

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

114th Legislative Day

May 6, 1994

PRESIDING OFFICER: (SENATOR DONAHUE)

The regular Session of the 88th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by the Reverend Mrs. Jane Ferguson, from the Jerome Methodist Church, Springfield, Illinois. Reverend Ferguson.

THE REVEREND MRS. JANE FERGUSON:

(Prayer by the Reverend Mrs. Jane Ferguson)

PRESIDING OFFICER: (SENATOR DONAHUE)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journal of Wednesday, May 4th, and Thursday, May 5th, in the year 1994, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, it is so ordered. Senator Mahar, for what purpose do you rise?

SENATOR MAHAR:

Thank you. For purpose of introduction, Madam President. In the gallery behind me, on the Republican side of the aisle, we have the eighth grade class from Mrs. Boyer -- Mrs. Boyer's eighth grade class from Christian Hills Academy in Orland Hills, who are visiting us today. And I would ask that you join me in recognizing them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate. Welcome. Committee Reports.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports House Bills 2635 and 3485 Do

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Pass; House Bills 61, 2028 and 2330 Do Pass, as Amended.

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports House Bills 539 and 2424 Do Pass, as Amended.

Senator Mahar, Chair of the Committee on Environment and Energy, reports House Bill 3561 Do Pass; and House Bills 1352 and 3192 Do Pass, as Amended; and Amendment 1 to House Bill 1594 Be Adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1393 is offered by Senator Hasara.
It's congratulatory, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen, for what purpose do you rise?

SENATOR BARKHAUSEN:

Thank you, Madam President. I just wish to announce that the meeting of the Senate Financial Institutions Committee that had been scheduled for Tuesday morning at 9 a.m. will instead take place in the allotted time given to the committee on Wednesday morning - next Wednesday morning - May 11th, at 8:30. So there -- again, there will be no meeting of the Financial Institutions Committee on Tuesday, but the seven bills assigned to our committee will have a hearing on Wednesday morning at 8:30.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Resolution 1393 is sent to the Consent Calendar.
Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

For purpose of clarification, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR WEAVER:

On yesterday's Rules Committee, there was House Bill 4033

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assigned to Insurance. That was a mistake. It had previously been on Wednesday's Rules Committee Report, and it was assigned to Judiciary, and that's what -- where it will stay. 4033, in Judiciary.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Weaver. Resolutions.

SECRETARY HARRY:

Senate Resolution 1394, offered by Senators Dudycz and Burzynski.

And Senate Joint Resolution 155, offered by Senators Burzynski and Syverson.

They're both substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(machine cutoff)...now proceed to the Order of Resolutions Consent Calendar. With the leave of the Body, all of those that are read in today 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, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussions? 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. Committee Reports.

SECRETARY HARRY:

Senator DeAngelis, Chair of the Committee on Revenue, reports House Bill 2631 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

A Message...

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PRESIDING OFFICER: (SENATOR DONAHUE)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has 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 152

(Secretary reads HJR No. 152)

Adopted by the House, May 6th, 1994.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

Madam President, I would move for the suspension of the rules for the immediate consideration of HJR 152.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the purpose of immediate consideration of House Joint Resolution 152. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now Senator Weaver moves for the adoption of House Joint Resolution 152. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The resolution is adopted. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you, Madam President. I would -- point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR WATSON:

I would like to re-refer House Bill 3891 to Rules. It is currently in the Executive Committee. I would like to have that

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re-referred to Rules.

PRESIDING OFFICER: (SENATOR DONAHUE)

That is always in order. House -- what's the number again, Senator Watson? House Bill 3891 will be...

SENATOR WATSON:

That's -- that's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

...re-referred to Rules. Thank you, sir. For the information of the Body, we are going to page 4 on your Calendar, to the Order of House Bills 2nd Reading, and we are encouraging all of you to move your bills to 3rd, if possible. So, on the Order of 2nd Reading, House Bills, page 4, is House Bill 381. Senator Cronin. Out of the record. Senator Fawell, on Senate <sic> Bill -- 457. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate <sic> Bill 457.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments -- pardon me. The Committee on -- excuse me.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of -- out of the record. Senator Watson, on Senate <sic> Bill 460. Do you wish to have that bill called, sir? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 460.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

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No Floor amendments have been filed.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dillard, on Senate <sic> Bill 537. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 537.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Petka, on Senate <sic> Bill 696. Senator Petka. Out of the record. Senator Berman, on Senate <sic> Bill 1332. Read the bill, Madam Secretary. House Bill. Excuse me. House Bill 1332.

ACTING SECRETARY HAWKER:

House Bill -- House Bill 1332.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

No amendments -- no amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Woodyard, on House Bill 1513. Senator -- out of the record. Senator Maitland? Out of the record.

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Senator Butler, on House Bill 1635. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1635.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Molaro, on House Bill 1786. Senator Molaro. Out of the record. Senator DeAngelis, on House Bill 2010. Senator DeAngelis. Out of the record. Senator Dudycz, on House Bill 2612. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2612.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Farley, on 2849. Senator Farley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2849.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dillard, on House Bill 2924. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2924.

(Secretary reads title of bill)

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

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reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator LaPaille, on House Bill 3081. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3081.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Hawkinson, on 3197. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3197.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No committee amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on 3244. Senator DeAngelis. Out of the record. Senator Woodyard, on 3407. Senator Woodyard. Out of the record. Senator Fawell, on 3551. Out of the record. We've been through the Calendar once. Have there -- any other Senators wish to go back and move any of their bills on 2nd Reading? Any Senators wish to go back? On page 5 <sic> (8), on the Order of Constitutional Amendments 3rd Reading, there is House Joint Constitutional Amendment 35, sponsored by Senator Philip. Madam Secretary, please read the resolution.

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ACTING SECRETARY HAWKER:

House Joint Resolution Constitutional Amendment No. 35.

(Secretary reads HJRCA No. 35)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Joint Resolution Constitutional Amendment 35, sponsored in the House by Speaker Madigan, and sponsored by myself, very simply stated, changes our adjournment date from June 30th to May 31st. The rationale and the reason behind it: As you know, I've been around here a long, long time, and I've always felt very strongly that we waste a lot of time down here. We introduce way, way too many bills, and we're not that thorough in some of our committees and some of the action on the Floor. And then at the twelfth hour of the last day of the Session, we -- we have in the past - not this Session or last Session - have passed some conference committee reports of three hundred sixty-five pages, with all kinds of new ideas, things that have not been heard. And then after it goes to the Governor's Office and he may sign it, we find out we've done -- we've made some mistakes. I think we ought to start earlier, work harder and get out sooner. And I think the lesser amount of bills that we introduce, the better job we do. We do a better job in committees; we do a better job on the Floor of the Senate. There aren't any of those cute things flying around loose in conference committee reports, and we don't kill the same bill seven times. So, be happy to answer any questions. I think this is a step in the right direction. There's no reason we couldn't start early and get out of here by the last day in May.

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Is there any discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. I just rise in support. A couple other comments as to why this is important. Our education community out there each year tries to establish budgets for their school years, which oftentimes begin in August. The fact that we don't get out of here oftentimes until the middle of July and then the Governor's action takes forever to get done, schools have no idea what kind of budgets and what kind of money they can expect from the State. This would enable them to at least get that information a little bit earlier. Also, State agencies. This does not impact the fiscal year. Fiscal year remains July 1st to June 30th. This does not impact that. This gives our State agencies the opportunity to have a little bit more notice as to what kind of funding they can expect. So, there's a lot of positive that can come from a resolution such as this, and I would certainly urge your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. As you know, if it does pass here, it will go on the ballot this coming November, so it will be debated throughout the State of Illinois, and the citizens will have a chance to decide. My best guess is they will decide Yes overwhelmingly. So, without further ado, I would appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip moves the adoption and approval of House Joint Resolution Constitutional Amendment 35. The question is, shall House Joint Resolution Constitutional Amendment 35 be adopted and approved. Pursuant to Section 2, Article XIV of the Illinois

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Constitution, amendments must be approved by three-fifths of the Members elected. Those in favor will vote Aye. 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 55 Ayes, no Nays, and none voting Present. House Joint Resolution Constitutional Amendment 35, having received the three-fifths required constitutional majority, is declared passed and approved. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

A point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state -- state your point.

SENATOR FITZGERALD:

Madam President and Members of the Senate, I have from my district, in the Senate galleries this morning, Girl Scout Troop 718 from Marion Jordan School in Palatine, with supervisors Mary Oswald, Sara Rosellini and Marilyn Freda. If they would please stand and be recognized.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate. Welcome. Senator Shaw, for what purpose do you rise?

SENATOR SHAW:

Yes. Asking for a Democratic Caucus for -- for the Democrats in Senator Jones' Office, for a half an hour.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. That question is always in order. The Democrats will have a caucus in Senator Jones' Office for approximately one-half hour. The Senate will be in recess until the hour of 10:15 -- 11:15, excuse me. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

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Madam President, for the purpose of announcing that Senator Raica is in medical therapy and that's why he is absent today, for an excused absence.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will reflect. The Senate will be in recess until the hour of 11:15.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1395, offered by Senator Petka.

It's congratulatory.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much. I'd move for suspension of the appropriate rules for immediate consideration of this resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka moves the suspension of the rules for the purpose of the immediate consideration and adoption of Senate Resolution 1395. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Petka, to explain the resolution.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. Senate Resolution 1395 is for a -- for one Lea Kerr who is a

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reporter for the Joliet Herald-News, who will be honored with a celebration on May 12th, 1994. I would move for the adoption of that resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka has moved for the adoption of Senate Resolution 1395. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The resolution is adopted.

SECRETARY HARRY:

Senate Resolution 1396, offered by Senator Topinka. It's congratulatory.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR HALL:

Personal privilege, Madam Chairman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR HALL:

Behind us in the gallery is a school called Middle School -- Langston School, from St. Louis. And they're visiting us today, and I'd appreciate it if you would have them arise and be greeted by the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be welcomed. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. A matter of what the schedule is for the week of May 16th, and if I could have your attention. As you know, next week we come back on Monday at 3 o'clock, and -- and probably be in the rest of that week. But the week of May 16th, which Monday is May 16th, we do not think it's necessary to be in Session. So consequently, we will come in on the 17th at noon. So that'll

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give you a little longer weekend.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. On page 10 of your Calendar is the Order of Consideration Postponed. And on that Order is House Joint Resolution Constitutional Amendment No. 14. Senator Watson.

SENATOR WATSON:

Thank you very much, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, Mr. Secretary needs to read the constitutional amendment.

SENATOR WATSON:

Very good.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution Constitutional Amendment 14. It has been read in full a third time. Three readings.

PRESIDING OFFICER: (SENATOR DONAHUE)

I will remind the Body that we are on Consideration Postponed, and when we are on that order, we have one proponent and one opponent. All right? The Chair recognizes Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. This is House Joint Resolution Constitutional Amendment 14, which was discussed and debated for over an hour and a half a couple of weeks ago, and it got a fair debate and fair discussion. I know there's been a lot of discussion since that time. And I know some of you have gone back home and talked to your local officials, and hopefully some of you will support this particular resolution at this time. This is final action. If this bill -- constitutional amendment passes, it will go to the people this fall for -- for a vote. As

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you -- as you know, we've -- we've discussed mandates on this Floor for literally decades. I remember when I was in the House, "Bus" Yourell was the sponsor of the State Mandates Act in 1979 that took effect in 1981 that we thought was going to impact our ability and kind of put a hold on some of the mandates we were passing onto units of local government. Unfortunately, part of the -- of that Mandates Act created an exemption clause, and we have exempted ourselves from that Mandates Act on many, many occasions. Prescott Bloom and others have come forward over the years, myself included for the last six years, in an attempt to try to establish a constitutional amendment -- put some teeth in the law and create a constitutional amendment which would hopefully defray some of those mandates that were going onto units of local government. So, as a result of this last year, Senator Dick Luft and myself sponsored Senate Bill 1556, which was the advisory referendum that was on the ballot in 1992, which read with a total prohibition - a total prohibition - of all mandates being passed onto a unit of local government. As a result of that resolution on the ballot, over eighty percent of the people voting cast a ballot in support of that concept. Over three million people voted in favor of a total prohibition of mandates. So now we come with constitutional amendment -- House Joint Resolution Constitutional Amendment No. 14, which does involve Article VII of the Constitution, dealing only with units of local government, and I want that to be perfectly clear. There has been confusion on this issue, and I want to make it clear in the debate, when we talk about this, this deals with local units of government only, under Article VII. That, as a result, does not impact education, and I know that some of you have concerns with that, as I do. But this is an attempt to try to help those people at the local level out there providing services for people in our communities, counties, townships, libraries - wherever it may be. This

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particular constitutional amendment would require a four-fifths vote - make that clear also - a four-fifths vote of both sides of the -- in the House and in the Senate, when the Presiding Officer declares this as a mandate. This is prospective. All mandates passed in the past are enacted and in place. This only impacts mandates in the future. That was a problem that we had with one of the other constitutional amendments this past -- two years ago, and this is addressed in this particular concept. We are, I think, acting in a responsible manner to let the public vote on an issue such as this, and they have voted, in 1992, overwhelmingly in the -- in the -- with the philosophy being that if we think it's so important for us to sit up here and pass mandates and dictate policy onto units of local government, it ought to be funded or it shouldn't be required. But we do have the four-fifths provision that allows us to pass mandates on without that funding. That's what this does, Madam President, and I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator Watson, how do we get ourselves into these situations? I rise in opposition to House Joint Resolution Constitutional Amendment 14. I have received phone calls. I have received petitions. It is an item of discussion at many public forums at which I, as the Senator representing my constituents, have been present. As recently as two Saturdays ago, there was a -- a gathering of the school districts in Niles Township, and the question of unfunded mandates came up. But, Ladies and Gentlemen, let me suggest to you that this vote that you are about to make this morning, or this afternoon, may realistically be the most important vote that you will ever cast as a Senator. Before I get

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to the merits or demerits of this proposal, let me just suggest to you that when you get a call from your local county board member or your local city council member or your township group, ask them if they would support a law binding them that would require their body to pass legislation where they would have to have an eighty-percent, four-fifths vote. Just ask them that question. Would they like to have to pass property taxes with an eighty-percent majority? Would they like to pass local misdemeanors, criminal laws, with an eighty-percent majority? Would they like to have to go to collective bargaining that would require the approval of a contract with an eighty-percent vote? Now, those are hypothetical questions, but on today, May 6th, it is not hypothetical. That is what is being presented to us: that we are going to suggest to the voters of Illinois that the Illinois General Assembly, in order to carry out the governmental responsibilities as Senators, that we're going to have to have an eighty-percent majority vote. Ladies and Gentlemen, our voters, your local officials, would never support that. If they're sitting in your seats today, they wouldn't support that. You and I are elected to come down here and to evaluate legislation bill by bill by bill. You can go home and say to them, "I promise you I won't vote for unfunded mandates", and whenever that kind of a bill comes up, you vote No. But, Ladies and Gentlemen, there are things that your voters expect you to support, that within the interpretation of this language, those people would say to you, "Oh, Senator X, I didn't mean that." And if you say to them, "Well, that's the amendment to the Constitution. I would have liked to have supported you. I agree with you. I think we should have stronger criminal laws, but every criminal law is a mandate. And, you know, some Members on that legislative Floor that come from this part of the State, or have this approach, or our twelve members of the ACLU, don't want more criminal laws; we couldn't

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pass it, Ladies and Gentlemen. Why? Because those twelve members of the ACLU -- prevent a forty-eight -- a forty-eight-vote count, which is four-fifths." The ACLU is going to control this Floor. Now, that may not bother me, but I think it bothers some of my colleagues. Tax caps. Tax caps. A number of you in this Body ran on the basis of tax caps. A number of you were -- have run and elected on the basis of tax caps. Your homeowners love you because of tax caps. And, Ladies and Gentlemen, if that bill of tax caps came up one year from now, with this having passed, there ain't going to be no tax caps, because twelve people would prevent it. Law and order is the hottest issue in the campaigns. We saw that yesterday in Congress. People that said they'd cut off their right arm before they'd vote green for a -- for a -- a gun -- anti-gun law, they voted green yesterday. How do you like that? Because law and order is a topic, and when you go back and say, "You know, I can't increase the penalties. I can't make something a new criminal law. Why? Because it's an unfunded mandate. And we don't even know what it's going to cost, but I am told that every time an arrest is made, it costs the local community three thousand dollars." Do we know how many arrests there's going to be under that new crime? No. Now I kiddingly - but I'm not kidding - said to somebody that there's going to be a new flowering - a new flowering - of a certain particular legal community. It is -- you've heard of PI lawyers. There is now going to be the UM lawyers. They're the guys that are going to -- and gals, that are going to run into court every time we pass a bill, and they're going to file an injunction, provided for under this language, that's going to prevent that bill from being enforced, because it is an unfunded mandate. They're going to have ambulance chasers to the courthouse, as UF -- UF-PI lawyers. UF lawyers. Unfunded mandate lawyers. UM lawyers. I'm sorry. I've got -- I'm getting my -- my title wrong. UM lawyers. Unfunded mandates. There's

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going to be more litigation. Better get ready; we've got to triple the Attorney General's budget because of this bill passing. It doesn't make sense. Those people that have called you, who have talked to you, they want the unfunded mandates that won't pass, not to pass. You know, it's interesting - just as an analogy - when we deal with schools -- and I compliment Senator Watson for not including schools in here. And one question is, why aren't they in here. I mean, I would oppose that just as I oppose this. But I think it's interesting that when we talk about unfunded mandates, and you start saying in -- in education about special ed, "Oh, well, we want special ed, but it's an unfunded mandate." "Well, that's -- that's an exception. That's different." And when you go down, the criminal laws will be different; tax caps ought to be different. We are silly. We are stupid. We are rebutting the recognition that each of us have had for running for public office, to represent our constituents here, to vote Aye or No on specific bills. But don't amend the Constitution with language that ties our hands - ties our hands - that prevents us from representing the public. That's who sends us here. And let me tell you one other thing. You want a good excuse to go home for voting Present or No on this? You go back and you say, "If this had had three-fifths, well, maybe it would have made some sense. But four-fifths puts the control of the -- of the Senate and the House into the hands of twelve people in the Senate and twenty-four people in the House. Ladies and Gentlemen, that's not why you voted for me, constituents." You want me, if I'm in the majority -- and I say this to the majority party: It's been a long time since you've been in the majority. Politically, I probably ought to support this, because this shifts the power from the majority party to the -- to twelve - not even the minority party - to twelve people. That's not democracy with a small "d" and a wonderful purpose. I urge you, please vote No or

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vote Present.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, to close.

SENATOR WATSON:

Yes, thank you, Madam President. Thank you very much. I mentioned in my opening remarks about Senate Bill 1556, which established the advisory referendum that was on the ballot in 1992. That passed the Senate with 50 voting Yes, 4 voting No, and the -- the vast majority, obviously, feeling that the people should have a voice in what we do here. I think that voice was overwhelmingly spoken when over eighty percent of the people voted for this resolution, which is a total prohibition. The -- if the resolution that was on the ballot in 1992 is what we're debating here today, this would be total prohibition. We are giving ourselves the out with the four-fifths majority. And in this resolution -- and I understand Senator Berman's concern for education, and I -- I appreciate his remarks. I just wish he would have supported the constitutional amendment that included education, because I too feel that education should be a part of this process, and have sponsored constitutional amendments in the past, and this year, that included education and units of local government. In our Constitution, they are separate. But the resolution that the people voted on in 1992: unfunded mandates on local government - that was the message that the people of Illinois sent to us, and we supported that resolution by a 50-to-4 vote. Tax caps are not impacted. With this -- this discussion went on last time. They do not create -- they create revenue. They are not an expenditure, and this impacts expenditures only. So tax caps are not included and not to be considered in this amendment. The four-fifths vote that you talked about at the local level, Senator Berman. You know, the thing is, Senator Berman, they're doing it to themselves. They want -- they want to create

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that resolution, that particular policy, on their particular unit of local government. What we're doing here is -- is sitting here and voting time after time after time on mandates on all units of local government, without their input and their ability to say no. The problems that the units of local government are having now, financially, a lot of it is a direct result of what we do here. Property taxes have risen. Costs continue to go up. And they are limited, now, to the dollars that they have available for services - important services - to the people that they represent. And why? Because we sit here and vote year after year, time after time, to pass a mandate - a cost - onto a unit of local government without proper reimbursement. I'm a -- my -- my philosophy of government, ever since I came here in 1979 - I got elected in 1978 - has always been decentralization, and I think -- that this side of the aisle -- I mean, our Party was founded on decentralization. Local control. Let the people elected at the local level decide for themselves what's best for the people that they represent, and that's what this is trying to do. And what is wrong with letting the people - the people of Illinois - vote on this constitutional amendment in November? What is wrong with that, allowing the voice of the public? Absolutely nothing. And that's what should happen, and that's why you should vote Yes. And I encourage you to do so. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson has moved the adoption and approval of House Joint Resolution Constitutional Amendment No. 14. The question is, shall House Joint Resolution Constitutional Amendment No. 14 be adopted and approved. Pursuant to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by a three-fifths of the Members elected. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Last time. Have all voted who wish? Take the record. On that question, there are 32 Ayes, 13 Nays, 10 voting Present. House Joint Resolution Constitutional Amendment No. 14, having failed to receive the three-fifths constitutional majority, is declared lost. Resolutions.

SECRETARY HARRY:

Senate Resolution 1397, offered by Senator LaPaille.

It's congratulatory.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille, for what purpose do you rise? Senator LaPaille, at Senator Cullerton's desk.

SENATOR LaPAILLE:

Yes, Madam President. This is a congratulatory resolution for an event tomorrow evening, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 1397. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now Senator LaPaille moves the adoption of Senate Resolution 1397. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted.

SECRETARY HARRY:

Senate Resolution 1398, by Senator Woodyard.

It's congratulatory.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

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House Bill 2855, 3082, 3132, 3223, 4108, 4185, 2792,
3236, 3494, 3553, 3610, 3615, 3743, 3814, 3852 and 4215.

All passed the House, May 5th, 1994.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2774, by Senator Severns.

(Secretary reads title of bill)

House Bill 3223, by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 3743, by Senator Demuzio.

(Secretary reads title of bill)

House Bill 3488, by Senator Trotter.

(Secretary reads title of bill)

House Bill 3790, by Senator Cronin.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages.

SECRETARY HARRY:

A Message from the President.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I am extending the deadline for final action on the following category of bills, with specific bills enumerated under this category, to January 10, 1995:

Appropriations - specifically, Senate Bills 1754, 1757, 1758, 1759, 1760, 1761, 1774, 1775, 1777, 1778, 1779, 1780, 1781, 1782 and 1783.

Dated May 6th, 1994, and signed by President Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(machine cutoff)...all the Members please be in your seats.
Will the staff please retire to the gallery, and will the doormen

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please secure the doors. ...(machine cutoff)...Members please be in your seats. Senator Jones.

SENATOR JONES:

Thank you, Madam President. I move to suspend the appropriate rule, so that Senate Joint -- Senate Joint Resolution 156 can be heard immediately.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 156. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Madam Secretary, please read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 156, offered by Senator Jones, President Rock -- pardon me, President Philip and all Members.

(Secretary reads SJR No. 156)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Thank you, Madam President. We are all saddened at the loss of our esteemed colleague, Senator Sam Vadalabene, one who has served with honor in this Body for a number of years. The resolutions enumerate all the accomplishments of Senator Sam, but there was another side to Senator Sam. Our esteemed Caucus Chair on this side, and one who has known him for a number of years, I recall when I was in the House, and I came over to the Senate to see how the Senate was doing on the debate on redistricting. And that is when I found out how protective our esteemed Caucus Chair was of the Senate President. And Senator Sam, as you know, was very witty. We will miss all the great humor that he had with Senator Bev Fawell - many times he spoke it on the Senate Floor - the humor and wit that went -- went with Senator Sam. But one of the things that I remember so most about Senator Sam is that

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whenever we would adjourn and the Members on this side of the aisle from time to time wanted to have a caucus meeting, Sam would come over to me and he would say, "The meeting's going to be at your house this weekend. I'll give you a call." And Sam never called me, but that was the wit and humor with which he carried himself. He was the epitome of -- of a public servant. When I say the "epitome", he is the type of person that would take care of legislation, serve his constituents, and very, very few public officials would have a public building or road named after them while they are currently serving. Usually it's done after you pass. And I personally watched how Sam, every year, come in for a big package for SIU. He may not get the big package, but he always ended up with something. He is a person who was well-liked by Members on both sides of the aisle. He was well-respected. He was a person that we on this side of the aisle loved. When I became the Minority Leader, it was automatic that he was going to be the Caucus Chair. And during the time prior to his not showing, due to his illness, there were other times when Sam was ill, and Sam would always rebound and come back. And I was waiting patiently for our dear colleague to come back. He had that fortitude. He fought for those who fought for this country, to make it a democracy that we currently have, especially those individuals who fought in the Second World War. He championed legislation for all veterans. He will be surely missed on this side of the aisle and also on the other side equally as well, because he was not always that partisan. He's one who is loved by us all. He'll be missed, but as Senator Sam would say, "I'm still your Caucus Chair, because all of us wait for the bell to toll."

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I've

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known Senator Sam since I came into the Senate, in 1979. He was a very pleasant gentleman who did have a great sense of humor. He always made me feel very well, because he'd always call me "young lady", and that made a lot -- meant a lot to me. But, you know, Sam was one of those rare breed of people. He served his country very, very well. He wasn't very tall. He was maybe about five foot two, but he had guts; he had determination; and he cared about people. He was the type of gentleman who had only what was good for his people in mind. He served his district exceedingly well, and southern Illinois lost a great champion in Sam. The only thing I can say is that southern Illinois' loss and our loss is God's gain, because I can just see Sam Vadalabene waiting for Emil Jones up there and saying, "Now, Emil, do a good job. Don't be too harsh on the Republicans. I loved Jim Thompson. So, please, be good, and just don't be too political always; otherwise, I will rule you out of order in our caucus upstairs." God rest his soul, and God bless his family with good health.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

It's funny. We were coming back from Edwardsville the other day, and I said, you know, if -- I wish you all could have been there and heard Senator Demuzio and former President Rock give the eulogy. And I said to our group, I said, "Man, I hope I never have to ever have to do something like that", because that -- that was a tough job, but you did -- you did a great job, Senator Demuzio, and Senator Rock, as we would expect, did equally as well. I -- I first got to know Sam -- Sam represented Bond County and -- when he first was elected to the House, and Sam's son, Bill, called on us at the drugstore and -- good guy. Saw him yesterday, and we had a chance to visit a little bit. And Bill brings dad in the store, and we'd introduce him to all the people

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there, and he was just a very well-liked individual, by anybody who met him. And it's going to be -- you know, you look up there and see "Vadalabene", and that's been there a long, long time. And it's going to be hard to see that -- that name come off of there. But it's going to be hard for us in -- in southwestern Illinois. We lose an incredibly good friend, somebody who was able to get things done for us. And, you know, you talk about partisanship. He was not -- when we were back home, he -- he treated Kenny Hall and myself, Senator Demuzio, Senator Ralph Dunn, anybody who was -- who would come into the area that he represented, in -- in the benefit and working in behalf of southwestern Illinois, was always a friend of Sam's. And we did work well. And the guy is incredible. I don't know how many of you know this: There was an article written in the Post-Dispatch a couple years ago about Senator Sam, in like their Sunday supplement, the Parade Magazine - that kind of thing - and it was talking about his wife, Mary, and the fact he didn't have a district office. He -- he ran his entire operation out of his home, and his wife answers the phone. He'd make, literally, house calls. He'd go to somebody's home to help if they had a problem. I mean, that kind of dedication and service to the people that you represent, I -- I just don't -- I think is not necessarily prevalent in this society, in this day. It's tough. And I remember, we were sitting over here - Jack Schaffer and I - we were sitting here, and one June 30th or July 5th, or whatever day it was when we were adjourning, and Sam was literally carried off the Floor. Those of you who -- who weren't here when Sam was here, he'd sit right there where I -- right on -- right next -- well, I think he always sat over there, right there across from Howie Carroll. Pages would come up and literally carry him off the Floor and bring him on. I mean, that actually happened. I mean, those of you that weren't here and didn't see that, that

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shows you the kind of dedication that this man had. I always thought he'd come back. But I visited with him a few times, and you could -- you knew that -- that the time was near for him, and -- and he wasn't coming back. So, we're going to miss him, and southwestern Illinois is going to miss him, and certainly SIU-Edwardsville - the whole college campus down there. And again, higher education was important to Sam, and I -- I don't know if it was Senator Demuzio or Senator Rock that mentioned it - that he didn't necessarily have an education, but he wanted everybody else to have that opportunity. And that was an excellent comment, because that's exactly the way he was. He wanted what was best for somebody else. He never really cared that much about what was good for Sam. And, you know, those kind of people are hard to find. His -- when I was in the Jaycees, we had a project we called "People helping People". And that's how, really, I got interested in running for office, because of what the Jaycees did for me in that type of a philosophy of wanting to help people. And when I came up here, and I recall visiting with Sam Vadalabene, and he said, "Son", he says, "If you want to continue to come back, help your people." And I thought, what great advice, and that's for all of us. And that's the legacy a guy like this leaves us. Do what's best for the people you represent. Never forget them. And we'll never forget Sam, and I am pleased to be able to rise and say a few words in behalf of our good friend, Senator Sam, and we will definitely miss him. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President and Ladies and Gentlemen of the Senate. First of all, let me say that I was authorized by Mary and the Vadalabene family to thank all of the Members for their

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flowers, their -- their cards, especially those who made the long trip down to pay their last respects. And Mary sends her very best and her love for all of the things that were done on behalf of Senator Vadalabene. It was difficult to try to find the words to describe Senator Sam, and it was not an easy task to give a eulogy at the -- at the funeral. There are a number of people who have done that, have expressed the same problems that I had gone through. But there were two things that I did not mention yesterday that I thought I'd mention today. One thing I guess we will all miss is on Memorial Day, he won't be standing by his desk saying, "Come on and get 'em; they're going like hotcakes." He won't be staying up late at night anymore, writing those long speeches for us for Memorial Day, and we will certainly miss that. But we all know of the affection and love that he had for those veterans who had served our country. And the other thing that struck me that I didn't mention also was, he always fed the squirrels as he came in and as he left, outside, and there were a number of people who had mentioned that to me this morning and yesterday afternoon. And I know that -- that they will miss him. I won't go over what I said yesterday, but I would just simply say this: that his mother told him to go into public service - that he could do good things for people, and he did. And he did that for almost three decades of elected public service in this State. And one thing that did, in fact, strike me as a motto that he seemed to instill in himself, was the plaque with the words that were -- that is in his office here in Springfield that said that "God did not create me to fail". And I know that every person in here who has served with Sam, both present and past, know that God certainly did not create him to fail; that he overcome all of the obstacles, including his education. Senator Watson was right: He did not have the opportunity to have a formal education, but he made sure everyone else did. And I would just simply say one

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other thing about Sam that I -- I thought was quite him. You know, when he was suffering, he always made sure that we were light around him by doing a joke, or whatever. And I remember the one that he said -- I used to ask him, "Sam, do you think you're going to retire?" And Sam would say, "My doctor told me that if I retire, I'll die. So, I'm not retiring, on my doctor's orders. I'm going to stay." And that's the kind of guy he was. Never had a phone call from -- you never placed a phone call to Sam, you never wrote a letter to Sam that you didn't get a -- a response back, and he did that to his last breath. Sammy, our Sammy, we shall always be grateful to you. In our mind, you are a legend. You were then. You were today. You always will be. Sammy, our Sammy, we will always love you; we will always miss you, and we will always remember you. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones has moved the adoption of Senate Joint Resolution 156. All in favor of this resolution, please rise. Resolution is adopted. Senate will stand adjourned until Monday, May 9th, at 3 p.m. Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

Purpose of announcement. I would just like to announce, tomorrow is Senator Demuzio's sixtieth birthday, and he -- there's some cake in his office for those of us today who like him a little. But there's going to be cake tomorrow, also in his office. For those of you who really, really love him, you can come back tomorrow and have some cake and ice cream in his office.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, thank you very much. It seems that Senator Collins has confused her age for mine. I'm only fifty-three. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senate stands adjourned, Monday, May 9th, 3 p.m.

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