacobs.
SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I didn't quite hear, Senator, whenever you were talking. How many dollars in bonds are we selling, and how are we going to pay back those bonds?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Jacobs, the bond amount is a billion fifty-eight million over a ten-year period.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

And how -- and how is that to be paid back? Is that to be paid out of -- back out of future General Revenue funds, or how is that to be paid back?. And if so, how much will that be a year?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

It -- thank you, Senator Jacobs. It will be paid through General Revenue funds. I cannot tell you how much that would be

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

at this point. It depends on what the cost of the bonds would be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, to the bill: I don't -- you know, I guess I'm getting a little nervous anymore whenever we start bonding so many things. And are we, in fact, here, Senator, again building for today and putting the cost onto our kids of tomorrow? And that's -- that's the only thing I have -- I see wrong with this. I -- I understand the need for it, because we've got some schools that are, you know, need some fire safety work and a few other things. But are we, in fact, you know, putting this cost on -- on the future generations? That's the only problem I have.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DeANGELIS:

I just urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 382 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? ... (microphone cutoff)... the record, Mr. Secretary. On that question, there are 36 Ayes, 12 Nays, 6 Members voting Present. Senate Bill 382, having received the required constitutional majority, is declared passed. Senate Bill 383. Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 383.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President, and prior to explaining this bill, I would like to have -- to have leave of taking Senate Bill 278 and 544 and referring them back to the Rules Committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion?

SENATOR DeANGELIS:

No, no. I'll explain the bill now. Senate Bill 383 is a sign-of-the-times bill. Currently under law, apartment owners of buildings with more than twenty-five units are required to pay a five-percent deposit. This bill permits the lessors to pay interest on the security deposits at a rate equal to the average interest on U.S. 26-week Treasury Bills during the prior calendar year, or five percent, as stipulated in the rental agreement. Because we all know CDs right now, and time deposits, are going for far less than five percent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield for a question? Senator, as I understand the current law, if there's residential property of twenty-five units or more, the landlord has to pay a -- interest on the security deposit of five percent. And what this bill does is to say that instead of it being a five-percent flat interest, the treasury bill rate would determine what that interest is. And my -- guess my question is: If the rate goes up above five percent, does the tenant benefit with that higher rate?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Cullerton, I have to tell you, I don't know the answer

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

to that. I do know that it would have to be at least the minimum of five, if it went beyond that rate. But I can't tell you whether the rate floats beyond the five percent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

...(microphone cutoff)...then if -- if it doesn't go above five percent - if five percent stays the cap - then the only thing this bill would do is to provide for a lower rate of interest on the security deposit. That's all it could do, if -- if... In other words, I have no problem with the bill if you want to float with the treasury bill rate, because, you know, that makes sense; that -- it seems fair, and it only applies to twenty-five-unit buildings or greater. But if it's capped at five percent, then all you're doing is guaranteeing that -- that the amount of interest that's paid is -- to the tenants would be lower than what it is now, and if that's the case, I'd just have to vote No, that's all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Question, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Luft.

SENATOR LUFT:

Senator DeAngelis, the way I understand your proposal is that someone has to be able to identify a past year's treasury note rate, and they will either apply that rate towards the deposit or five percent. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Yes, Senator Luft, with one stipulation: that it be in the contract agreement, so the person knows up front.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Luft.

SENATOR LUFT:

So, if -- if someone is staying in this rental unit, for example, five years, that rate will not change; the treasury rate will not change. So let's say if the treasury rate's three percent in 1993, if this individual was still in this rental unit in 1980 and the treasury rate was seven percent, they'd still only be receiving a three-percent rate of return. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

I think that would be subject to the agreement. But let me point out to you, in regard to that five percent, that is what current law is. The five percent does not move upward when the treasury rate moves upward right now. Okay? And I -- I don't know that you would change it every year, but you would have a rental agreement, if it did, that would state that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Dunn.

SENATOR T. DUNN:

Does the tenant, Senator, not have the opportunity to negotiate that in his contract?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Dunn, as an attorney, you know, everything is negotiable.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Senator, I'm trying to help you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Absolutely. I think what this just simply says, things you can't do. Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Thank you. I rise to support the bill. I -- I think it makes good sense. I think if you remember back to what the purpose and intent was of this interest rate, was to have the tenant get some return on his money, and that the landlord would not necessarily benefit a hundred percent. And that's exactly what this bill does, is to readjust the interest rate to a reasonable rate based on the treasury bill, which is a common accepted rate today. Five percent is excessive. It's a good bill. I support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Mr. President. In closing, I just want to say one thing: This does offer the opportunity for the deposit to be lower than what it is right now. I urge passage of Senate Bill 383.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 383 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 39 Ayes, 13 Nays, 2 Members voting Present. Senate Bill 383, having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 549. Senator DeAngelis, on 549. Senate -- read the bill, Mr. Secretary. Mr. Secretary, he -- he chose not to call that. Senator DeAngelis, do you seek to refer Senate Bills 278 and Senate Bill 544 to the Rules Committee? Is leave granted? Without objection, leave is granted. Senator DeAngelis, what about Senate Bill 590? Senator, do you wish Senate Bill 590 returned to 2nd Reading for the purpose of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 590 to the Order of 2nd Reading for the purpose of an amendment. Is leave -- hearing no objection, is leave -- leave is granted. Leave is granted. On the Order of 2nd Reading is Senate Bill 590. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This is a bill that many of you have received a lot of letters and calls on. Senate Bill 590 -- Senate Floor Amendment No. 2 is the bill. It takes out many of the things that were objectionable. There's still some opposition, but I'm sure that Geo would be very much -- would like to know that Zion Township is, in fact, taken care of with this amendment. I will be happy to explain this amendment when we go to 3rd Reading. I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in... I'm sorry.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Dunn.

SENATOR T. DUNN:

Thank -- thank you, Mr. President. Senator DeAngelis, I noticed you mentioned Zion in there. Is that because of the nuclear plant?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes, and Senator Geo-Karis too.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

I -- I don't claim to own a nuclear plant, but one is in my -- two are in my county, as a matter of fact. Is -- is -- that apply to that as well?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Grundy County is taken care of in this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

How about Will County?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Are you talking about the nuclear facilities? Okay. What the amendment does - and I will explain it in more detail later on - is -- does not permit any change in which it's been resolved that the assessment is where it is. This is prospective, so that those assessments that have been imposed on those bodies, whether they be fair or unfair, will remain there.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

How -- for how long?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Till the assessor decides to change it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? All those in favor, say Aye. I -- I'm sorry, I'm sorry, I'm sorry. Senator Geo-Karis.

SENATOR GEO-KARIS:

Thank you, Mr. President, for recognizing me. I feel honored. First of all, to the amendment: As much as I love my colleague, Senator DeAngelis, the amendment doesn't help us any; in fact, it's an amendment on a bad bill, and I don't know why he ever presented the bill. But I -- I can -- you were trying to help Zion. You say it's prospective. So there's nothing to stop the assessors in the future from changing their minds.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Burzynski.

SENATOR BURZYNSKI:

The -- the amendment -- or the information we have says that it does not take into affect -- or it does not affect Grundy or Zion Township now -- Grundy County or Zion Township. What about Ogle County - Byron Township?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR DeANGELIS:

The explanation that I gave to Senator Dunn is the same for that. If, in fact, that assessment is there, it will remain there. It does not go back and alter an assessment that's already in place.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? All those in favor, say Aye. Opposed, No. Motion is carried. Any -- any further Floor amendments? The amendment is adopted. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

To the Body: The bill will remain on 2nd Reading. A fiscal note has been filed; so the bill will remain on 2nd Reading. Senator Jacobs, for what purpose do you arise?

SENATOR JACOBS:

Just a parliamentary inquiry. Are we going to be leaving the Order of "DeAngelis Calendar" shortly? Is he -- is he going on vacation so we're trying to clear up all of his bills? If so, I just -- you know, just want a ruling from the Chair as when we're going to be leaving that order of business.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, you want to respond?

SENATOR DeANGELIS:

Well, I was in the Chair this morning, Senator Jacobs, recognizing you on frequent occasions, while we were passing over my bills. Okay? And to answer his question is, yes, but I would like to address the issue of a fiscal note on that. May I ask why there is a fiscal note on a prospective change on the assessment process?

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator, the -- the amendment did change the bill, and they -- they -- they do have a right to ask for a fiscal note, and they've done that. Senator DeAngelis.

SENATOR DeANGELIS:

If I removed the amendment and left the bill in the original form, which is far harsher than this amendment, would then I be able to move it to 3rd Reading?

PRESIDING OFFICER: (SENATOR MAITLAND)

A fiscal note, Senator, is on the amendment. Yes, if the amendment was not on there, then you could move the bill. Senator DeAngelis.

SENATOR DeANGELIS:

Was there a fiscal note filed on the bill as it was to begin with?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, there was a fiscal note filed, and it was answered. There was a fiscal note filed on the original bill, and it was -- was answered. ...(microphone cutoff)...Bills 3rd Reading, middle of page -- top of page 14. Senate Bill 846. Senator Topinka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 846.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this is a product of the Task Force on School Physical Exams. It's something that Senators Palmer, Smith and I have been working on for two years, and I think we finally have all the glitches worked out of it and everybody is now signed off, and there is no

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

opposition. What this does is that it would make sure that parents would -- would be mandated to have tuberculosis tests for children residing in certain areas by the -- to be certified by the Department of Public Health as having a high incidence of tuberculosis. So this would affect Cook, DuPage, Kane, Lake, Will and St. Clair Counties. And then the bill would also encourage parents at that time to also have dental exams, but that would not be mandated. This is done basically, for the -- the creeping incidence, which is ever growing higher, of a very contagious disease, tuberculosis, and this would be in conjunction with the normal school exams which now go on at kindergarten, fifth and freshman year in high school.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Burzynski. Discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Just a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 846 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Members voting No, no Members voting Present. Senate Bill 846, having received the required constitutional majority, is declared passed. Senate Bill 851. Senator Mahar. Senator, do you wish to have this bill returned to 2nd Reading for the purpose of an amendment? Senator Mahar seeks leave of the Body to return Senate Bill 851 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 851. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Amendment No. 4, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. -- if I might ask the Secretary, are there two Floor amendments or one? One? Okay. This is a -- basically a technical correction. We -- a population -- we inadvertently put the wrong population in the bill, and this corrects that, and I would move the adoption of Floor Amendment No. 4.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 868. Senator Severns, do you wish to have that bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Severns seeks leave of the Body to return Senate Bill 868 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 868. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Severns.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Floor Amendment No. 3 came at the direction of the committee to clarify the intent. It addresses concerns over the interchangeable use of the words "violation" and "conviction". I know of no objection,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

would urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

...(microphone cutoff)...further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 870. Senator -- Senator O'Malley, do you wish -- Senator O'Malley, do you wish Senate Bill 870 returned to -- to 2nd Reading for the purpose of an amendment? Senator O'Malley seeks leave of the Body to return Senate Bill 870 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 870. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the -- of the Senate. What this -- what this particular amendment does is become the substance of the bill. It adds language as recommended by the Chief Judge of the Circuit Court of Cook County. This bill deals with assigning people for jury service. It's Judge Comerford's hope and so -- certainly mine, to assign people to the closest place possible. This is language he recommended, and I -- and I offer it to us for our consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 881. Senator O'Malley, do you wish this -- do you wish Senate Bill 881 returned to the Order of 2nd Reading for the purpose of an amendment? Senator O'Malley seeks leave of the Body to return Senate Bill 881 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill -- 881. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President and Members of the Body. What this particular amendment does is eliminate library -- the language "library areas when library science is not being taught in the particular area". Those specific words are eliminated from the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

Senate Bill 888.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 888 amends the Consumer Installment Loan Act and several related Acts to put into State law what has been the law under -- and -- and has been federal law and federal practice, and that is to -- to -- in class action suits, to limit damages to actual damages plus the lesser of five hundred thousand dollars or one percent of the creditor's or defendant's net worth. I'd be glad to answer any questions, and otherwise would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will respond, Senator Hendon.

SENATOR HENDON:

Senator, can you explain to me what the current law in Illinois is, and how this differs?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

My understanding, Senator, that there's no limit on damages

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

under current law -- current State law; but under the Federal Truth in Lending Law, there has been the same limitation as is being proposed in this measure.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

Okay, so -- just so I -- I'm clear on it: If a -- if a group of people sues a lender for charging too much interest, then they could only recover the amount that they were overcharged -- I mean -- or the amount that they win in court, for what that interest rate was?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes. That would be the determination of actual damages plus the lesser of five hundred thousand dollars or one percent of the net worth of the defendant or the creditor, the person -- the entity being sued.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen, let me tell you what this bill does. If there is a loan company that is ripping off consumers, and there is ten thousand consumers, each of whom have been hurt to the extent of a thousand dollars, that would be a million dollars in damages. Senator Barkhausen, by this bill, is suggesting that instead of allowing a recovery of that million dollars, if the defendant's net worth is only ten thousand dollars, that's the extent of the judgment. I'm sorry, one percent of their net worth is ten thousand dollars. That would be the limit of the recovery. I don't understand the logic behind this at all. This is one of the most anticonsumer pieces

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

of legislation that I could ever dream about. Why - why - should we limit the recovery of thousands, potentially thousands of people that have been ripped off - thousands of consumers who have been ripped off? Why should we limit their recovery in class action lawsuits? That's a question that I would like the sponsor to answer.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Berman, I -- I tried to explain this a -- a couple of times. In your example, you're talking about ten thousand people suffering damages of a thousand dollars apiece. That, by my calculations, would be ten million dollars. In that -- in that instance, the -- the defendant would be liable to pay ten million dollars actual damages plus - plus - the lesser of five hundred thousand dollars or one percent of that defendant's net worth. So they're made whole in terms of actual damages. The only limitation applies to the right to recover above and beyond actual damages, and -- and those amounts would be as I -- as -- have said, the lesser of five hundred thousand dollars or one percent of the defendant's slash creditor's net worth.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Then, another question I have of you: Under existing law the plaintiffs are entitled to recover costs and attorneys' fees. Would that be included in your limited additional recovery? In other words, if -- if there were that ten million dollars recovery, would the one percent or five hundred thousand dollars - and I believe it's whichever is more or less, and you can answer that - would that limit the limitation of costs and attorneys' fees, for example?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, because I do not know in these various acts what the current state of the law is with regard to recovery of attorneys' fees, and because I see no specific reference to attorneys' fees in the amendatory language of what is being proposed here, I honestly don't know the answer to your question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Well, then, I would either suggest we take the bill out of the record or we vote No or Present, because what you're doing here is putting a cap on the recovery that consumers can obtain where they have been ripped off. Unless there is some overriding reason to put -- impose that kind of a cap, I - and I haven't heard it yet - I would certainly think this is an outrageous proposal. I urge a No vote, or take the bill out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Thomas Dunn.

SENATOR T. DUNN:

Senator Barkhausen, there's recently a case in Atlanta involving the airlines which is currently under settlement. I understand the parties have settled and -- and the settlement's going to be about five hundred million dollars. Why would we want to limit the recovery of Illinois claimants under this Act?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR BARKHAUSEN:

I don't know from your example, Senator Dunn, what the -- what the cause of action was, whether it was based on contract, personal injury, or some statutory right. Here we're dealing with a series of Statutes and causes of action based on those Statutes, and -- and the overriding rationale is that these same provisions have been, for a period of years, a matter of federal law, adopted by a Democratic Congress, obviously - and hopefully not one that's anticonsumer - and it seems -- it seems reasonable to adopt the same provisions under State law, which we should be able to live with just as well as we have been living with the provisions of federal law.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I apologize for rising a second time. I'll be very brief, 'cause I want to get out of here too. But, will the speaker yield for quick question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

If a lender loans or -- or finances a person's car, for instance, at an exorbitant rate - you know, higher than -- than the underworld would charge - a hundred percent, two hundred percent - why would we then protect that thief for -- from damages for -- for doing something, you know, dishonest like that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, of course, if he's -- if -- if the entity is guilty, or the person's guilty of thievery or doing something dishonest, they're -- sounds like they're looking at criminal liability, and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

what we're talking about here is civil liability and -- and imposing some slight limitations on recovery for -- under civil -- civil liability rules. But as I've said, the individual, in every case, would be able to recover actual damages plus these additional amounts that I've mentioned.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Well, maybe I -- I shouldn't have used the word "thief", but if -- if -- if someone is charging exorbitant interest rates - I mean really ridiculous - because a lot of people, like in my community, may not be able to go down to First National and get a loan, so they go to Harry's Rip-Off Loan Shop, and he -- he gives them the money that they need to get this little automobile so they can get to work, or they can -- they can carry their family over, and then they're paying forever - forever - just the interest rates. Why in the world would we -- would we protect this con-artist-type person from -- from damages? I -- I just don't -- I don't understand that, and -- and the reason I don't understand it - the reason I feel so compassionately about this - is because I have a lot of people in my community who end up -- and you should see the interest rates, Senator; you should see them. I mean, it is absolutely ridiculous, and some of the people just sign on the dotted line and drive that beater out of there, and I used to sell used cars, so, you know, I know what I'm talking about, because there were many that I refused to sell because I knew it was a lemon, and I would not sell it, and they drive those beaters out of here and then they're paying forever and the car don't even work and then -- or they -- or they -- or what's worse - Mr. President, I'll be finished - they can't get the credit from anyplace else, so they go to -- to Joe's Pool Hall and they get some guy who gives them the -- the loan for three

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

hundred percent and comes and breaks their leg when they can't pay. No, not -- no, no, Aldo, -- all kind of races. Okay? Why should we protect these people from damages? From -- why should we put any limit if they're finally caught?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman. Was that a question? Senator Barkhausen.

SENATOR BARKHAUSEN:

My understanding is, Senator, that there are no limitations on interest rates in -- in general. You're -- you know, you're arguing something that isn't in this bill. If you want to impose some sort of usury rate -- in -- in general, there are no limits on interest rates. The question is, whether the rates are adequately disclosed as required by -- either by State law or -- or more to the point, by the federal Truth in Lending Act.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise a second time, because I've read the bill and I read the amendment. Let me just tell you, in addition to the actual damages, the limit is the lesser of three things: the liabilities imposed by the Section, half a million dollars, or one percent of the net worth of the lender. If the net worth of this lender, who is a defendant, who's been found -- having violated the Truth in Lending Act or the other - Deceptive Practice Law - if their net worth is a million dollars - net worth, a million dollars - the most that this bill will allow these other costs to be is ten thousand dollars. Now, that's -- in addition to that -- I think ten thousand dollars is one percent of a million dollars. So that's the cap -- that's the cap that this bill seeks to impose on this person who has violated our laws and ripped off our consumers. In addition -- and, Senator

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Barkhausen, I'd like you to address this, and this bothers me, and I'm not sure what it means. In every Section that this bill amends, it says "The changes made by this amendatory Act of 1993 shall apply in determining the liability of any lender unless before the effective date of this amendatory Act of 1993 liability has been determined by final judgment of a court of competent jurisdiction and no further review of that judgment may be had by appeal or otherwise." Let me tell you what I think it says, and I would suggest to you, Ladies and Gentlemen, that our integrity here may be in question: that there is some lender who is the object of a class action lawsuit where they've ripped off thousands of consumers or violated the Truth in Lending Act and the action is pending and they want this to cover their exposure. I just suggest to you, we should not be used for this purpose, Ladies and Gentlemen. I urge a No vote. We, and the public, are being ripped off.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President and Members, I just make the point again that this has been federal law for -- for I believe many years. It seems like a reasonable limitation that should be part of our State law, and I ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 888 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 19 -- Ayes, 31 Nays, 2 Members voting Present. Senate Bill 888, having not received the required constitutional majority, is declared failed. Senate Bill 891. Senator Barkhausen. Read the bill, Mr. Secretary.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SECRETARY HARRY:

Senate Bill 891.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The rest of these will, I hope, be a little easier. Senate Bill 891, Mr. President and Members, amends the Savings Bank Act. It permits savings banks to act as a trustee or custodian under any federal or State law. Furthermore, it increases the total portfolio of secured or unsecured business, corporate, commercial or agricultural loans a savings bank may have, from fifteen percent of the bank's total assets to any amount authorized by the Commissioner of Savings and Residential Finance. This is a request of the Savings and Loan League, and it is supported by the Commissioner of Savings and Residential Finance. It did receive the unanimous support of our Senate Financial Institutions Committee, and I ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Barkhausen, do you wish to close? The question is, shall Senate Bill 891 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 891, having received the required constitutional majority, is declared passed. Senate Bill 892. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 892.

(Secretary reads title of bill)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 892, approved by -- on an attendance roll call by the Local Government Committee, amends the Counties Code to provide that in determining the lowest responsible bidder, the county board shall consider, or may consider, in addition to other factors, the availability of support services, the uniqueness of the service, materials or supplies as they apply to computer systems. Any of us who have dealt with computers and computer equipment recognize that -- there are unique attributes that need to be considered as to the suitability of their application. This is a request from our Lake County Board, and I know I'm -- and I'm -- and I am sure that there are other similar units of government also interested in it. I ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question to the Senator, if I might. It says -- on page 2 of your bill, it says, "This Section does not apply to contracts by a county..." and it drops down and says purchases made directly to the manufacturer, proprietary software, movement or installation and development of data processing equipment, and so on and so forth. Does this mean that if I am in a county and I wish to go directly to the manufacturer, for example, to buy a Ford automobile and go to the Ford Motor Company, does that mean that I am exempt, that I don't have to worry about taking competitive bids?

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Demuzio, you were -- seem to be citing some language in the bill that -- at least it isn't the underlined language that I'm looking at in my copy. Would you -- would you mind reposing the question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

The underlined is purchase "made directly to the manufacturer". I guess that's the thrust of my question. If I am a county, and I -- and I am exempt from the competitive bidding and I want to buy a dozen cars, can I go -- to the manufacturer and be exempted from the competitive bidding procedures of a particular county?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

END OF TAPE

TAPE 5

SENATOR BARKHAUSEN:

The -- the existing law says, "does not apply to contracts by a county with the federal government or to purchases of used equipment, purchases at auction..." and purchases made directly to the manufacturer or proprietary software, et cetera. I honestly don't know, Senator. That provision wasn't explained to me, so I can't tell you why that particular phrase is in there.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Demuzio.

SENATOR DEMUZIO:

Well, I rise in opposition. I -- I think what we are doing here is that if you are -- if you want to go directly to a manufacturer or to a proprietary software or to some -- you want to purchase data processing equipment or telecommunications, or whatever, you are exempted from the -- from -- from the bidding procedure. And I don't think that's what my counties would want to -- to do. And I -- I think that you ought to either take this out of the record and change that language around, or I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator Barkhausen, quite often, when we get into this computer business and -- and the support that's needed, we do run into a problem where a -- a -- an office may go and buy a computer and then if they don't have that support system right there that can teach the employees how to use that software, how to use that computer, we might as well stick the whole computer right in the office. By any chance, does this bill prohibit -- I mean, allow a -- a county, for instance, to buy computer and computer softwares locally so that they can have that support, even though it may not be the -- the lowest bidder? Is that the purpose of this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Yes, I believe it does. But, Mr. President, in the interest of time and resolving the question raised by Senator Demuzio, I'd like to take this bill out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the record. Senate Bill 893. Senator Barkhausen. Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 893.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 893 is again a question of the -- or I should say a request that comes from the County of Lake. It amends the Local Government and Governmental Employees Tort Immunity Act in one very slight respect. Current law protects public entities and employees from actions of libel, slander, negligent misrepresentation, or the conveying of information orally, in writing, in a book or other form of library material. This -- this bill would extend that protection slightly to also include, within protected communications, information conveyed by computer. I'd be glad to answer your questions, and otherwise, would seek your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Barkhausen, you wish to close? The question is, shall Senate Bill 893 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 45 Ayes, 7 Nays, 1 Member voting Present. Senate Bill 893, having received the required constitutional majority, is declared

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

passed. Senate Bill 899. Senator DeAngelis. Senate Bill 908.
Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 908.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

...(microphone cutoff)...you -- thank you very much. This is the Secretary of State's sort of clean-up bill. It's -- allows the Secretary of State to refuse to -- issue, cancel or require reexamination for a driver's license or permit of a person who failed to submit the required -- required alcohol or drug evaluation report, and also authorizes the Secretary of State to take action against the person with a commercial driver's license who has a cannabis or a controlled substance in his system.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Fawell, you wish to close?

SENATOR FAWELL:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 908 pass. Those in favor will vote Aye. Opposed, vote No. The voting -- voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 908, having received the required constitutional majority, is declared passed. Senate Bill 928. Senator Hall? Senate Bill 940. Senator Weaver? Senate Bill 960. Senator DeAngelis? Read the bill, Mr. Secretary. Senator, do you wish to -- this bill --

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Bill 953 returned to 2nd Reading for the purpose of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 960 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 960. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Floor Amendment No. 1 to Senate Bill 960 has in it the professional and artistic contracts to be put into the bid process. It's part of the Governor's ethics package. It requires publication in the official State newspapers before the tenth day of each month a notice of contract of ten thousand dollars or more. It requires appraisals on properties that are purchased in excess of a hundred thousand dollars. It also requires publication on initial leases of property of more than ten thousand square feet, and many other items. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. Senator DeAngelis, I know that this, in fact, is the Governor's package. It responds to the problems that we created with the Purchasing Act last Session. I serve as a member of both the Audit Commission and the Blue Ribbon Commission established by the Auditor General, and I was under the impression, as were many Members, that we were going to study this question, and I will yield shortly to Senator Severns, who is the Minority Spokesman, and -- to further elaborate. I was under the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

impression that we were going to come into the Veto Session, the October Session perhaps, with a comprehensive bill that -- went much further than the amendment that you are seeking to adopt. Now I know that this is an amendment that's very difficult for anyone to be in opposition to because of the nature of the problem. But can you elaborate on the -- what I felt and what I think many people thought were a commitment to do this in a comprehensive manner in -- in October?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Demuzio, I'm going to take this out of the record, because there is another amendment coming tomorrow. May I take it out of the record, Mr. President?

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the record. Senate Bill 967. Senator Hasara? Senate Bill 990. Senator Thomas Dunn? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 990.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Thank you very much, Mr. President. This bill would permit the board of trustees of a fire protection district to enact an ordinance providing for the election of officers of the department in the same manner as the Municipal Code, and would allow the department's treasurer to use the tax that is collected for the maintenance, use and benefit of the department. Urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Dunn, to close?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR T. DUNN:

Thank you. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 990 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, no Members voting Present. Senate Bill 990, having received the required constitutional majority, is declared passed. Senate Bill 991. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 991.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 991 authorizes downstate school districts to use life-safety funding for the repair of school sidewalks, playgrounds, parking lots and school bus turnarounds; however - however - before they can do that, this funding may only be used for repairs specified in this bill if the district - if the district - has no other projects identified in its building safety surveys as urgent or required. In addition to that, if we were to have caps, this would be subject to the caps. Now once you identified that project, then the -- the bill requires the district to conduct a public hearing on that project. And if it is determined at that hearing that a substantial, immediate or otherwise unavoidable threat to the health, safety and welfare of the pupils exists, then the district has to apply for the approval by the regional superintendent and the State

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Board of Education. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand correctly, Senator, that -- from our synopsis here, that the life-safety funding would only be used for the repair of school sidewalks, playgrounds, parking lots and school bus turnarounds?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio. I'm sorry. Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, that's the only -- those are the only things allowed under it? Because we've had some abuses of the life-safety funds before.

PRESIDING OFFICER: (SENATOR MAITLAND)

Was that another question, Senator?

SENATOR GEO-KARIS:

My question is: It's absolutely limited to those items - am I correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Under this bill, that's what is authorized, yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I think what Senator Geo-Karis was attempting to ask the sponsor: Is this a levy without a referendum?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

No, because it has to be within the -- the limit that they can levy now, and there can be no other projects that require that money before it can be used.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator DeAngelis, you wish to close?

SENATOR DeANGELIS:

I just urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 991 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 44 Ayes, 9 Nays, 1 Member voting Present. Senate Bill 991, having received the required constitutional majority, is declared passed. Senate Bill 997. Senator Klemm? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 997.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 997 offers our school districts some flexibility and yet still allows the mandates that we have actually imposed to be met at the same time. What Senate Bill 997 does, it would authorize the State Board of Education to waive provisions of the School Code under certain conditions, upon request of a school district. That waiver request may be granted only if the following applies: one, that the board has provided an effective alternative plan to address the intent of the provisions to be waived; two, the board has held a public hearing on the waiver and given those affected the opportunity to comment; and three, the waiver request does not violate any other State or federal law. This legislation provides that the State Board of Education may grant a waiver only if the district or agency has provided an effective alternative plan or option that addresses the intent of the provisions sought to be waived, or that the State Board determines that the waiver would be in the best interests of the district. If the State Board denies the request, it must notify the requesting board of the specific reasons for denial. And I'll be glad to answer any questions on -- on the merits of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Klemm, I think that I don't understand this. Are you suggesting that a board of education dissatisfied, perhaps, with any State mandate, has the option of - as long as it comes up with an alternate plan - of refusing to follow that mandate?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, no, I'm not saying that at all. What I am saying, however, it will give those districts a greater opportunity to come up with some individualism of some educational programs that meet the intent of the General Assembly and the School Code that the State Board of Education says, "Yeah. Hey, that's a pretty good idea." It accomplishes what we're trying to do, and it does it in a little bit of different ways. I know the years that I served as a president of a board of education, our teachers and administrators were innovative people. They came up with great ideas to do a better job, and maybe at less cost. So those would be allowed, if the State Board would agree with that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

To the -- the proposed bill. It would seem to me, from what I know of what is possible to happen in schools, that there are other means by which creativity could be served, rather than the State intervening in this. And I certainly consider this an unnecessary and unwarranted intervention. There is value in having statewide mandates in schools. And I quote our esteemed Senator Maitland who is now presiding, in a 1988 task force, said that, "For the most part, State mandates on local school districts have a reasonable purpose and serve the public good. Their elimination is not an acceptable alternative to the provision of adequate funding for elementary and secondary schools." And I would urge a No vote on this, because it doesn't seem to me that there are adequate limits, and certainly not adequate regulatory proposals.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you -- thank you very much, Ladies and Gentlemen of the Senate. As I understand this bill, it simply adds another year before a teacher can be granted tenure. I'm looking at the wrong bill. It's 997. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. A question for the sponsor, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

This bill indicates that a waiver is granted if the board has provided an effective alternate plan or option that addresses the intent of the applicable law. Senator Klemm, does this mean that -- that the State Board of Education would have to develop new guidelines that would serve to let the school board know whether the plan is effective -- is an effective alternate? Would those guidelines be given to the school board so that then they could be able to respond? And if there are guidelines, then how will the State Board of Education go about making a determination of whether or not a plan is an effective alternative?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, I don't think anyplace they have to determine certain guidelines in advance. Certainly, when talking with the State Board, they would determine the proposal that was being suggested and using their staff and all the educational people involved, because there has to be interest in it. There's also opportunity for public hearings. All that information is brought forth before

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the State Board to determine if, in fact, it's going to be a more effective program. And if it's a more effective program, I think you would join with me and everyone else and say, "Hey, great. More power to it. We need more effective programs in education." Here's an opportunity for a school district to do it with the State Board being the oversight committee, if you will call it that, to determine if it does, indeed, do that. If not, they say, "No, you can't do that."

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR KLEMM:

Well, I think, Ladies and Gentlemen of the Senate, this is a great opportunity to allow some school districts, some administrative people, teachers, parents, people to finally get together and try to work in their school districts to find alternatives that will improve the school system, this -- improve the educational opportunities for our children, because this is a concerted effort of everybody involved. And then, as a oversight, we have the State Board who oversees this to determine it. I think it's an excellent opportunity and do ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 997 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 26 Ayes, 27 Nays, 1 Member voting Present. Senate Bill 997, having not received the required constitutional majority, is declared passed -- failed. Senate Bill 998. Senator McCracken? Senator McCracken? Senator Lauzen, for what purpose do you arise?

SENATOR LAUZEN:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Point of personal privilege. Mr. President, going back to Senate Bill 990, I was -- I voted Yes on that bill, and I'd like the record to reflect that my vote should be No.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so reflect, Senator Lauzen. Senator Klemm.

SENATOR KLEMM:

Mr. President, I was trying to seek your attention to ask for Postponed Consideration on Senate Bill 997.

PRESIDING OFFICER: (SENATOR MAITLAND)

Postponed Consideration. Senate Bill 998. Senator McCracken? ... (microphone cutoff) ... Bill 1000. Senator Cronin? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1000...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Cronin, do you wish Senate Bill 1000 returned to the Order of 2nd Reading for the purpose of an amendment? Senator Cronin seeks leave of the Body to return Senate Bill 1000 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 990 <sic> (1000). Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2 to Senate Bill 1000, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Amendment No. 2 deletes the original bill, but it does some -- I think, some unique things for the educational support personnel of a school district. It says that those people who work for two years shall be given sixty-day notice after a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

school board adopts a resolution authorizing written notice that the ESP, which is your educational support personnel, shall be dismissed because of a reduction in force. We've also extended that to say that those who have had only two years' experience and are part-time employees would receive a fourteen-day notice before any dismissal could be done in a reduction of work force. Current law currently just gives a sixty-day notice prior to the end of a school term. We tried to give consideration for those who've been employees, honorably, for two years, to give them and maintain sixty days. We've tried to take care of those that have not been indicated in the Statutes before for part time and for those who work less than that. It does also do a couple other things, I think. It does change it from the end of a school term, and it -- to end of a dismissal of a period that they're employed, rather than having an employee stay for the school -- end of a school term, because let's say an -- an -- a student has moved out of the district where a aide was required to provide some services. This certainly will save a school district some dollars, and I think certainly give, then, the ESPs additional protection. And I do ask for your adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. I suggest that you look very closely at this amendment. Although it certainly modifies, to some extent, the bill itself, it is saying that educational support personnel employees are now going to be removed from the collective bargaining process, and that there are limits to the rights that they will have as working people. So I would suggest that we have a roll call on this, and that we vote against it.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Further discussion? Further discussion? Senator Klemm, you wish to close on your amendment? Senator Klemm, do you wish to close on your amendment?

SENATOR KLEMM:

Well, I -- you know, I've worked with the IEA and the School Board Association on this issue for some time, and I want to thank them both for -- for the input they've done. We came very close to almost getting unanimous agreement, which would have been historic between those two organizations, as you know. I think this comes as close as we possibly can to address the concerns of the school district and still give protection to the ESPs - the individuals. I know there are some concerns by the IEA, the union, but I think I've tried to address it as honestly and as openly as we can. I think it's a good bill. Do ask for your adoption of the amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Roll call has been requested. Senator Palmer, he was closing. Roll call has been requested. On that question, shall Floor Amendment No. 2 to Senate Bill 1000 pass. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 30 Ayes, 25 Nays, no Members voting Present. Floor Amendment No. 2 to Senate Bill 1000 is adopted. Are there any further amendments -- Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1021. Senator Carroll? Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senate Bill 1021.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As amended, Senate Bill 1021 would allow the Illinois Housing Development Authority to offer reverse mortgages similar to those that are offered by banks and savings and loan, if they can seek such funds from the Federal Home Loan Bank in Chicago for reverse mortgages. I would answer any questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Carroll, you wish to close? The question is, shall Senate Bill 1021 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 47 Ayes, 5 Nays, 1 Member voting Present. Senate Bill 1021, having received the required constitutional majority, is declared passed. Senate Bill 1034. Senator Hasara? Senate Bill 1036. Senator O'Malley? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1036.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Bill 1036 entitles employers who are complying with the Federal

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Family Responsible <sic> and Medical Leave Act to take a corporate income tax credit in an amount equal to the cost of providing unemployment insurance benefits for a temporary replacement employee. Incidentally, we extended this to include all employers in the State of Illinois, whether or not they're mandated to comply with the -- with -- with the federal mandate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. First of all, I think that this legislation is well-intentioned, and it certainly enjoys a distinguished sponsor and intelligent proponents; however, I respectfully oppose it. The need -- the need -- the need for credit -- for this credit is just the first small way that the market gags when government tries to shove regulations down businesses' throat. Let's fix the fundamental underlying problem, rather than sweeping under the rug or putting a Band-Aid over the consequences of the family leave mandate. An even better approach might be to classify a worker who completes a temporary assignment like this as ineligible or disqualified for unemployment compensation payments. Here are the results: The original worker gets family leave; the temporary worker gets a job; the employer doesn't get penalized with unemployment insurance experience rate penalty, and the State doesn't need to lose the credit money. When we were kids, our parents taught us that two wrongs don't make a right. Even though I think this is well-intentioned - great sponsor - I don't think that this is a necessary step.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, I would like for you to explain exactly what costs you see the employer having. According to my analysis, the replacement worker will most likely come from an employment agency or other source that already covers the cost of the -- that unemployment is not an issue. So I'm trying to find out what it is that you want to give back to the employer. It seems to me that we are -- that that is not a good way to handle the family leave bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Palmer, thank you for your question. I have attempted to find out myself what the cost of this would be, and I've been unable to get that. And I've requested that now for some time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

Maybe this is the six hundred million that Senator Syverson talked about earlier. Since we don't know that, I suggest it's not a good time to vote for this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we voted and passed out of this Senate a bill very similar to this one last year, and I think it's a very good bill. It would allow the companies to take an income tax credit for unemployment insurance costs incurred for providing family leave; thus, it would protect companies from a significant hidden cost associated with providing family leave. And let's not kid ourselves; already federal leave

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

-- family leave has been mandated, and I think we might as well help the company a little bit by giving them an income tax credit, because they will have more costs. And I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. You know, there are so many hidden costs in trying to run a business today. Family leave is part of the law and the -- and the small businesses and large businesses will follow it. But for us to be charged with unemployment insurance credits - charges against a company - is unfair, and it's unfair not only on its face, but because it tracks with that corporation for thirty-six months. That's wrong. If you're trying to help businesses in Illinois, it's one thing to help employees - and we're doing that with the family leave - but it's another thing to take an arbitrary act that ends up with no -- no business responsibility and ends up having a State law that says they'll be charged these unemployment insurance rates, both State and federal, because somebody is on leave. That's not right to do that. It doesn't change anybody, and the unemployment insurance is itself in trust. It has nothing to do with corporate -- I mean, nothing to do with taxpayers' dollars. It's within the corporate limits itself - the corporate family. Therefore, it's wrong to do this. This bill is appropriate. It gives some small measure of relief, rather than tracking this for businesses for thirty-six months before it could even come off. I think it deserves a Yes vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will, Senator Cullerton.

SENATOR CULLERTON:

Senator, is there a -- is there a federal credit? When they passed the Family Leave Act, did they give any kind of a credit or a deduction?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

I'm -- I understand none whatsoever.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

If -- how would this work if they get a credit and -- but no taxes are due? As you know, about sixty-five percent of the corporations in Illinois, I don't think, don't pay any tax. So would there be a carry-forward credit?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

After consulting with my esteemed opponent, he assures me that that won't be carried forward.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, we -- I wasn't sure of this, and -- and our analysis said there's a three-year carry forward, so that you'd have a credit for a corporation who didn't owe any income tax, and I just wanted to clarify that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

John, I have to correct myself. The bill specifically apprised that it can be carried forward.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you. I apologize for rising a second time, but a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, is there a fiscal note attached to this bill? I ask that question because our analysis says that the Department of Revenue is unable to determine the cost of the proposal, but indicates that it could be significant.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

The fiscal note that I have would indicate that the Department of Revenue is unable to determine the impact.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

So it is conceivable that we do not know what loss there would be to State revenues by enacting this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Revenue estimates for the cost of this proposal are nearly impossible to determine, due to variables such as the duration of leave, whether or not a company hires replacement employees through employment agencies, et cetera. And I would also submit to you that there's also a side of the equation that will not be

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

answered, and that is the additional tax revenue that will be derived to the State of Illinois by having replacement workers employed and gainfully employed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

For the last time, I suggest to you that that's the theory, but since we have absolutely no figures to back this up, I think this is a risk that we should not take at this time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you again, Mr. President and Members of the Senate. This is a -- this is not just a pro-business bill. When the -- when the small business people came to me - this was originally an IMA proposal - and they talked about those -- those businesses in the State of Illinois who were subjected to the federal mandate. That's all the bill addressed. They came to me - the small business people - and they said: Why don't we extend this to all businesses in Illinois, and give every business in Illinois the opportunity, if they voluntarily comply with the -- with the mandate, to -- to take advantage of the credit as well? I submit to you, the moment we did that, it became clearly a pro-family leave bill. This is good legislation. It addresses the concern of the mandate and also encourages family leave. I think this is an example of how we can help business meet the needs of their employees, and it shows how legislation can be enacted that is pro-commerce - good for both business and labor. I would request a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1036 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 36 Ayes, 16 Nays, 1 Member voting Present. Senate Bill 1036, having received the required constitutional majority, is declared passed. Top of page 16 is Senate Bill 1037. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1037.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. Thank you, Mr. President. Under current law, taxes which are delinquent may be sold at the annual tax sale by the country treasurer. When the taxes are purchased, the tax buyer has five months to deliver to the county clerk a tax notice which alerts the property owner that the taxes have been sold. What this bill does, it shortens that period of time to three months, because under the five-month provision, by the time the clerk processes it and the owner gets the notification, in many instances, he has very little time to repurchase his property. And under the law, after six months, the penalty is twice the amount of the penalty bid. So what this bill does is -- hopefully, it allows the person whose taxes have been purchased more time to be able to get the money to redeem his or her property. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. And I'm very proud to stand with Senator DeAngelis on this bill. I believe that we have to protect

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

the property owners who get into a little trouble paying their taxes and get a little behind. And if this will allow them more time - and I just want to be sure about that - then I would be in favor of it. My question to the sponsor is, if -- the take notice -- they're going to get the take notice one month sooner, is -- is that it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. It notifies them earlier than previously.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Okay. My question is, why didn't we add an additional month, -- and -- and instead of having them get the take notice earlier, have them get the take notice at the fifth month and give them an additional month to -- to -- to make the -- for the recovery -- to recover their property?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, under the law, the bid -- the penalty bid is doubled after six months. I have not changed that part of it. I've simply said, give the person another two months so that they can, in fact, know that if they don't redeem it, they go under that double penalty period. It's an opportunity for them to redeem it and have more time to know that it's going to be taken.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

In conclusion, I just want to say to all of my colleagues that this is a good bill, and I intend to make it an even tougher bill,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

because tax buyers are -- are buying up property that they have no intentions of keeping. They turn around and sell the property back to the people who owned the property. And who loses? The people of the State of Illinois. The county loses, because if the taxes are thirty thousand - hypothetical number - they buy the taxes for five thousand; they go back and sell it to the person for ten thousand, and the county loses twenty thousand dollars. And I believe we should be much tougher on these -- these -- these tax buyers, or scavenger buyers, or -- scavenger is a good word for them. And we need to do that; so I intend in the House to even make it even -- even stronger than what we have here today. But since we have a good -- good bill here today, I urge your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as I understand the take-notice procedure, a tax buyer has to file within the window, under current law, after three months and before five months. So, there's a two-month window during which this notice can be filed. And I assume that when this was created, although I wasn't around, that there was some reason for waiting the three months. In -- in shortening this to four months, are you saying that this take notice can be filed anytime from the date of purchase to the expiration of four months so that the window will now be four months long, but that the back end of it will only -- will be four months from the tax purchase, rather than the current window of from three to five months after the tax purchase?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

The answer's yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I support this bill as well. It's not all that we would want it to be, but I certainly think that there is a need to give property owners additional time so that their interest rates for redemption do not double. So I certainly agree with Senator Hendon about that, and say I think we should vote for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

The -- the question is, shall Senate Bill 1037 pass. Those in favor will -- will vote Aye. Those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 51 Ayes, 2 Nays, no Members voting Present. Senate Bill 1037, having received the required constitutional majority, is declared passed. Senate Bill 1039. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1039.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Under current law, parcels at which taxes have been delinquent for two years are sold at a scavenger sale. Owners trying to redeem that property must pay the interest on the amount for which the property was sold. In some instances, the buyers have bid amounts far in excess of what the taxes that are owed. When the person tries to redeem that property, they must, in fact, pay interest not on the taxes that are owed, but on the amount of money that was bid for that tax bill. This bill says go ahead and bid more if you want, but when it comes time for redemption, the owner's obliged only to pay that amount of taxes and the interest on that amount. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I just wanted to say that as a Member of the Revenue Committee, I stand in support of this bill as well. I'm sure we have all seen the horror stories in the newspaper of families that had to come up with three and four times the amount of the taxes they owed in order to buy back their homes. So, I -- I think this is a good bill, and we should vote for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. For some reason, Senator DeAngelis is on an excellent roll right here. He has another fine bill. It's an excellent bill. We have a lot of situations that Senator Palmer just described, and I urge you to vote Aye on this legislation.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1039 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 1039, having received the required constitutional majority, is declared passed. Senate Bill 1059. Senator McCracken? Senate Bill 1078. Senator LaPaille? Read the bill, Mr... I'm sorry. Senator LaPaille, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senate Bill -- Senator LaPaille seeks leave of the Body to return Senate Bill 1078 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1078. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator LaPaille.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. This amendment was approved unanimously by the Judiciary Committee yesterday. It creates the Act -- the law on graffiti. It imposes both civil and criminal penalties. I would move for its adoption and...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? All those in favor, say Aye.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Opposed, Nay. The Ayes have it, and the amendment is adopted.
Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1085. Senator Weaver. Read the
bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1085.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 1085 authorizes the
State's larger sanitary districts to borrow money and issue bonds
when ordered by the Federal Court or the USEPA to take remedial
action under the Super Fund Act. The current law allows these
sanitary districts to issue such bonds only when ordered to clean
up by the circuit court or the State of Illinois. Secondly, the
bill authorizes the sanitary district to levy a tax by a backdoor
referendum in order to comply with any court order. Senator Stern
added amendment lengthening the time period to file petitions for
backdoor referendum and decreases the number of signatures
required. I'll try to answer any questions; or, if not, I
appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Weaver, you wish to
close? The question is, shall Senate Bill 1085 pass. Those in
favor will vote Aye. Opposed, vote No. The voting is open. Have
all voted who wish? Have all voted who wish? Have all voted who
wish? Take the record, Mr. Secretary. On that question, there

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

are 41 Ayes, 12 Nays, 3 Members voting Present. Senate Bill 1085, having received the required constitutional majority, is declared passed. Senate Bill 1087. Senator DeAngelis. On the bottom of page 5 is... On the bottom of page 5 is Senate Bill 1. Senator Philip. Senator Cullerton.

SENATOR CULLERTON:

Yeah. Thank you, Mr. President. We'd like to ask for a Democratic Caucus in the Minority Leader's Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

That request is in order, Senator Cullerton. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. That request is always in order, although we've both had a caucus today. I -- I would suggest this: We limit the caucus to a half hour. We will come back here. We're going to start at the beginning of the Calendar, 3rd Readings. As you know, we've done very well so far. And my attitude is to get us out of here early as we can on Friday. And so, this is the second time we've gone through the Calendar. I doubt if we'll do it again. Who knows? But I hope that everyone would be back here in a half hour. Let's make it quarter to nine.

PRESIDING OFFICER: (SENATOR MAITLAND)

The Senate stands adjourned until the hour of eight -- stands in recess until the...

SENATOR PHILIP:

Recess.

PRESIDING OFFICER: (SENATOR MAITLAND)

...hour of 8:45. Senator Mahar.

SENATOR MAHAR:

...(microphone cutoff)...President, if this is a break, I would like to seek leave to have Senator Klemm shown as the chief sponsor of House Bill 1362 with myself as the hyphenated

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

cosponsor. 1362.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would request a Republican Caucus in Senate -- or President Pate Philip's Office, please. Immediately.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate stands in recess to the hour of 8:45.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Appropriations Committee - Amendments 12 and 13 to Senate Bill 311, Amendment 6 to Senate Bill 315 and Amendment 6 to Senate Bill 320; to the Committee on Commerce and Industry - House Bills 641 and 1746; to the Education Committee - House Bill 1126; to the Committee on Environment and Energy - House Bills 605, 1479 and 1838; to the Executive Committee - House Bills 331, 1324, 1730, 1750, 1927 and 2115; Amendment 2 to Senate Bill 899, Amendment 2 to Senate Bill 900, Amendments 5 and 6 to Senate Bill 770; to the Committee on Financial Institutions - House Bills 702, 1128 and 1797; to the Committee on Insurance, Pensions and Licensed Activities - Amendment 3 to Senate Bill 533

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

and Amendment 3 to Senate Bill 680; to the Judiciary Committee - House Bills 124, 1010, 1385, 1398, 1642, 1787, 2121 and 2122; Amendment 4 to Senate Bill 231 and Amendment 2 to Senate Bill 246; to the Committee on Local Government and Elections - House Bills 1072, 1073 and 2120; to the Committee on Public Health and Welfare - House Bills 354, 977, 1489, 2169, 2221 and 2417; Amendment 3 to Senate Bill 66, Amendment 1 to Senate Bill 275, Amendments 2 and 3 to Senate Bill 570; to the Revenue Committee - House Bills 444, 930 and 1377; to the Committee on State Government Operations and Executive Appointments - House Bills 1124, 1222, 1791 and 2383; to the Transportation Committee - House Bills 325 and 1543; and Amendment No. 2 to Senate Bill 536; re-referred from the Transportation Committee to the Rules Committee and then to the Floor: Approved for Consideration Amendment No. 4 to Senate Bill 868.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any motions filed, Mr. Secretary?

SECRETARY HARRY:

Senator Hendon has filed a motion with respect to Senate Bill 165, and Senator Karpiel has filed a motion with respect to Senate Bill 990.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, the Chair orders that these motions be printed on the Calendar. 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 15.

Adopted by the House, April 19, 1993. It's substantive.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 281, offered by Senator Cullerton.

It's congratulatory.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Senate Bills on 3rd Reading. On the bottom of page 5, Senate Bill 1. Senator Philip, do you wish the bill read? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, Senate Bill 1, as amended, is the so-called tax cap. Amendment No. 5 deletes everything after the enacting clause, and basically this is what it does: provides caps only for non-home rule units in Cook County; puts it on the ballot statewide for a 1994 advisory referendum only; makes the effective date October 1, 1993. Just to refresh your memory, exactly what caps are: They allow local taxing bodies to go up -- the rate -- the cost of living not to exceed -- five percent. As you know, we have them in the collar counties. Quite frankly, that is my district. They work extremely well. And I'll be happy to ask any -- answer any questions, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jones.

SENATOR JONES:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator Jones.

SENATOR JONES:

Senator Philip, I understand you have the property tax extension extended to Cook County, which would cap the property taxes in Cook County as it -- as relate to the various school districts. Does this legislation cap the property tax outside the five-county area, like downstate Illinois?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

There -- there are no caps outside of the collar counties and Cook County. The only thing we are doing is putting it on an advisory referendum for the rest of the counties in the State of Illinois, so that the people have a chance to vote on it, so the Members of the General Assembly have a opportunity to campaign for it or against it. And if we would -- it so-called would pass it in my downstate district, if I was in an area that did not have caps, I would certainly come back here and put those caps on.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well -- well, Senator Philip, if you're talking about being equal and you want an advisory referendum, then why are you letting the area downstate have a referendum as to whether or not they want to raise their property tax or have tax caps, but in the City of Chicago - the school districts - you want to place a five-percent cap? How can you justify this inequality in this -- this so-called fair piece of legislation that you've been promoting?

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senator Philip.

SENATOR PHILIP:

Well, thank you, Senator Jones. City of Chicago school district is not in; home rule governments are excluded. So the City of Chicago is not in. Now, you must remember this, Senator Jones: I represent Cook County. I represent the east half of Schaumburg Township and I represent -- well, it -- it all depends -- the -- the Clerk of Cook County can't tell me exactly how many precincts that I have in Leyden Township, but I think it's anywhere from two to four to six to eight. So I communicate with those people, and they all say the same thing that people say in the collar counties: They're sick and tired of high real estate taxes; do something about it. So we're going to try to do something about it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, I -- I -- it's very difficult for me to understand "those people". You know, I'm talking about the people of -- of the City of Chicago. You -- I asked you a specific question. The school districts are not home rule units. This is a very important piece of legislation that you're attempting to pass. School districts are not home rule units. So rather than ask you any further question -- what disturbs me with this piece of legislation is that here we have two very distinct groups. We have, in the City of Chicago school districts, many urban, poor students who attend those schools. The schools are drastically underfunded. And downstate we have many rural school districts who are in dire need of financial aid, be it from the local property tax or money from the State income tax -- or revenue. And here you are telling the -- the -- the poor students in the City of Chicago, "We're not going to give you any more money.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

We're going to prevent you from even raising your property tax above five percent, if you so desire." You're telling the school districts downstate, "Sure you need more money. We're not going to give you any more from the State, but if you so desire, you can raise those taxes on the property -- on the property taxes ten, fifteen or twenty percent to meet your educational needs." I have never, and I -- in my life, thought I would see the day in the Land of Lincoln where we will revert to what I term "institutional racism" by way of legislation. What this does -- what this legislation does is -- this is what you call class legislation. What you are saying, in essence, is telling the -- the schoolchildren of the City of Chicago: We're going to lock you in. We are not going to let you raise the revenue. But downstate schools districts, we're going to give it to you. The two districts are separate, but it is unequal, and we should not be in the business at this State level doing such a thing. It's class legislation, and I resent the fact that you're going to try to misrepresent the fact that tell that it does not impact on Chicago schools. I resent that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. -- Mr. President and Ladies and Gentlemen of the Senate, I am shocked - absolutely appalled - at the statement made by the prior speaker, with -- whom I've known for twenty-one years. There's no institutional racism. It's just institutional common sense. We're asking for an advisory referendum. And if people don't want it, they vote against it. And -- and to say that it's racism - I absolutely abhor that. We know better than that. You know better than that. And just to make your point by racism is wrong, wrong, wrong. I speak in favor of the bill. It's an advisory referendum. If the areas don't want it, they don't have

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

to vote for it. But for heaven's sakes, let's not get into racism when we can't get our own way whenever we want it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 1. Earlier today, the bill that should have moved forward, if we were going to move this bill forward, was recommitted to the Rules Committee. I'm referring to Senate Bill 38, which was sponsored by Senator Maitland, cosponsored by myself and several others. That's a bill that -- would have restructured the entire financial funding mechanism of all the schools in the State of Illinois. That bill was recommitted based upon the commitment made by the sponsor and made at the time of the Task Force Report on School Finance, that if there was no funding available to fund the new formula for funding of schools that the bill would be recommitted, and the bill was recommitted, because bills that would have addressed adequate school funding never came out of the Revenue Committee. Now, that's a fact of how we, in this Senate, have voted. We were -- we did not have the votes to move Revenue bills forward; therefore, we recommitted the bill to finance schools. That's responsible legislation, because if we -- that -- we would have been irresponsible to pass a school funding formula bill if we didn't have the money to fund it. Here, we're doing just the reverse. Here, we are capping the source of revenue for every school district in Cook County and failing to provide the funds from the State that will take the place of the money that's lost as a result of this cap. If we were going to be responsible -- if you want to put some limitation on property tax growth - and by the way, this is not a property tax cut bill; it's a limitation on property tax increases... You're welcome. If we're going to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

limit - if we're going to limit - the amount of monies available to these school districts by our action of capping property tax increases, we should stand ready with the proper funding to make sure that our schoolchildren and our schools are not hurt by this action. But we don't have the resources. We don't have the political will to make those votes. So I just suggest to you, if we're going to be honest with our children, as well as with our taxpayers, the vote on this bill should be No, just as we were honest with the taxpayers of the State of Illinois, as well as with our children, when we recommitted Senate Bill 38. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. First, Mr. President, I would like to rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR DUDYCYZ:

And I, too, resent Senator Jones' use of the term "institutional racism". Senator Jones, I think you owe this Body an apology for using such an inflammatory and provoking statement. It was uncalled for, and I'd just like to go on -- on record as saying that I am very offended by it. Now, Mr. President, to the bill: We're talking about tax caps, and my colleague - my friend - Senator Berman just mentioned about all this money that we should be appropriating to the proper places. But you can't lose sight, Senator, of whose money this is. This is the taxpayers' money. And what we're doing is we're saying to the taxpayers that if -- we want to give you the ability to say where your money goes. What's wrong with that? Does -- do tax cap work in the collar counties? Well, those of us who say -- who are for them

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

say yes; those of us who are opposed, possibly say no. But when we talk to the so-called experts who have them - the counties who have them - we have -- the DuPage County Clerk says, "The legislation, with all of its possible flaws, is the best thing that has come out of Springfield in years." The Bloomingdale Township Assessor says, "I maintain that the tax cap is working. Tax cap has moved the property tax problem into the proper arena: The local taxing body meetings." This is where it's going. The Taxpayers' Federation of Illinois, in committee - in the Executive Committee earlier this year - stated -- the president stated that the stated purpose of the property tax cap legislation adopted in 1991 was to constrain the rate of growth in total property tax extensions by non-home rule governments in the five counties that surround Cook County. In the first year, the caps appear to have achieved this constraining effect. Let's not lose sight of the fact that this is not our money; this is the taxpayers' money. Let's support tax caps. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, it's a little ironic that this bill comes before us on the day - on an election day - where this bill really should be. You know, it's a little bit like term limits. I always make the argument, or try to make the argument - sometimes not persuasively, but to make the argument - we already have term limitations. They're called elections. We already have the availability of imposing property tax caps. They are called local elections. I think it's -- I think it's almost atrocious to think that we here on the State level again are trying to usurp the power of local governments. We are trying to tell local governments, who are elected by the local people, that the local

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

people made the wrong decisions. If they made the wrong decisions, then let the local people kick the bums out. That's what it's all about. You know, and then the other part of this bill which I really find to be almost downright confusing - why would we exempt home rule units when home rule units are really the only local government entity that can raise taxes without referendum? So what, in effect, have we done with this bill? We have taken the smaller communities, who - most of them - are taxed at limits, who are well below the 1982 or '86 EAV, and what we've told those people. We have told them, "We are going to cap you, even though you can't raise your taxes anyway." I don't know how many of you are aware, in most local communities, most small communities, and mayor -- Senator Butler, who is a former mayor, could probably tell you the same thing: In non-home rule units where a police department's budget may be a million and a half dollars, the tax base on that -- the -- the amount of money that is raised on property taxes to pay that million-dollar-plus budget is normally around ninety thousand dollars. So we're going to cap that? Law and order. We're going to cap law and order even. That doesn't make a lot of sense to me. I think today is election day. I think today is the type of day that we should start looking at our local governments. We should encourage our people. We're talking about thirty, thirty-five percent of the people voting today. Thirty to thirty-five percent. And those are the same people that are going to complain to you or tell you that they want tax caps. If they want tax caps, go out and vote. They can get the job done without us doing it for them. I ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, my

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

district is predominantly Cook County, as well as part of DuPage County. I used to have more of DuPage County, and I certainly had more of DuPage County at the time that we institutionalized tax caps for DuPage and the collar counties. And my communities in DuPage have never been happier. We have tremendous results that have been reported, not only from the local assessors, but also from the people themselves - the taxpayers, the people whose money it truly is. At the time that we did institutionalize tax caps for the collar counties, I didn't feel I could vote for them, for no other reason that I couldn't bring back half a loaf. It's like a mother with many children. I can't make life better for my people of DuPage and not bring it back for my people in suburban Cook County, who also need and want tax caps. For the last two years, we have had hearings in north, central and south suburban Cook County. Thousands of people have attended. We've spent long hours with these people. Everyone has had a story that has been as long as your arm - a horror story of being almost displaced, having property taxes compete with food or clothing or schooling for their children. They're being priced right out of their homes, especially senior citizens on limited incomes and first-time home buyers - young couples just trying to get settled who would like to buy a home in the very, very communities that they used to live in as children, but cannot afford to be a first-time homeowner. And all because of those skyrocketing property taxes. In Oak Park, which I now represent a part of, and where they have bipartisan tickets running today, a Democrat who was running on one of these coalitions said, "You know, you really ought to get behind tax caps. It's a great idea that Tom Hynes" - who is the Cook County assessor - "had. Why don't you get behind Tom Hynes?" And I said, "Because I've been on tax caps longer than Tom Hynes, but I'm happy to bring him aboard." And I was happy to see Richard Daley say, after his last attempt at raising property

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

taxes, that maybe it was time for tax caps for Chicago as well. And I think it certainly is. I'd also really wish that this bill were perfect; that indeed it did have home rule communities in it. It should, but I doubt very highly that we could pass it. And I think, at this point, you try and do the best you can to bring tax caps to Cook County and to as many units of local government as you possibly can. And you know what? I -- I think this question of -- of institutionalized racism - I mean, really. I think Senator Geo-Karis said it well. When you can't have your own way, to kind of dredge up that kind of a comment. I don't recall that comment being thrown around this Chamber when we did indeed vote tax caps for the collar counties. It should not be brought up at this time as well. Let us have tax caps, and let us start the process to tax relief. This is the way to go.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR SEVERNS:

Senator, a couple of years ago when some of us on this side joined you in supporting the tax cap bill, we supported it with an October 1st effective date, and we learned very quickly that that was a mistake. Is there any reason why you chose October 1st again this year?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

That is correct. Let me just say this: It gives the taxing bodies time to study and understand what tax caps are. And I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

don't anticipate the same problem we had before.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. For those who don't know what the problem was before, if I could take just a moment, I would like to quote from the October 3rd, 1991, editorial from the Chicago Tribune. It says the taxing bodies in DuPage, Kane, Lake, McHenry and Will Counties were given until October 1st before the lid slammed on their independent bonding power. The result was exactly as might have been predicted. There was a blizzard of bond issues, so many that the total for the first nine months of this year is far in excess of those for a normal year. Most came in the weeks just preceding the October 1st cutoff. The borrowing was close to one billion dollars, about sixty percent more than in all of 1990. Though this won't necessarily raise taxes, in many cases it will, by some estimates as much as ten to fifteen percent. There's a lot of flaws with this bill, but this flaw is obvious. It's a mistake that was made probably innocently the first time, but I don't know why we're making it a second time. I submit to those who are going to be capped by -- by this measure, your taxes will increase. For my downstate district, my taxes will not decrease, and I think that this bill is flawed in that way as well. On -- on October 1st, when this bill takes place, we've had fair warning from mayors across this State that they will rush to beat that October 1st deadline. So we ought to take note here on this - as Senator Jacobs reminded us - election day, and remember that we were warned once again. Taxes are going to go up with this bill. For those weary taxpayers - overburdened taxpayers - who had hoped that Senate Bill 1 would result in providing real and genuine property tax relief, I would suggest, don't hold your breath, but hold on to your wallet. Please vote

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

END OF TAPE

TAPE 6

SENATOR BUTLER:

Thank you very much, Mr. President. I -- I would hope that we'd stop using the word "caps", because as far as I can -- in my mind, this is not a cap; this is a limit. And Senator Berman said it, strangely enough. It limits the ability to increase taxes to match increases in spending. And that's all we're doing. We're limiting spending. Now, the alternative, of course, if you want to continue to spending -- spending at the -- kind of the wanton pace some bodies have been -- have been taxing, all you have to do is have a referendum. That's all. What is wrong with going to the people and saying, "Is it all right if we increase spending"? There's nothing wrong with -- they're -- they're not a bunch of clods; they understand. When I was a mayor, we had a -- we had a small -- we had an addition put on our library. It was only a million dollars. We went on a referendum. We built a case and it passed overwhelmingly. So my -- my attitude is all we have to do is trust the people. Don't be afraid of a referendum. You can increase spending. The sky's the limit. We're not limiting -- we're not limiting spending. As to -- I've heard this argument also that now the mayors are going to rush to -- to spend to beat the deadline. That's ridiculous. My God, they got an unrestricted -- they got an unrestricted ability now to spend

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

whatever they want. It wouldn't -- it wouldn't make any sense. All of a sudden now I'm going to raise my -- raise some crazy limit just to beat this -- this deadline. All I -- I -- as far as I can tell, the -- the limit at the -- at the -- is a threshold. Beyond that, go to the people. Don't be afraid. I think somebody mentioned today's election, and how apropos -- election day and how apropos that is. That's all a referendum is. The people elect to spend more. Give them a break. Let them vote on it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. This bill and what it portends has to be the ultimate irony. Tax caps are the ultimate mandate, and this from a Body that has, for the last two years that I have been here, argued on into the night against mandates. In addition, this is the same Body that refused, to my knowledge, to support the referendum in the last election that would have helped us live up to the responsibility of this State to provide education for its children. There seems to be a great deal of discussion about what the taxpayers want and that tax caps are marvelous. Let me remind you, those of you who sit on the Revenue Committee and other bodies before which questions of money appeared this last time, there have been twelve bills thus far introduced this Session, by Senate Republican Members alone, to create various exemptions from the tax caps that were currently imposed in the collar counties that indicate that school districts and local counties -- local governments in these counties are having difficulty operating under the current caps, even with the lag period that Senator Severns spoke about. There have been other options proposed to this. There was a proposition that we might be able to give a fair income tax, but of course the Governor is opposed to that. So what we're going to do now is to tax -- put a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

cap on property and offer no more revenue, so we can look for a spate of people back again next year with more exemptions. I am reminded of the woman in California some years ago who was so vigorously for Proposition 13. She exhorted all her neighbors to go and support that bill. The day after it passed, she called up to ask for the bus to come and pick her up. They told her, "We're very sorry, but that's what happened when Proposition 13 passed. We got rid of those buses. And she said, "But I didn't mean me." I suggest that we vote No against this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Watson, I have six lights flashing here. I'll entertain your motion after they have had a chance to speak. Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, in light of the most recent motion, I shall be very brief. We do a lot of speaking on this Floor about local control. I think there is something parental about our feeling that we know best about what goes on in the local municipalities, school districts, park districts, et cetera. In the same year that we are talking of taking away the surcharge, we are talking of adding caps. And I do call them caps, because caps is what they are. You know, in this representative form of government, people are elected to do the job. And if they don't do the job, as Senator Jacobs suggests, the bums should be thrown out. Senator Butler urges us to trust the people at a referendum. They're not clods; they'll understand, he says. I would point out to you folks that these

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

same citizens are not apparently attending the school board meetings and the municipal meetings and the park district meetings to urge lower taxes. Citizens have a responsibility to oversee the actions of their locally elected boards. They do not expect - nor should they expect - that we here in Springfield are going to do that parental job for them. It is highly inappropriate for us to be doing it. Let me point out to you that in the already capped County of Lake, my home county, we have School District 187 which is closing its doors in bankruptcy. Now I'm not going to tell you that that isn't mostly because the impact aid is insufficient; that is the chief reason. However, it is also true in 111 in Highland Park that they had to create a merger with other school districts in order to survive. We have problems to deal in the financing -- deal with in the financing of our schools and our units of local government that caps do not touch. They are not the solution; they are going to become even more a part of the problem. I think this is an unwise view of the problem, and I urge your No vote on this issue.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. There isn't going to be much rhetoric that's going to affect a lot of votes on this issue. But there are some things that have to be said because of some of the things that have been said. All of us hold public office, and, Senator Jacobs, I respect you a lot as a local governmental official, but I'm going to tell you that it is the Legislature that permits the property taxes. It is us that does it. In fact, my mother, bless her heart, cannot believe - cannot believe - that a tax that raises so much money, that's created by the Legislature, we don't get a penny of it. She thinks that borders on insanity. The fact of the matter is, we create it; we alter

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

it. We improve it; we change it. We are, in fact, the creators of the opportunity to levy property taxes. All of us have district offices. There's twice a year when I know the phone rings off the hook in my district office. The first one is right after the first of the year, when the U of I announces to the good citizens of my district that some of their kids are not bright enough to be admitted to a State-supported university. The second one is when the second installment of the property tax bill comes in Cook County. And what's really funny about that is, when that comes, all the people who are responsible are either at the -- are not at school, because they're shut down, or they're off someplace else. But let me tell you the most ominous thing about this. All of us, as legislators, have a global view, I hope, of what goes on. Across the pond - across the pond - there has emerged a great revolution, a revolution that I never, ever thought I would see in my lifetime: the overthrow of a form of government that did one thing differently than we did - one thing only. It wasn't the amount of participation, because if you look at their elections, they vote -- far -- more often than we do. And it wasn't that iron curtain, because we're now learning that there are more Russians that are speaking English than Americans speaking Russian. Let me tell you what that one thing was: the ability to own property. That was the only difference. And you know, what's utterly amazing to me is that, whereas we are opening up a free market in Russia, for the first time in the history of the State of Illinois, in the last census, the percentage of home ownership declined. The percentage of home ownership declined. And let me tell you why - the major reason: property taxes. We've talked about institutionalizing things. Well, Senator Jones, let me tell you the thing that we're institutionalizing with the property tax in Illinois. We're institutionalizing homelessness; that's what we're institutionalizing. We're institutionalizing the inability

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

of young people to own a home. And what's even worse than that, the inability of people like my mother to live in their own house. You know, in the last ten years in Illinois, one other thing happened: The property taxes increased - increased - twice as fast as personal income. And, by George, if that isn't enough of a message to tell us we have to do something, I don't know what is. I can tell you right now, this bill is not a perfect bill, but it's a hell of a lot better than what's going on right now. I urge we support Senate Bill 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. Thank you, Mr. President. One question, rhetorically, I like to ask is if a referendum is good for downstate, why isn't a referendum good for suburban Cook County? Number two, the last Gentleman talked a lot about his support of property tax caps. Well, let's take a look at what has occurred this last Session, with only two years into the property tax cap law in Illinois. Senator DeAngelis was the sponsor of two exclusions from the cap levies: for municipalities to pay certain alternate bonds; and Senate Bill 1086, for an exclusion for a portion of general obligation bond debt service for park or forest preserve districts. Are they working, Senator DeAngelis? Senator Klemm, sponsor of three exclusionary bills this Session. In one, Senate Bill 10 - and listen to this one - shifts general State aid from downstate and Cook County schools to schools in collar counties subject to tax caps. Are they working, Senator Klemm? You want to rob money from downstate schools and Cook County schools to fund into McHenry County, where we put caps two years ago. And how about Senator Karpziel? Five exclusions -- bills this Session. Senator Peterson, one. Last Session, thirteen tax caps exclusions in the House and a dozen in the Senate. I don't

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

think they're working. And who are they hurting? They're hurting school districts, exactly where the property tax caps are imposed. DuPage County - the McAuley Elementary School District is on the school's -- State School Superintendent's Watch List. In Lake County, Round Lake Area School District is on the Watch List. And North Chicago is going to close. They're under property tax caps. McHenry County: Riley School District, Harrison School District, Woodstock School District. No wonder we needed that money from downstate schools and suburban Cook County schools to help McHenry County, because they have property tax caps. How about Will County? Rockdale School District and Plainfield School District. And if we impose property tax caps in Cook County, Berwyn North School District is already on this Watch List, Harvey School District's on the Watch List, and Lincoln Elementary School District is on the Watch List, and we'll drive them further into problems. And what will you tell your constituents when school districts begin to close, maybe three years down the road, five years down the road, maybe ten years down the road, when they have to begin taking their children miles away to adjoining school districts because their school district is now forced to close? In my own suburban school district, Burbank, I received a letter from its superintendent. This year, without caps in suburban Cook County, they are at a 1.1 million dollar deficit. If caps were imposed this year, we would have driven it up to 1.5 million dollars. In summary, since 1976 the State of Illinois has fallen in State assistance to local school districts from forty-eight percent to thirty-three percent. We are now attempting to impose tax caps in a good majority of the remainder of the State. That's what I call a one-two punch against education. I submit that the Governor and the other side of the aisle are becoming the Doctor Kevorkians of education funding in Illinois, and this bill should be defeated.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones, for the second time.

SENATOR JONES:

Yeah. Thank you, Mr. President. I apologize for rising -- rising a second time, but I feel compelled to do so, as a result of response to my remarks. Having -- having served in this Body ten years and ten years in the other Chamber, during that ten-year period I have never personalized any individual as it relate to legislation. And it was not my intent to do so this time. But let me clarify one particular point. When Senate Bill 1 was originally introduced, it was introduced as a property tax cap extension Statewide; that is, all property in the State of Illinois would have been treated equally. It would have impacted on every school district in the State of Illinois. When you come with this amendment, you take downstate schools out, but you cap the schools in the City of Chicago that is impacted with many minority urban poor. We have -- we have rural poor downstate. I -- as I indicated in my remarks, I want to clarify it. I never said it was your intent, Senator Philip, nor was it the intent of the persons who are planning to vote for the legislation, but the net effect of what you are doing - you are institutionalizing by locking those individuals in the urban area the opportunity to raise the revenue. If the bill had -- remained in its same posture, then you -- everyone would have been treated equally. That was my intent, and that is what I said -- as regard this legislation. It was not personalized, but I don't want anyone to feel because they voted for the bill that that -- that that was my intent. I believe if you vote for the bill, you may not intend this, but the net effect of it is, you will landlock the individuals in the urban area and you -- they are not being treated equally as the school districts across the State of Illinois.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, for the second time.

SENATOR DeANGELIS:

I'm sorry, but I have to, you know -- I have to respond to the Democratic State Chairman, who's got a great proclivity for distortion. If you want to refer to the two bills that I have, maybe you ought to read more than the title, Senator LaPaille. Those two bills do not - do not, do not, do not - exceed the cap. What they do do is, they clarify what the aggregate extension is on non-referendum roll-over bonds, which - which - by the way, the legal profession said they would not allow any of those units to continue to roll over their bonds without that clarification. But both of the units you're talking about must stay within the caps. Do...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip may close.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me make a couple of points. First of all, the referendum is statewide - includes the City of Chicago. Secondly, if you want to go over the five percent, you still have the opportunity of putting it on the ballot in that school district or that local government district. So you can go over the five percent. Talking about urban areas - and let me give you a little comparison: The extension for schools in the City of Chicago this next taxing period is 4.48 percent per hundred dollars. DuPage County's average school district per hundred dollars is eight to nine percent. That's twice the tax rate in DuPage County versus the City of Chicago. On top of that, you receive twenty-six percent of your money for schools from the State of Illinois. My average school district receives seven percent. Now on top of that -- and you -- you are being treated four times better by the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

State of Illinois than the people in my community. Now, on top of that, we graduate 99.9 percent. You graduate forty-three percent. Shame on you. Shame on you. Now let's talk about if caps work. You're darn right they work. They do two things. They force the school districts and local government to manage their money better, and I'll give you an example. The City of Addison is in my district; they're a home rule community. They do not come under the five-percent cap. You know what the village president did, and the board? They decided that because everybody was -- else was under the caps in their local community, they were going to go under the cap. So they, on their own - a home rule unit - decided to only increase their budget five percent. And I take my hat off to the mayor of Addison. He was absolutely right. The second thing it does: it forces them into cooperating with other taxing bodies. The school district goes to the park district. "Maybe we can use the same facility." Or they go to the library, and they're working together for the first time. Why? Because caps force them into it. It's a good idea. We should do it. And let me -- let me say this to you, too. We've had our first tax bill under caps. My county taxes go up as high as thirty percent, as low as eight or nine. The average is anywhere from ten to fifteen percent. The first bill we've had out went up -- went up 6.4 percent. It went up a little more than what we told people - they're kind of confused - because we have home rule units that went over five percent and we have those taxing bodies that go into Cook County. And if the majority of that district is in Cook County, they don't have to go under the caps. Now, all my nine townships' assessors are in. They -- they have computed our tax bills for the next increase. It's going to be 4.6 percent - an all-time low. And I'm going to tell you one thing: I'm running for reelection next time. I hope it's going to be on the ballot next time, and I will run with that any -- any time, any day. And

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

I'm going to tell you one thing: I will get reelected. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 17, 1 voting Present. Senate Bill 1, having received the constitutional majority, is declared passed. Senate Bill 2. Senator McCracken. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 2.

(Secretary reads title of bill)

2nd Reading -- or 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Thank you, Mr. President, Ladies and Gentlemen. I move the passage of Senate Bill 2. This would repeal the Structural Work Act, commonly known as the Scaffold Act. And by way of explanation, I want to recount a little history of this. In 1907 the Scaffold Act was passed. It was the first protection of its kind offered to Illinois workers. In 1911 a more comprehensive Act was passed, the Workers' Comp Act. Now we all know that. However, what is sometimes missed is that in 1911, when Workers' Comp was passed, it was to be not only the exclusive remedy as against the direct employer, but also prohibited remedies against third parties. In fact, the Workers' Comp remedy was meant to be exclusive in every sense of the word. Therefore, for the next forty to forty-four years, the Scaffold Act languished in disuse, but was never repealed. In 1955 the court held the exclusive remedy provision of the Workers' Comp Act unconstitutional as it

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

related to third parties. Therefore, ingenious lawyers at the time and to the present day started using the Scaffold Act as a means of getting greater recovery than is permitted under Workers' Comp. When the Scaffold Act was first passed, and to this day, its plain language requires what's known as a willful violation. However, during the history of this court challenge and subsequent lawsuits, the concept of liability has been broadened so that although the Statute is the same, reading "willful violation", it has been held to be met by negligence. Not only has the court held that mere negligence is adequate to satisfy the Structural Work Act, but recently the court has held that there can be no comparative negligence on the part of the plaintiff in determining damages under the Scaffolding Act. The effect has been this: Workers' Comp remedy - no one can test that; Scaffold Act remedy - that remedy, while it cannot be used to increase liability to the direct employer, can result in much larger awards. In determining those awards, the courts are not allowed to consider any comparative fault of the plaintiff. Now if the plaintiff, since 1985, were required to proceed in a standard tort action, his comparative negligence would be used in the appropriate case, depending on the facts to reduce the award. The result has been a recovery far beyond that authorized in Workers' Comp - a recovery that can extend to other parties under the Scaffold Act, and the existence of liability and exposure on the part of contractors, as well as employers, under a combination of Workers' Comp and the Scaffold Act, which, according to a Wyatt Company study in 1987 based on 1986 figures, estimates the annual cost to Illinois business at one hundred thirty-nine million dollars. During this same period, from 1975 to the present, workers' comp benefits have risen dramatically. Illinois is a very generous State, relative to the other states of the Union, as to its worker comp benefits. Total awards in 1975 were one hundred seven million dollars. In

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

1990 total workers' comp awards were 1.6 billion dollars. Now, opponents to this will argue that the safety of the workers of the State is jeopardized by our repealing the Act. I submit that that is not substantiated. In a recent study conducted by the Chicago-based National Safe Workplace Institute, was Illinois number one in safety? No. Was New York, the only other State with a comparable law, number one in safety? No. Was it some small rural state that has no industrial employment to speak of? No. It was California, without a comparable Scaffold Act in place. California. There is no correlation between existence of the Scaffold Act and safety records experienced in the fifty states. What, in effect, has happened over the years is that the intention of the Legislature in 1907, in 1911, has been subverted. Now, to the extent we haven't repealed it or acted before today, I acknowledge we're all at fault. But I think the time has come for a change. We are not talking about denying the employees a remedy. In fact, we are returning to the original intent, and that was to provide that remedy pursuant to the Workers' Comp Law. I submit it is time to do so; therefore, I move adoption of Senate Bill 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

...President and Members of the Body, let me tell you the other side of the Structural Work Act. Illinois, at present, is rated third in the nation in safety for workers in the workplace. Part of the reason is that we have a Structural Work Act - the Scaffolding Act. Nationwide, ten thousand workers are killed on the job by accidents annually. In Illinois, approximately three hundred are killed. Now the argument is that this is unnecessary; that somehow OSHA or other bodies can take care of this. Let me remind the Body that OSHA has been so diminished that if we

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

calculated it, the inspection rate for construction sites in Illinois by OSHA would be once every eighty-eight years. OSHA has only eight hundred and fifty inspectors nationwide, with four million work sites to inspect. There has also been an argument made that workers would be paid twice through -- under the Structural -- the Scaffolding Act. That is absolutely not true, because the Workers' Compensation Act says specifically that any monies gained under that would be repaid -- any monies that are gained from other sources would be repaid. Finally, let me just tell you a little bit about a man who came before the committee named Don Spear, who was a construction worker. He was working to build a Panasonic facility in Elgin, Illinois. The general contractor was behind on the schedule and was going to be charged ten thousand dollars a day penalty if they did not complete the work on time. Naturally there was a speedup. The architect, however, warned the contractor that building the interior block walls was unsafe because they were not designed to withstand wind. The contractor went ahead anyway. This is according to Mr. Spear's testimony. On November the 16th, some few years ago, not knowing that this was unsafe, he walked in front of the wall, was suddenly -- the concrete blocks fell on him, and he is now confined to a wheelchair, and despite rehabilitation, cannot do for himself. What did the Scaffolding Act provide for him? It provided the means by which he does not need to be a financial burden to anyone for the rest of his life. Workers' compensation alone cannot provide for that. I suggest that this is not a good bill, that this puts working people in jeopardy, and that we should vote a resounding No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Senate. I invite my colleagues on the other side of the aisle for a moment to think about what you may be voting Aye on on this bill, and let me just give you a few principles that I oftentimes hear in debates on management issues. We talk about free competition. We talk about responsible action. We talk about not -- about holding everyone responsible for their own actions. Let me tell you what you're going to do if you pass this bill and if this bill becomes law. To back up just for a moment: The -- the Structural Work Act was passed and is applicable because it deals with a particularly hazardous area - namely, construction work. The person that works in a ordinary factory, if they hurt themselves, their injuries may be, most of the time, relatively minor. But the person that hurts themselves under a Structural Work Act situation many times falls ten or hundreds of feet, because they're up on the scaffold. Their injuries can be -- are usually very, very serious and very, very expensive. With the existence of the Structural Work Act, the construction industry bears substantially its own costs for this hazardous condition. If you eliminate this bill, and bring all these workers under the Workers' Compensation Act, all of industry is going to have to pick up the tab for this particularly hazardous segment of our industries. That is discriminatory against all of -- all of the other employers in the State of Illinois. It is also discriminatory against workers in the construction industry. Because of the severity of their injuries, they can recover under a Structural Work Act the kind of recovery that compensates them for those serious injuries. Workers' Compensation modifies the extent of the recovery and penalizes, to some extent, those workers in this hazardous industry. And I would point out one other item that the sponsor of this bill is urging, regarding fault. Workers' compensation compensates an employee regardless of comparative or contributory negligence. Regardless of how much

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

at fault a -- an employee is, under Workers' Compensation, that is not a defense. So the fact that that's not a defense under the Structural Work Act is not changed at all by eliminating this bill. All you're doing is shifting fair compensation and fair responsibility to the rest of industry and to the rest of workers. I don't think that's the kind of argument that I usually hear, especially from the other side of the aisle. It's a bad bill. It spreads the wrong risk to the wrong people. I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

I rise in support of this bill. And to answer a couple of those previous comments: First of all, this is not limited just strictly to construction; this is a bill that's being abused by all areas. As the bill clearly states, this is a -- the Structural Work Act covers any elevated surface. There are claims from secretaries standing on ladders, or standing on chairs, and falling. This is not just a construction area bill where it's being abused. Secondly, we talk about if we bring this into Workmen's Compensation, this is going to affect workmen's compensation. It's not. Workmen's compensation is class rated. It would raise the classification under construction for workmen's compensation. It's not going to affect other businesses. It's not going to affect the rating in workmen's compensation. As far as contributory, one of the biggest problems we have is subcontractors showing up, not carrying insurance, and then turning around and suing under Structural Work Acts. It's a situation that's easily abused and there's a problem. I just find this very interesting that so many people, especially on -- on the other side, seem to look at the Structural Work Act as the -- as the catchall. I guess if we were so concerned about these injured parties, maybe we would limit the fact that the attorneys are

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

getting a third plus expenses. Let's go back to an hourly wage. That'll give more money for the injured parties.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I, too, rise in support of this legislation, and wanted to make just one brief point that may have been already adequately covered by Senator McCracken, but I think, in light of the remarks made on the other side of the aisle, bears repeating. And that is that, were this legislation to become law, it in no way limits the common law remedies that an injured party -- injured worker would still have in filing actions based on negligence on the one hand, or product liability on the other. It needs to be understood that our Structural Work Statute, as it has evolved, has in many cases been interpreted in a way that imposes almost a no-fault penalty on owners and architects and others on construction sites and in other contexts, as Senator Syverson has described. So this bill that is proposed here, while it would eliminate a Statute that has been on the books for, I guess, about eighty years, is really not that radical a solution, and would leave an injured party with basically almost the -- the full remedies in all of the remedies under common law that otherwise exist today. And I urge your support.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR MCCRACKEN:

The trade-off between the concept of Workers' Comp and forgoing remedies other than Workers' Comp was to make a fault-free system for the protection of the worker. Workers' Comp does do that; that's why there is no comparative fault in Workers' Comp, as there was never intended to be any comparative fault.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Same is not true of the Scaffold Act. My colleagues have made some good points on this side of the aisle. I ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 3 <sic> (2) pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On the -- that question, the Ayes are 31, the Nays are 24, none voting Present. Senate Bill 3 <sic> (2), having received the constitutional majority, declared passed. Senate Bill 16. Senator Cullerton. Excuse me. I said Senate Bill 3. It was Senate Bill 2, having received the constitutional majority, is declared passed. Senator Barkhausen, on Senate Bill 3. Read the bill. For what purpose does Senator Cullerton arise?

SENATOR CULLERTON:

I just wanted to make sure everybody was here on the bill that we just passed with thirty-one votes.

PRESIDING OFFICER: (SENATOR WEAVER)

That request is in order. Senator Cullerton requests that... For what purpose does Senator Karpziel arise?

SENATOR KARPIEL:

Mr. President, hasn't the next bill already been called?

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Karpziel, I called the bill, but the bill has not been read. I was wondering whether he wanted to hear the bill, and I made a mistake in announcing the wrong bill. So, I think we should go ahead with the verification. Senator Cullerton has requested a verification. Will the Senators be in their seats, and the Secretary will read the affirmative votes?

SECRETARY HARRY:

Following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Donahue, Dudycz, Ralph Dunn, Fawell,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, McCracken, O'Malley, Petka, Raica, Rauschenberger, Sieben, Syverson, Topinka, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, do you question the presence of any Member voting in the affirmative?

SENATOR CULLERTON:

Yes. Senator Woodyard, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard?

SENATOR CULLERTON:

Senator Karpziel.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel?

SENATOR CULLERTON:

We'll take your word for it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel's in the telephone booth.

SENATOR CULLERTON:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

On a verified roll call, the Ayes are 31, the Nays are 24, none voting Present. Senate Bill 2, having received the constitutional majority, is declared passed. Senate Bill 3. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. I know the hour is late, but this is another important piece of legislation. Senate Bill 3 started out basically in the form that Senator Jacobs and I have recommended in past years; however, it's been substantially amended and now contains two basic provisions. One of them has to do with a requirement that prior to filing a product liability action, the lawyer would have to obtain, on behalf of his or her client, the affidavit of an expert, which I'll explain in somewhat greater detail. And the second major provision has to do with imposing some limitations on punitive damages. As to the required affidavit of -- of an expert, it would require that the plaintiff attach an affidavit to the complaint that states that an expert has been consulted and that the facts of the case have been reviewed by a qualified expert who has determined in a written report that, first of all, the product contained a potential for injury beyond that which would be contemplated by the ordinary user, and was unreasonably dangerous and in a defective condition when it left the control of the manufacturer, and secondly, that the defective condition was a proximate cause of the plaintiff's injury. A failure to file such an affidavit would be grounds for dismissal. If the complaint is based on an alleged design defect, the affidavit shall further state that the expert has identified either that -- that a feasible alternative design existed at the time the product left the manufacturer's control, or that an applicable government or industry standard -- that there was an applicable government or industry standard to which the product did not conform. As to the punitive damages Section, punitive damages would, in general, be limited to three times the amount of actual damages - actual damages being defined as the amount of economic loss suffered by the plaintiff. Furthermore, punitive damages would be prohibited if the conduct of the defendant was

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

approved by or was in compliance with standards set forth in a Federal or State Statute or in a regulation or other administrative action promulgated by an agency of the Federal or State Government responsible for the safety of the product. However, this so-called "government standards defense" would not exist if the plaintiff proves by clear and convincing evidence that the manufacturer or product seller intentionally withheld from or misrepresented information relative to the safety of the product that could have changed the decision relative to the law, standard or other administrative action. I'd be glad to answer your questions, and otherwise, urge your support for this important legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 3. I'll just touch on two points. The requirement of an affidavit at the time of filing by an expert is similar to that which we had used and passed several years ago regarding medical negligence cases. The trouble is that with a medical malpractice case, the plaintiff has available to him or her all of his medical records because they are his or her medical records, and they can then submit those records to an expert to determine a basis for the merit of the medical malpractice claim. In product liability cases, however, those records - that evidence that's necessary to form an expert's opinion - are not available, and usually are not available until there is substantial discovery that takes place in the process of the litigation. So I would suggest to you that this requirement for a so-called expert at the time of filing a -- a product liability case is a substantial, if not total, bar to every consumer who may have a product liability claim. On the other end

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

regarding limit of punitive damages, again, those companies that can be proven to have totally ignored - totally ignored - any semblance of responsibility to their customers ought not to be shielded by some formulary, whether it be three times, two times, one time, et cetera. The best judge of how wrongful a company is, by the very, very gross negligence, the outlandish negligence, the willful negligence, the total impunity of any responsibility to those consumers, is best determined by the jury. And we've changed punitive damage awards. The plaintiff doesn't always get them. Those sometimes are given to State agencies or other public entities where the appropriateness of that award should be shifted away from the plaintiff. So this is in fact awarding - rewarding - the company that didn't give a damn about what their action would do as far as injury to the public. This is a bad bill. I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR BARKHAUSEN:

Let me just say in -- in closing, responding to Senator Berman's first point that he made regarding what he says would be the difficulty of being able to bring a complaint at all if this affidavit requirement were to exist, I would simply cite Supreme Court Rule 224, which makes available, prior to the filing of a lawsuit, rights of discovery with regard to identifying certain persons and entities. And it would seem -- because we had some discussion of this point in our internal deliberations regarding the -- the inclusion in this bill of an affidavit requirement, we concluded that Supreme Court Rule 224 would adequately make available to one wanting to bring suit, discovery rights that would enable the person to determine whether the facts existed to justify filing the complaint. So I think there is an adequate

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

remedy. And I otherwise urge your support for this legislation, which makes, I think, two significant improvements in our product liability laws.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 3 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays, none voting Present. Senate Bill 3, having received the constitutional majority, is declared passed.

PRESIDENT PHILIP:

Senate Bill 16. Senator Cullerton. Well, you know, I can remember, Senator Cullerton, the House of Representatives is just getting started. They go from ten, eleven... You guys are used to it. I just want to get you guys out of here early Friday afternoon. So far we've been doing pretty good, guys. Keep up the good work. Read the bill.

SECRETARY HARRY:

Senate Bill 16.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Yes. This is a bill that says that limited partnership renewal reports do not have to be filed with the county recorder. I will indicate that there would be some loss of revenue to the county recorders as a result of this bill.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

Just to say quickly, Mr. President, as the sponsor several years ago of the Revised Uniform Limited Partnership Act and having some interest, in general, in Uniform Acts, I think this bill is a step in the right direction and will make it easier to form limited partnerships. And -- and I do -- in spite of the late hour and in spite of everything else, I do urge your support.

PRESIDENT PHILIP:

Senator LaPaille.

SENATOR LaPAILLE:

Yes, Mr. President. I stand in opposition to this bill. What Senator Cullerton is attempting to do is take money away from county governments. He's had many bills before where he's been successful, but this is one bill that should be defeated. He's soon becoming the Dr. Kevorkian of county funding in Illinois.

PRESIDENT PHILIP:

...I like it. You got the -- you know what? You'd better move on this side of the aisle. I like your attitude. Further discussion? If not, Senator Cullerton, to close.

SENATOR CULLERTON:

Thank you.

PRESIDENT PHILIP:

Very good. You know what? You're coming around. On the -- on the question, shall -- Senate Bill 16 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? Have you all voted who wish? Take the record. On the question, there's 6 Ayes, 18 Nays, 26 voting Present. Senate Bill 16, having not received the required constitutional majority, is declared failed. You know, we -- we -- one more time? Senate Bill 17. Senator -- okay. Okay. You know what? The hour is late, and I certainly want to -- wouldn't want to disrupt some of my friends' drinking time. And I know how -- how important that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 20, 1993

is to the economy of Springfield, and quite frankly, we have done a very good job today. We've gone through the Calendar twice now. It would be the intention of the Chair to come back at 9 o'clock in the morning, hit it once again. It's the intention of the Chair to get early out of here on Friday so you guys can have a -- a semi-long weekend. So if there -- if there isn't any further business to come before the Senate, Senator Weaver moves we stand adjourned until tomorrow at 9 a.m. sharp. Thank you.

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

APRIL 20, 1993

HB-0124	FIRST READING	PAGE	92
HB-0325	FIRST READING	PAGE	2
HB-0331	FIRST READING	PAGE	2
HB-0354	FIRST READING	PAGE	92
HB-0404	FIRST READING	PAGE	134
HB-0444	FIRST READING	PAGE	92
HB-0605	FIRST READING	PAGE	2
HB-0641	FIRST READING	PAGE	92
HB-0673	FIRST READING	PAGE	134
HB-0702	FIRST READING	PAGE	92
HB-0930	FIRST READING	PAGE	2
HB-0977	FIRST READING	PAGE	92
HB-1010	FIRST READING	PAGE	92
HB-1016	FIRST READING	PAGE	134
HB-1072	FIRST READING	PAGE	2
HB-1073	FIRST READING	PAGE	92
HB-1124	FIRST READING	PAGE	2
HB-1126	FIRST READING	PAGE	92
HB-1128	FIRST READING	PAGE	2
HB-1222	FIRST READING	PAGE	2
HB-1324	FIRST READING	PAGE	93
HB-1362	OTHER	PAGE	212
HB-1377	FIRST READING	PAGE	93
HB-1385	FIRST READING	PAGE	2
HB-1398	FIRST READING	PAGE	93
HB-1479	FIRST READING	PAGE	93
HB-1489	FIRST READING	PAGE	93
HB-1543	FIRST READING	PAGE	93
HB-1642	FIRST READING	PAGE	93
HB-1730	FIRST READING	PAGE	2
HB-1746	FIRST READING	PAGE	93
HB-1750	FIRST READING	PAGE	2
HB-1787	FIRST READING	PAGE	93
HB-1791	FIRST READING	PAGE	2
HB-1797	FIRST READING	PAGE	2
HB-1838	FIRST READING	PAGE	2
HB-1927	FIRST READING	PAGE	93
HB-2028	FIRST READING	PAGE	134
HB-2115	FIRST READING	PAGE	93
HB-2120	FIRST READING	PAGE	93
HB-2121	FIRST READING	PAGE	93
HB-2122	FIRST READING	PAGE	93
HB-2169	FIRST READING	PAGE	93
HB-2221	FIRST READING	PAGE	2
HB-2383	FIRST READING	PAGE	3
HB-2417	FIRST READING	PAGE	93
SB-0001	THIRD READING	PAGE	215
SB-0002	THIRD READING	PAGE	236
SB-0003	THIRD READING	PAGE	244
SB-0016	THIRD READING	PAGE	248
SB-0038	OTHER	PAGE	3
SB-0344	THIRD READING	PAGE	14
SB-0345	THIRD READING	PAGE	29
SB-0360	THIRD READING	PAGE	32
SB-0380	THIRD READING	PAGE	35
SB-0382	THIRD READING	PAGE	156
SB-0383	THIRD READING	PAGE	158
SB-0398	THIRD READING	PAGE	40
SB-0423	THIRD READING	PAGE	41
SB-0433	THIRD READING	PAGE	43
SB-0433	OTHER	PAGE	49
SB-0436	THIRD READING	PAGE	49
SB-0442	OUT OF RECORD	PAGE	51
SB-0448	THIRD READING	PAGE	50

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

94/11/16
13:27:37

APRIL 20, 1993

SB-0450	THIRD READING	PAGE	54
SB-0452	SECOND READING	PAGE	4
SB-0453	THIRD READING	PAGE	56
SB-0485	THIRD READING	PAGE	85
SB-0496	THIRD READING	PAGE	57
SB-0500	THIRD READING	PAGE	57
SB-0504	RECALLED	PAGE	61
SB-0530	RECALLED	PAGE	63
SB-0531	THIRD READING	PAGE	65
SB-0534	THIRD READING	PAGE	68
SB-0551	THIRD READING	PAGE	70
SB-0552	OUT OF RECORD	PAGE	72
SB-0561	RECALLED	PAGE	73
SB-0582	RECALLED	PAGE	74
SB-0590	HELD ON SECOND	PAGE	166
SB-0590	RECALLED	PAGE	163
SB-0597	RECALLED	PAGE	75
SB-0598	THIRD READING	PAGE	77
SB-0601	THIRD READING	PAGE	94
SB-0606	THIRD READING	PAGE	99
SB-0610	RECALLED	PAGE	112
SB-0616	THIRD READING	PAGE	113
SB-0617	THIRD READING	PAGE	115
SB-0622	THIRD READING	PAGE	116
SB-0626	THIRD READING	PAGE	117
SB-0632	THIRD READING	PAGE	120
SB-0638	THIRD READING	PAGE	121
SB-0641	RECALLED	PAGE	122
SB-0650	THIRD READING	PAGE	123
SB-0651	THIRD READING	PAGE	124
SB-0652	THIRD READING	PAGE	125
SB-0666	RECALLED	PAGE	125
SB-0678	THIRD READING	PAGE	126
SB-0714	THIRD READING	PAGE	130
SB-0735	RECALLED	PAGE	135
SB-0739	THIRD READING	PAGE	136
SB-0743	THIRD READING	PAGE	137
SB-0756	THIRD READING	PAGE	138
SB-0759	THIRD READING	PAGE	139
SB-0764	THIRD READING	PAGE	145
SB-0766	SECOND READING	PAGE	4
SB-0773	THIRD READING	PAGE	146
SB-0776	THIRD READING	PAGE	149
SB-0792	THIRD READING	PAGE	155
SB-0840	SECOND READING	PAGE	5
SB-0846	THIRD READING	PAGE	167
SB-0851	RECALLED	PAGE	168
SB-0868	RECALLED	PAGE	169
SB-0870	RECALLED	PAGE	170
SB-0881	RECALLED	PAGE	171
SB-0888	THIRD READING	PAGE	172
SB-0891	THIRD READING	PAGE	179
SB-0892	OUT OF RECORD	PAGE	180
SB-0893	THIRD READING	PAGE	184
SB-0900	SECOND READING	PAGE	9
SB-0908	THIRD READING	PAGE	185
SB-0935	SECOND READING	PAGE	10
SB-0950	SECOND READING	PAGE	10
SB-0960	OUT OF RECORD	PAGE	185
SB-0990	THIRD READING	PAGE	187
SB-0990	OTHER	PAGE	194
SB-0991	THIRD READING	PAGE	188
SB-0997	THIRD READING	PAGE	190
SB-1000	RECALLED	PAGE	195

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

94/11/16
13:27:37

APRIL 20, 1993

SB-1021 THIRD READING	PAGE	197
SB-1036 THIRD READING	PAGE	198
SB-1037 THIRD READING	PAGE	205
SB-1039 THIRD READING	PAGE	208
SB-1078 RECALLED	PAGE	210
SB-1085 THIRD READING	PAGE	211
SR-0276 RESOLUTION OFFERED	PAGE	134
SR-0277 RESOLUTION OFFERED	PAGE	134
SR-0278 RESOLUTION OFFERED	PAGE	94
SR-0279 RESOLUTION OFFERED	PAGE	94
SR-0280 RESOLUTION OFFERED	PAGE	134
SR-0281 RESOLUTION OFFERED	PAGE	215
HJR-0015 RESOLUTION OFFERED	PAGE	214
HJR-0019 RESOLUTION OFFERED	PAGE	133
HJR-0021 RESOLUTION OFFERED	PAGE	133

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-REVEREND HAAS	PAGE	1
JOURNALS-POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	1
COMMITTEE REPORTS	PAGE	11
EXECUTIVE SESSION-CONSIDER APPOINTMENTS	PAGE	12
REGULAR SESSION	PAGE	13
COMMITTEE REPORTS	PAGE	53
RECESS	PAGE	90
SENATE RECONVENES	PAGE	91
COMMITTEE REPORTS	PAGE	91
MESSAGES FROM THE HOUSE	PAGE	91
RECESS	PAGE	132
SENATE RECONVENES	PAGE	132
COMMITTEE REPORTS	PAGE	132
MESSAGES FROM THE HOUSE	PAGE	133
RECESS	PAGE	213
SENATE RECONVENES	PAGE	213
COMMITTEE REPORTS	PAGE	213
MESSAGE FROM THE HOUSE	PAGE	214
ADJOURNMENT	PAGE	250