

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
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40th Legislative Day

April 23, 1993

PRESIDENT PHILIP:

The Senate will please come to order. If our Members would rise and our friends in the gallery would please rise for the prayer this morning by Reverend Rusch, Pawnee Assembly of God Church, Pawnee, Illinois.

REVEREND RUSCH:

(Prayer given by Reverend Rusch)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Friday, April 16, 1993, and Monday, April 19th, 1993.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the -- Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Butler moves to approve the Journals just read. There being no objections, so ordered. Senator -- Cullerton.

SENATOR BUTLER:

Mr. President. Mr...

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. There are -- there's a request, if we could, to delay the approval of the Journals that were just read. We haven't had a chance to review those two days. They were just made available to us.

PRESIDENT PHILIP:

I -- I think that's in order. I wouldn't have a problem with

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that at all. We'll do it later. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, April 20 -- 20th; Wednesday, April 21st; and Thursday, April 22nd, 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 transcripts. There being no objections, so ordered. Messages from the House.

SECRETARY HARRY:

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

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

House Bills 241, 273, 524, 797, 822, 1094, 1266, 1392, 1584 and 2080.

Passed the House, April 22nd, 1993.

We have a like Message on House Bills 210, 562, 565, 1310, 1637, 1677, 2016, 2062, 2139 and 2231.

Also passed the House, April 22nd, 1993. From Anthony D. Rossi, Clerk of the House.

Mr. President -- 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 25.

Adopted by the House, April 22nd, 1993. It's congratulatory.

We have a like Message on House Joint Resolution 26, also adopted by the House on April 22nd, 1993.

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It is also congratulatory.

PRESIDENT PHILIP:

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 48, offered by Senator Weaver.

(Secretary reads SJR No. 48)

PRESIDENT PHILIP:

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 48. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The rules are suspended. Senator -- Senator Weaver. Senator Weaver, on Senate Joint Resolution 48.

SENATOR WEAVER:

Senator -- I would move that the appropriate rules be suspended for the immediate consideration of Senate Joint Resolution 48, the adjournment resolution.

PRESIDENT PHILIP:

Any discussion? If not, Senator Weaver moves the adoption of Senate Joint Resolution 48. Those in favor will signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion is adopted. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 57, by Senator Palmer.

(Secretary reads title of bill)

House Bill 184, by Senator Peterson.

(Secretary reads title of bill)

House Bill 188, by Senator Demuzio.

(Secretary reads title of bill)

House Bill 332, Senator O'Malley.

(Secretary reads title of bill)

House Bill 344, by Senator Woodyard.

(Secretary reads title of bill)

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Senator Madigan offers House Bill 412.

(Secretary reads title of bill)

House Bill 476, Senator Hasara.

(Secretary reads title of bill)

House Bill 539 is presented by Senator Smith.

(Secretary reads title of bill)

House Bill 609, offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 630, Senator Donahue.

(Secretary reads title of bill)

House Bill 648, offered by Senator Dudycz.

(Secretary reads title of bill)

House Bill 655, Senators Madigan and O'Daniel.

(Secretary reads title of bill)

House Bill 699, by Senator Tom Dunn.

(Secretary reads title of bill)

House Bill 957, Senators Stern and Smith.

(Secretary reads title of bill)

House Bill 1102, by Senator Cullerton.

(Secretary reads title of bill)

House Bill 1229, Senators McCracken and DeLeo.

(Secretary reads title of bill)

House Bill 1239, by Senators McCracken and Collins.

(Secretary reads title of bill)

House Bill 1478, Senator Luft.

(Secretary reads title of bill)

House Bill 1488, by Senator Topinka.

(Secretary reads title of bill)

House Bill 1591.

(Secretary reads title of bill)

House Bill 1614, by Senator Weaver.

(Secretary reads title of bill)

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House Bill 1625, Senator Palmer.

(Secretary reads title of bill)

House Bill 1647, Senator McCracken.

(Secretary reads title of bill)

Senator Cullerton offers House Bill 1723.

(Secretary reads title of bill)

House Bill 1724, Senator Dudycz.

(Secretary reads title of bill)

House Bill 1798, Senators Madigan and DeLeo.

(Secretary reads title of bill)

Senator Fawell offers House Bill 1813.

(Secretary reads title of bill)

House Bill 1912, Senator Severns.

(Secretary reads title of bill)

Senator Syverson offers House Bill 1951.

(Secretary reads title of bill)

House Bill 1957 is presented by Senator Madigan.

(Secretary reads title of bill)

House Bill 2004, Senator O'Malley.

(Secretary reads title of bill)

House Bill 2097, by Senator Tom Dunn.

(Secretary reads title of bill)

House Bill 2134, Senator Molaro.

(Secretary reads title of bill)

House Bill 2148, by Senator Donahue.

(Secretary reads title of bill)

Senator Barkhausen offers House Bill 2168.

(Secretary reads title of bill)

House Bill 2290, Senator Topinka.

(Secretary reads title of bill)

Senator Madigan offers House Bill 2330.

(Secretary reads title of bill)

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And House Bill 2397, by Senator Geo-Karis.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDENT PHILIP:

...(microphone cutoff)...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 97, 141, 160, 602, 799, 819, 999, 1331, 1342 and 2353.

Passed the House, April 22nd, 1993.

We have like Messages on House Bills 179, 240, 299, 611, 935, 1148, 1249, 1427, 1515, 2287 and 2316.

All passed the House, April 22nd, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDENT PHILIP:

If I could have your attention for one minute, I'll try to bring you up to date, what we're going to do today. We're going to start at the bottom of the Calendar. As you know, we have been through the Calendar four times. I can never remember, in my seventeen years, we've ever been through 3rd Readings four times. We're going to do it one more time, and I hope that you'll be in your seats. And if you want your bill called, it's the last hurrah. So I don't want anybody moaning and groaning that -- you didn't get any opportunity. Then we're going to Motions in Writing, and then Postponed Consideration. One shot at that. And then hopefully we will go home early today. Now may I say this: on Postponed Considerations we're going to -- we're going to put into effect the "Donnewald Rule," if you'll remember, and that is

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one person speaking for it, one person speaking against it, and the sponsor, and limit them to one minute on each side of the aisle. So without further ado, 3rd Readings. Senate Bill 130. Senator Raica. Senate Bill 196. Senator Weaver. Out of the record. Senate Bill 246. Senator Petka. Read the bill.

SECRETARY HARRY:

Senate Bill 246.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 246 creates the offense and expands the definition of child abandonment here in the State of Illinois. This legislation is in direct response to a request from the State's Attorney of Kane County, Dave Akemann, who had a very sensational case which attracted international notoriety when a family known as the Schoos decided to go on vacation and leave behind a nine-year-old and a four-year-old. The reason that this legislation is being -- or -- is -- it should be adopted -- is really very simple. The case was disposed of this week by a plea agreement, which I believe was, in many quarters, criticized as being, quote, "too soft". Now, having once sat in the chair that -- in the same situation as Mr. Akemann, I can empathize with him, because quite candidly, the tools for prosecution are simply and were simply not there and available to him. His options were limited. What this bill does, basically, is provide that any person who leaves a child under the age of fourteen for more than twenty-four hours without adequate -- supervision or care may be guilty of a Class 4 felony. There is a special provision in the bill which permits a person who is convicted of an offense to be placed on a special

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form of probation so that the person can be treated and possibly avoid the consequences of his -- his or her conviction. I don't think this bill should generate a lot of controversy. One of the offensive provisions was removed yesterday by amendment, and because of that, Mr. President, Members of the Senate, I urge its adoption.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I -- I rise in support of this bill. I would like to inform the Senators that -- a similar bill covering the same subject matter has passed the House and is in the Senate. This is a classic case of two very good approaches to the same issue but -- but different versions. I think we should have a Senate bill in the House on this subject matter. We do have a House bill in the Senate. And perhaps, if we can work out an agreement on what the language should be, we -- we'll pass one of those without going to a conference committee. But if -- if that's not the case, we would -- we would resolve it in a conference committee. I think there are some -- some questions still that remain about the -- the language in this bill, as well as the language in the House bill that came over, but I think it's something that we ought to address, and I urge an Aye vote.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. To make sure that I shed the -- the idea that I'm going to become the civil libertarian of the Senate, I -- I agree with Senator Petka's bill. I think it is a good bill. I would ask that he assures me that the language we talked about he will address in amendment, and if he does that, then I do

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fully support this bill. Thank you.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. While I may have been very concerned, as others were, about the "Home Alone" case, I'm more concerned about this. A question of the sponsor, please.

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Palmer.

SENATOR PALMER:

Senator Petka, I can understand, on the one hand, wanting to charge the offenders and to punish them, but I don't see anything in this bill about what happens to the children while the parents or whoever is the offender is imprisoned. And that concerns me greatly, because I think one of the reasons it may appear that there was a light sentence is, nobody could figure that out when it came to these two girls.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Well, Senator Palmer, in my opinion, and in the opinion of the State's Attorney of Kane County, the reason for the -- the more lenient sentence is that tools were simply not available, and -- and I -- I believe that, unfortunately, in this area there has been a reluctance for the reasons that you cite. However, I just would like to direct your attention into the bill to Section 12-22. The language there for a first-time conviction -- or a first-time offense, authorizes a special probation where prison is not a possibility. The only people that will be possibly going to -- to prison under this Section, unless it's a extremely aggravated set of circumstances, are those who've already been warned that this is grievous conduct.

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PRESIDENT PHILIP:

Senator Tom Dunn.

SENATOR T. DUNN:

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

PRESIDENT PHILIP:

He indicates he'll yield. Senator Dunn.

SENATOR T. DUNN:

Senator Petka, does this contain a hearsay exception for all crimes against?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator Dunn, you are correct. I -- I have spoken to Senator Molaro. The question he asked and raised was the -- the expansive definition. I have told the Senator and I'll tell you, it is my intention that -- per Senator Cullerton's suggestions, that when this bill comes into conference committee, and I have strong reason to believe that it will, that we will -- we will amend that -- that offensive provision to make it provide or apply specifically to the offense at hand.

PRESIDENT PHILIP:

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

SENATOR PETKA:

Mr. Chairman, believe it or not, for this early in the morning I believe the - or, Mr. President - the -- the bill has been adequately explained and discussed, and I would urge an Aye vote.

PRESIDENT PHILIP:

Very well said. On the -- on the question, shall Senate Bill 246 pass, those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, 51 Ayes, 1 Nay, 3 voting Present. Senate Bill 246, having received the required

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constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...Bill 340? Read the bill, Mr. Secretary. No. Take it out of the record. Senator Fitzgerald, on Senate Bill 341? Out of the record. Mr. -- Senator Demuzio, what purpose do you arise?

SENATOR DEMUZIO:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR DEMUZIO:

Well, it was announced this morning by the Senate President that this is the last time we're going through the Calendar, and the sponsor has indicated on 340 and 341, he wishes not to call those two bills. The GAP Proposal is one that we're vitally interested over here on this side, and I'd like very much to -- just remind the freshman on the -- the other side of the aisle that there won't be another opportunity today to call those two bills. So, they're very important, and they're important to -- to we on -- over here and I'm sure over there, and was wondering maybe, perhaps sometime, that the sponsor could let us know, either publicly or privately, what he intends to do with those two bills. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel, on Senate Bill 376? No? Out of the record. Senator DeAngelis, on Senate Bill 384? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 384.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. This is the bill that I pulled out of the record to have a discussion with Senator Carroll, and from what I understand he was called back to Chicago on this -- so he was unavailable to meet. But I think I can explain the point, that - since we're on 3rd Reading - that he and I were having a discussion about, and he was concerned that when these assessments were changed for the benefit of the person who had the higher assessment -- he was concerned that the burden would fall on the other people. And what I was trying to point out to him was that when the assessment is lowered, the original assessed valuation is used to calculate the multiplier, and I brought up the instance of Sears, where supposedly the market value or replacement value is a billion two, the assessment is two hundred million, which means there's a billion dollars' worth of underassessment that's charged to our multiplier. For those of you who are outside of Cook, you may not be aware: our multiplier is over two. And I might point out to you that there's ninety-five properties that account for twenty-six percent of the total assessed valuation, and all those properties - all those properties - have been adjusted at one time or another. And I think if you want to look at one of the major causes of our multiplier, it's that. Let me point out one other thing. The Department of Revenue came out with an opposition paper, and I'm going to give them the benefit of the doubt that they wrote this up before the bill got amended. But let me just tell you, there's one thing in here that I -- I really feel like the Department has been in la-la land with some of its position papers. It states the proposition of two buildings side by each - side by each - one half full and the other one completely full, and the break for the one that's half full. I would like to ask any Member of this Body - any Member of this Body: Would you pay

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the same price for a building that's half full as a building that's fully full? Do they not, in fact, have a different value? I -- I just am getting shocked at some of these analyses. The point is this though: We have had a serious problem in which a -- a type of assessment procedure is being used that has not been codified, and therefore does not make it acceptable in the determination of the multiplier. And if you don't do anything else, please think of all those people that are living in residential property -- homes that are getting hit with this multiplier, and the person who's getting the adjustment on an income basis getting the benefit of that lowered assessment, and you getting banged with a higher multiplier. I'll be happy to answer any further questions on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

We have discussion on Senate Bill -- Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. Several questions of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR PALMER:

Senator DeAngelis, I want to ask you about three questions with respect to this. First, is there a fiscal note attached? In other words, is there an impact on the State revenue collection?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Palmer, no. We do not get anything from the property taxes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Secondly, my notes say that there may -- this may be

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unconstitutional, since it could violate the rule of uniformity of taxation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Palmer, I'm glad you brought that up. That was the Department of Revenue. And again, I said they might be in la-la land. Cook County is doing it already. Now what may make it unconstitutional is the fact that it's -- they're doing it and it's not codified. This bill actually codifies that activity.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

The other is, there is a criticism from opponents that it creates a local mandate?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

That one throws me for a loop. I -- I don't know where the mandate is. Unless you can -- you know, you can identify what the mandate is, but I...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

My notes say a local government organization instructs your mandate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

The only -- the only thing that I can think of on that is, in order to make sure there are people out there that are not going to cheat on this, we do require that they fill this information

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out every year. You know, in Cook County we assess on a triennial basis. Somebody might have a situation one year that has a much lower income. The following year it goes up. We want to make sure that when it does go up, the assessment goes up, but if it's the fact that the assessor may have to look at something more than once in three years. But let me point out to you, also, on that one - and the reason I might want to dispute it - when they go ahead and make this income assessment today, they still require that you do it on an annual basis anyhow. So I don't know what mandate they're talking about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

...(microphone cutoff)...question. And -- am I clear on this, that income would be one measure, not the single measure?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

I'm glad you brought that point up. It's not income; it's gross revenue. Because you well know -- you know as well as I do, someone might turn around and take a building that generates a good revenue and then apply the debt service of another building against it. This is based simply on gross revenue.

PRESIDING OFFICER: (SENATOR DONAHUE)

WCIA-TV seeks leave of the Body to videotape the Senate. Do I have leave? Leave is granted. Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR FAWELL:

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Senator DeAngelis, I -- I understand what you're trying to do and I don't have any objection, except that what you are doing it for is strictly Cook County, from what I understand. Is that true?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. The association that brought this to my attention is from Cook County. But I indicated yesterday, Senator Fawell, and I will stand by that, that if the rest of the State wants to be included, be more than happy to do it when it gets to the House.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman. Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. Senator DeAngelis, good morning. The -- I -- I still rise in opposition to this for the reasons I had talked about yesterday, and -- and am now more convinced that the effect of this legislation will be to either increase the taxes to the homeowners of our county or take away up to two hundred and fifty million dollars from the taxing bodies. Now, Senator DeAngelis I believe has indicated, as he had yesterday, that this was merely another means of comparison. The Illinois Supreme Court ruled in two cases, Airey vs. Department of Revenue, 1987, 108 Illinois, and Advanced Systems Inc. vs. Johnson in 1989, 21 <sic> (121) Illinois. In both of those cases - I can give you the further cites if you want them - they said that they did not have to use the appraisal method. You're adding this right after, which means obviously they do not have to use this alone either. So again, it goes back to if you are going to mandate under a program that sets a level of assessment for each, and cut out of that base several billion dollars, either the multiplier gets raised to make up that underassessment, because the State would

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have to still use a fair market value based on recent sales information, not on this income methodology, according to the Airey's and Advanced Systems' cases, 1989. So that either they would have to say we must use fair market value, and therefore the county is further underassessed and the multiplier will have to go up and spread that burden amongst everyone else, or in order to absorb that two hundred and fifty million dollar in tax income loss to the taxing bodies of the county, they would have to change the methodology of classification and raise once again the other areas of classification, being either the industrial or the homeowners. And in the past, obviously, they've had to do both. I do not think we want to shift this extra burden on to the homeowners of the county, and I would urge opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis. Not a question? Further discussion?
Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. I want to speak in support of Senate Bill 384, as amended, and I want to share some thoughts to my fellow Senators as to why I think it's important for us to do this. First of all, as a Member of the Revenue Committee, I was present when the discussions were held regarding this bill. In fact, I was one of the ones who raised the first objections about the bill as originally presented. I had particular concern about the fact that they were including interest as one of the items that should be deducted when determining whether or not property should be entitled to some sort of relief. After discussing this point in committee, it was agreed that the bill should go back and an amendment should be -- should be presented, and that was addressed - interest was thrown out. So interest will not be included in the calculations here. Secondly, I want to say that this is what the assessor in Cook County does now, but oftentimes

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the assessor does it on a selective basis. What this will do is make sure that this is available for every property owner -- every commercial property owner in Cook County. This bill, as amended, does not encourage poor management; it actually reflects economic reality. And for those of us who are Cook County representatives, I want to share or emphasize some comments that are made in the Chicago Tribune editorial in support of Senate Bill 384. Quote: "The issue is not a matter of shifting the property burden between businesses and homeowners, it is a matter of recognizing that property taxes are impeding the creation of jobs and economic growth in Cook County." I strongly urge us to support this legislation as amended. It's good; it's well thought out; and its sponsor did a fine job in presenting it. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator O'Malley. Any other -- further discussion? If not, Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you -- thank you, Madam President. This bill's been discussed quite lengthily, but I want to answer Senator Carroll's statement. In my estimation, the reason the court can't accept this system is 'cause it's not been codified, and obviously, the court wouldn't. And I have to tell you that...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator DeAngelis. Can we have some order? Just kind of keep it down to a low roar, guys. Senator DeAngelis.

SENATOR DeANGELIS:

...and also the consequences that were described. Let me describe a third consequence, which is happening in Chicago, for those of you who may not know it. We have a significant amount of buildings - new buildings - that are being abandoned by their owners and returned back to the finance companies. And frankly, those values will depreciate severely, causing a further loss in

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revenue than any of the two scenarios that Senator Carroll -- and you know one thing -- what's wrong -- what's wrong if local government sometimes loses a little bit of revenue, particularly revenue that's unjustly received? If you don't have a fair assessment, you ought not to be paying an unfair tax, and I urge the adoption of 384.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 384 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last time. Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 19 Yeas, 35 Nays, and 2 voting Present. Senate Bill 384, having not received the required constitutional majority, is declared failed. Senator Demuzio, on Senate Bill -- 437? No? Out of the record. Senator Cronin, on Senate Bill 452. Out of the record. Senator Butler, on Senate Bill 498. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 498.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Ladies and Gentlemen, 498 -- Senate Bill 498 is now a vehicle bill. We'd like to move it over to the House. There are ongoing discussions going on as we speak. Oh, I'm sorry. I was speaking of 499. This is a vehicle bill we'd like to keep rolling over to the House, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question

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is, shall Senate Bill 498 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 50 Yeas, 6 Nays, and none voting Present. Senate Bill 498, having received the required constitutional majority, is declared passed. Senator Butler, on 499. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 499.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Just a second, Senator Butler. Illinois Information Services requests permission to record the proceeding. Is leave granted? Leave is granted. Senator Butler.

SENATOR BUTLER:

Thank you very much. This is the bill I started to speak about before. There are ongoing discussions between labor and management, and we'd like to keep this moving over to the House so they can continue. And I appreciate your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President and Members of the Senate. Senator Butler, we -- we certainly are familiar with the agreed bill process, and we certainly need shell bills, both for UI and for workers' comp, in order to have a -- a vehicle ready so that we could pass the agreed bill. As you know, you had first introduced an amendment and then withdrew an amendment that was not part of the agreed bill process. I'm just wondering if -- if you are acknowledging now that this bill will be used as part of an agreed bill process, or might you try to utilize it for -- to attempt to

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move an amendment that's not part of the agreed bill process, if there is no agreed bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler, to close.

SENATOR BUTLER:

Senator, I think that -- I -- I think it's a little bit too early to make a commitment like that. I understand there are some aspects of the -- of the amendment that some do like, and it may very well end up in the final bill. So, I don't think we ought to close any doors, as long as the discussion is going on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Butler, I had -- okay, never mind. The question is -- any further -- oh. The question is, shall Senate Bill 499 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 7 Nays, and none voting Present. Senate Bill 499, having received the required constitutional majority, is declared passed. Senator Mahar, on Senate Bill 530. Out of the record. Do I have leave to come back to Senate Bill 570? Leave is granted. Senator Mahar, on Senate Bill 597? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 597.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and colleagues -- Madam President, I'm sorry. The Alternate Fuels Acts -- Senate Bill 597 is the Alternate Fuel Act, and it promotes the use of clean domestic

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fuels. It includes fuels -- the included fuels are high-content ethanol, natural gas, propane, electricity, biomass-generated fuels, such as bio-based methanol. The Act responds to federal mandates which will require private and public fleet operators to burn alternate fuels in thirty percent of their new vehicles, beginning in 1998. This Act will authorize the issuance of thirty million dollars of general obligation bonds. After payment of bond administration and certain implementation expenses, twenty percent of the bond proceeds will be used for alternate fuel research at ENR. The research will -- will concentrate solely on ethanol. The remaining eighty percent of the bond proceeds will be used to provide rebates to owners. The rebates can be applied to reimburse a portion of expenses to convert a conventional vehicle to burn an alternate fuel, or reimburse a portion of the cost difference between new conventional vehicles and a new alternate fuel vehicle, or thirdly, reimburse a portion of the cost difference between the purchase of conventional fuels and alternate fuels. The bond principal and interest is paid back within twelve years by the owners of alternate fuel vehicles, who will be required to purchase a forty -- an annual forty-dollar decal. The decal requirement sunsets when the bonds are fully repaid. Enforcement provisions are included. This is a market incentives bill which will add over ten thousand alternate fuel vehicles in Illinois roads during the next three years. Every one of these vehicles will need places to refuel. When retailers see the demand for the fuels, we believe they will have a market incentive to install equipment and dedicate pumps to dispense the alternate fuels. The University of Illinois projects this Act will lead to the creation of sixteen hundred jobs over the next three years through the installation of -- of refueling infrastructure and vehicle conversions. And I would be happy to try and answer any questions, Madam President.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Rauschenberger. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR RAUSCHENBERGER:

Senator, is it true that this bill originally called for the use of revenue bonds and now the bill calls for the use of general obligation bonds which require the full faith and credit of the State of Illinois to repay?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

No. This -- this bill, as far as I know, never -- never required the issuance of revenue bonds. It was always general obligation bonds.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, are you aware that during discussions of the bill, as it passed through the committee process, that objections were raised as to the fact that they were using general obligation bonds? And are you aware that the -- the sponsors of this legislation or the supporters of this legislation refused to change from general obligation to -- to revenue bonds?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Do you know why the supporters of this legislation refused to switch from general obligation bonds to revenue bonds?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

The -- the issuance of -- I think there are several reasons. The issuance of -- of revenue bonds would require a totally different revenue stream. The bond houses have advised us that under this particular type of revenue stream, that the bonds would not be sold, and in fact, general obligation bonds will afford us a lower interest rate by which to repay the bonds.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, a lower interest rate because of a lower level of risk to the bondholders?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

No, not a -- it would not be a lower -- level of risk.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As I understand it, general obligation bonds do carry a lower level of risk and revenue bonds would be at a higher interest rate, reflecting the fact that revenue bonds, particularly supported by this legislation, would have more risk. Isn't that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

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SENATOR MAHAR:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, is it true that -- that the proponents of this legislation lured the ethanol people aboard this legislation by kind of offering them six million dollars' worth of research money from the public purse?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

The ethanol people stand in strong support of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, isn't it true that in the next eight years, although the federal mandates call for converting almost a quarter of a million vehicles to alternate fuels, that this legislation will only help convert between six and eight thousand vehicles?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Between six and ten thousand vehicles.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Six to ten thousand vehicles may be converted, assuming that they don't use part of the surcharge money for the fuel reimbursement in the complicated three-year program to satisfy the ethanol people. So perhaps these six thousand vehicles are really -- is what's going trigger compliance by a quarter of a million

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vehicle owners?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

We believe that this is the -- the initial -- we believe that ten thousand vehicles is a realistic number to begin the market -- begin installing the infrastructure in the marketplace. The real incentive is the federal mandates of thirty percent by the year 1998 for fleet operators to have -- to be in compliance, and seventy percent by the year 2010.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, isn't it true that the proponents of this bill propose to pay back this thirty-million-dollar loan with the full faith and credit of the State of Illinois by making a quarter of a million voluntary compliers, who benefitted in no way from the rebates, pay back the forty dollars a year? Isn't that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

We have indicated in the -- the funding mechanism analysis that we believe that they'll -- in addition to the federal requirements, that there will about five-percent voluntary conversion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, for clarification, what I guess I am asking you is, to repay this thirty million dollars, we don't intend to just ask the people we help convert pay back this loan; we're going to actually ask for nearly a quarter of a million vehicle owners who

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voluntarily comply - we're going to ask them - to pay back this thirty-million-dollar jump-start that we gave the compressed natural gas industry?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, isn't it true that -- that the whole registration and control process of this legislation, rather than being set up through the Secretary of State's Office, where we already track vehicles with titles and registration, we're actually going to set this up through another department? Is that true?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

This will be set up through the Department of ENR. The identification and registration information would be passed on to the Secretary of State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger, let's bring your questioning to a close. We have a number of lights lit. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, with that, this bill, to me, is - I -- I will close - is a flawed vehicle. I truly believe in alternate fuels, and I think we need to do something for the alternate fuels industry. We do not need to do this piece of legislation. This is a thirty-million-dollar raid. The start-up costs money that the private market can support. There's no reason for State bonds, particularly general obligation bonds, to be issued to pass this

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legislation, and I urge this Membership to think hard about the -- the methods that the proponents used in trying to lure ethanol interests into this. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Senator Severns.

SENATOR SEVERNS:

Thank -- thank you, Madam President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR SEVERNS:

Actually, Senator Mahar, prior to the question, I want the Membership to know - because several Members have asked me - the largest ethanol producer, which I'm proud to say is in Decatur, Illinois, ADM, is now very supportive of the bill, and -- due to your agreement to work out, in the House, language that will be more directive in the area of ethanol. Now -- now to the questions. Has the ethanol industry discussed any anticipated improvements in the bill with the coalition?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Yes. Their -- they will -- we have agreed -- the coalition has agreed with the ethanol interest to absolutely confirm that the twenty-percent research money will be going to ethanol, and twenty-five percent of the rebate money will be available for fuel differential.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns. Senator Severns.

SENATOR SEVERNS:

How -- how do you anticipate the amendment will address the ethanol research aspect of the bill?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

The amendment will expressly state that the research portion of the bond proceeds will be used by ENR to initiate an ethanol research program; to reduce the cost of production; increase ethanol viability; and explore new ethanol engine technologies, refueling systems, and distribution systems. The research program should include such things as demonstration projects.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. Many of us have been concerned that for those who have already demonstrated the research, wondering if the anticipated amendment gives reasonable assurance that a portion of the rebate funds will go to help create a market for ethanol, as well as other alternative fuels, like natural gas.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Yes. ADM and Illinois Corn Growers believe owners of high-content alternate-fuel vehicles might apply for and receive as much as twenty-five percent of the rebate program funding. To assure ethanol rebate applicants a fair chance, the anticipated amendment will -- will reserve twenty-five percent of the rebate funds for fuel cost differential rebates. If an insufficient number of applications are submitted to use all of the reserved fuel cost differential funds, the reservations on the funds will be released. Those funds can be used for other program rebates, such as conversion rebates.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

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SENATOR SEVERNS:

If you combine the funding for the ethanol research program and the reserve funding for the fuel cost differential program, how much of the expenditures are ethanol-related?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you. The research component would be approximately 5.7 million, and the fuel cost differential would also be about 5.7 million - a total of 11.4, and we believe it would be approximately forty percent of all program expenditures.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- oh. Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. In closing, I stand in support - strong support - of this bill now, because I believe this Act is a good way to establish a market demand for domestic alternative fuels. It's the direction that we as a State and as a country ought to move. We are fortunate in this State, especially, to have the -- much of the research already completed. I think this bill is a step in the right direction. Given the assurances that a future amendment will address some of the concerns raised here this morning, I stand in strong support. Would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. One question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR LAUZEN:

Why would we take six million dollars -- if, as the previous speaker just pointed out, most of the research is already done in

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this area, why would we take six million dollars of the public's money and put it into research when we have the elderly, the young, the sick to care for, and then we take six million dollars and allocate it to private companies where the market is responsible for that type of research and development?

PRESIDING OFFICER: (SENATOR DONAHUE)

Is that a question? All right. Oh. Senator Mahar.

SENATOR MAHAR:

Well, thank you, Madam President. We had about a forty-page study prepared for us by the University of Illinois Energy Resources Center, and that report indicates that -- in all due respect, Senator Lauzen -- that all the research isn't done. We feel that a major -- a -- a major part of the research will assist us in helping how we -- showing us how we can put in the infrastructure program and also how we can reduce the ethanol costs to the consumers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Madam President. I don't know whether this has been asked or not, but I'd ask for a parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your -- state your question.

SENATOR LUFT:

It appears to me this bill increases State debt, when you increase the general obligation bonds of the State of Illinois. Would you tell me if this requires a three-fifths vote or not, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

You're absolutely right. It'll require thirty-six votes. Further discussion? Senator Welch.

SENATOR WELCH:

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I have a question of Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR WELCH:

Senator, who's going to drive these vehicles? Can I apply and get a vehicle and get a rebate, or how do you get ahold of them?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Yes. The rebates for the purchase of new vehicles or conversion is open to anybody.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, if I go out and buy a new Ford electric car next year, how much of a rebate do I get? And how soon do I get it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

If -- if it's next year, it would be an eighty percent. Eighty percent of the...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

It's -- it's eighty percent of the total cost of the -- of the vehicle, and I only have to pay twenty percent of the car?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

It would be eighty percent of the cost differential, if it is purchased next year. The following year it would be sixty-five percent, or if in the third year of the program, it would be fifty

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percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

So if I go out and buy a Ford Taurus that's an electric car, I would get an eighty percent rebate on the difference between a gas-powered Ford Taurus and an electric Ford Taurus. And I would apply to the State, and they would send me a check for the differential.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

That's correct. The only exception would be, you would not receive that check until you have paid the forty-dollar decal fee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Are -- are -- does this apply only to American-made cars and Canadian-made cars? I mean, can you buy a BMW or a Mercedes-Benz with the same -- same gadget, or is it only American?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

The bill is silent on that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very much. I thought I'd never use these words, but I -- I'm going to, and that is that this is a tremendous obligation of the State to create a market, and it would seem to me that this -- if this was such a -- a glorious proposition, that the gentlemen who are pushing this would not have to come to the

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State. So it seems to me what we're really doing is we're -- we're sticking the -- the neck of the State out, so to speak, in order to guarantee that the -- that the companies who will profit from this, if it's successful, have no risk. It seems to me this is a win-win proposition. Secondly, it seems to me that we're -- we are subsidizing the corn farmers so much that maybe it might be cheaper if we just figured out how much money to send them every year, because this -- this kind of a subsidy, which is what it is, only increases the debt of the State for the benefit of a relatively few people. I think -- I find it difficult to believe they're ever going to sell enough cars in the -- in the limited span of this -- of the bond life to ever pay it off, and what we're doing here, I would say, is obligating the State to a major, major portion of the bond issue. And we ought to realize what we're doing is just -- we're just handing over that amount of money to the -- to an experiment that may very well fail. I don't think we should push forward to create a market using public monies.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Karpiel? Okay. Senator Raica.

SENATOR RAICA:

Thank you, Madam President. Can I be so kind -- can I ask how many lights are on on this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

There are two at the moment.

SENATOR RAICA:

Well, maybe if we just show the sponsor like a show of hands, and if he doesn't have the thirty-six, we can take it out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Further discussion? Senator Hendon.

SENATOR HENDON:

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Well, I'll -- I'll go along with just -- what was just said by friend on the other -- my friend, not on the other side, because it's clear that -- that the sponsor doesn't have thirty-six votes. I don't think we should spend thirty million dollars of the taxpayers' money on this project either, when we don't have monies for everything else.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Senator Rauschenberger, for a second time.

SENATOR RAUSCHENBERGER:

I'd -- I'd just like to make my colleagues aware very briefly that I haven't spoken since five and five in the Veto Session, so I apologize for rising again. I'd like you all to know that I have no legislation left in the General Assembly. I have not had my first bill. I would like a negative roll call to be my first bill, and I would be pleased to send it around for autographs. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Senator Mahar, to close.

SENATOR MAHAR:

Well, thank you, Madam President and colleagues. I want you all to know this is my last bill, and I would appreciate your kindness and consideration. If I was to be -- if I was a member of the Congress at the time that this legislation was passing through, I certainly wouldn't vote for it, but that's not the point. The point is compliance. The public and private fleet vehicles in the State of Illinois have to be thirty percent converted by 1998, and by the year 2010, they have to be seventy percent converted. And unfortunately, like other federal mandates, we -- if we don't -- if they are -- we are not in compliance, we, the General Assembly of the State of Illinois, and the taxpayers of Illinois are to be held accountable. We have the

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opportunity by not passing this to lose up to seven hundred million dollars in federal money. If -- if, in fact, we have not started with the infrastructure improvements and marketplace improvements today and we wait till 1998, you may ask yourself the question: If somebody comes to O'Hare, gets into a rental car and it may have been converted - if they comply - to an alternate fuel, and they wish to go to Springfield and back, how are they going to get back if there's no service stations or there's no infrastructure to refuel that automobile? I think this makes sound sense. I think it's a bill that if -- certainly, if you're from rural Illinois, is going to be a tremendous shot in the arm for the agribusiness community. And with that, joining me as proponents are the Illinois Farm Bureau, the State Chamber of Commerce, CILCO, Natural Gas Pipeline Company, Chicago Lung Association, Illinois Power, ADM, Illinois Corn Growers, the Natural Gas Vehicle Coalition, CIPS, Peoples Gas, Illinois Propane Association and Northern Illinois Gas, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 597 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? One last time. Have all voted who wish? Take the record, Mrs... On that question, there are 34 Ayes, 19 Nays and 4 voting Present. Senate Bill 597, having not received the required constitutional majority, is declared failed. Senator Karpziel, on Senate Bill 625? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 625.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Karpel.

SENATOR KARPIEL:

Thank you...

PRESIDING OFFICER: (SENATOR DONAHUE)

Let's give her some consideration, folks. Senator Karpel.

SENATOR KARPIEL:

Thank you, Madam President. This is a very easy bill. It is simply the annual IDOT conveyance bill, and I ask for your Aye vote. I don't think you want me to go through every single conveyance that's listed in the bill, but if you have any questions, I'd be glad to answer them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Seeing none, Senate -- the question is, shall Senate Bill 625 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, none voting Nay, and 1 voting Present. Senate Bill 625, having received the required constitutional amendment -- majority, is declared passed. Senator McCracken, do you wish this bill to return to 2nd Reading for the purposes of an amendment? Senator McCracken seeks leave of the Body to return Senate Bill 770 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On -- on the Order of 2nd Reading is Senate Bill 770. Senator McCracken -- or Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 4, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

I ask leave to withdraw Senate Amendment 4.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Are you motioning to table? Leave is -- yeah, we need to table -- table it. The motion is to -- Senator McCracken moves that Senate Amendment 4 be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and Senate Amendment No. 4 is tabled. Senator McCracken. No. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 8, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

Thank you, Madam Speaker. I move adoption of Amendment No. 8 -- Madam President, I'm sorry.

PRESIDING OFFICER: (SENATOR DONAHUE)

That's all right.

SENATOR McCracken:

Floor Amendment No. 8 would become the bill. It was approved by Energy and Environment Committee, and I would discuss it on 3rd Reading if it's adopted. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? All those in favor, vote -- all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 8 is adopted. Are there any further Floor amendments to be approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator McCracken, on Senate Bill 770.

SENATOR McCracken:

Thank you...

PRESIDING OFFICER: (SENATOR DONAHUE)

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Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 770.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Madam President, Ladies and Gentlemen of the Chamber. As amended by Senate Amendment No. 8, Senate Bill 770 would allow Commonwealth Edison, as a utility serving more than one million customers, to create a holding company for the purpose of engaging in competitive energy-related activities. The statutory plan is as follows: The utility would be required to set up what's called a "statutory subsidiary" and for the period of about eighteen months, would be able to conduct this activity without the prior approval of the ICC. At the end of that period, a holding company would have to have been approved for creation by the Federal Government, and that holding company, then, would absorb the subsidiary and thereafter conduct this energy-related competitive business. During the interim period, the eighteen-month period, the subsidiary is fully regulated by the ICC, consistent with that Commission's authority currently, to regulate energy-related businesses. The ICC, with this amendment, has signed on in support of the bill. Now, after the holding company is created and the subsidiary is merged into that, that utility holding company would be subject to the Holding Company Act of our State. During the interim period, the subsidiary would be statutorily prohibited from engaging in what is called "cherry-picking"; that is, taking the utility's largest and most favored customers, thereby weakening the rate base for the remaining customers in the system. After the creation and

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approval of the holding company and its engaging in business, the ICC would continue, of course, to regulate the underlying utility, Commonwealth Edison. Its ratepayers would be protected by various provisions of this Act, including - and probably most importantly - the fact that the utility itself will be regulated. But in addition to that, the holding company would, in effect, have no reason to engage in any predatory practices to the detriment of the utility, as they are one and the same in effect, I suppose you'd say. This holding utility concept -- or holding company concept is the same as currently authorized for other utilities in the State of Illinois and the same as is currently engaged in by a number of those utilities. Cross-subsidization is not allowed. One hundred and seventy million dollars is the total capitalization of the holding company and the -- or the subsidiary, I should say, or twenty percent of the utility's retained earnings, whichever is less. Any guarantees are also limited to that total amount. Costs and expenses of forming the holding company or the subsidiary are not included in the utility's rate base. If there is, arguably, revenue lost as a result of cherry-picking, the Commission has the final authority on setting the rates, and of course, would have oversight and approval for those decisions. Now, what prompts this is this: Utility companies, unlike some other industries, have fixed costs which do not vary relative to any loss in customers. Those fixed costs obviously include the plants, the transmission lines, things of that nature, which in and of themselves would not reduce corresponding to any loss in revenue, or a rate base, or a -- a ratepayer base. There is emerging in the utility industry, competition. What prompts this particular bill is the desire of large industrial users to engage in cogeneration of their own electricity needs. If Commonwealth Edison doesn't have the ability to compete for this business, it will be lost, invariably,

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to out-of-state utilities. That can be disastrous for the ratepayers in the absence of giving Commonwealth Edison an ability to compete for this emerging market. Because of these fixed costs, if the industrial users left the Commonwealth Edison grid, the remaining ratepayers would have to absorb those fixed costs. This concept is known as "the concept of stranded investment," and prompts this action. I move its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator McCracken. Is there any discussion?
Senator Collins.

SENATOR COLLINS:

Thank you. Senator -- question of the sponsor, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR COLLINS:

Senator, you -- you indicated that you deleted the provision commonly known as "cherry-picking" from the -- from the bill, but I think that was one of the major concern with CUB and some of us who are protecting the -- have the interests of the -- the consumers at heart here, is to ensure that they are not left with those fixed costs that would be absorbed into the base once all of the major utility -- users has -- you know, gone off on their own and become part of these other independent -- if you say, companies. Why did you do that, which would have eliminated the objections - most of the objections - to the bill? You know, I -- I am not for Commonwealth Edison or any other large utility company being a -- a total monopoly, and to some extent, this has some merit. But on the other hand, we have to be concerned about what it means to -- increasing rates for the consumer. So could you respond to why you took that out?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

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SENATOR McCRACKEN:

It wasn't taken out as to the holding company. It was never in as to the holding company. When -- when the bill started, it also was not in as to the subsidiary. And the reason it was not originally proposed is that the utility has no incentive to allow its customers to be picked off by its holding company. Secondly, as a matter of political accommodation, primarily to CUB, they agreed to take that language for cherry-picking as to the subsidiary, on the theory that the subsidiary in that interim period was new, innovative and unique to Commonwealth Edison's attempts to get this accomplished. So they agreed to take the cherry-picking language to the subsidiary. However, there are other models of the holding company that are in existence in Illinois. Those models and their experience, one, has demonstrated there is no cherry-picking problem in reality; and two, all those other holding companies have no cherry-picking prohibition. Because of those two reasons, and -- and the third and -- and the best reason: no economic incentive to do so, I don't agree that it is necessary to a fair conclusion of this issue that we single out the Edison holding company for treatment other than that accorded to all the other utility holding companies. However, because the statutory subsidiary is unique to Edison, Edison agreed that as to that part of it, it would make the political accommodation and accept the language. Beyond that fact, I don't believe the cherry-picking language is justified.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Well, Senator, if -- it's my understanding, according to our staff analysis, is that they are no longer regulated after about five hundred and fifty days, or if they, you know -- get an extension or whatever, until the holding company is formed. There

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would be no more regulation of these companies. So, why are they not continuously regulated by ICC as -- as anyone else would be?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

Well, that's my point. No other utility holding company is regulated. No other holding -- no -- no other utility holding company is required to have the cherry-picking language. There is no precedent for those two requirements in a utility holding company. The reason they accepted the language for the subsidiary is because we acknowledge the subsidiary has no precedent. So we took the cherry-picking language for the subsidiary. But what is true of this bill is already the case, as a matter of law, for the other utility holding companies.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Senator McCracken has said that it's unfair to single out Commonwealth Edison on this cherry-picking language, and yet, Commonwealth Edison wants to be singled out to have a subsidiary directly allowed by the State Legislature without going through the Illinois Commerce Commission. So, it's kind of interesting that they're crying we're picking on 'em - cherry-picking on 'em - on one hand, and on the other hand, they came here for a particular benefit. Senator McCracken, what would happen if we had a situation like Sears, where they were threatening to move out of the State of Illinois unless they got breaks - business breaks - from the State - infrastructure breaks? We ended up giving them sixty-one million dollars. To this day, a lot of people question whether those were necessary, whether that was a ploy on their part. What would stop some company doing the same thing on their utility bills, saying

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that -- "We're going to switch over to natural gas; we're going to switch over to some other type of power, build our own cogeneration station, if you don't put us in the subsidiary and give us a -- a better rate on our utility bills?" What prevents that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCRACKEN:

Are -- are you referring to the utility threatening to move out?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

I'm referring to a large electric user threatening to go to a different type of power.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCRACKEN:

Well, that is precisely what precipitates this. That is precisely what is happening. The University of Chicago hospitals, for example, want to go to cogeneration. Abbott Labs wants to go to cogeneration. Many of the largest, best customers of Commonwealth Edison are threatening to leave the system. And if they leave the system with no recourse, such as we suggest here, it is easy to foresee the result, and that is higher consumer rates. I mean, that -- your -- your hypothetical is precisely what's going on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Which is why I gave it. What's going to happen is, you're going to start the ball rolling downhill; that everybody and their

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brother is going to say, "We're going to gas. We're going to cogenerate." How do you stop every major utility user in the State from using the same ploy? Where does it stop from these companies going over to the subsidiary to get the lower rates? Who makes that decision? You have a bill here that keeps the Commerce Commission out of it for the first eighteen months. So these decisions can be made without any oversight.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

No. That is not correct. As a matter of fact, the subsidiary is fully subject to the Utilities Act, just as the utilities are. The statutory subsidiary not only has express cherry-picking language, because we acknowledge that that aspect of this bill is unique to Commonwealth Edison; we have agreed to accept the cherry-picking language in recognition of the fact that this proposal, only to that extent, is unique. Now, the other question, I guess -- we can't stop them from doing it. It's the law. They can go to cogeneration if they want to. Every other -- not every other utility, but gas, for example, already can go to holding companies. That's already the law. The gas holding companies are not subject to regulation, just as the Commonwealth holding company would not be subject to it, but the underlying utility is, and always will be, subject to the regulation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, they can't have it both ways. One of the reasons people want to leave Commonwealth Edison, and not these other companies -- my understanding is, Commonwealth Edison has some of the highest rates in the country. That's a good rationale for leaving. The -- the savings by threatening to leave Commonwealth Edison are

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greater than threatening to leave one of the natural gas companies. That's why you have a differential. Secondly, I don't think there's any way to prevent companies from coming into Commonwealth Edison and saying, "Oh, we're going -- Sam, we're going to go to gas. What kind of a deal can you make for us?" You know, I think there will be so many companies coming in, so many threatening to -- to leave the system, that we're going to have hundreds and hundreds of Sears threats made on our utility bills. The result is going to be, residential rates are going to go up, because you're giving breaks to the big guys who can make these threats, not the residential consumers. So basically what we have here, once again, is breaks for the big companies. You know, maybe we should have that telethon board up here and -- and put some more numbers up there, because that's what this is going to be. It's going to be breaks for the big companies, not just for competition. You know, competition is supposed to lower rates. It's kind of odd how in this -- this industry, competition ends up with the higher rates.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

END OF TAPE

TAPE 2

SENATOR JACOBS:

Thank you, Mr. <sic> President, Ladies and Gentlemen of the Senate. I just got a couple things, very briefly. As I see it, the only issue this bill really resolves is, it allows the utility to -- to immediately create a holding company. That's about all

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it really does in its watered-down version. For those of us who may be concerned a little bit with how the Citizens Utility Board may have answered, regardless of what they may have told you, in committee twice they were asked whether or not this would raise rates; both times, they answered no, that they didn't think that they could answer that it would. And I think that's a true affirmation of what they said. I call the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

I have -- three lights, and we'll go through those, Senator Jacobs, and then we'll have Senator McCracken to close. Senator Watson.

SENATOR WATSON:

Thank you, Madam President. A question, I guess, of the sponsor. We seem to be focusing a great deal on Commonwealth Edison, but this is a -- this impacts the entire industry. Question, I guess, of the sponsor. Does it, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

It did as originally drawn. It is now limited to utilities who serve over one million customers. That's only Commonwealth Edison.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, the concern that -- that I -- that I might have is that in our area, the local utility was -- several years ago, was promoting the sale and service on air conditioning and furnaces and -- and was getting into that market. Well, the local guys, private -- the little guy was -- contacted me and asked about it, and we worked with the local utility and found out that, in fact, they could not do this. Would this expand that into this area?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

No. Actually, the National Federation of Independent Businesses supports the bill, because there is an express prohibition on entering into that type of activity under this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield, Madam President?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR BARKHAUSEN:

Senator McCracken, I admire what you're doing here. I just thought perhaps there should be some brief discussion, as little as I understand the point, of the question of giving other utilities access to the grid on the same basis that Commonwealth Edison will apparently be giving access to this new statutorily created subsidiary. It -- it sounds as though a good case can be made that that should happen, in the interest of giving other utilities the opportunity to serve large customers of the kind that it's envisioned this new statutorily created subsidiary will be serving. Could you get into that point at all?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

Yes. I'd be happy to. That's the argument Peoples Gas has been making. However, the issue they raise, I submit, is far beyond the scope of this bill. We've all heard the term "wheeling", as used in the utility industry, and wholesale wheeling is now the law. However, the issue they raise - Peoples

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Gas - is what's known as "retail wheeling", and retail wheeling is something that is not a decided issue in the industry. I am advised it's being considered in Congress now, but that no decision has been reached. And to write this bill so that retail wheeling will be required as a condition of it goes far beyond any other obligation of any other utility or type of utility in the State of Illinois. I understand their point. I understand what they're looking for. They have vehemently opposed this bill from the beginning, even though they have a holding company set up which does engage in competitive activities. They are, I submit, foisting upon this bill an issue that doesn't belong there.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR T. DUNN:

Senator, if -- if the wheels fall off and the hundred and seventy million dollars is a loss, who's -- who's responsible for that loss?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

The utility cannot absorb that loss by passing it on to the ratepayer, and that's the bottom line.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR T. DUNN:

And -- and the converse of that, if it's a raging success, the holding company, where does that profit go?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator McCracken.

SENATOR MCCRACKEN:

Presumably to the stockholders. I don't -- I don't -- honestly, I -- I guess your question is, do they have an investment obligation in the utility. I don't believe they do.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR T. DUNN:

So it's only the stockholders that will benefit from the subsidiary and not the ratepayers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

The ratepayers will benefit because the stranded investment will not occur. I -- in -- in direct answer to your question, I do not believe they have an investment obligation in the utility.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR T. DUNN:

Well, following up on Senator Welch's thoughts, doesn't, logically -- if -- if there are less consumers... You got an answer? Go ahead.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. I think the answer is, the holding company will be owned by the utility, and as its only stockholder, or certainly a majority stockholder, I would expect dividends to be declared in the case of a raging success, and those would be the utility's money.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

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SENATOR T. DUNN:

And then my point kind of goes back to what Senator Welch said. If -- aren't you removing those people, then, from the pool that would benefit the ratepayers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

No, because this is the means of getting the money into the utility, even if they exercise their rights to leave the system.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR T. DUNN:

But it's a two-edged sword, really. I mean, even though you have to create the holding company to meet the competition, you're still removing those people either way, whether they -- whether they choose to go cogeneration and away from Commonwealth Edison, or whether they choose to go to the holding company. Am I right?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

No, sir. I -- I don't believe so. You see, if we hadn't created this entity to compete, they would have left the system, leaving the -- the stranded investment. So, there is an increase to the ratepayer. This allows the utility to retain them, in some form, without the downside risk to the ratepayer. So, even though they may leave the system, there is not the downside of the stranded investment. The investment is still being used to create income.

PRESIDING OFFICER: (SENATOR DONAHUE)

Final questions? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President. Senator McCracken, just to

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pursue this issue of "retail wheeling", something which when you first hear the word, you might not -- you know, it doesn't mean anything. I'm going to give you an example and see if you can tell me how this would -- bill would work. The City of Chicago operates O'Hare Airport. They are going to put out a request for proposal for a new generating facility. So all of the electricity is going to be generated at the site. And they'll put out bids, and under this bill, this new subsidiary could make a bid. Also, some other energy company could also make a bid. And they're going to say, "Okay. We're going to generate this electricity for a certain amount of dollars." The concern is -- is that Commonwealth Edison owns the distribution and transmission facilities - the -- the wires that bring the electricity to the -- to the airport. So, there's going to have to be an agreement between Com-Ed, who owns those facilities, and whoever gets the winning bid. Now, what Peoples Gas is saying is, "How can we make a bid to generate this power when Com-Ed could -- could charge themselves a dollar and charge us some unreasonable rate?" And so the Peoples Gas said, "We have some proposed language that says you've got to make that utility's distribution and transmission facilities available on the same terms and conditions as you would your own subsidiary." To me, that seems like a very reasonable request, and it seems to ensure a level playing field. And yet, that language has been rejected by -- by Com-Ed. So, if you could address that, I'd appreciate it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

I am happy to address it. There is a requirement in the bill that any relationship between the subsidiary or holding company and utility for services or use such as you suggest, must be based on market value and cannot be a sweetheart deal between the two

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entities. So in theory, -- Peoples Gas, if they can beat the competition in another area - such as what it costs to generate or what it costs them to get the wholesale wheeling from out of State - if that source can be less than Commonwealth Edison's source and the transmission lines are at or about the same price, they can compete. Now, what they have asked for is far more than a guarantee that the subsidiary or holding company will pay market value. They've asked for the use of the transmission lines. That is unprecedented.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Just to follow up, then: On what -- what -- how do we guarantee? Would it be regulated by the Commerce Commission to make sure that there's no sweetheart arrangement? Or in other words, how is it enforced - this guarantee that you said is in the law that there should be no sweetheart deal?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

If you'll bear with me, I'm looking for the language. I refer you to page 8 of the Amendment No. 8, if you have it handy. ...(microphone cutoff)...the period of the subsidiary's existence, it's the subsidiary that -- that must make that demonstration. During the time of the holding company thereafter, it's the utility that must make that demonstration.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR McCracken:

I appreciate the thorough debate. I realize there's some controversy to this. I respectfully submit that the controversy is overblown and somewhat political in nature. I ask for your Aye

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vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 770 pass. Those in favor -- will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last chance. Have all voted who wish? Take the record. On that question, there are 32 Ayes, 22 Nays and 3 voting Present. Senate Bill 770, having received the required constitutional majority, is declared passed. Senator Welch, for what purpose do you rise?

SENATOR WELCH:

I would ask for a verification.

PRESIDING OFFICER: (SENATOR DONAHUE)

That question is always in order. Senator Welch has requested a verification. Will all Senators please be in your seats. Mr. Secretary, will you read the affirmative votes.

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Butler, Carroll, DeAngelis, Demuzio, Donahue, Ralph Dunn, Tom Dunn, Farley, Fawell, Hasara, Jacobs, Jones, Karpriel, LaPaille, Luft, Madigan, Mahar, Maitland, McCracken, Molaro, O'Daniel, O'Malley, Peterson, Petka, Rea, Shaw, Sieben, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch, do you question the presence of any Senator?

SENATOR WELCH:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis is in the back of the room.

SENATOR WELCH:

Let's see. Senator Demuzio.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Demuzio, again, is in the back of the room.

SENATOR WELCH:

Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Ralph Dunn. He's over here by the Press Box.

SENATOR WELCH:

Senator -- Senator Jones.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones is right next to you, over there.

SENATOR WELCH:

Oh, he's back. Yeah. Yeah. Senator LaPaille.

PRESIDING OFFICER: (SENATOR DONAHUE)

I think you're losing some friends there, Senator Welch. You better... Any -- any further questions?

SENATOR WELCH:

They're not all here. Senator Luft.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luft. Is he in the Chambers? Senator Luft? He's in the phone booth. I can -- he's coming out right now. I can see him.

SENATOR WELCH:

That's Demuzio.

PRESIDING OFFICER: (SENATOR DONAHUE)

Do you question any more?

SENATOR WELCH:

No. There's Shaw. No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Senate Bill 770, on a verified roll call, there are 32 Ayes, 22 Nays, 3 voting Present. Having received the required constitutional majority, Senate Bill 770 is declared passed. Senator Petka, on 779. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 779.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Well, thank you, Madam President, Members of the Senate. Senate Bill 779 has adopted an amendment that -- or a series of amendments that -- that were suggested by Senator McCracken. However, the original Bill 779 contains the language as follows: material is considered harmful "if it expressly counsels for suicide." This was debated extensively in the Judiciary Committee, and after the hearing, there were nine affirmative votes, one negative vote and -- when it came to the Floor. After that time, Senator McCracken suggested an amendment dealing with the concept of child pornography, and specifically to remove a -- an affirmative defense -- or a series of affirmative defenses which are available for librarians. As Senator McCracken explained yesterday, Deborah Miller from the Illinois Library Association agreed with the deletion of those affirmative defenses, because quite candidly, Members of the Senate, what some legislative body did ten years ago or eight years ago in connection with this Section makes no sense whatsoever. I would, at this time, entertain any questions in connection with this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Molaro.

SENATOR MOLARO:

Yes, thank you. Senator, I'm sure you're aware that the motion picture industry has passed something out. Can you respond to that and clarify what their problems may be?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka?

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SENATOR PETKA:

The -- I don't know if it's the motion picture industry, but I believe it was entitled "The Media Coalition". First of all, I believe that they have truly misread the -- the language of my bill. They talk about the so-called three-prong modified test of Miller, and we're not even suggesting that. We're dealing with a concept not of obscenity, but of harmful material - harmful material that is distributed to minors. And as I indicated, Senator, in -- in committee, unfortunately, we have to protect those under the age of eighteen from their own immaturity, both emotional and sometimes, unfortunately, mental. And we've done this in other areas of the law, and this -- for purposes of this Section, what we are simply trying to do is to try to deter conduct which might have a direct result of a very unfortunate tragedy of a child taking his or her life.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Hendon?

SENATOR HENDON:

...(microphone cutoff)...very much, Madam President. You know, I am part of the motion picture or media industry, but I -- I am totally in disagreement with them on their analysis of this legislation. This is a good piece of legislation. We should not have -- allow materials that counsel our young children into taking their lives, and we certainly should not condone child pornography, whether it's in a library or anywhere else. So, I'm happy to join my good friend, Senator Petka, on this legislation...

PRESIDING OFFICER: (SENATOR DONAHUE)

Further...

SENATOR HENDON:

...and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President, Ladies and Gentlemen of the -- of the Senate. I really think you ought to kind of look at this, because I -- I would be in complete disagreement with the bill, and not because I'm going to show for the motion picture industry, which is putting out some of the worst products I've seen in years. And I -- I'm a movie buff and I enjoy going to the movies, but I find, at this stage of the game, it's very difficult for me to go to just normal movies with my eighty-four-year-old father and my twenty-four-year-old son, or even a date, because they are so embarrassing on what they bill as family fare or even adult entertainment. I mean, you know, if you want an X-rated movie, fine; go rent one. But what is out there now is not particularly pleasant to me. That having been said, and also not as an advocate of suicide in any matter, I think when you start the role of censorship of what ultimately is preserved to us in the First Amendment, I think you get onto that slippery slope of "Where does it stop?" When we talk about what is counseling for suicide, I don't know that counseling is -- is defined in this particular bill in any type of a direct way. It could be something that's interpreted from what you see. I look at some of the great classics of literature - and I brought this up in committee when I was the only no vote - when I look at some of the things that come out of classical literature that all of us agree to is -- is something we wish to preserve, it has been preserved for almost two thousand years. Things like the Aeneid of Virgil; Antigone of Sophocles; Henrik Ibsen's Hedda Gabler; Hamlet; Cleopatra, all of the -- I mean, the historical situations which you cannot change and nor should we try to rewrite history. There have been suicides in history, Cleopatra being one, the Crown Prince Rudolf of Austria. I mean, it's there. Movies have been made about these

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themes. How do we deal with World War II and kamikaze pilots who -- who did suicide runs. Whether you believed in it, liked it or not, it occurred. I think when you start this kind of legislation, you -- you put the whole concept of free speech at risk. I'm concerned that this would now have a very heavy, chilling effect on the ability of video stores to rent such things as the four versions of Hamlet, which include Lawrence Olivier's. I mean, the man was knighted. He's buried in Westminster Abbey. People come and make pilgrimages to this man. And Shakespeare is certainly no slouch, because he is taught in schools all over the State of Illinois. I think this legislation is far and away too sweeping. Frankly, I don't see any need for this legislation, and I think we ought to be very -- very wary when we walk upon these grounds, because, ultimately, where does it stop.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I just wanted to say Hear! Hear! to what Senator Topinka said. As a former English professor, I think we should be very, very careful when we want to proscribe what people should have in libraries. I am, of course - as everybody else is - opposed to child pornography, but I am very careful and concerned that we will allow a small group or subset of us to decide what we should and should not read, and that we jeopardize First Amendment rights.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I hate to rise a second time and I certainly support the freedom of speech, but we don't have the right to yell, "Fire," in a crowded theater. And I think that where it stops is a question that we have to simply address. I'm

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considered a pretty liberal person, I believe, around these Chambers, and I don't think that this goes too far at all. I think this is a question of child pornography. It's a question of -- of -- of some material that simply should not be out there. It's already outlawed in many instances in the United States of America. It does not stop any individual adult who wants to go to this or that back room bookstore and -- and get whatever they want to get and read it or do whatever. But we have to think in terms of what's good and bad for our children. Sure, there have been suicides in history, but we need to keep our children from becoming part of that history - the history of suicide. And I think that this does not go too far, and we can cross that other bridge when we get to it. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR GEO-KARIS:

From what I can gather in our synopsis, you are -- you took away the affirmative defense for librarians. Am I correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka. Senator Petka?

SENATOR PETKA:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Yes. Senator Geo-Karis.

SENATOR GEO-KARIS:

We have had the affirmative defense in the law, I believe, isn't that so, until now?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Petka?

SENATOR PETKA:

It has been on the books for some time, yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And then, as far as part of your bill that relates to information on suicides and so forth, I can understand that. But can I ask you a question? Why did you take away the affirmative defense on child pornography for the libraries?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much, Senator, for asking that question. If it was confusing in your mind, it may be in others. We did not take away totally the affirmative defense for librarians in child pornography. What we did, Senator, was to try to undo something we shouldn't have done in the first place, and -- and may I just point out, the way that the offense reads right now: A person commits the offense of child pornography who films, videotapes, photographs, or otherwise depicts -- it -- a child in the act of sexual intercourse or sexual -- simulation of sexual intercourse. It also grants an affirmative defense for conducting live plays. It also grants affirmative defense for solicitation of a child to perform child -- pornographic acts. This has nothing to do with books. It has nothing to do with films. It has nothing to do with anything but soliciting their active conduct to -- to have a -- a child engaged in pornographic activity. I -- I know why it would be necessary for -- in terms of books and periodicals. I don't necessarily agree with that, but I -- I at least understand the rationale. But I can't see any rationale on the planet why we should give a class of individuals an affirmative defense, which

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is an exoneration, from soliciting children to participate in sexual acts. What we did makes no sense whatsoever, and -- and the Librarian Association agrees with me.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and -- Madam President and Ladies and Gentlemen of the Senate, inasmuch as the Library Association does support your amendment, I'll support the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further questions? Senator McCracken? Senator McCracken?

SENATOR MCCRACKEN:

Thank you. I was just told to sit down by my Leader, so I think I will not debate this. I agree with Senator Hendon, and it is a very modest, modest amendment to the library defense. It is still available in all possible circumstances where the librarian is acting within the scope of his employment.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. Further discussion? Senator Molaro, for the second time.

SENATOR MOLARO:

Yes. Very quickly, I apologize. I just -- this is in response to Senator Palmer, as well as Senator Topinka. Just quickly. We already have the harmful material Statute. The only -- the only language he's added - and this is not pornography - he's adding this language and that's it. And Senator Petka, I -- I have to commend you for this. It's "Material is also harmful if it expressly counsels for suicide." "Expressly counsels for suicide." None of the classics do that. Romeo and Juliet doesn't do that. If you have a twelve-year-old, fourteen-year-old, a nine-year-old, you don't want these books out there that shows you how much cyanide you have to take, which veins to cut open to

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kill yourself. That's the kind of stuff that we don't want twelve-year-olds to get - not Romeo and Juliet. It must -- the intent here that it does not expressly counsel for suicide. So I commend you and ask for a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Senator Petka, to close.

SENATOR PETKA:

Thank you very much, Madam President, and again, Members of the Senate, this is not about banning of books. This is about distribution of harmful material to those who may not be emotionally mature enough to be able to decipher what is in their best interests. We are not talking about the First Amendment, as a couple of speakers alluded to. Senator Molaro hit the nail right on the head: "expressly counsels for suicide." You know, right now we have on the books the Statute, Disorderly Conduct, which says that any person who commits any act in an unreasonable manner, that person, if he provokes a breach of the peace and disturbs another individual, is guilty of disorderly conduct. And we look around and say: Well, what are we talking about? But that -- that Statute has met constitutional challenge for many, many years. What we're talking about here is an express counseling for the commission of the act of suicide. Quite frankly, it is something that I believe is necessary, unfortunately, in this day and age, and the other portion of this bill has been adequately explained. I certainly would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 779 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 44 Ayes, 3 Nays and 9 voting Present. Senate Bill -- 779, having

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received the required constitutional majority, is declared passed. WICS-TV requests permission for videotape. Is leave granted? Leave is granted. We're going to take a moment here, Ladies and Gentlemen. We have some special guests from Senator Watson's district, and he will present them.

SENATOR WATSON:

...(microphone cutoff)...you may recall last year, Hoffman -- Trinity Lutheran School in Hoffman, Illinois - home of Tom Michael, by the way, University of Illinois basketball player - won the Small School Girls' Basketball Tournament and then also won the -- in the State, and then won the State's Lutheran Tournament, participating and playing against schools almost ten times their size. Well, this year they succeeded in doing the same thing again, and then went on to the national tournament, which was held in Valparaiso, Indiana and won the National Lutheran Tournament. So, quite an accomplishment for a group of young ladies from Hoffman, Illinois - the Hoffman Eagles - and we've also, as you -- maybe -- those of you that were here last year remember something that we did that was a little bit unusual. We had the boys participate in a cheer. They were the cheerleaders for the girls' team, which is -- in this day and age is very good. So what we would like to do again this year is the boys do a cheer again. But first we have Ray Ainslie, who's very active in Hoffman and throughout our area, in fact was given several awards for his community involvement and -- through the Jaycees. And Ray Ainslie is going to introduce the coaches and the team, and I'd like to introduce Ray right now. Ray?

MR. RAY AINSLIE:

(Remarks and introduction by Mr. Ainslie)

SENATOR WATSON:

If the Secretary would, we'd like for him to read the resolution. Mr. Secretary.

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SECRETARY HARRY:

Senate Resolution 267 is offered by Senator Watson.

(Secretary reads SR No. 267)

SENATOR WATSON:

Thank you, Mr. President. Now -- or Mr. Secretary, yes. We've promoted you. Now I'd like to have the attention of the Body, if you would. We'd like to have the boys give an example of how they cheer for the girls at the girls' games. All right, guys? (Boys perform a cheer) All right. All right. Good work, guys. All right. Thank you very much. Certainly want to congratulate the Hoffman Lady Eagles, and I appreciate the Body's -- Senator Hawkinson, for what purpose do you arise?

SENATOR HAWKINSON:

Well, thank you, Mr. President. Just to congratulate the team, and I'm sure you're proud that the lead cheerleader down here has a big Chicago Cub emblem on his tee shirt.

SENATOR WATSON:)

Yeah, I noticed that earlier. We've got to have a talk. All right. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. Senator Barkhausen, on Senate Bill 840? Out of the record. Senator Severns, on 868? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 868.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. This bill came about as a result of a suggestion by one of my State's attorneys who pointed out in specific instances in the Illinois

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Statutes where two words, "violation" and "conviction", are used interchangeably. And that was not the intent, so this bill only corrects that problem. It is a bill that's gone through the Transportation Committee. The amendment has been approved by the Chairman of the Judiciary Committee. I know of no opposition, and would urge adoption of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield.

SENATOR FAWELL:

Senator -- Senator Severns, I know you've been working on this -- this bill, but could you tell me who needs this, and -- and what the problem is?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Specifically, it was the State's Attorney of Shelby County who brought this problem to my attention. In specific instances in the Statute, the words "violation" and "conviction" are used synonymously. The intent was never to be synonymous, and it corrects that problem in the specific instances that he brought to my attention.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

We have some problems over here. On page 2 there are several other instances of - three, in fact - of the word "violation" that I believe should have been corrected, and one on page 3. I -- I think what -- what we're going to have to do with this, Senator

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Severns, is we're probably going to have to -- this really needs some research done. It's -- it's got some real problems with it going out of the Senate in the present form. I'm sorry we didn't catch it earlier, but I think a Present vote on this is -- is a good vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I rise in support of Senate Bill 868. The Secretary of State people have -- have reviewed this, I believe. Mark Warnsing from our staff has been involved in these amendments. We've adopted the amendments that I think take care of any problems that -- the problem here is, without this bill, you can have second offenders being treated as first offenders, and none of us want -- want to see that happen with our DUI offenses. I think all -- all the glitches have been taken care of. If they haven't, I'm sure that -- this has another Chamber to go through, but I believe they have. Our staff has looked at it. There was a last-minute amendment. The Secretary of State, I believe, had a concern. That has been cleared up. There have been several amendments. I think it's been -- I think it is now clean. We don't want to be going easy on these second-time offenders just because they have gotten supervision on a -- on a city violation for DUI, as opposed to a State, and I don't think we want to hold this bill up. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Yeah. I -- I, too -- I rise in support of this, and I'm -- as Senator Hawkinson, I'm a little bit surprised because this amendment went on unanimously in committee, and it really just

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changes a couple of words, which in my estimation, allows for a tougher resolve of second offenders of DWI. And I think it's a good bill, and we ought to get it out of here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, thank you, Madam President. I guess, just a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield.

SENATOR WATSON:

Just listening to the two previous speakers, I understand that the problems haven't been cleared up. Page 2 of the bill, line 2 and paragraph (d), contain language that still questions -- actually even on the next page, page 3, that paragraph 2, and 3, and possibly 4, and (f). I mean, I -- I just see a lot of continued questions and concerns about this, and that maybe haven't been addressed by your amendment. Can you respond to that, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell. Oh, sorry. Senator Severns. Excuse me.

SENATOR SEVERNS:

Thank you, Madam President. Senator, until this debate, I was not aware that there were additional areas that you wanted amended. I would suggest that there's probably several areas in the Statutes that have some errors. This legislation was never intended to go into the Statute provisions that you're addressing. It was very limited in its suggestion. It corrects an error that's been brought to our attention. This bill was never intended to correct every error within our existing Statutes. The legislation, quite bluntly, was requested by the Chairman of the Transportation Committee -- the amendment, by the Chairman of the

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Transportation Committee, Senator Fawell. It was approved at her request by the Chairman of the Judiciary Committee, Senator Hawkinson. When we thought this bill was cleared up, Secretary Ryan's Office brought a minor technical problem to our attention, so we put the bill on hold to correct, by way of technical amendment, the problem that they brought to our attention. Every one I've talked to thought this was a good bill, including Secretary Ryan and the Chairman of the Judiciary Committee, Senator Hawkinson. I -- this bill was never intended to clean up every provision within the Illinois Revised Statutes, and it was never its intent and it's not its intent today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, I understand your response there, but the problem is, we do establish legislative intent in history, and now we could be creating further problems down the road. I mean, if we need to clean this up, I just maybe suggest a House bill to do it and -- and maybe put this -- a Present vote or -- or something just to hold this for now, because I don't think we need to send something over to the House that really has all these questions and concerns.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Seeing none, Senator Severns, to close.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I will just say that this bill emerged at the suggestion of one of my State's attorneys, and I've met every request of the Transportation Committee Chairman, Senator Fawell, and have consulted every step of the way, since the changes started taking place, with the Judiciary Committee Chairman, Senator Hawkinson. I've held the bill to meet the concern of Secretary Ryan, and have

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been told by all that this a good bill and ought to move forward. The intent never was to correct every difficulty that we in this Legislature have caused in the Illinois Revised Statutes. It limits itself to two very specific instances, instances that all concerned have said need to be addressed. That's all this bill does. It's a simple bill, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 868 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 35 Ayes, 1 Nay and 18 voting Present. Senate Bill 868, having received the required constitutional majority, is declared passed. Senator Barkhausen, do you wish to have Senate Bill 892 returned for 2nd Reading for the purposes of an amendment? Senator Barkhausen seeks leave of the Body to return Senate Bill 892 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 892. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen, to explain Amendment No. 1.

SENATOR BARKHAUSEN:

Thank you, Madam President. Senate Bill 892, which we began to discuss the other night, has to do with the competitive bidding provisions in the Counties Code. There were some questions about a Section of the bill that this amendment deletes. And to remove any further questioning, I urge the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Seeing none, all those in favor will say Aye.

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Opposed, Nay. The Ayes have it. Amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on 3rd Reading is Senate Bill 892. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 892.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen, to explain the bill.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. Senate Bill 892, as I said, has to do with the competitive bidding procedures of the Counties Code, and it simply allows the county, in considering the various factors that would determine what the most competitive bid is, to consider, in the purchase of computer type equipment, the availability of support services, the uniqueness of the equipment and services available, the materials and supplies, as they apply to computer systems. I know of no opposition, and urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Any discussion? Seeing none, the question is, shall Senate Bill 892 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 3 Nays and none voting Present. Senate Bill 892, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you arise?

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SENATOR GEO-KARIS:

Madam President, I voted my Yes switch, but, darn it, it didn't go down. So I would like -- would have been reported as Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senate Bill 899. Senator DeAngelis. Senator DeAngelis, on Senate Bill 899? Read the -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 899.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam Chairman. Senate Bill 899 is a bill that has been -- has drawn more attention than I think it rightfully deserves. The bill simply states that the clergy are required to report child abuse except when it violates their own clerical privileges. Unfortunately, a lot of the focus has been on the privilege rather than the abuse. We succumbed to some of the concern of most of the Members and amended the bill, even though in our own Code of Civil Procedure we do in fact reaffirm the clerical privilege, and case law through the First Amendment supports those privileges. I have to tell you, this is a tough bill for me to carry. I am a Roman Catholic; my uncle - my Dad's brother - was a Monsignor in the church. And this is not an anti-church bill. It's a pro-child bill. I don't know if some of you saw the Tempo Section on Thursday's Tribune, but it indicates the horrible problem the church is finding itself in. And defeating this bill would only make it worse. I had cause to visit with a person who is in the chapter of a book called "Lead

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Us Not Into Temptation". And I have to tell you I met the father of the child that is mentioned in this book - child from the City of Chicago. I do not think any of us would ever want any child, let alone our own child, to go through that kind of experience. This bill does not deal with the ministry, does not deal how churches minister; it deals how churches administer. And I will be happy to answer any questions, and ask for your support on Senate Bill 899.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator DeAngelis. Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President and Members of the Senate. I know that the -- a lot of the publicity surrounding this bill initially, in the editorials, focused on the problems of sex abuse by members of the clergy, and that's what the bill was initially offered to help obviate. Now, Senator DeAngelis indicated that he did offer an amendment. My concern when I read the bill was not that -- in any way that I was opposed to efforts to try to assist the State's attorneys in -- in trying to obtain convictions for members of the clergy who abuse children, but rather I was concerned about people that go to their minister or their priest and go to confession, and whether or not -- or for counseling, and whether or not this would require a minister to get on the phone as soon as they walk out the door and call their local State's attorney and turn them in. And that's something which I think is a -- a great concern. Senator DeAngelis did put on an amendment, and it -- it seems to -- attempts, anyway, to say that if you go to confession or reconciliation, that this priest is not required to report what he hears. But then, I'm -- I'm still concerned about what happens if there's just general counseling. People go into a -- their minister and talk about -- talk about -- a mother

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goes in and talks about the fact that she suspects her husband of abusing the children and what -- what should she do. That type of situation - I don't know if it's covered by this amendment. I'm reading here language which says that there -- there's no obligation to report if -- if your -- if the minister is "otherwise hearing a person's confession for religious purposes or as a spiritual advisor in the course of the discipline enjoined by the rules and the practices of the religious body or of the religion that the individual professes." I really don't know what that covers, and I would appreciate it if - at least, for no other reason, for purposes of legislative intent - if the -- the Senator could explain what that means. And I would ask that in the form of a question, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

I'm -- I'm going to defer to Senator Hawkinson, and then comment afterwards to respond to this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Senator, I'm familiar with confession, because my wife is Catholic, but in -- in my Protestant denomination we do not have the sacrament of confession. In -- in our Protestant denominations it would be in the nature of counseling. And it was my intention in encouraging the adoption of this amendment to continue the privilege for that, and I believe that this language "or otherwise hearing a person's confession for religious purposes" is not limited to the sacrament of confession as you know it within the Catholic Church.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

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SENATOR CULLERTON:

Okay then, so within the Catholic church, in addition to having reconciliation or confession, there's also counseling that can take place. And I just want to make it clear that in this -- this amendment covers that type of situation as well - where -- where someone goes in, not in the form of a sacrament, but rather as in the form of counseling, might reveal some information that the minister might take to be a possible child abuse, that there's no obligation for that minister or priest, in this case, to have to phone in the local State's attorney soon as they walk out the door. That's what I'm looking for.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Senator. Since Senator DeAngelis has deferred to me on this, I -- I will attempt to speak for him, but then I - because I am also very concerned about the same point - I would like him to affirm that it is not his intent to do as you suggest might happen. I'm very -- very concerned that counseling - whether it be in Protestant denominations, or in Christian Science, or in the Catholic Church - be protected; that the privilege covering those conversations between member of the parish or the denomination and the clergy, whether within the sacrament of confession or within a general counseling theme, be protected, and that there be no reporting of those instances, and I would like the sponsor to reaffirm that that's the case as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I do indeed affirm. In fact, Senator Cullerton, I put this in, even though we have within the Code of Civil Procedure this language, to insure that when this

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language passed it would be in this bill, so that the rights and privileges that existed -- that exist now will exist thereafter.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. Senator DeAngelis, I think I have as good a credentials as you do when it comes to family in the church. You know, we came out of the Dark Ages a long time ago when we took away sanctuary, and I think on this bill that's a further recognition of this. It is time to ensure that children are first and are our number one priority, not only in education, but in their safety when they're involved with people who they place great trust in and there is that danger that that trust can be violated. So I stand in support of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator. Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Once again, this is an excellent bill. I believe that we have to protect the children first. And this is simply a -- a -- a reporting bill; a bill that -- that just says that people have to report these incidents, because we have to protect the children first, above and beyond everything else. And I'm -- it took a lot of courage for Senator DeAngelis to stand up and -- and put this bill forward, and I respect his courage. I respect him for this, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Madam President. I, too, want to associate myself with the remarks of Senator DeAngelis, and urge the Members to vote Aye.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR PALMER:

Senator DeAngelis, by adding a new classification and group of people, will child abuse be defined for them? Are there some -- some parameters to this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. This bill amends the Child Abuse Reporting Act, and in that Act, the child abuse is defined.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Seeing none, Senator DeAngelis, to close. Oops! Hold on just a second, Senator. Senator Syverson. Sorry.

SENATOR SYVERSON:

One question of the sponsor, just to clarify.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR SYVERSON:

Let me give you a scenario: An individual is abusing his children; he feels he needs help, so he goes to his priest or his rabbi, or his pastor, and says, "I need some help; I'm abusing my children." Is that minister required now to report that incident?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, hopefully, the minister -- and I am certain - or the priest - will try to help that person, and that would then be the course of action taken, and it would not require that person to

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report that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

The question is: Do they have to report that, if that happens? Is that specifically spelled out in here, that they do not have to?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

The amendment spells out that if they're in the course of whatever it's - penance, reconciliation, counseling, spiritual advisor - they do not have to report it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Then, I'm not sure, what's the meaning of the bill if they don't have to report anything that's involved in confession or counseling?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Because the -- the major problem has been -- and I ought to point out that I have received a lot of letters against this bill from coalitions. But let me tell you who I've received the most letters in support of this bill: It's from priests - priests who have been involved in situations in which they knew - they knew - of situations involving not only other priests, but parents. But because of a feeling that they were not - not - to report this, it wasn't reported. So what we're doing here is, we're letting them know not only that they can, but that they in fact should.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Any further discussion? Senator Hasara.

SENATOR HASARA:

Thank you, Senator. I might just point out that, having gone through years of parochial schools, priests often teach and are in the classroom, and -- I mean, they would have access to information about kids at school that maybe a student wouldn't even tell a teacher that might tell a priest that was teaching a certain class once a week, that kind of thing. So I think one -- that hopefully will answer the some of the previous question that was just asked.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Madam President. Several speakers ago acknowledged their thankfulness to Senator DeAngelis. I rise to also say that the State's Attorney of Cook County should be complimented. This is a very difficult issue, and he had the fortitude to take on a major institution, and even take on the cardinal in that archdiocese. As a Roman Catholic myself, that is a very difficult task to do, but he knew that children came first. I rise in support of this bill, and compliment both the State's Attorney and Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing none, Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Madam President. I would just urge the Members of the Body to vote Yes on this bill, and know that the bill, in fact, advances those things that have to be -- advanced in the cause of child abuse.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 899 pass. Those voting in

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favor 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, Madam Secretary. On that question, there are 51 Ayes, no Nays and 6 voting Present. Senate Bill 899, having received the required constitutional majority, is declared passed. Senate Bill 900. Senator McCracken, do you wish to return this bill to 2nd Reading for the purposes of an amendment? Senator McCracken seeks leave of the Body to return Senate Bill 900 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 900. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2 offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mccracken, to explain Amendment No. -- Floor Amendment No. 2.

SENATOR McCracken:

The amendment would become the bill. It is agreed to between the House and Senate at the leadership. I would ask to adopt it now and then explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

All those in favor, say -- or any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is approved. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3 offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken, on Amendment No. 3.

SENATOR McCracken:

Yes. Thank you. Senate Bill 900 would relate -- rewrite...

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PRESIDING OFFICER: (SENATOR DONAHUE)

On Amendment No. 3, Senator. Floor Amendment No. 3.

SENATOR McCracken:

No. I withdraw those. No, wait. Did -- did -- didn't we just adopt 9?

PRESIDING OFFICER: (SENATOR DONAHUE)

No. We -- we adopted No. 2.

SENATOR McCracken:

My humble apologies. I move to table my amendments other than 9.

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator McCracken. Senator McCracken, having -- having voted on the prevailing side, Senator McCracken moves to table Amendment No. 2. Okay. Move to reconsider the vote by which Amendment No. 2 was adopted. Is there -- all those in favor, say Aye. Opposed, No. The Ayes have it. Amendment No. 2 is tabled. Oh. Reconsider. I'm sorry, guys. This is the first time we have -- gone through this one. Okay. Senator McCracken moves that Amendment No. 2 be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 2 is tabled. Now, Madam Secretary, are there any further Floor amendments to be considered?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3 offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Now, Senator McCracken, on Amendment No. 3.

SENATOR McCracken:

I move to table Amendment 3.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken moves to table Amendment No. 3. Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 3 is tabled. Are there

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any further Floor amendments for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 9 offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken, on Amendment No. 9.

SENATOR MCCRACKEN:

Thank you. I'm -- I'm sorry for that. Amendment No. 9 becomes the bill. I move its adoption, and -- and will explain it on 3rd Reading if it's adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? On the amendment, Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. I just want to rise to alert those who are both cosponsoring and supportive of the revolving-door legislation, that what this amendment does is gut the revolving door. While I know all of us have -- have worked very hard on both sides of the aisle to advance the ethics legislation - and I applaud that - I do think that several signals were sent last November, and -- one of which is the people are tired of business as usual. I have introduced revolving door for several years, and was frankly very delighted when it was recommended by the Executive Committee that it be added to this bill or at least be advanced. I wasn't looking for it to be added necessarily to this bill, but the idea advance. I think this General Assembly, and specifically the Executive Committee who has worked hard in this area, has heard the message from the -- from the general public that reform is overdue, and I think Senate Bill 900 addresses that in a very positive way. I hope that sooner, rather than later, we also hear the message from the public that revolving door is overdue, and that's why I rise to stand to express my concern on this amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Any further discussion? Seeing none, Senator McCracken to close.

SENATOR MCCRACKEN:

Just ask it to be adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

On that question -- I know, any -- all those in favor, say Aye. Opposed, Nay. The Ayes have it. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Amendment No. 9 was adopted. I didn't say that. 3rd Reading. Senator McCracken, on Senate Bill 900. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 900.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Madam President and Ladies and Gentlemen. This bill rewrites two acts, the Governmental Ethics Act and also the Lobbyist Registration Act. As -- as -- as to the Lobbyist Registration Act, this proposal was originally made by Secretary of State George Ryan, who I really want to give a lot of credit for putting his political acumen behind this measure. This will substantially tighten up the Lobbying in State Government Act and -- an Act which Common Cause has called, on occasion, unenforceable, because it's so poorly drawn. For the first time, we will have amendments to this Act concerning definitions, which not only will tighten up the meaning applied to these words, but

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will expand the scope of the Act dramatically. For the first time, this Act will cover not only legislative lobbying, but also executive and administrative lobbying. You know, any modern government acts by means other than its Legislature. The executive branch, of course, is crucially important and has long been neglected. And we also act in very important matters by administrative rule and regulation. For the first time, this also will be brought within the scope of lobbying disclosure law. We also provide for substantially greater penalties that currently are in the law, including up to a ten-thousand-dollar fine and up to three years, what I'll call disbarment, from lobbying State government as defined in the bill. We also cover, for the first time, the expenditure of money not related directly to particular pieces of legislation or subject matter. This is called goodwill lobbying, and goodwill lobbying for years has been ignored by this General Assembly, regarding the scope of its Registration Act. So when someone is taken out to dinner, that will be reported by the lobbyist as an expenditure, for the first time. We, Common Cause, Senator -- Secretary Ryan, most importantly, believe that goodwill is a very significant part of putting together the picture for the public that they're entitled to, and has been neglected for far too long. We also rewrite the Governmental Ethics Act to put different criteria into the law which will govern who is required to file the Act. This was a suggestion initiated by Senator Klemm, and adopted, I believe, verbatim, as he had originally proposed it. I move passage of Senate Bill 900.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Madam President and Ladies and Gentlemen of the Senate. First of all, I would like to develop some legislative intent, which should in no way be interpreted as being in opposition to

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this really very good bill. And my hat's off to you, Senator McCracken, as well as to Secretary of State George Ryan, for undertaking this effort. I think because Secretary of State Ryan has taken it under his wing, we're finally getting something moving in the Legislature to address, really, something that has just been overlooked and -- and been awfully soft over the years. But if you will be so kind as to let me develop this legislative intent and answer these questions, I think it would be helpful to all. And I'll have to read these, if you don't mind. Lobbying is defined to include any communication. Does that mean that an organization that sends, through the U.S. Mails, legislative position papers, newsletters, or legislative bulletins to Members of the General Assembly, even though they have no lobbyist, nor do they come to Springfield, come within the coverage of this bill? And would they have to pay -- if they are under the coverage of this bill, would they have to pay the fifty-dollar annual fee?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

No. That's one of the exemptions covered.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

On page 21, lines 15 through 18, it would appear that attorneys are exempt from this bill if they are involved in any administrative proceeding such as rulemaking, but an executive director of an organization who is not an attorney, but perhaps working on the same proposed rule, would have to comply. Is this correct, and if so, why?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

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I'm sorry, your reference appears to us to be off the original bill, I can't find it in the amendment. I don't know that answer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Well, could -- could you possibly - as your amendment is the bill now - would -- would an executive director who would be involved in any organization working on -- on some kind of a proposed rule, would -- would that fall into the compliance of -- of this Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

I was looking to try to answer your last question, I didn't hear a thing you said. I apologize. Let me go back to your last question about the lawyers. Administrative or judicial proceedings where ex parte communications are not allowed, are not covered under this Act. And the reason for that is because those are not considered lobbying, I think in anyone's definition of the word. Just as lobbying doesn't include appearing before a court of law and arguing a case, it does not also include appearing in a quasi-judicial proceeding and arguing a case. And I'm sorry, I'll take your next question now.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Thank you. Again, it -- I'll read it a second time so you hear it, and it gives you some time to look it up. It would appear that attorneys are exempt from this bill if they are involved in any administrative proceeding such as rulemaking; but an executive director of an organization who is not an attorney, but perhaps working on the same proposed rule, would have to

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comply. Is that correct, and if so, why?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

A director involved in rulemaking would not be lobbying, and because of my explanation to the previous question, an attorney is not considered to be lobbying - under only those circumstances.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Fine. The definition of legislative action includes such words as "consideration" or "review" of legislation. Does this mean that an organization that reviews and considers the impact of certain bills, even though they may not do anything for them or with them, could come within the coverage of Senate Bill 900?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

They would not be considered lobbying under those circumstances.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

And finally, the Secretary of State is required to conduct an annual random search of committee witness slips to determine compliance. With all of the problems facing Illinois, does this seem a wise use of limited resources?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

No, it does not.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Topinka.

SENATOR TOPINKA:

...(microphone cutoff)...my understanding that that has been removed from the bill? Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken. Want to put that in the record? Senator McCracken.

SENATOR MCCRACKEN:

Because it's an unwise use of scarce Secretary of State resources.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I have a few questions, then an observation. First of all, if the sponsor would yield for the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR JACOBS:

Does this bill not include a mandate on county clerks? And if so, is this mandate being reimbursed, and if not, what -- what kind of a vote does it take for this to pass?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

Are you referring to the statement of economic interests?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

No. On page 11, line 15 to 20 <sic>, "The county clerk of each county shall note upon the alphabetic <sic> (alphabetical) listing the names of all persons required to file a statement of

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economic interests who failed to file a statement on or before May 1. It shall be the duty of several county clerks to give notice as provided in Section A14 -- 1045 <sic> (4A-105) to any person who has failed to file his or her statement..." That in my estimation is a mandate, and I just want to know if that's being reimbursed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCRACKEN:

Yes, thank you. That -- that's already a statutory duty; we just rewrote it in the bill at the suggestion of LRB.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

What is the fiscal impact on the Office of Secretary of State?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken. Senator...

SENATOR McCRACKEN:

You know, I'm sorry. There -- there are two parts to the bill, and -- and I assume you're referring to the Lobbyist Registration part, since it's the Secretary?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCRACKEN:

There is a fifty-dollar fee imposed pursuant to this legislation which should more than offset the cost.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

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SENATOR JACOBS:

...(machine cutoff)...was my next question, and that you did assume that the fifty-dollar registration fee would be expected to pay the full cost of implementing the program. So, being as you've already answered that, the next question I would be -- does not the -- the imposition of -- of the fee, or a fee, raise a constitutional free speech issue, in that one could not petition their government without having first paid money?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

No, I don't think so. You know, reasonable requirements enacted in furtherance of a legitimate legislative policy or purpose I don't think would be construed by a court to be a limitation on that constitutional right.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

In closing, I just happen to think that information is -- is vital in the interplay of government. But I just want to remind the Body and -- this is a watered-down version of whatever we decided to do. But I guess I just look at it from the standpoint, we have current rules already on lobbying and on ethics, and there is no indication at this point of anyone violating the rules, and it implies that someone is working outside of the rules. And then, of course, we can change the rules, but I don't know what that really does in -- in the scheme of things. I think it's still the enforcement provisions that has to be done. I -- I'm a little bit amazed that -- that the -- what -- what appeared to be the impetus this year for all of the move toward ethics and -- and lobby -- lobby registration appeared to come from the fact that the people who were down here working on casinos had purportedly

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spent two million dollars and did not have to record any of it. Well, I'd remind the Body that that failed miserably. So the implication that we are unethical - and I think that's the -- the implication that is given - is a false one. And I think that case further proves the fact that the existing rules did work. They didn't work as well as some of the media and as well as some of the -- the -- Common Cause and some of the others would like, but in fact, in my estimation, they did work within certain parameters. To change the rules is fine; I don't really have a lot of qualms with that. But I think that some of the implications that are being left out there - that we are the ones that are unethical and that the lobbyists are the ones that are unethical - is really not the case, 'cause they were working under the rules that they had available at that point.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

END OF TAPE

TAPE 3

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I want to commend the sponsor of the bill and everyone who worked on the bill, including the Secretary of State. I've been here almost twenty-one years and this is the first time any decent ethics legislation has reached the -- the Floor for action. And I think it's -- it's a step in the right direction. It may not be a perfect bill, but at least we're doing what we're supposed to do and answer the cries from our citizens back home that wondered

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what kind of ethics do we have and what are we promoting for others if we're not promoting them for ourselves. So I certainly rise to speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR CULLERTON:

Senator, on page 21 of Amendment No. 9, there's talk of expenditures that have to be reported by a lobbyist. It talks about -- it starts on page 20 and talks about the report shall itemize each individual expenditure over a hundred dollars, and then it goes on to say, "Expenditures attributable to lobbying officials shall be listed and reported according to the following categories." Now the category of "travel and lodging on behalf of others" is one that I'm interested in. I have always personally been troubled by the fact that gifts are never -- are not really defined in the Statute. The legislators are -- are not supposed to take any gift over a hundred dollars if it's given by someone who's meant to influence us. If we receive any gift over five hundred dollars of value, we're supposed to report it on our ethics statement; and yet, if we are reimbursed for travel and -- and meals for an educational seminar, or a legislative forum like the Council of State Government, there's someone that might argue, "Well, that's really a gift." And I just wanted to make sure that this -- by breaking these down into categories that that's what your intent was, to -- to require a lobbyist to show what the expenses were for travel and -- and lodging to reimburse us if we go to an educational forum and -- and to have a separate item for gifts. Is that what the intent is of that section?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

Yes, that's the intent of that subsection on page 21, line 7, "(1) travel and lodging on behalf of others."

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Now then, further on down on that same page, it -- it talks about "The category travel and lodging includes, but is not limited to, all travel and living accommodations made for or on behalf of State officials in the capital during sessions of the General Assembly." What does that refer to?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

I've -- I've never heard of such a case, but I guess that means that if a lobbyist paid for someone's lodging while he attends sessions of the General Assembly, that would have to be reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, then, let me just -- let me just see -- is there anywhere in -- in the bill, then, that -- that defines what "travel and lodging on behalf of others" can legitimately be -- be spent on? In other words, if somebody sends you to, you know, some -- some island in December for a seminar that takes about fifteen minutes and you spend a week there, and they -- they itemize it as travel and lodging, is that a gift or is it not? Is -- is any -- is that discussed anywhere in -- in the bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator McCracken.

SENATOR MCCRACKEN:

No. In direct answer to your question, it's not discussed. I think -- there is not an implication by that section that we believe that's an improper thing to do; we merely require that the purpose of that expenditure be specified to the degree that it -- that it explains itself as reimbursement for travel or lodging.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Just to follow up, then: I would suggest if there's any more work put into this bill, that -- make two suggestions: number one, that -- that we define educational expenses, or expenses that are recognized as a deductible expenses under the IRS, as being what is legitimate for reimbursement for travel and lodging - anything else might be defined as a gift; and furthermore, I would recommend - and this -- I think all the legislators should consider this - that we require a lobbyist, if they give us a gift, to also tell us what the fair market value of that gift is, because we have an obligation to -- in two cases: one case, report anything over five hundred dollars; and another case, not to accept anything over a hundred dollars, if we're -- if they are attempting to influence us. We might receive a gift and not know how much it's worth. So I would recommend that that's something that could be imposed as an obligation on the lobbyists. Since they have to report to the Secretary of State what the gift is, they ought to also tell us what it's -- what it's worth. But otherwise, obviously, it's a -- it's a great bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator McCracken, I just want to ask a clarifying question.

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On page -- I lost it - I think it's page 13. Bottom of page 13, it says, "regulation of persons who by any communication with an official of the executive or legislative branch of State government undertake to influence executive, legislative, or administrative actions <sic> (action)..." For the record, let me pose this question: I am a legislator; I am writing to the Department of Transportation in order to get a stoplight at a certain highway that -- I've been requested to by my constituent. Am I prohibited from doing so? Or do I have -- what do I have to do?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

That is -- that is not covered by the reporting requirements. That is not considered lobbying within the meaning of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, let me go to page 15, then, with the definition of lobbying - "any communication with an official of the executive or legislative branch of State Government as defined in subsection (c) for the ultimate purpose of influencing executive, legislative, or administrative action." I am an elected official; I walk around here and ask people to vote for bills, or vote against bills, or whatever, and you do too. Am I -- am I included in that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

That is exempted by reference to the identity of the person making the communication, and Members of the General Assembly are not considered lobbyists for that purpose.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I'd just like to say that this bill started out as a good idea. It was like a big redwood; there's been so many amendments, this thing has been whittled down to a little toothpick. So I don't see why anybody would not be voting for this at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Farley. Senator Farley. Senator Farley. Oh! No. Sorry. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR HAWKINSON:

Senator, on page 16, middle of the page, Section 3, "Persons required to register" -- and maybe it's covered by the exceptions and you can point it out to me if it is. I understood from the prior debate that our constituents who send us letters urging us to act in one way or another are not covered by this. My district is close enough - a couple hours away - that I have hundreds of people who come to the Capitol every spring to urge me to vote Aye or Nay on a bill. Can you -- they certainly are not required to plunk down fifty dollars. Can you tell me where they're excluded?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

They're excluded because the definition of lobbyist includes the requirement that he do so either with or with the expectation of receiving compensation.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, that's the way I read Amendment No. 3, but I've -- I've just recently gotten Amendment NO. 9, which is, I understand, what we're talking about here, and under subsection (a)(1) it says, "Any person who, for compensation or otherwise, either individually or as an employee..." et cetera, "undertakes to influence...action." I mean, within the literal reading of (a)(1) -- 3(a)(1), I would think that constituent who comes down here, or otherwise, on his or her own behalf literally would fall within that definition, and that's why I asked the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR McCracken:

Yes. I am told that in a related Act - and I'll -- I'll get the cite - citizens are exempted from this Act, as well as the -- of the Lobbyist Registration Act, which is unamended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I guess I would urge that there be - at some stage in the -- in the next four or five weeks - that there be some attention to that Section 3(a)(1). Because if that's the case, then I don't know what you mean by "or otherwise". Because you -- you already have "for compensation"; you already have "as an employee", or a "contractual employee" of somebody else. And I -- I just think that it ought to be clear to the citizenry that they can petition their government, they can come to Springfield and urge us to vote for a bill or against a bill, or introduce a bill, without putting them under the umbrella of the Lobbyist Registration Act.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. I just want to explain that "or otherwise" clause. That is to insure that no affiliated person of the lobbyist, who himself is not being compensated, can do the lobbyist's work and avoid registration. And in response to your earlier point: The current Act, which is not amended by this -- this is the Illinois Compiled Statutes cite, Chapter 170, Section 9 - nothing in the Act can be construed to infringe the right of a Member or the public to petition the General Assembly. And I -- I think with all of that taken together I -- I think we're all right.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator McCracken, following up on -- on Senator Demuzio's line of questioning, which is what we were talking about back here, I'm afraid that this may have gotten a little bit botched up when the amendment had to be drafted. Because as I read it again, a Member of the General Assembly who calls the Department of Transportation on behalf of a building or business in its district saying, "Widen the street" or "Do not widen the street", would have to register under this Act, because you are not acting, theoretically, for the State - after all the Department of Transportation is allegedly the State - you're acting for some of your constituents, for which we are paid thirty-eight thousand, whatever the number is, in statutory compensation as a Member of the General Assembly. And I believe that would be - on page 13 - a communication with an official, as defined by the Act, because we do not, under the Act, have the right to petition other people - other citizens do. And I think you have provided a situation where we're all going to

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have to register any time we take action for and on behalf of constituents.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

You make a good point, and I finally found the exemption. It's in current law, page 18 of the amendment, lines 20 and 21 - "Employees of the General Assembly, legislators, legislative agencies and legislative commissions" are exempted from the requirements of the Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Are you saying that -- all right, you've got employees of the General Assembly, legislators, legislative agencies and legislative commissions are exempt from registering, on all cases?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

The exemption's for all purposes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

All right. Just so that we can make it clear then, because it uses in that subsection (e), legislators... No! I'm sorry. That's not what it says; it says employees of legislators...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me. Senator McCracken.

SENATOR MCCRACKEN:

You caught us, Senator Carroll. Apparently there's a missing comma in the amendment; however, the good news is the current law does have the comma. So that it reads, employees of the General

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Assembly "comma" legislators "comma" and so forth.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Then let's be doubly sure, since this is not drafted as new or stricken language. You're claiming that the original subsection (e), as drafted on page 18 of your amendment, was incorrectly typed, and that the correct recitation of existing law would have had a comma after the words "General Assembly", which means that the amendment is -- is defective. I'll -- I'll wait for an answer...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- Senator McCracken.

SENATOR MCCRACKEN:

Well, the good news is that the amendment is not defective. The bad news is the comma's not in the law, it turns out. We just opened the book to confirm our understanding.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

So that putting these good-news, bad-news scripts back together means we have to pay fifty bucks and file if we take action for and on behalf of a constituent, because the exemption is for our staff - not for ourselves. So, ...(machine cutoff)...make the call and have the staff make the call they -- then there wouldn't be a violation; but if I make a call to an agency on behalf of a constituent, I would have to file, because we are not exempt.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

The bad news is, apparently we've all failed to register since

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1975, and we're all in violation of the Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Carroll. Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. Let me ask two questions. Would you say that in page 19(h), on the issue of -- maybe we can do it by legislative intent and correct it in the House. Let me ask it two ways. Is it your intent to put that comma in? And secondly, could you say under (h) - person who receives no compensation other than reimbursement - that somehow we are not in that, as person, so that we are exempt in the instances I've mentioned, acting for and on behalf of constituents, which is what we are elected to do?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

It is our intention not to require legislators to file or otherwise be covered by the Act, and we will take care of that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Farley, for what purpose do you arise?

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the House. I'd rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate.

SENATOR FARLEY:

I would like, Madam President and Ladies and Gentlemen of the House, to recognize -- Madam President of the Senate and Ladies and Gentlemen of the Senate, I would like to recognize our fine Clerk of the Circuit Court in Cook County, Aurie Pucinski.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome. WAND-TV requests permission to videotape today's

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proceedings. Is there leave? Leave is granted. Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I rise in strong support of Senate Bill 900. I think some of the questions that were raised during the course of the debate might mean that we need to go back and consider some language, because frankly, just from the last speaker, I am concerned if a legislator is also a lobbyist. And I know that's not normal, but there have been instances where legislators also have lobbying contracts. I would want to make certain that any future language that we deal with, that that is dealt with. Is that a fair assumption, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

You know, I'm sorry. We were talking about how to address Senator Carroll's concerns. Could you repeat that? I'm sorry.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

In the event that a legislator is also a lobbyist, or has a lobbying contract, at that point the legislator, I presume from the intent of this legislation, would be subject to filing - based on what you've said.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

I guess I always assumed you couldn't be a lobbyist and legislator at the same time. I -- I'm not sure what the question means.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

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SENATOR SEVERNS:

Senator McCracken, while you would assume it and I would assume it, unfortunately there have been examples otherwise. But I think we can address that as this legislation moves forward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

I'm not opening up that can of worms. I've already been victimized by this bill. I'm making a commitment to make the technical change that is consistent with everyone's intentions since 1975, and nothing more.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator -- Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. I will work with you, Senator McCracken, on -- on that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken.

SENATOR MCCRACKEN:

I assure you, you will not be working with me. I am a victim of this bill, and we're putting it to rest.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

We wouldn't want to victimize you anymore, Senator. I rise in strong support of Senate Bill 900. It was an excellent bill when this bill was brought forward to the General Assembly; it is a very good bill still today. Most of all, this legislation is long overdue in our State, and deserves, and I hope it will receive on this side, our full support. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dudycz.

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SENATOR DUDYCZ:

Thank you, Madam President. Just briefly: you know, when Senator -- when Secretary of State George Ryan proposed Senate Bill 900, there were skeptics and critics who said it would never fly. Well, Ladies and Gentlemen, they were wrong and he was absolutely right, and he is to be applauded for his courage and determination to bring both sides, not only of this aisle, but of the other House, together for this very wonderful ethics legislation. Senate Bill 900 is a result of much work of -- of many people, and we would be remiss if we did not recognize our staff - the Democrat staff and the Republican staff - and especially, the staff of the Secretary of State, who worked very hard, working together and keeping organizations, such as Common Cause, abreast of -- or briefed during every step of this -- buildup of this -- of Senate Bill 900. At the hearing -- last -- last month, the Senate Executive Subcommittee on Ethics held a hearing in Chicago, and at the hearing, the provisions of Senate Bill 900 were -- were endorsed by organizations such as Common Cause, Chicago Metro Ethics Coalition, IVI-IPO, and even our Comptroller, Dawn Clark Netsch, spoke in favor of -- of this legislation. And I question whether some of our Members who -- who referred to this bill as watered-down version or whittled version truly read the bill, because it's not watered down; it's a good piece of legislation. I'd also like to recognize the Chairman of the Senate Executive Committee, Senator Doris Karpziel, who worked very hard on this and -- and put all this together with us. And I would hope that everyone here would unanimously support Senate Bill 900.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Madam President. I rise in support of this -- of

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Senate Bill 900. I know my colleagues, Senator Demuzio and Senator Severns, had bills in, and they were very worthy bills. And they were very strong bills. But this is -- this is a compromise, because we wanted to pass something. I believe we should have been on record as doing something as relate to this issue. We came to an agreement on this. Our -- our Members on this side of the aisle -- and that's the last time I will use that terminology, because I -- this should not be a partisan issue; it should be an issue that we all are concerned about. So we have come to an agreement on this piece of legislation, and I urge the Members on this side, in particular, to vote in favor of this bill, because it's something long past due.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio, for a second time.

SENATOR DEMUZIO:

No. For a first time. I spoke on the amendment. Madam President, let me...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, sir.

SENATOR DEMUZIO:

...say that I was the one who took some criticism in the last Session, because I sent the ethics bill back -- we had it recommitted back to committee. And I did so with the understanding that it did not go far enough, and it would simply be a sham to afford us the opportunity to say that we had done something in the previous Session with respect to ethics. I believe that this compromise now, that is in Senate Bill 900, sort of vindicates what we -- what I had done at least twelve months ago with recommitting that -- that -- that other bill. Senator McCracken, let me congratulate you for taking a lot of the heat on this particular issue. Let me say that I think that it's a tremendous jump forward. I think it's vitally needed, and I think

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it'll help to restore confidence in the legislative process. And so I congratulate you and others who worked on this fine legislation, and would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Demuzio. Any further discussion? Seeing none, Senator McCracken, to close.

SENATOR MCCRACKEN:

Just to say I was kidding when I was saying I was a victim. This -- for those of us who've been involved, it's been a long road with many detours. So I was being a little lighthearted. But this will be put to rest. And I don't deserve the credit; the Secretary of State did all the work and interested people in the subject. I'm a newcomer to the whole subject. So, thank you for those kind words, but save them for people who deserve them.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. The question is, shall Senate Bill 900 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 0 Nays, and none voting Present. Senate Bill 900, having received the required constitutional majority, is declared passed. Senator Hall, on Senate Bill 928? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 928.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hall?

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

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Let's give Senator Hall your attention, please.

SENATOR HALL:

Senate Bill 928 is sponsored by myself, and Senator Topinka, and Senator Watson. It amends the Public Community College Act -- the district territory. Now, twenty-some years ago, the late Governor Shapiro, I mean -- yes, the late Governor Ogilvie put a community college down in the East St. Louis area, and it was called an experimental college. As the results of that, that meant that they didn't -- the area didn't have any funds to pay for these things at that time. So now, this amends the Public Community College Act. It provides for the annexation of East St. Louis Community College District 601 to Belleville Area Community College District 522, if the current scheduled November 1994 referendum to increase district 601 property tax to fully support the district fails. It just so happens that since that time, East St. Louis has lost over forty-seven thousand people. East St. Louis Community District 601 has survived for the past ten years only because of significant State funding appropriated directly to District 601 - 3.2 million in '93 of this year. That dedicated State funding is set to expire after the voters of the districts are asked, at the November 1994 election, whether they wish to establish District 601 as a normal community college district and pay the subsequent property taxes. If that referendum fails, current law contains very vague provisions which direct District 601 to be annexed to Belleville Area Community College District 522. The amendment elaborates on the action which should be taken if the referendum fails. In this district, there is East St. Louis, Allerton, Centreville, Fairmont City, Nashville City, East Carondelet and Washington Park. Every one of those mayors have written letters that there's no way that they -- their people could have and pay a tax. One person out of every two in this area is either on general assistance, public aid or some federal

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program. The people are -- we have -- as maybe you don't know, but for the edification of everyone, the largest employer in this area is the School District 189, which is in trouble right now, and they're on the Watch List. Also, the second is St. Mary's Hospital. So it's in trouble. Now, the only way that we would be able to do that -- so that means that when it comes time for this vote, the people are going to be forced to turn it down. There is no other way to do it. So -- provides that 601 -- District 522 -- that on 7-1-95, rather than 7-1-96, it exempts District 522 from any debt, obligation, or liabilities, or claim against District 601. It directs the State of Illinois to convey and transfer all real and personal property of the District. Provides that the transfer of facility -- faculty and staff from District 601 to District 522 to the appropriate classification level. I know that members of the Audit Commission - they're here on the Floor now - and at that, I'm going to let Senator Watson or Senator Topinka - they're both members of that, along with others here - and they might want to make some expression at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. I -- I rise in support of Senate Bill 928, and I -- I first of all just want to acknowledge the work - the hard work - that Senator Kenny Hall has done in regard to this. This is very a delicate situation in southwestern Illinois, and Kenny Hall and President Joe Cipfl, who happens to be in the gallery on the Democrat side of the aisle over there, President of Belleville Area Junior College -- Community College, have worked hours at -- and really have put together a coalition of concerned citizens, who are a part of the Community College of East St. Louis and a part of the Belleville Area Community College, in support of this legislation, and it's not been an easy

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-- easy task to do. But what -- what we're about to do here -- and what hopefully -- and we'll have to wait, of course, until 1994 with the referendum, but just so you know, if that referendum would pass and the -- the community college then would become part of the East St. Louis -- auspices under East St. Louis, the property taxes that would be generated in that area would be somewhere less than two hundred thousand dollars. There's no way that this -- this community college could -- could withstand that type of -- of budget reduction. This is the only responsible way for us to respond to the potential problems of the Community College of East St. Louis. And I just want to ask all Members, if they would, to support this legislation and certainly want to once again, thank Senator Kenny Hall for his efforts in guiding this through the process and certainly getting the coalition together in the metro-east area to make this possible. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Madam President. As a longtime member of the Audit Commission, along with Senator Hall, I would suggest that this legislation is longtime overdue. If I might, I would like to say, in the recent findings of the East St. Louis Community College, there were forty-seven findings that were recommended in this current audit report, and thirty-seven of those were repeated from the prior audits, and they date back several years. I commend Senator Hall for the patience and for the tremendously hard work that he puts into the effort to keep this college alive for the communities of his -- of his area, but I think that this is a fair expression of determining whether or not there is, in fact, continued local support for the local college. And so, Senator Hall, I take my hat off to you for the patience that you have expressed over the years and for the --

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hard work and dedication that you have put in with this community college. And I would rise to support you in your effort today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Further questions? Senator Klemm. Any other? Further discussion? Seeing none, Senator Hall, to close.

SENATOR HALL:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 928 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, no Nays, 6 voting Present. Senate Bill 928, having received the required constitutional majority, is declared passed. Now. Senate Bill 935. Senator Barkhausen? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 935.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. Senate Bill 935 was completely amended by way of Amendment No. 3 yesterday, and I explained it at that time. It creates a new purpose for the Bank of Financial Institutions, and allows this organization to take on the responsibility of providing Community Reinvestment Act projects for savings banks and savings institutions. I'd be glad to answer your questions, and otherwise, would urge your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 935 pass. Those in favor will vote Aye.

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Opposed, Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. Senate Bill 935, having received the required constitutional majority, is declared passed. Senate Bill 937? Senator Philip? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 937.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a shell bill. It will probably end up being the vehicle for what we're going to do with the surcharge, if we do anything with the surcharge. The Speaker of the House has agreed to pick this bill up in the House. Sometime, I suppose, in the last part of May, we will sit down and negotiate it. I'm not sure where it's going to go, quite frankly. Be happy to ask any questions, and I would suggest we ought to send it over there as soon as possible.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. When this was brought up last time to go out as a shell bill, I -- I raised objections with it at that time. Those objections remain the same. I would like to see this Body give a resolve of what they feel and if the -- the surcharge should be extended and/or made permanent, and where the money should go, and use that as the starting point in negotiations. I think to send over a blank piece of paper, let the other side of the Rotunda start the

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negotiations, is wrong. I think it's dead wrong, and I ask for a present vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio?

SENATOR DEMUZIO:

Oh, I thought you said Giglio or something. Let me pose a question, if I might, to Senator Philip. Senator Philip, I asked the other day when the amendment went on this bill, if a person votes in the affirmative for this bill, since the title is still intact, can that somehow or other be -- how would you construe that if you were a -- if you were a member of the county board or city council? Is this a vote in -- in favor of -- of -- of what?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip indicates he will yield.

SENATOR PHILIP:

I would suggest, Senator Demuzio, we're -- negotiating stage. I -- I don't know how it's going to end up, quite frankly. I don't think it's going to go away. There will be some compromise somewhere along the line, and -- and you and I both know, because we've been around here for awhile, that in the last week of the General Assembly, some kind of a compromise was made on the budget, the surcharge, tax caps, et cetera. And I don't, quite frankly, know where we are at this point, but I -- I think we will do something with it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator DeAngelis?

SENATOR DeANGELIS:

Yeah. On -- on that question that Senator Demuzio asked, the technical amendment carries forward the language that currently exists. So in the event that you have to -- find yourself in a position that you have to defend for whatever cause, essentially -- and I got this from LRB, the explanation, and that is, the

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language concerning carry forward is a technical revisory drafted by LRB to combine Public Act 86-988, which is the Act that has the current surcharge - and Senator Jacobs, you might want to know that too - with later amendments to the section. It does not change existing law.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. This is a very, very delicate issue. It's a issue that we will be sitting down on, but the question comes in -- in mind as it relate to many Members is that this is a vehicle bill to deal with issues you want to deal with later. It does impact on the budget, but the -- but the -- by a Member voting on this issue is -- the bill really doesn't do anything and technically - technically - they will be voting to sunset the surcharge. And I know many Members have been -- calls from their -- members of their local units of government have contacted them urging them to extend the -- the surcharge. I do recognize that it's a issue that we've got to deal with, but -- but speaking as -- as it relate to the Members on this side of the aisle on this issue, if they vote Yes, they will technically be voting to -- to sunset the surcharge. If they vote No, they will be voting to sunset the surcharge, so -- however they vote. So I -- you know, I understand that what has to be done is a very delicate measure. So I just urge our Members to vote Present at this time, until such time as we get together to work out the problems as it relate to the surcharge.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PHILIP:

Well, it is a shell bill. It will be decided later. I would ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 937 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 voting Yes, no voting No, 23 voting Present. Senate Bill 937, having received the required constitutional majority, is declared passed. Senate Bill 940. Senator McCracken. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 940.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR MCCRACKEN:

Mr. President, Members of the Body, I seek the adoption of -- for the passage of Senate Bill 940, which would expressly exempt from property taxation landfill operations conducted on forest preserve property in DuPage County. Currently, there are two landfills in the State located within forest preserve district. They're both located within DuPage County. These landfills have been in place for a long time, and in my humble opinion, have always been properly held to be exempt from property taxes. Now the basis of that exemption historically has been that the land owned by the forest preserve district is exempt from taxation, pursuant to 500.18c of what used to be Chapter 120 - I have no idea what the new cite is. In such a case, the Revenue Code provides for the assessment of the leasehold interest as real property for purposes of the Act. If that Section did not exist, leases on exempt property could never be assessed as real property, because they are otherwise defined as personal property. The exception to the leasehold assessment rule is where the

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activity conducted on the property that is exempt constitutes no more than conducting an activity pursuant to a license, as opposed to a lease - the exemption remains in effect and the operation is exempt from property taxes. That has always been the basis on which these have been held exempt. Starting sometime ago, the local assessor has sought to assess the property, and I -- and I happen to know that, at the local level, at least, even the assessor conceded that these were exempt unless the license in fact was construed to be a lease. Well, somehow he got a decision from the Department of Revenue Administrative Law Judge holding these to be assessable for value. This legislation in effect would overrule that decision. Now the question's been asked, why am I standing up and why does DuPage County need this legislation. Let me give you a little background. The assessor has sought to assess the property over the last few years, and also during that time a citizens' group had emerged seeking to close the landfills as being improperly located within a forest preserve district. Senator Petka and I used to represent that immediate area, and some years ago we met with these people and suggested to them that they were probably right, that the law was with them on the point. We suggested they seek a quo warranto action, to be filed by our local State's attorney, and in fact, to his credit, our local State's attorney had the political courage to do so. The court agreed with our State's attorney, and in settlement of that lawsuit, it was agreed that these landfills would close by the end of 2000. At or about this time, this -- this decision from the Department of Revenue was received. Now I believe that the Department of Revenue's decision is wrong, and I have told, very candidly, these people who are my good friends and who have helped me in campaigns and whom I have helped with their landfill, that I did not agree with their opposition to this bill. They, in fact, are motivated by a desire to close it earlier, if that's possible

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- a motivation I can appreciate. But I told them that to change the law now would be to treat these landfills unfairly - that they are entitled to the benefits of the law, just as everyone else is entitled to those benefits. So I disagreed with them. Since that time - and I'm not sure why - these same people have withdrawn their opposition to this bill. I was asked to sponsor it, and I agreed to do so because I believe it's the right thing to do. I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Welch.

SENATOR WELCH:

I'd like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Welch. Proceed.

SENATOR WELCH:

How much of a tax break will be given, and which corporations are receiving the tax break? Could you name them?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

Does your question assume some facts not in evidence?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

It assumes that there are corporations running a landfill in a forest preserve that are going to be relieved of a tax burden by passing this law. Those are the facts that it assumes. Could you tell me who runs those landfills?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

Your question assumes an incorrect fact. Waste Management

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operates one of the landfills; Browning-Ferris Industries operates the other one. However, at least in the Green Valley case, and I assume also in the BFI case, the agreement - which is a license, not a lease - expressly states that liability for any taxes imposed would be borne or assumed by the forest preserve district. So, in fact, if that Section is given application, neither of the companies is at risk. In fact, what would happen if the bill failed and the decision were sustained, is that the taxpayers of DuPage County would have to pay the taxes to the Forest Preserve District of DuPage County. I might add also that -- that the industries are not behind this bill, to my knowledge. And also, they are not even parties to the lawsuit which is pending over this issue. It is the forest preserve district at risk.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, Senator McCracken, this makes us a party to a tax break, because if the local government made a bad deal and gave these corporations - Browning-Ferris and Waste Management - a tax break or didn't charge them taxes, which they may have, now they're saying, "Well, we agreed to not pay any taxes. Can we be reimbursed by the State?" So the State is assuming a burden -- assuming a burden that was a bad business deal by local government. I mean, you know, I probably got some in my district that cut some bad deals and we'd kind of like to be reimbursed too.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Beg your pardon. Senator McCracken.

SENATOR MCCRACKEN:

The State is not giving anyone a tax break. The State is -- is affirming what is already the law, in my opinion. And what is at issue is property taxes, not State taxes of any kind. One of

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the amendments to the bill specified that all other taxes - which I spoke to Senator Cullerton about and confirmed - are not at issue - only the property tax.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, should the lawsuit be successful against these corporations, they would then have to pay property taxes. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

No, sir. If the lawsuit is successful, it will be successful against the forest preserve district, not the corporations, and pursuant to the license agreement, if taxes are assessed, they are to be borne by the DuPage County Forest Preserve District.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I have nothing but respect for my respected colleague, Senator Tom McCracken, and I sincerely regret that I disagree with his point of view and that I oppose this bill. The landfill that we're talking about is in my district. I represent these people. For the last week I've tried to figure out some way to get on board on this thing, and the more I study this issue the simpler it becomes. Here's what the deal is - five steps: First of all, Waste Management - a well-run profitable company - is assessed a million dollars on the landfill that it operates on forest preserve property; second, they say, "No, we don't owe taxes, because we operate it on a forest preserve"; third, the court says -- a court says, "Yes, you do owe the taxes", and then the forest preserve now has it on appeal in the

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courts. The fourth step, within six months of the court decision, the forest preserve amended its agreement with Waste Management, and - paraphrasing out of that agreement Section 12.1, "in the event that any taxes, assessment or fees are imposed by a governmental body upon the site, the forest preserve district will reimburse the company for these taxes". So, in effect, the forest preserve is absolving Waste Management of these real estate taxes. Now rather than let -- number five, and final step, is that now, rather than letting the courts decide, the forest preserve is asking you to exempt it from this agreement. In a way, a Yes vote on this bill is a cosignature on the agreement between forest preserve and Waste Management. I am not asking any of us to decide whether Waste Management and the forest preserve should pay the taxes. That question is in appeal court. What I am asking is that we keep -- keep the State out of this argument by either a No vote or a Present vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and -- and Members of the Senate. Question for the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator O'Malley.

SENATOR O'MALLEY:

I just want to clarify for the Body: Isn't it -- actually two questions if you can. This litigation that involves Waste Management and -- and the other parties to it continues, does it not?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

The litigation continues, but Waste Management is not a party

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to the litigation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Who -- who are the parties to it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCRACKEN:

The school district -- the local school district is an intervenor; the plaintiff - for lack of a better term - is the assessor -- or the board of review, I should say; and the respondent is the DuPage County Forest Preserve District.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

As you stated, in your opinion, this is the law. Now your -- your position -- what we're doing with this Statute is now to codify it. If that is the case, why are we getting involved in this? Wouldn't we be better off to let the law decide this question through the court system?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCRACKEN:

I humbly submit that, if the case is sustained, or if this bill fails - or both, I suppose - we will be faced with an absurd situation. And that is, the taxes that are assessed against the DuPage County Forest Preserve District will be spread to the taxpayers, so the taxpayers in effect will be paying themselves. Now, there is one winner in all of this, if this goes through, and that's the local school district, among other taxing bodies. As we know, local school districts get about seventy-five percent of the property tax bill up in our area. They are the winners.

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Everybody else is a loser. And we are forced to go through an absurd transfer of payments for the sake of a bad decision.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. It seems to me what you're saying is that there's a possibility here that this will really be paid by the taxpayers; but, in effect, isn't the forest preserve district receiving lease payments, and when it entered -- whether you call it a -- a license or a lease, the point is they are receiving rental payments. I don't know the significance - how much money is involved there. But in that agreement it clearly spells out that should there become -- should an obligation for real estate taxes come, it will fall on the forest preserve district. And -- and -- and could you explain how much - if you know - what sort of rent or license fees are being paid to the forest preserve district?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

Taxes are approximately eight percent of three million dollars per year.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, Senator McCracken. I'm sorry, Senator Philip, your light's not on. Senator Philip.

SENATOR PHILIP:

Mr. President, you're absolutely right. I -- I rise in strong support, for this reason: And it's kind of an unusual situation, and of course, it's a win situation for the school district if we don't pass this bill. Now as you know, if we don't pass this bill, the forest preserve district will end up paying this -- these fees. It will go to the -- to the school district. Now, the

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school district - most...(microphone cutoff)...school district - is in Cook County, not in DuPage County. The forest preserve will have to end up paying for it. All right, I happen to be in that forest preserve district - I live in Wood Dale; I don't live in that school district, though. So in effect I'm -- living in Wood Dale, or Elmhurst, or in the other end of the county, you will end up paying through the forest preserve for that school district. I happen to think that's bad policy. I don't think we ought to be -- one taxing body ought to be paying money to another taxing body. That's not good philosophy; we shouldn't do it, quite frankly. And I'll tell you one thing: The forest preserve collects fees from these two scavenger companies -- are like three million two hundred and forty thousand dollars a year. Now that goes towards cleaning up the site, that goes up to running those -- both of those garbage dumps. And -- and, of course, you got to remember, that's a lot of money. It's used for the forest preserve, so we do get a fee off of it. I certainly would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

No further discussion, Senator McCracken, to close.

SENATOR McCracken:

Yes. You know the fees that the -- Waste Management and BFI get are not from the forest preserve; the fee they get is to pick up the garbage. They get to the license -- they pay a fee to -- to dump there. Now, that's significant, not only for whatever it's worth as a matter of moral righteousness, but also because I think it is the most compelling evidence of the existence of a license as opposed to a lease. However, we don't even have to base it on that. You know, I respect Senator Lauzen's -- I'm sorry -- I'm sorry. It's been a long -- I'm sorry. I did not -- I did not do that on purpose. I'm sorry. It's been a long morning. I'm sorry. I did not do that on purpose. Nine hundred

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rattled my cage. But my involvement is very significant there as well. I used to represent those people. And when they came down here in the Legislature last year or two, they were looking for champions then too, and I was one of them, along with Senator Petka. We believe we are fairly representing them as well as everybody else by following the rule of law.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 940 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. On that question, there are 32 Yes, 21 No, 4 voting Present. Senate Bill 940, having received the required constitutional majority, is declared passed. We had leave earlier to return to Senate Bill 570, sponsored by Senator Donahue. Senator Donahue? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 570.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President -- excuse me, Ladies and Gentlemen of the Senate. Senate Bill 570 asks -- provides that the Department of Public Aid may not prohibit ambulance service providers from billing separately for oxygen service provided to Medicaid patients in a -- an advanced life support setting. It's a issue we've been dealing with over the year with JCAR, and this legislation addresses that situation. The amendment that was added simply adds the July 1st effective date. We are under the impression that the Department of Public Aid supports this, and they will be doing this July 1st. So, I would move for -- ask for

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a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 9 -- excuse me, Senate Bill 570 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. On that question, there are 57 Yes, no voting No, no voting Present. Senate Bill 570, having received the required constitutional majority, is declared passed. Senate Bill 950. Senator McCracken? Read the secretary -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 950.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator MacCracken.

SENATOR MCCRACKEN:

This is my last bill. Senate Bill 950 creates the Illinois Workforce Preparation and Development Act. Creates a statewide council to coordinate adult and vocational ed. Transfers general administrative authority for adult ed programs from the State Board to the Illinois Community College Board. Grandfathers existing adult or -- or voc ed programs. Makes changes to the State-funded Industrial Training Program administered by DCCA. Also, we adopted an amendment suggested by Senator del Valle regarding these councils' administration or makeup in Chicago, and I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I rise in opposition. It takes the control of

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vocational education out of the Board of Education. It puts it into a -- the statewide council and the PIC councils and gives them the authority to review and reject the programs at the local level, and I think it ought to remain in the State Board of Education. And for that reason I rise in opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle?

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator McCracken, we, in this bill, lock in funding -- current funding levels for those school districts and community college districts who are providing adult education classes. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

Yes, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Did we change the language to ensure that the community-based organizations who are currently providing adult ed services will also be able to compete for the funding that will be available?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken?

SENATOR McCracken:

The language has not been changed at this point.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Seeing none, the question is, shall Senate Bill 950 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? Take the record. On that question, there are 27 Yes, 18 No, 10 voting Present. Senate Bill 950, having not received the required constitutional majority, is declared failed. Senate Bill 960. Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 960.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 960 had been amended. It has become unamended. The bill simply allows the Auditor General to conduct an investigation when there are allegations of misfeasance. I urge the favorable support for Senate Bill 960.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, do you wish to close? No. The question is, shall Senate Bill 960 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. On that question, there are 56 Yes, no voting No, no voting Present. Senate Bill 960, having received the required constitutional majority, is declared passed. Senate Bill 967. Senator Hasara. Read the bill, Mr. Secretary, please.

SECRETARY HARRY:

Senate Bill 967.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 967 adds to the Dental Practice Act as one of the many violations, language that already exists in all of the other medical Acts, and it calls for one of the violations being "abandonment of a patient". As I mentioned, it's in all of the other Acts. This would solve the problem of a situation in my district in which there was abandonment of a patient. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR WATSON)

She will yield, Senator Raica. Proceed.

SENATOR RAICA:

Senator, would you define "abandonment" in the case of a dentist?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Obviously, Senator, the other Acts that already have this in it have strictly defined. It will be defined in the Dental Practice Act by the -- by the Department, and it will be geared toward how a dentist would abandon a patient. It will be very similar to the other Acts, but obviously it will only apply to those things which a dentist would do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica?

PRESIDING OFFICER: (SENATOR WATSON)

Well, I have a real problem voting on that if I don't see it,

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especially when you say that they're going to vote -- or they're going to put in things a dentist only -- or specify only the things a dentist does. Abandonment is abandonment. My -- my problem is, is what happens if -- number one, what happens if the dentist dies?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR RAICA:

No letters are sent out; that's number one. Number two, what happens if the dentist, just on the window of his office, puts down "We're moving in the next six months, and we're not going to be -- we're going to be at this other location"? This specifically says they shall notify in writing of each of their patients' records. So he's going to mail two thousand patients a thing that he's -- he's moving the office or...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

The original bill did require that; this does not require this. The standards of the profession apply. Just as in the other Acts, someone must take it upon themselves to file a complaint. The Board then assesses the standards of that profession to determine whether that is abandonment or not.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica?

SENATOR RAICA:

One last point: I'm just reading here -- are we talking about Committee Amendment No. 1, that eliminated all that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

No, Senator. It's Floor Amendment No. 3. It gutted the bill.

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It addressed the concerns of all of the groups that were involved in this, and it -- it is only now Floor Amendment No. 3, which only does to the Dental Practic Act, which -- what already exists in the other Acts.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Rea?

SENATOR REA:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

She will yield, Senator Rea. Proceed.

SENATOR REA:

Senator, I'm still not clear in terms of how the abandonment of practice is defined. Now, would that be by administrative rules and -- or is that already defined someplace?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara?

SENATOR HASARA:

Senator, each profession comes up with its own definition. The Dental Society seemed to be rather surprised when they discovered, in fact, that they did not have this in their Act as the other practice Acts did. In talking to the physicians, it has worked very well with them. They consider abandonment a very, very serious offense, and it -- it was agreed that this should be in the Dental Practice Act. It is up to someone else to file a complaint, and it's dealt with just as all of the other violations, and there are many. I mean, I can read: "Fraud in procuring the license", "Habitual intoxication or addiction to the use of drugs". I mean, all of these things rely on a complaint, and then the Board handles the complaint and is the professional regulatory board. And this would just apply as all of the other violations now apply.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Rea?

SENATOR REA:

Well, Senator, if -- if it's determined there's a violation, then what would be the -- the penalty on this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Again, it would apply just like any of the other violations. The penalty would depend on what the Board said the penalty was, just as it does now in all of the other - I believe it's twenty-nine - violations.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rea?

SENATOR REA:

To the bill, Mr. President: It seems to me that we should know what that definition is and also what -- at least what is going to be proposed, because as we vote on this legislation, it's very unclear as to, you know, what it actually is, or how it would be implemented. So, I'm simply going to vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Hasara, to close.

SENATOR HASARA:

Thank you, Mr. President. This language was changed, in fact, to address some of the concerns that have just been raised on this bill. All it does is create one of another twenty-nine offenses under the Dental Practice Act. It is up to the Board, in all of these cases, to determine whether or not there is a violation and what the penalty will be. We are simply adding one. Let me tell you the background of this: A dentist here in town did, in fact, abandon a practice. If that had occurred under any other Act, there -- that board would have been able to discipline the doctor, the podiatrist, or whatever profession this person had been in.

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The dentists said, "We have no way to discipline this dentist for abandoning a practice." That is wrong. As a matter of fact, this dentist is back in the State of Illinois practicing dentistry after abandoning a practice here, and there is nothing now in the law that permits us to discipline him in any way. So it is very necessary, I believe, that we do something to correct that problem from ever having patients having to go through what some of the constituents here went through. I ask for a favorable vote. I have amended this bill three times to answer the concerns in committee, the concerns of the other professions. So I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 967 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. On that question, there are 38 voting Yes, 7 voting No, 7 voting Present. Senate Bill 967, having received the required constitutional majority, is declared passed. Senate Bill 1024. Senator Cullerton? I beg your pardon. Senator Jones. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1024.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Bill 1224 <sic> (1024) is a bill to be used for the City of Chicago as it relate to the Municipal Code. They have a program that they are working on. I have discussed this with Senator Philip; he's in agreement, and I ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1024 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. On that question, there are 55 voting Yea, 1 Nay, 1 voting Present. Senate Bill 1024, having received the required constitutional majority, is declared passed. Senate Bill 1025. Senator Jones. Out of the record. Senate Bill 1069. Senator McCracken? Out of the record. Senate Bill 1087. Senator DeAngelis. Out of the record. We have completed the Calendar for the fifth time. We deserve to give ourselves a hand. We're going to go to Motions in Writing to Reconsider the Vote on page 22. Page 22, middle of the page, Motions in Writing to Reconsider the Vote. The first one is a motion made by Senator Watson and Fawell on Senate Bill 129. And Senator Fawell, would you like to make that motion? All right. The Secretary will make that motion. Mr. Secretary?

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote which Senate Bill 129 failed.

Filed by Senators Watson and Fawell.

PRESIDING OFFICER: (SENATOR WATSON)

Those in favor, say Aye. Opposed, Nay. The Ayes have it. Okay. Senate -- Senate Bill 129, Motion to Reconsider. Senator Fawell.

SENATOR FAWELL:

Thank you very much. I was not paying that great of attention, I'm afraid, when this bill originally came up. I -- I just heard a very small portion of it. I think it is a bill that does need our consideration. I think it -- upon further review, it is a -- it is a good bill which should be passed, and I ask for

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a favorable vote. I don't know at this time if Senator Dudycz would like to speak on it further. No. He says no. All right. It is the campaign -- the -- the campaign in the election. It deals with ballots. It deals with allowing our men in service to -- to vote. I think it has received enough discussion in the past year -- past week, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. You'll notice that the previous speaker did not mention what this bill does. What it does is brings the Philippine-style election right here to hometown Illinois. We'll wait a week, we'll wait two weeks, to really know who the winner of an election is, because what this bill does - and that's why it was resoundingly defeated several days ago - allows you to count ballots for another week. So, both parties can be hurt by such a bill. I say that we should keep the same type of electoral process that we've had in Illinois since the inception of Illinois, and at the end of election night, you know who the winner is and who the loser is, and you don't bring Philippine-style elections to Illinois, where you wait a week or two and people are out there counting ballots and finding ballots and mailing ballots in. I say we should defeat it again. We defeated it several days ago, and I ask everyone in the Senate to vote No.

PRESIDING OFFICER: (SENATOR WATSON)

All right. A point of clarification. This is a motion, and we will vote on the motion to go back to that particular order of Senate Bill 129. You were discussing the merits of the bill, and this is just a motion at this point. So I think -- why don't we take a vote on the motion and then go to debate the bill if the motion prevails. The motion is to reconsider. Having voted on

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the prevailing side, Senator Fawell moves to reconsider the vote by which Senate Bill 129 failed. On that question, all those in favor, say Aye. Roll call has been asked. The question is, shall we reconsider the vote by which Senate Bill 129 failed. All those in favor, 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. On that question, 31 voting Yes, 21 voting -- 26 voting No, no voting Present. The motion prevails. We will now go to Senate Bill 129, 3rd Reading. The question before the Senate is on Senate Bill 129. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I'm not going to repeat everything I said yesterday on it, just -- just one point. Those of us who were here last year may recall Senate Bill 1, sponsored by then Senate President Philip J. Rock, had the same provision, that we are -- that the Chairman of the Democrat Party, my colleague and friend on the other side, Senator LaPaille, is opposing. He had the same provision for a primary election, which would actually allow the ballots to be counted ten -- ten days after the election, rather than seven days. I just seek your affirmative support on this.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'm assuming this applies to all

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elections. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz will yield.

SENATOR DUDYCZ:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luft?

SENATOR LUFT:

If so, then I would ask you to consider a thought when you are about to vote for this. We're all State Senators and thousands of people cast votes for us, so I'm not certain that this seven to ten day -- and I don't care who's sponsoring this, whether it was Senator Rock or Senator Dudycz. But I want you to remember a fact: that there are smaller units of government that only have hundreds of people maybe vote. Can you imagine sitting around for seven and ten days to find out if you've won an election for township supervisor, fire district, or whatever, where there was only a few hundred votes cast. And if there are ballots out there, that no one has any idea -- or if they do have any idea how they voted, you're effectively going to be sitting around in all small elections throughout this State waiting potentially to find out who the victor would be for at least a week. Just a thought. Thanks.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. This does -- a question to the sponsor, or -- to the sponsors.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz will yield. Go ahead. Proceed.

SENATOR HENDON:

Senator Dudycz, does this apply to primary elections, as -- as

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well as general elections?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCYZ:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Then I'd like for each Senator in this room to just think for a moment. In your primary, would you want to have to sit around and wait seven to ten days to find out if you won or lost? And in the general election, if you're in a district that's about fifty percent Republican and fifty percent Democrat, would you want to wait seven to ten days, while some absentee ballots can be floating in the wind and anybody that's real smart and real clever and -- and in a close election, can -- can tip that election against you with these absentee ballots that are floating around? I don't want it in Chicago, because in Chicago -- it has been known for corrupt elections for the last four hundred years, and I don't want to give them any other opportunity to steal an election. So I ask you: Do you really want this?

PRESIDING OFFICER: (SENATOR WATSON)

Let's have a little order if we could please, and remember, we did debate this bill yesterday. Senator Stern.

SENATOR STERN:

Mr. President and Members, just to -- just to remind you again, the reason that this is in the bill is because the Federal Government has asked us to include it, in order to enable military personnel and overseas individuals to vote. Now - we have to, as county clerks, issue the application for absentee ballot forty-five days ahead. Forty-five days ahead gives them time to get it from Desert Storm or wherever and get back, if attention is

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paid. I understand that the Federal Government wants this, but there are going to be incredible problems, and I think we should examine it before we cooperate. First of all, you have a postmark in London at 11 p.m. on election day. What time was that here? What time was -- 10 p.m. in Saigon, here? I think you're going to have litigation coming out your ears, and I think this is an unfortunate bill, for those of us who stand for election, not to know when you go to bed whether you won or lost. I urge you to vote this down again.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator LaPaille.

SENATOR LaPAILLE:

Yes, Mr. President. Members should be aware, the postmark requirement is exempted in this bill - is exempted. So that means somebody -- you could go find twenty military people and have them vote six days later, send it in and defeat my good friend, Senator Geo-Karis, let's say. If you had a Democrat and it was a close race, you find twenty people, throw them in and throw the ballots in seven days later. You exempted even the postmark requirement. If you had a postmark requirement in here, maybe we'd say it was okay, because then the person would have had to send the ballot in, postmarked, before the election night midnight. But here it is, right on page thirty-five, for people that read legislation: "Except as otherwise provided in subsection (b) of this Section, absent voter's ballots postmarked after 11:59 p.m..." So, you've exempted the postmark requirement. So I'm telling you - and you all know it too - we all have county clerks out there, Democrat and Republicans; we all have employees that work in county clerks' offices, and if there's a close election, either party can be up to big shenanigans when you don't even have a postmark requirement in there. And, Walter, you know it's exempted out. You exempted the postmark requirement out of this

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bill, so it's a free-for-all - up to the Philippines election; this is what we're doing. Vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins?

SENATOR COLLINS:

Question of the sponsor, because now...

PRESIDING OFFICER: (SENATOR WATSON)

Question...

SENATOR COLLINS:

I was told that it -- that it was not exempted out. So he didn't respond. So am I correct that -- that Gary is correct on this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCYZ:

The way staff explains it, it was never the intent to exempt or to remove the postmark, number one. May I finish, please? And the way it is explained, that it is explained elsewhere in the Statute. If clarifying language is needed, it can always -- be done in the House, and I would like to also wonder what Chairman LaPaille has against the Philippine people. Keeps bringing them up and keeps talking negatively about them.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yeah. Now -- listen, I -- I'm sure that you've been here long enough to know that the exempt -- if you exempt the postmark date out of this bill -- this -- this is the most important feature of this whole thing. There is just no way you're going to open up an election to the point where there's no postmark. And you know what's going to happen. I know what's going to happen in close races around this State. I don't think you should -- I mean, you

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should take this thing out of the record and -- and -- and, you know, and forget it. You -- you know -- you know you're being unfair here. You're being unfair to the citizens of this State. That's ridiculous, to say that you can vote up to ten days and you can go out and find as many votes as you want, to turn the election whichever way you want to do it. That's just unfair and undemocratic.

PRESIDING OFFICER: (SENATOR WATSON)

Seeing -- seeing no further discussion, Senator Dudycz, to close.

SENATOR DUDYCZ:

Well, Mr. President, it's never been the intent of the sponsor to -- to allow people to vote after the -- the postmark date and if -- if -- although staff tells me that the other side is incorrect in their assertion. But if -- but if by some remote possibility you are correct, we will amend it in the House. I seek your affirmative vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 129 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? Take the record. On that question, there are 28 voting Yes, 28 voting No, 1 voting Present. Senate Bill 129, having not received the required -- constitutional majority, is declared failed. On Motions in Writing to Reconsider the Vote, Senate Bill 990. Mr. Secretary, would you read the motion?

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 990 was passed.

Filed by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. There are several of us on this side of the aisle who -- who I don't know, frankly, where we were when this bill was called or why we didn't hear it, but we have a problem with this bill and would like to have it recalled so that we can be recorded as -- and have a different vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

All those in favor, say Aye. Opposed, Nay. The motion -- I beg your pardon -- under discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

I just want to address the motion for a minute and say to Senator Karpziel that I understand. No -- no objection.

PRESIDING OFFICER: (SENATOR WATSON)

Having voted on the prevailing side, Senator Karpziel moves to reconsider the vote by which Senate Bill 990 passed. All those in favor, say Aye. Opposed, Nay. The motion carries. And now the question before the Senate is, shall Senate Bill 990 pass. I beg your pardon. Mr. Secretary, would you read the bill.

SECRETARY HARRY:

Senate Bill 990.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

The question is -- any discussion? Senator Dunn. Thomas Dunn.

SENATOR T. DUNN:

Yes. It was not my intent to infer that this bill should die by my not objecting to the Motion to Reconsider. It was clear that some of the people didn't understand what this bill does and they voted for it by mistake. Let me explain to you what the bill

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does, in hopes that you will continue to vote for it. This is permissive legislation. Permissive. It takes the fire protection's own vote to do this to themselves. And what it basically does is the same thing that we do under the Municipal Code in fire protection districts. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Raica?

SENATOR RAICA:

Thank you, Mr. President. Just for the Members on both sides of the aisle, the proponents are still the Associated Firefighters, the AFL-CIO, and Chicago Firefighters' Local 2. And I will stand in support with Senator Thomas Dunn on this matter.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Karpziel?

SENATOR KARPIEL:

Well, thank you, Mr. President. Sort of in response to Senator Raica, for those of you on both sides of the aisle, the opponents are still the Association of Fire Protection Districts, Illinois Fire Chiefs, and Illinois Firefighters' Association. I understand this bill is permissive, and it really isn't all that bad. It -- it's simply that our fire protection districts in some of our communities have opposed the concept of this bill for a long time, and there are several of us that would like to at least be recorded as voting No.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 990 pass. Senator Dunn may close, if he likes.

SENATOR T. DUNN:

Thank you, Mr. President. I just want to adopt Senator Karpziel's arguments that it is permissive, and it's really not a bad bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Okay, the question is -- any further discussion? Senator Luft. No, he was closing, Senator Luft. 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. On that question, there are 32 Yes, 19 No, no voting Present. Senate Bill 990, having received the required constitutional majority, is declared passed. ...(microphone cutoff)...is the anticipated last order of business, I believe, and what we will do is invoke what most of us remember as the Donnewald Rule. This is Consideration Postponed. It's on page 21 at the bottom of the page. What we'll do is the sponsor -- this is legislation, obviously, that's been heard before. The sponsor wished to put it on Postponed Consideration. What we'll do is allow the sponsor of the bill to have one minute to explain the vote -- explain the bill, and we'll have one opponent with one minute to object, and take a roll call. The bill's been debated before, and most of us probably know what we want to do. If all Members would be in their seat, we'll go through this right quickly, because we want to be out of here by 1:47. Senate Bill 5. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This is the bill that freezes -- the bill that freezes the senior's assessed valuation. The bill received twenty-nine votes. At that time there were several people missing. Hopefully we'll get the required thirty today.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

...(microphone cutoff)...of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Personal privilege. Please state your point.

SENATOR WEAVER:

You're in the Chair, and you can kind of control the flow here. So I object. I think someone else should get in the Chair.

PRESIDING OFFICER: (SENATOR WATSON)

Objection overruled. Senator Welch?

SENATOR WELCH:

Thank you, Mr. President. I think that the reason it got twenty-nine votes is that people realized what was in this bill. And what the bill does is remove a current hold harmless provision that was put into the bill by -- by Senator Rock when we gave a homestead exemption up in the Chicago area. What the bill is going to do is shift money from other school districts to Cook County, and the Chicago area in particular, and I think that's why it didn't get the -- the support that Senator DeAngelis thinks it should have. This is a bill that's going to hurt school districts downstate and in other parts of the State. I'd urge a no vote.

PRESIDING OFFICER: (SENATOR WATSON)

No closing, so we will go right to the... The question is, shall Senate Bill 5... Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

I will -- I will go ahead and not close, but I have to tell you, someone can make an erroneous statement just like that and if the sponsor does not have an opportunity to respond to it, you're dead in the water. So you're opening up an opportunity for anybody to make any statement they want.

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PRESIDING OFFICER: (SENATOR WATSON)

You're right. You're correct, Senator. Would you like to close?

SENATOR DeANGELIS:

I'm -- I'm going to respond to his charge.

PRESIDING OFFICER: (SENATOR WATSON)

Go right ahead, Senator.

SENATOR DeANGELIS:

Well, Senator Welch, that would be true if you made the assumption that in -- in Cook County or downstate... No, the assumption is that the assessed valuation would go up downstate and would not go up in Cook County. The fact of the matter is, Cook County's assessed valuation, in many instances, has been rising far more, and it will still continue to rise.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 5 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. On that question, there are 33 Yes, 22 No, 1 voting Present. Senate Bill 5, having received the required constitutional majority, is declared passed. Senate Bill 17. Senator Cullerton. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 17.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill is cosponsored by Senator Geo-Karis and myself. It came to my attention from one of his -- from a man who is a lawyer in her

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district, and we presented the bill in Representative -- Senator Barkhausen's committee, and it received the approval of the committee. And we did amend it, at the recommendation of Senator Barkhausen, to change the effective date, so it's prospective only. What the bill does is to abolish the Rule of 78's as it affects residential mortgage contracts and loans. The Rule of 78's is a method by which interest is calculated when someone prepays their mortgage. It's an antiquated and outdated method by which interest is calculated. It was done and invented before we had calculators and computers, and now virtually every lender uses the actuarial method of calculating interest. There are no banks that I know of that even use this anymore. Even Household Finance does not use this anymore - they are in favor of the bill. As I indicated, I do have support on both sides of the aisle, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion from the opponents? Seeing none, Senator Cullerton, to close if he -- if he wishes.

SENATOR CULLERTON:

Just ask for a roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 17 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. On that question, there are 35 voting Yes, 19 No, 1 voting Present. Senate Bill 17, having received the required constitutional majority, is declared passed. Senate Bill 26. Out of the record. Senate Bill 228. Senator Hasara. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 228.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. This bill was debated at great length a couple of days ago. I would like to -- to mention just a couple of things that I -- had been problems for some of the Members, I will address briefly. First of all, my two major reasons for proposing this legislation were access in rural health areas, and Senator Trotter and others as a cosponsor in the inner city areas, and also to address the issue of health care reform as it relates to cost. I would like to mention that the Hospital Association has always been neutral on this bill. As a matter of fact, required in the legislation, four of the ten demonstrations will be handled by hospitals, so they will play a very active role in four of the demonstration projects. I hope that answers some of the concerns. I would also like to say -- to remind you that no one is forcing people to go to these centers. I think sometimes we don't give people enough credit for knowing that they have the right to choose where they want to go to have a baby. This gives them another option in a range of services, but for many women, it's the only option that they might have.

PRESIDING OFFICER: (SENATOR WATSON)

Okay, thank you. Now we have one opponent. And, Senator Raica, you're speaking for the opponents. Senator Raica, one minute.

SENATOR RAICA:

One minute?

PRESIDING OFFICER: (SENATOR WATSON)

That's what we agreed to earlier. We...

SENATOR RAICA:

All right, go ahead. We'll try it. Ladies -- thank you, Mr.

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-- hello. Thank you, Mr. President, Ladies and Gentlemen of the Senate. What -- I want everybody to remember, this is the bill that we dealt with before. In -- in the opening statement, Senator Hasara mentioned the problem "health care costs". Ladies and Gentlemen, let's not put a dollar figure on an unborn baby's life, please. There's a couple of points I want you to understand in this proposed legislation. Number one, the birthing center -- or the hospital must be fifteen minutes -- or the birthing center has to be fifteen minutes from a hospital. Ladies and Gentlemen, there's two conflicting statements in this area, and the reason I'm stating that is very simple: in one area of the proposal, it says that that hospital has to be fifteen minutes away; in another area, it states that that -- that -- that patients should be transported to the "appropriate". What that means is, there is a possibility that that baby is going to go to a hospital -- or that mother is going to go to a hospital that cannot take care of the emergency. The City of Chicago put that amendment in there, because they know they have that problem. There are problems in rural areas where fifteen minutes to -- to -- to that hospital, they get there and that hospital can't accept that woman; they cannot handle that emergency. We're going to run into a problem with this. This is very bad piece of legislation for that unborn child. I solicit your No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara, to close.

SENATOR HASARA:

Very briefly. I apologize, Senator. I'm used to the House where we went on for hours. I did forget about the one-minute rule. I apologize for that. I'd just like to say, each birthing center will have an arrangement - a pre-agreed arrangement - with the hospital who must be required to handle emergency situations. Remember, the prenatal care aspect of birthing centers also, when

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you're deciding how to vote on this. I ask for a favorable vote. It's an idea whose time has come.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 228 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. On that question, there are 27 voting Yes, 22 voting No, 5 Present. Senate Bill 228, having not received the required constitutional majority, is declared failed. On Senate Bill 430. Senator Fawell? What we have is -- for those new Members, we do have a timer behind us. The yellow light means one minute left, and then when the red light comes on that means one minute has expired, Senator Hendon. So, just keep an eye on the light behind us and we'll make -- make up some time here. Yes. Senator Fawell, do you wish this bill to be called? Senator Fawell.

SENATOR FAWELL:

Mr. President, it is 4:46. On condition that you and I split the pot, I will table my bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

To -- continuing that parliamentary dialogue that you got us into, some of us can't see that light because of the glare.

PRESIDING OFFICER: (SENATOR WATSON)

When's Demuzio's next bill? Having heard Senator Fawell's motion to table her bill, is there any objection? Motion prevails. The bill is tabled. House -- Senate Bill 997. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 997.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the House <sic> (Senate). This is the waiver request where the school boards, after they have an alternate plan that would be an effective -- well, let me start all over. This would allow school boards that provide an effective alternate plan to address the intent of a provision to be waived under our school codes, and it requires that the school board would have to hold a public hearing and give the people affected in the community an opportunity to comment on these waivers. It would also require that the waiver request does not violate any State or federal law. We talked about this before, but Senate Amendment No. 1 exempts a few things that the waiver request would not allow, and that's teacher tenure, evaluation, dismissals, the school report cards, the State assessment procedures; these are items that they cannot change. In talking to the State Board of Education, who had originally opposed the bill, we reached agreement. They've lifted their opposition, and what we're doing is going to make the waiver a part of the school improvement plan and also require that the State Superintendent or his designee be the one to grant or deny the waiver request. As you know, almost ninety percent of all improvements from schools come from the classroom, and I think this is a chance for the school superintendents, the teachers, and the community can do some good things. I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

You know, this is a good exercise for the former House Members, isn't it? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the bill.

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The -- as the bill stands, the State Board is still opposed, and it's no better today than it was two days ago. However, Senator Klemm does -- say that he's suggesting a change. Ladies and Gentlemen, the change makes the bill even worse. We passed a bill two years ago - three years ago - unanimously out of this -- out of this Body dealing with incentives and accountability. It was both business and educators that put that bill together. This suggested change - and I haven't seen the wording - would -- would allow exemptions from the Accountability Act that the State Board Superintendent or his designee could waive. We passed an Accountability Act to require accountability - not to allow waivers. So I think that that's even a worse reason to vote for it today than two days ago. Going... (microphone cutoff)... all of Chicago school reform could be voided - voided if the State Superintendent or his designee wanted to waive those. This is a terrible bill. We're here to pass bills and have them enforced.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm, you wish to close?

SENATOR KLEMM:

Well, just briefly to correct the previous speaker. In the Accountability Act, there already is a provision for waivers, so therefore, this does not change what is -- he's indicating, and the State Board does now not oppose the bill. I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

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? Take the record. On that question, there are 28 Yes, 26 No, no voting Present. Senate Bill 997, having not received the required constitutional majority, is declared failed. Senate Bill 1042. Senator Petka? Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 1042.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka?

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. When this bill was called before, it was subject to extensive debate. Just to remind the Membership that what this bill does is basically prohibit marriages between the same sex. Also it defines what a male and a female is. I might point out that even though the opponents stated that this bill isn't necessary, and perhaps by implication under Illinois law this may be the case, what I'm suggesting to you is that this is a public policy statement that absolutely, in light of current events, is absolutely necessary to be made at this time. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Carroll. One minute.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As I had said when the bill was up the first time, that this is a silly Act. The law already - the law already - says that a marriage in Illinois is valid only if between a man and a woman. The only exemptions are an exemption in the case where it's a marriage already between a man and a woman, and they said it's prohibited even if it's between a man and a woman if, for example, it's uncle, niece, brother, sister, other blood relatives or first cousins. This is absolutely unneeded legislation. There is nothing in here that defines what is a man or what is a woman, and several people have said to me if there was, they wanted to be the

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inspector under that kind of an Act. But this is absolutely ridiculous. The law already says that it has to be between a man and a woman, and the only prohibitions are when it's dealing between a man and a woman, and in those instances I mentioned, even then they cannot get married. I would urge its defeat.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka, to close.

SENATOR PETKA:

Thank you again, Mr. President. The line of the marriage -- or of the Act that was referred to reads as follows: "A marriage between a man and a woman licensed, solemnized and registered as provided in this Act is valid in this State." I believe that the insertion of the word "only" was a -- was a distortion. I believe that this language sends -- sends an unequivocal, absolutely total message of what the public policy in the State has been and should be. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1042 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 33 voting Yes, 20 voting No, 2 voting Present. Senate Bill 1042, having received the required constitutional majority, is declared passed. Senate Bill -- Senator Cullerton, for what purpose do you arise? Senator Cullerton.

SENATOR CULLERTON:

The verification, please.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Senator Cullerton has requested verification. Will all the Senators be in their seat? The Secretary will read the affirmative votes.

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton, do you question the presence of any Member?
Senator Cullerton?

SENATOR CULLERTON:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen in the Chamber? Senator Barkhausen? He's
in the phone booth.

SENATOR CULLERTON:

Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson? Senator Hawkinson? Senator Hawkinson.
Remove him. Any others?

SENATOR CULLERTON:

Senator Rea.

PRESIDING OFFICER: (SENATOR WATSON)

He's in his seat.

SENATOR CULLERTON:

Senator O'Daniel.

PRESIDING OFFICER: (SENATOR WATSON)

He's also in his seat.

SENATOR CULLERTON:

No further questions.

PRESIDING OFFICER: (SENATOR WATSON)

On a verified roll call, the Ayes are 32, the Nays are 20, 2
voting Present. Senator Hawkinson has returned. So now, on a

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verified roll call, the Ayes are 33, the Nays are 20, 2 voting Present. Senate Bill 1042, having received the constitutional majority required, is declared passed. Okay. Senate Bill 1064. Senator Palmer? Read the -- read the bill, Mr. Secretary, please.
SECRETARY HARRY:

Senate Bill 1064.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer?

SENATOR PALMER:

Thank you, Mr. President. The General Assembly has created, and supported over many years, enterprise zones to direct resources to underserved areas. Senate Bill 1064 recognizes the pivotal role of financial institutions in providing the capital necessary for growth by creating the Federal-State Community Development Board to capture any federal funds that may be directed to Illinois and serve as a clearinghouse to aid in creating new businesses and workforce opportunities in underserved areas. I ask for your support for this very important bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any opposition? The question is -- Senator -- is there -- go ahead with the -- the question? The question is, shall Senate Bill 1064 pass. Those in favor, 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 23 voting Yes, 22 voting No, 12 voting Present. Senate Bill 1064, having not received the required constitutional majority, is declared failed. Senate Bill 1077. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1077.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you again, Mr. President, Members of the Senate. I'm just afraid that the -- the volume of the arguments the last time drowned out the merits of this bill. This -- this bill will permit, not mandate, the Department of Corrections to enter into privatization agreements with private enterprise for the construction and operation of prisons. It will also permit, but not mandate, inmates - nonviolent offenders - to work in private settings and also to work in the construction and possible expansion of prisons. These prisons can only -- only be opened if they meet minimum Department of Corrections' standards as far as safety. The supervision of the inmates is provided for in the Statutes. The offenders who will be eligible for this program are going to be screened, as they are correctly -- at the current time. But most importantly - most importantly - we are going to begin a rehabilitation process, and in the process, save the State money - save the State money. We keep on talking about spending monies for building of prisons; we can't afford to do it. Mr. President and Members of the Senate, we passed an early release bill last week that -- that let prisoners out early. I -- I submit to you, let's pass this bill so that if we have to build more prisons, they can be done in a cost-efficient manner.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. There are three lights on, and Senator Rea's light was first. So, I'll call on Senator Rea. Senator Rea?

SENATOR REA:

Thank you, Mr. President. This bill has not changed any. We've got a serious problem of overcrowded conditions. This is not

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one of the recommendations of being able to deal with the prison population. We have a high percentage of unemployment in this State, where we do have the employees. In fact, this would replace with lower-paid workers. There's also the liability bit in terms of unanswered legal questions about who is responsible when an inmate dies or is seriously injured. The bankruptcy situation recently we had in Pennsylvania: a private company that -- went bankrupt, creating a legal and public-safety nightmare. The labor here that is used to build the prisons. The construction quality is poor. If this is such a great bill, then why aren't other states doing this? There are very few, and their experience has been very bad. And let me also call your attention to the fiscal note that was prepared by the Department of Corrections, and in here, they have said themselves, "Most research has failed to show any long-term savings from the privatization of correctional centers, and a number of privately operated prisons have experienced significant security problems." I ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Senator Petka, to close, briefly.

SENATOR PETKA:

Well, I'm just going to comment upon the fiscal note very, very briefly. The Department of Corrections issued a fiscal note in connection with the reinstallation of electric chair, and the figure was six digits. Now, I can tell you, a high school senior can build an electric chair for less than a thousand dollars. So, you know, let's -- let's not kid ourselves - let's not kid ourselves. This bill is going to save money for the people of the State, and I'm telling you, folks, that if you think that I'm going to let violent offenders run in your communities, you're simply out of your tree. We're going to talk about people who have to be taught the relationship between -- or cause a working

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relationship between working and eating. That's all this bill is going to do. It will save us money and -- and make prisoners do something productive for once in their lives.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1077 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? Have all voted who wish? Take the record. On that question, there are 29 voting Yes, 27 voting No, no voting Present. Senate Bill 1077, having not received the required constitutional majority, is declared failed. Senate Bill 1082. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, one minute.

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to have a point of personal privilege after this bill. This bill is simply the election -- eliminating the election of the UI Trustees and making them an appointed board. It was an issue that was well debated.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio, any further discussion?

SENATOR DEMUZIO:

Well, thank you. I -- I rise in opposition. We ought not to be taking the trustees out of the elective process. This would allow the -- every special interest to go downstairs and buttonhole the Governor about his or her particular appointee that he -- that he might want to appoint, and I think it's highly political in the appointment process. I think that in the public

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domain with the elected process, makes it more accountable, and I would rise in opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, to close.

SENATOR DeANGELIS:

Well, to the contrary, this makes it less political; however, I ought to point out, this will not occur until after the next gubernatorial election. And I would like to have a point of personal privilege after the roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1082 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 32 voting Yes, 25 voting No, and no voting Present. Senate Bill 1082, having received the required constitutional majority, is declared passed. On a point of personal privilege, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you for that vote, but I would like -- I'd like leave of the Body that the Senate stand in recess till 3:18, at which time we will adjourn.

PRESIDING OFFICER: (SENATOR WATSON)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 295, offered by Senators Mahar, DeAngelis and Shaw.

And Senate Resolution 296, offered by Senators LaPaille, Carroll, Berman and Stern.

They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar.

SECRETARY HARRY:

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Senate Resolution 297 is offered by Senators DeAngelis and LaPaille.

It's substantive.

PRESIDING OFFICER: (SENATOR WATSON)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, we will add HJR 25 and 26 to those, and Senate Resolution 295 and 296 will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Messages from the House.

SECRETARY HARRY:

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

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

House Bills 208, 295, 298, 318, 497, 701, 724, 787, 1542 and 1560.

Passed the House, April 23rd, 1993.

We have like Messages on House Bills 44, 300, 521, 730, 742, 1347, 1704, 2073, 2132, 2264.

And another Message: House Bills 749, 786, 909, 118 -- or 1118, 1319, 1450, 1631, 1786 and 2053.

All passed the House, April 23rd, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR WATSON)

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House Bills 1st Reading.

SECRETARY HARRY:

House Bill 304, by Senator LaPaille.

(Secretary reads title of bill)

House Bill 409, Senator Jones.

(Secretary reads title of bill)

House Bill 482, by Senator Fawell.

(Secretary reads title of bill)

House Bill 494, Senator Raica.

(Secretary reads title of bill)

House Bill 532, by Senator Watson.

(Secretary reads title of bill)

House Bill 544, by Senator Sieben and others.

(Secretary reads title of bill)

House Bill 712, Senator Demuzio.

(Secretary reads title of bill)

House Bill 767, Senator Barkhausen.

(Secretary reads title of bill)

House Bill 791, Senator O'Malley.

(Secretary reads title of bill)

House Bill 902, Senator Cullerton.

(Secretary reads title of bill)

House Bill 1053, Senator Palmer.

(Secretary reads title of bill)

House Bill 1256, Senator Cronin.

(Secretary reads title of bill)

House Bill 1355, Senators Cronin and Trotter.

(Secretary reads title of bill)

House Bill 1717, Senator Palmer.

(Secretary reads title of bill)

House Bill 1740, Senator Woodyard.

(Secretary reads title of bill)

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House Bill 1792, Senator Watson.

(Secretary reads title of bill)

House Bill 1816, Senator DeAngelis.

(Secretary reads title of bill)

House Bill 1938, Senator Jones.

(Secretary reads title of bill)

House Bill 1941, Senator Raica.

(Secretary reads title of bill)

House Bill 1985, Senator Watson.

(Secretary reads title of bill)

House Bill 2194, Senator DeAngelis.

(Secretary reads title of bill)

House Bill 2205, Senator Carroll.

(Secretary reads title of bill)

House Bill 2282, Senator Watson.

(Secretary reads title of bill)

House Bill 2308, Senator Cronin <sic> (Cullerton).

(Secretary reads title of bill)

And House Bill 2336, by Senator Topinka.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further business to come before the Senate? If not, MayeBeth Hadfield is the official timer for the day, and Senator Weaver moves that the Senate stand adjourned until 12 noon - the hour of noon - on April 27th. The Senate will stand adjourned, at 2:06.

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