

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

55th Legislative Day

May 19, 1993

PRESIDENT PHILIP:

The hour of nine having arrived, the Senate will please come to order. Will the Members please rise, and our friends in the gallery please rise, for the prayer? The prayer today is by Doctor Estrop, American Baptist Church, Springfield, Illinois.

DOCTOR ESTROP:

(Prayer by Doctor Estrop)

PRESIDENT PHILIP:

Reading and approval of the Journal.

SECRETARY HARRY:

Senate Journal of Wednesday, May 12, 1993.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 13th; May -- Friday, May 14th; Monday, May 17th; and Tuesday, May 18th, 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 Journals, pending the arrival of the printed transcript. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that

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the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1076, together with the following amendment, which is attached, and in the adoption of which I am -- I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1.

We have a like Message on Senate Bill 533, with House Amendment 1.

Both passed the House, as amended, May 18, 1993.

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 40.

Adopted by the House, May 18, 1993. It's congratulatory.

PRESIDENT PHILIP:

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolutions 468, 469, 470, 471 and 472, all offered by Senator Jacobs.

And Senate Resolutions 473, 474, 475 and 476, all offered by Senator Ralph Dunn.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. We're going to go to House Bills 2nd Reading. The bottom of page 10. Yeah, we're going to skip appropriations. We will do approps tomorrow. House Bill 203. Senator Weaver. Senator Weaver. Take it out of the record. House Bill 1300. Senator McCracken. Senator McCracken. Take it out of the record. House Bill 1313. Senator McCracken. Oh, here comes Senator Weaver. We've got 203, Senator Weaver. Would you

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like to -- all right. Out of the record. ...(machine cutoff)...  
of page 12. House Bill 1854. Senator Madigan. Read the bill, Mr.  
Secretary.

SECRETARY HARRY:

House Bill 1854.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2152. Senator Farley. Senator  
Farley. Take it out of the record. House Bill 2262. Senator  
McCracken. Take it out of the record. House Bill 2272. Senator  
McCracken. Take it out of the record. We're now going to go to  
3rd Readings, and remind the Members, this will be the fifth time  
we're going through 3rd Readings, and if we don't get them -- get  
through them, we probably won't do them a sixth or seventh time.  
So if you've got anything on 3rd Reading, I certainly would --  
would seriously think about calling it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Ladies and Gentlemen of the Senate, we're ready to start on  
3rd Reading. The bottom of page 3 in your Calendar. Mr.  
Secretary... Senator Hasara? Mr. Secretary, would you read the  
bill. House Bill 45.

SECRETARY HARRY:

House Bill 45.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Madam President. As amended, House Bill 45 is in  
the same form as Senate Bill 258 that we debated. Believe the

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bill's noncontroversial. It requires the court to use DNA testing, which is so much more accurate, in determining paternity for child support cases. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Hasara, to close.

SENATOR HASARA:

I just ask for a favorable vote. We've discussed the issue previously. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 45 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, none voting No, none voting Present. And this bill, having received the required constitutional majority, is declared passed. House Bill 132. Mr. Watson? Senator Watson? Out of the record. Senate -- or rather House Bill 176. Senator Dudycz, do you wish this bill returned to 2nd Reading for purpose of an amendment? Senator Dudycz seeks leave for the Body to return House Bill 176 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate -- is House Bill, rather, 176. House Bill 176. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs, to explain that amendment. Senator Jacobs.

SENATOR JACOBS:

Thank you. I knew I had one around here somewhere. Thank you. This -- this amendment just grants hiring preferences to certain

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veterans in regards to civil service examinations. It allows for veterans to be granted preference on entrance examinations by the awarding of points for certain -- meeting certain military criteria. I know of no known opposition, and ask for its support.  
PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. Any discussion? Hearing none, all those in favor, please signify by saying Aye. All opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 6, offered by Senator Watson <sic>.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson. Senator Dudycz, are you going to handle this amendment for Senator Watson?

SENATOR DUDYCZ:

6?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is that Senate Amendment 6, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 7. I'm sorry.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Sorry. Senate Amendment 7.

SENATOR DUDYCZ:

Okay.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam President. Amendment No. 7, I believe, amends Amendment No. 1, and it would grant permissive authority to counties to sell, lease, or otherwise dispose of local improvements to any entity that will incorporate such into its existing water or sewage plant operations. It would also allow a

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county to sell or lease infrastructure to both a public utility or another unit of local government. I know of no opposition, and I seek the approval of Amendment No. 7.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none -- oh, I'm sorry. Senator Demuzio. How did I miss you? I'm sorry.

SENATOR DEMUZIO:

Senator Dudycz, I -- I see we are authorizing a permit to a county to sell a water line to the Alexander Water District. Is that right?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCYZ:

I'm sorry, I didn't -- I didn't hear your question, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would you repeat your question, Senator Demuzio?

SENATOR DEMUZIO:

I -- I understand that you are -- what this actually does is allows a county to sell a water line to a water district?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, that's the way I read it, but I would guess -- I would guess Senator Woodyard, had he been here -- I think he's on his way up here. He could better answer your question, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

I don't have any objections. And since it's in my district, I just found out about it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I'm sure you're grateful. All those -- any further

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discussion? All those in favor of adopting this amendment, please signify by saying Aye. Aye. All opposed. Hearing no opposition, this amendment is approved -- is hereby approved. Are there any further amendments?

SECRETARY HARRY:

Floor Amendment No. 10, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Floor Amendment No. 10, by Senator Watson. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Amendment No. 10 raises the population maximum from fifteen hundred to five thousand for a sanitary district to dissolve, as long as that district does not have outstanding bonds. This is a -- is a request from Shiloh Valley Sanitary District located in St. Clair County. Their community has asked me to introduce this amendment. I know of no opposition. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, all those in favor of this amendment, say Aye. All opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senator Jones. The Chair will yield the Podium to Senator Jones. We have some distinguished visitors, I understand, from Kenya.

SENATOR JONES:

Thank you, Madam President. We are honored today to have with us guests from the Nation of Kenya. They are members of parliament, members of government. They are here in the United States, and here in Illinois, to observe our proceedings. They,

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at one time, had a one-party rule. Now it is a multi-party government. I will give to you the Honorable Kewa. He's the chairman of the delegation that is with us today, and he, in turn, will introduce the other members who are our distinguished guests.

Mr. Kewa.

MR. KEWA:

(Remarks by Mr. Kewa)

SENATOR JONES:

Yes. Thank you very much. And I know I was talking to some of my colleagues, and they are Senator Shaw -- I know Senator Smith have been to Kenya, and Shaw said he'd been longing to get back home, so maybe we'll work that out in the not-too-distant future. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome, honorable members from the Kenya Government. Senator Smith.

SENATOR SMITH:

Thank you, Madam President, and to all of my colleagues here. I cry. I'm happy to see these men and women who are representing Kenya - a beautiful country - that's where Tom Mboya and Kenyatta hail from. And the Masi Tribe, the wealthy people - ah, the herdsmen, and all of you are just marvelous. We -- we are happy to have you here in the United States of America, and hope again that someday we can come and visit you again in your wonderful, wonderful city in the world. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator Smith. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I just wanted to say that I, too, am honored a great deal to see my people standing there so strong and proud and controlling the country. I'm -- I'm just filled -- my pride -- I'm just bubbling over with pride, and -- and when



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Shaw -- when Senator Shaw comes to Kenya - you know, I'm his driver when he comes to Springfield - so we'll get in my Cadillac and drive over there to see you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senator Hall.

SENATOR HALL:

Thank you, Madam President. Since our Minority Leader speaks their language, I thought maybe that Senator Jones might address them. We're waiting for that, Senator Jones.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Well, he -- he has to a little studying first. Senator Earlean Collins is the Assistant Minority Leader, for the Ladies and Gentlemen of Kenya. Senator Smith, Senator Hendon, Senator Hall - you're requested to come up here for a picture, and Senator Shaw. And Senator Palmer? Come right up, please. Again, welcome to the Illinois Senate. Thank you, Senator Jones. House -- House Bill 184. Senator Peterson, do you wish leave of the Body to return this bill to the Order of 2nd Reading for the purpose of an amendment? Hearing no objection, leave is granted. Senator Peterson -- Mr. Secretary, read the bill.

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President and Members of the Senate. Floor Amendment 2 to Senate Bill 184 is an agreed amendment between the major long distance carriers and the ICC. It provides a July 1, 1997 sunset date, and I ask for your support for Amendment 2.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion on this amendment? Senator Welch.

SENATOR WELCH:

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I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He says he'll yield for questions. Senator Welch.

SENATOR WELCH:

Senator... Thank you. Senator Peterson, we just rewrote the Telecommunications Act last year. Why is there a need for an amendment, and could you explain further what the amendment does?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Senator, you probably have read some of the horror stories about people calling from various phones in hotels or pay phones, and they call ten miles away and they get a four-dollar bill. Well, this is to correct that and give the ICC more teeth to govern these smaller companies.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? All those in favor, say Aye. All opposed. Hearing no opposition, the Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 246. Senator Collins. I mean -- I'm sorry. House Bill 246. Senator Collins. Senator Collins? House Bill 246? Out of the record. House Bill 248. Out of the record. House Bill 282. Senator Watson. Out of the record. House Bill 299. Out of the record. House Bill 317. Senator Karpriel, do you wish the bill returned to 2nd Reading for purpose of -- of an amendment? Senator Karpriel seeks leave of the Body to return House Bill 317 to the Order of 2nd Reading for the purpose of -- of an amendment. Hearing no objection, leave is granted.

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Senator Karpziel. On the Order of 2nd Reading is House Bill 317. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senators O'Malley and Lauzen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley, on the Floor amendment to House Bill 317. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. Amendment 2 to House Bill 317 amends the Fiscal Note Act to require that fiscal note -- any fiscal note response we have include both direct and indirect impacts, such as increased revenues from anticipated job creation. It also will require that a methodology be provided to us to explain how the figures were arrived at. I would urge its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, all those in favor, please signify by saying Aye. All those opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Floor Amendment No. 3, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpziel, on Floor Amendment 3.

SENATOR KARPIEL:

Thank you, Madam President. Amendment 3 allows municipalities who do not now impose a property tax, to impose a -- .25 percent without referendum.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none, all those in favor by -- of

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this amendment, please signify by voting Aye. Aye. All those opposed. Hearing no opposition, the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 4, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpziel.

SENATOR KARPIEL:

Amendment No. 4 is the same as a bill that we passed out of here, Senate Bill 185, which changes the referenda date under the cap legislation from December 31st, 1988 back to October of 1986.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any discussion? Hearing none, all those in favor of adopting this amendment, please signify by saying Aye. Those opposed, Nay. The Ayes have it, in the opinion of the Chair. Any further Floor -- and the amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

Floor Amendment No. 7, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you. Amendment 7 amends the property tax extension limitation to insure that taxing districts receive the benefit of the increased assessed valuation when a tax increment financing district is dissolved.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none, all those in favor of adopting this amendment, please signify by saying Aye. All opposed, Nay. The -- in the opinion of the Chair, the Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

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SECRETARY HARRY:

No further amendments reported, Madam -- or, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate <sic> Bill 328. Senator Berman. Do you wish to be -- this bill to be returned to 2nd Reading? Senator Berman seeks leave of the Body to return House Bill 328 to 2nd Reading. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 328. Mr. Secretary.

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Amendment No. 1 to House Bill 328 does two things: It removes the fifty-dollar fine that was previously in the bill, and it sets forth the requirements that the impounded motor vehicle will be released upon a notarized written consent to the designated person, designated by the vehicle owner. I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further discussion? Hearing none, those in favor, please signify by saying Aye. All those opposed, signify by saying Nay. In the opinion of the Chair, the Ayes have it, and the voting -- the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill -- I'm sorry. House Bill 344. Senator Woodyard? Out of the record. House Bill 377. Senator LaPaille? Out of the record. House Bill 419. Senator DeAngelis? Out of the record. House Bill 462. Senator Hasara? Senator

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

SENATOR HASARA:

Madam President, I thought that amendment was adopted yesterday. If you could check that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Secretary, would you check that? The Committee approved it yesterday, but it's up today, Senator Hasara. Senator -- Mr. Secretary, would you -- Senator Hasara asks that this -- this bill be taken back to 2nd Reading for the purpose of amendments. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 462. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senators Fawell and Jacobs.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an amendment that has been agreed to by the Municipal League, the county road commissioners and the townships. It would allow access to county, township and municipal roads. They're limited in -- in distance, and -- and only if they are posted. They are -- what we are talking about are trailers that are -- trucks that are sixty-five feet long and a hundred and two inches wide. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Madam President, Ladies and Gentlemen of the Senate. As I understand this amendment, it will allow wider trucks on smaller roads, and under this amendment, on a hundred-

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and-two-inch - eight-and-a-half-feet - trucks onto eleven-foot-wide roads, and allow for seventy-three-thousand-two-hundred-and-eighty-pound trucks to travel with a little more than a foot clearance on either side, and that this amendment has not been endorsed either by the Department of Transportation nor the State Police. Could you -- could you respond to that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

The -- the weight is the same as all trucks can -- can carry right now. We did not increase the weight at all. The -- DOT is -- is neutral on it, and I haven't heard a word from the State Police, very frankly.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, they may snag you on the way home - to talk to you about it. But let me ask you, the question is not the weight; the question is the width. I understand that the weight has stayed the same. Can you -- can you elucidate on -- on why we are allowing wider trucks?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

What we're talking about are six inches wider, and it's to allow two pallets to be put in side by side. These are the trucks that -- that pull into -- like Wal-Mart, or pull into factories in -- in -- where we have a group of factories that will load up. For instance, Effingham would -- would probably be good -- a good example. When they get their -- their bicycle factory up. Certainly the weight isn't going to be much at all. But by getting off -- being able to get off of a designated highway five

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miles, then they could pick up the bikes and turn around and go right back on the highway.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Could we have a little more order, please? Thank you.  
Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...finally, let me ask you: The Department of Transportation is already in the process of looking at this reclassification; are we jumping ahead of what they would recommend to us professionally that ought to be done? Aren't we rushing this thing?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell. Senator Fawell.

SENATOR FAWELL:

This has nothing to do with the highways. What we're talking about are -- are township roads, county -- getting off of the -- off of the designated highways. If -- if a road commissioner or a municipal -- or a -- municipality or a county doesn't want these trucks, they can -- they can be -- they have to be on -- on posted roads.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I've already gotten a number of telephone calls already from my local governments about this reclassification, and I know that this is the amendment status. I'd like to have someone tell me more about what we are doing here by the time we get to -- to 3rd Reading. It may very well be -- may -- very well may be okay, but I -- I have had a number of inquiries from my local governments, and -- and I'd like to know more about it later.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senator Topinka, for further discussion?



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SENATOR TOPINKA:

Yes. Madam President, first a statement, and I guess, leading into a question to the sponsor. In a meeting that I was a co-chair with -- with Congressman Lipinski on, involving roads in our district -- our mutual districts, about a week ago, this subject first came up, and most of our municipalities were totally unaware of this particular provision. I gave out what apparently was the white paper from IDOT on this. Their initial reaction was one of -- of confusion and not knowing, but concern that wider trucks would be on our streets, which are already overloaded and quite congested. As a result, my question to you is: Do you know officially where the West Central Municipal Conference and DuPage Mayors and Managers are on this issue?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Any municipality that wants to can -- can -- is allowed to post their roads, and if they don't want these trucks they don't -- they don't have them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator...

SENATOR FAWELL:

These trucks, you know -- there's -- there's going to be very, very few companies, very frankly, that are going to go into this kind of -- length of truck. It's going to be your interstate highways. The problem is right now that Arkansas, Missouri, Indiana, Wisconsin, Michigan, Iowa all allow these trucks, and we are -- we are really interfering, and -- and frankly, it's -- it's an economic step that should be taken so that our companies can benefit, instead of having to break their loads down.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka.

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SENATOR TOPINKA:

Well, I appreciate that comment, Senator Fawell. I also appreciate your fondness for trucking companies, but you did not answer my question, which is just a yes or no question. And that is: Where do the West Central Municipal Conference, which represents at least thirty-seven communities, and DuPage Mayors and Managers, which probably has at least half that number or better -- where are they on this issue?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

I believe they are part of the Municipal League, and the Municipal League is on board. We have been working hand in glove with them, and -- and the Municipal League is in favor of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka.

SENATOR TOPINKA:

Our municipalities oftentimes find differences of opinion with the Illinois Municipal League. I would again pose my question, and if you don't know, "I don't know" is a fair answer. What is the position of the West Central Municipal Conference and the DuPage Mayors and Managers Association?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

I don't know. The DuPage Mayors and Managers are here every day. I spoke to them yesterday, and there was no objection. I'm sure, very frankly, if the DuPage Mayors and Managers were against this, I certainly would be told.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Daniel, for further discussion.

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SENATOR O'DANIEL:

Thank you, Madam President. I -- I rise in support of this amendment. It's an agreed amendment with local governments and the trucking industry to allow these trucks to -- to reach their destination. Local governments still have authority to ban them if they feel the roads are -- aren't capable of -- of handling that kind of load. But if we're going to allow these -- these large trucks to travel on the interstates and all, they have to reach their destination if they're going to service industry, and -- and this is agreed with all local governments and with everyone concerned, it seems like. So I would speak in support of this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senator Peterson, for further discussion.

SENATOR PETERSON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates that she will.

SENATOR PETERSON:

Senator, in the beginning -- your remarks, you mentioned the township officials and the county highway superintendents. Do these people support this amendment?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

We have been -- we have been -- we've had several meetings; that is, the Municipal League, the -- the county road commissioners, the township people, and -- and the truckers, and this is an agreed bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

So what you're saying is, they do support the amendment?

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

That's what I've been told. Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. There was a great deal of discussion in committee on this amendment -- or, actually on this bill. And it was held in committee until all the problems could be resolved between the Municipal League, the county engineers, the county associations and the township association, and so they met for several -- couple weeks, I guess it was, with Senator Fawell and Senator Hasara and others, of trying to resolve the problem. This was what they came up with, and I -- as I understand it, all parties now agree that this is a compromise that can be worked. It allows our trucking industry and industry to move through Illinois without being destructive of our local streets and highways, and I think it was a good compromise. We even -- all Members even commended the -- all the parties of agreeing to sitting down and working it out. So I think we've answered all the questions we can, and I do ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hasara.

SENATOR HASARA:

Thank you, Madam President. I think most of the previous speakers have made some very good points about the fact that everyone worked on this. It has been agreed with everyone. I would just like to add one thing to make it a little bit more practical for all of you. This is a pro-business bill. That's really what it's all about. We are told that we are having difficulty in Illinois being able to compete, because longer and

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wider trucks can have access to any road in any other state. Let me just give you one example that has been brought to my attention. You have someone who's building a house off of a local road. The lumber may come from another state. In any other state there's no problem unloading the lumber to build that house. They get to Illinois, they have to stop at a certain place, unload that lumber and load it onto a more narrow truck. In reality, not only is this terribly inconvenient, but it's really raising the price of a house that this person is building on a local road. That's the reason that the trucking industry first came in on this bill. It was held so that we could meet, and I give Senator Fawell a lot of credit. We negotiated with all of the parties. I think they all agree that we need to do something to make our business climate more competitive in Illinois with other states. We did not increase the rate, at the request of some of the local road people, but we did do what this amendment says, which, I think, is a very, very good compromise, and I would ask for a favorable vote on the amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka, for a second time.

SENATOR TOPINKA:

Yes. Please excuse me -- please excuse me for speaking a second time, but with -- with all due respect, Madam Chairman, I'd like to request a roll call on this amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You're -- you're in order. All right. Those in favor of this amendment will vote Aye. Those opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 36 Yeas, 7 Nays, 3 voting Present, and this amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

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No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 494. Senator Raica. Mr. Secretary.

SECRETARY HARRY:

House Bill 494.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President. The -- House Bill 494 was brought to us by the Associated Fire Fighters of Illinois. What it basically says is that it amends the State Fire Marshal Act to direct the State Fire Marshal to adopt standards for operation of private for-profit fire fighting units. This does exclude ambulance services and volunteer forces. All the Illinois State fire fighters want is they want to make sure that for-profit fire fighters or fire fighting groups are certified by the State so that they can more adequately service the public. Yesterday this Body adopted Floor Amendment No. 1, which was sponsored by Senator Dudycz at the request of the Chicago Police sergeants, lieutenants and captains. And what Floor Amendment No. 1 did, it permits the City of Chicago ranks of sergeant, lieutenant and captain to unionize. They are not exempt rank; they are promoted rank. And we adopted that in the General Assembly yesterday, and I would just ask for your consideration. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Raica, to close.

SENATOR RAICA:

Madam President, I just ask for a affirmative roll call. Thank you.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 494 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 54 Yeas, none voting Nay, 2 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. House Bill 508. Senator Sieben. Out of the record? Out of the record. House Bill 564. Senator Cronin, do you wish this bill returned to 2nd Reading for purpose of an amendment? Senator Cronin -- seeks leave of the Body to return House Bill 564 to the Order of 2nd Reading for the purpose of an -- of an amendment. And hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 564. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. Senate Amendment No. 1, which happens to be the contents of House Bill 565 -- this amendment calls on various State agencies who provide services to the mentally ill, to enter into agreements with the Department of Mental Health and Developmentally Disabled <sic> by June 30th, 1994, which makes DMHDD responsible for the coordination of all services to persons with mental illness. This amendment also adds a provision which establishes a medical advisory panel appointed by DMHDD. The amendment also allows DMHDD to assist with the transfer of patients in State-operated facilities in community settings. I ask for its adoption.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 609. Senator Madigan. Mr. Secretary, will you read the bill?

SECRETARY HARRY:

House Bill 609.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. House Bill 609 comes to the General Assembly at the request of the community of East Peoria. And first of all, I guess I should give a little background on this. East Peoria is a community across the river from the City of Peoria, and they redeveloped and rebuilt their downtown several years ago with TIF bonds, and incurred several million dollars in debt obligations as a result of that TIF issuance. These bonds are backed up by General Obligation backup. So East Peoria comes to us with the request that they be allowed to impose a one-percent sales tax, similar to the home rule communities - East Peoria is thirty-five hundred population below the twenty-five thousand population - to -- in order to retire these TIF bonds. Now, East Peoria would not be coming to us but -- were it not for the TIF cap agreement that we passed here in the General Assembly last Session, capping those amounts at twelve million dollars.



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East Peoria, if the TIF formula were in place, would be receiving approximately 1.9 million dollars in that tax increment financing district. Currently, they will be receiving approximately three hundred thousand dollars. So while some may argue that this is a tax increase, I would submit to the Body that this is an alternative tax increase. Because the way the situation is in the community of East Peoria, if they are not allowed to do something of this nature, they have the property tax increase in place already by levy, which is annually abated by the TIF funding that they receive, and they will be forced to increase their property taxes because of the bonding, and cause great hardship upon the property owners in the City of East Peoria. This measure is backed by the community of East Peoria, is backed by the State -- or, not the State Chamber, but by the East Peoria Chamber of Commerce, and by the school district in East Peoria. I'd be glad to answer any questions in regards to House Bill 609.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Butler.

SENATOR BUTLER:

Thank you. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR BUTLER:

Thank you. I notice, Senator, that, unlike home rule units of government, this would qualify East Peoria to impose tax on food and drugs in addition to general merchandise. I don't know the extent to which we establish precedent with something like this, but what we're doing here, it seems to me, is giving them greater authority than we even give home rule units of government. And I guess my question is, maybe not to you, but to all of us: To what extent is this precedent-setting?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Butler, it is not the intent of this legislation to pass any tax or any additional tax that would not be able to be imposed by a home rule community. Currently, all municipalities can levy a tax for food and drugs - a one-percent tax on food and -- and drugs. And the intent of this legislation is not to increase that; it also exempts titled -- sale of personal property that would be titled by the State of Illinois, in addition to that, but it has no intent there. If there are some problems in that regard, and if the -- if there is clean-up language that would either be handled by an amendatory veto or something in the fall, any of those technical problems in regards to that bill, I would certainly ask the Body to support my efforts in correcting any misunderstanding in regards to the intent of this legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Shadid.

SENATOR SHADID:

Yes. I would like to remind my colleagues that if the State of Illinois would have lived up to its obligations, then East Peoria would not be in the bind that they're in. And I'd like to ask them to support this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. I rise in support of this legislation. I'll tell you why. You know, a few years ago we encouraged communities to establish TIF districts and they took us at our word and they made commitments and -- and issued bonds and things, and then we pulled the funds away from them. You know, I think if we continue to be irresponsible, there's no way State

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Government can survive. We can't continue to make commitments to local governments, then turn around and renege on them, and this is the reason I had -- and the City of Effingham did the same thing. They formed a TIF district; they made commitments, then the State reneged on it. So it left them hanging out too. I think this is a good piece of legislation. It's something that we should pass.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

I think there are -- there are a lot of things the State's not living up to, and I hate to -- I hate to start passing legislation every time the State doesn't live up to its obligation. A couple questions: Does this have any kind of -- I know it doesn't have a front door, does it have a backdoor referendum built in?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan. Can we have a little more attention? This is very important bill for the Senator.

SENATOR MADIGAN:

Thank you, Madam President. It is my understanding that this is not a true backdoor, that it -- it is my understanding that they can go ahead and impose the tax, and then the people can get rid of it - within one year.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

I guess I don't understand. Now, what -- what do you mean? After one year they can -- they can -- they can have a referendum after one year, backdoor, and get rid of it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

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Yeah. That's within one year. I should also further clarify that the intent - again, we get into this area - the intent of this legislation is only to have this in place until the bonds -- until those TIF bonds are retired, so that the property tax can then come onto the rolls which will aid the school districts. The -- what -- the alternative of what happens here is that there is no front-door referendum or there is nothing stopping - going to prevent - East Peoria from -- from levying the property tax in an amount sufficient or equal to what would be imposed or is necessary to make the bond payments that are specified. This is only to be - and they're only proposing this to be - an alternative to the property tax. So...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson? Any further discussion? Any further discussion? Senator LaPaille.

SENATOR LaPAILLE:

Yes. Madam President, I rise in support of this legislation sponsored by Senator Madigan and Senator Shadid. This is an approach that a local government is attempting to correct the problem themselves. They're not here knocking on our door, saying "We want State funds", et cetera, to help. They're saying "We want to do it on our own", and I think that's commendable, and I think this bill should pass.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Madigan, to close.

SENATOR MADIGAN:

Thank you, Madam President. I think that's -- what Senator LaPaille just said pretty well capsulizes this. We have done -- we have capped -- the General Assembly and the State has capped the TIF obligations at twelve million dollars. They want to -- they've got this outstanding debt obligation; they don't want to

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raise the property taxes on their citizens. They want to solve the problem themselves. They took a dilapidated downtown area, built it into a beautiful downtown area, and now they have to pay -- pay it off, and they said, "Let's -- let us do it with a sales tax like our neighbor across the river does, and let us not -- or give us an alternative to raising the property taxes upon our businesses and citizens." And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 609 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 44 Yeas, 13 Nays, 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 611. Senator Peterson, do you wish this bill returned to 2nd Reading? Out of the record. House Bill 641. Senator Hendon. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. This bill, House Bill 641, would help create jobs in Illinois. It was amended, as requested by the Republican Members of the Committee, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Hearing none, Senator Hendon, to close.

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SENATOR HENDON:

I just would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On this question -- the question is, shall House Bill 641 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Secretary. On this question, there are 57 Ayes, no Nays, no -- no one voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. House Bill 701. Out of the record. Out of the record. House Bill 749. Senator Watson? Out of the record. House Bill 766. Out of the record. House Bill 767. Senator Barkhausen. Out of the record. House Bill 770. Senator Donahue. Out of the record. House Bill 819. Senator Mahar? On the Order of 3rd Reading is House Bill 819. Will you read the bill, Mr. Secretary?

SECRETARY HARRY:

House Bill 819.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. The intent of this bill, I think, is pretty obvious. It's to prevent individuals, such as Dr. Kevorkian, from doing their evil deeds in the State of Illinois. The bill amends the Criminal Code relating to Inducement to Commit Suicide. The current Statute prohibits coercing another to commit suicide through the use of psychological pressure or the use of ostensible religious, political, social, philosophical or other principles, like satanic cults, Jim Jones, David Koresh, et cetera. House Bill 819 adds a Section to Inducement to Commit

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Suicide: when a person, with the knowledge that another person intends to commit or attempt to commit suicide, intentionally offers and provides the physical means or participates in a physical act by which another person commits or attempts to commit suicide. The key points here are that the person must offer and provide physical means or participate in a physical act. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Stern.

SENATOR STERN:

Madam President and Members of the Senate, I think this is a very important bill that almost came out of the Judiciary Committee on the Agreed Bill List, and I think it's far too important for us to pass without, at least, extended debate. This is a bill that purports to make a person like Dr. Kevorkian a criminal, a felon. Now, I want to make the point that I think the sponsor did not make, when he says this would prevent Dr. Kevorkian from perpetrating his "evil deeds" in Illinois. Ladies and Gentlemen, Dr. Kevorkian does not seek out the individuals whom he assists. Now, whether you agree with him or not, this is a man who -- whose acts are requested, who is sought out by those who use his services, whose compassionate desire is to end suffering. Now, you may not agree that he should be doing this, but to make -- to make the assistance of someone who is in terminal and intractable pain -- to assist someone like that to die at their own request, is not, in my view, a felony. And I think we should not make it a felony. Yes, perhaps we should be passing some kind of regulatory legislation, but this is not the correct way to go, to make this kind of assistance a criminal act. I ask you to at least think seriously about this: How you would feel if a loved one of yours never drew a pain-free breath, suffered ceaselessly, cried out for your assistance, and there was

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no way to help. Think about this before you cast an Aye vote. I think we should pause before we pass this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you -- thank you very much. I -- I have some very mixed feelings about this bill. Obviously, I -- I certainly don't like this "Dr. Death" idea, and I -- I think the man is -- is certainly not doing what a lot of us feel is -- is right. But I do remember a case that -- that my former husband had, as -- as judge, where a man was married to a woman for about sixty years. They were both in their eighties. And she had terminal cancer and was very, very ill, could not get out of bed, was in tremendous pain. All the testimony that came back said that he -- he deeply loved her. He -- he was -- it was one of those marriages that, I guess, were made in heaven. But she begged him to assist her to die. There was no hope for the woman. She was in pain. She had the kind of cancer that, very frankly, the doctors could do nothing to alleviate that kind of pain, and eventually that's exactly what the husband did: he assisted her to die. When he came into court, he was a very broken man. He -- he sobbed constantly. Bottom line was, you know, our State's attorney had the duty to bring him to court. And -- and he did go through the trial, and he was placed on probation. And I'm not sure that there are exceptions in this bill that would allow any discretion of the courts when they have these cases, and unfortunately, they do exist and are existing more and more. And so I'm going to ask the sponsor, are there -- is there anything in this bill that would allow judges, or juries and judges, to have this discretion, to have this compassion when these kinds of things do happen?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar, to answer Senator Fawell.



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SENATOR MAHAR:

Thank you, Madam President. It's my understanding that the prosecutors would have the discretion whether or not to charge the person, in any event.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

My understanding is, they do not. A crime was committed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar? Senator Fawell?

SENATOR FAWELL:

What he did was he assisted her in slashing her wrists. He held the blade and helped her slash her wrists, because she could not hold the blade herself. So he -- he did it. My...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator...

SENATOR FAWELL:

And my understanding is, the prosecutor felt he, in -- in that instance, had to -- had to prosecute.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Well, the only thing I can respond to that, Madam President, is the fact that if the individual offers and provides the physical means or provides -- or participates in the physical act, then under this law -- under this amendment to the Statute, they would be guilty of this crime.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka, for further discussion?

SENATOR TOPINKA:

Yes, Madam President and Ladies and Gentlemen of the Senate. First of all, I would point out that the House vote on this was

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65-33-8. So, it kind of begins, I think, to call attention to the fact that there are serious concerns with this bill, and certainly a mixed bag of public opinion on whether it is needed at this time and whether it is too vast in its scope and whether or not it goes far and away beyond anything which we in this Legislature have really, seriously thought about, or considered, or weighed, or carefully thought out. My concern would be that there are various groups - for instance, like the Hemlock Society - that exist at present that put out publications that indeed do list ways that people can end their own lives. Now, whether we agree with that or not is up to every individual here. The point is, it does exist as a book. It does exist not only as a book, but it was on the best seller lists for months in the New York Times listing of such books when -- when these things were published about two or three years ago. We've had individual offers -- authors do much the same thing. My concern is: is just by virtue of one having written such a book, published such a book, having bought such a book or transferring that book, either through lending or purchase, to somebody else, indeed would that not create felons of any of -- of us who participated in that? I think this goes far and away beyond what it intends to do. I think it's a rather rash, shooting-from-the-hip reaction to headlines in newspapers, possibly to what Michigan did, but Michigan has Dr. Kevorkian there running around loose. They maybe have a more pressing need. I don't know that their bill was necessarily all that well-thought-out either. If nothing else, the issue is worthy of discussion, and maybe this bill is just premature and might be more worthy of a time for reflection, a time for study, and a time to bring legislators, and clerics, and ethicists, and physicians, and all others together to come up with a -- a decent, viable solution, rather this approach. I would encourage a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Further discussion? Senator Cronin. Further discussion?  
Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. First of all, in response to the previous speaker, this bill does not apply to situations of the Hemlock Society, does not apply to books that are written, such as The Final Act. The language of the bill is very clear, I think. I rise in support of this legislation. And this -- this issue has been debated and discussed now for two years down here in the Legislature. This language talks about knowledge, intent, offering, providing the means, participating. You're focusing on active conduct here. I -- I would urge the Members of the Body to consider the abuse that may occur, that is occurring, if we don't at least provide some tool - a discretionary tool - to prosecutors. Consider the -- the society as we get older. The old, the depressed, the discouraged, the people that are downtrodden, who look for an easy way out. I really think that we have a responsibility, as leaders in society, to at least give some sort of discretionary tool to prosecutors. The bill is -- the language of the bill is narrowly drafted. I think it's incredible that there's this much hesitation about -- about this legislation, and I would -- I urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hasara.

SENATOR HASARA:

Thank you, Madam President. I think it's pretty sad that we're even having to have this much debate on this issue. This really is a very serious bill, I believe. It brings up a lot of the problems that we're having in society as -- as our population ages and as we live longer. We have tried to address this issue in previous Sessions. We've created legislation for living wills,

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and most of us have done everything that we could do to encourage people to execute a living will and a durable power of attorney so that their lives do not drag on unnecessarily. That's something that we can all do to alleviate the necessity, I believe, for a bill such as this. A couple of years ago we even gave the court discretion in withdrawal of food and water, under certain conditions - a bill which I happened to oppose, but it did become law. And many, many people in our State thought that that was also a way to alleviate some of the pain and suffering of our elder community. We all know that there are hundreds and thousands of very sad cases where elderly people do suffer and live a long time. But let's look at the other side. I believe Senator Cronin briefly addressed the fact that there is increasing incident of elder abuse in our State. And I can tell you that there is no question that there will be elder abuse if we make it easier than it is now to assist with the suicide of an elderly person. So let's look at this very, very carefully. It is a very personal matter, I know, for many of us, but I think it all comes down to the fact that we need to regard life as still valuable and precious, no matter what the age of the individual or the infirmity. We have done some things to try to make these decisions easier, by creating living wills and by giving the courts more discretion in the withdrawal of food and water. But, certainly, this will lead to abuse of assisted suicides of our elderly people. I would ask for a Yes vote on this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, thank you, Madam President. This is a very difficult bill. Those of us who have relatives in a terminal condition know how painful it is to see them suffer. I think this is a good area where we should do nothing. There's no need for this bill. We

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don't have a Dr. Kevorkian in Illinois. There's no reason to pass legislation to take care of perceived problems. Once again, we're passing legislation based on the ideal world, not on what is reality. You know, in an ideal world, this is a great bill; in the real world, it doesn't make a lot of sense. We don't need more legislation in this area. I think we should just defeat it and let things stay the way they are.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the sponsor, Senator Mahar, to close.

SENATOR MAHAR:

Well, thank you, Madam President and colleagues. Couple of very quick points. First of all, in the severest of instances, this is a Class 4 felony, which does allow the judge to -- to issue a probation to someone who is found guilty. Also, this flies in the face of what we've been trying to do in Illinois for years, all of us in our own districts, in combating the -- the issue of teen suicide, which has become the third leading cause of death among adolescents. And certainly we don't encourage that in the young, and we shouldn't encourage that amongst any age group. And it's -- certainly encouraging or aiding despondent persons to self-destruct is not a measure, I would suggest, of a civilized society. Would this prevent Dr. Kevorkian from coming to Illinois? Yes, it would. Would he come anyways? Quote: "If the patient needs it and it's legal, I'll come there; if it's illegal, I won't", Dr. Kevorkian. I think this is a move in the right direction, and I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 819 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On

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that question, there are 38 Yeas, 12 Nays, 5 voting Present. And this bill, having received the -- the required constitutional majority, is hereby declared passed. Senate <sic> Bill 837. Senator Hasara? Out of the record. Senate <sic> Bill 935. Senator Topinka? Out of the record. Senate <sic> Bill 967. Senator LaPaille? Senator LaPaille? 967. Madam Secretary, will you read the bill?

ACTING SECRETARY HAWKER:

House Bill 967.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Madam President. This bill came out of the Senate Judiciary Committee on the Agreed List. What it would do, it would prohibit any person who has been convicted of a felony in this State, or any other state, from changing his or her name earlier than two years after he or she has completed probation or parole, unless the felon has been pardoned. I would be available for any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR HAWKINSON:

Just to clarify for the Body, Senator, something that we -- we did ask and was answered in committee. This would not affect marriage situations.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator LaPaille.

SENATOR LaPAILLE:

Correct. Correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Woodyard? Any further discussion? Any further discussion? Hearing none, Senator LaPaille, to close.

SENATOR LaPAILLE:

Yes, Madam President, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 967 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Madam Secretary. The voting is, 55 Yeas, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. WCIA and WAND request permission to videotape. Do we have leave for that? Leave is granted. Senator Woodyard, for what purpose do you rise, sir?

SENATOR WOODYARD:

Thank -- thank you, Madam President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will you state your point, please?

SENATOR WOODYARD:

Yes. In the President's Gallery, visiting the Senate today, is a group of ladies and gentlemen from Coles County, employees and volunteers for Sarah Bush Hospital down there, and their chaperon today is a former staffer, Miss Jackie Clapp, and -- so welcome to Springfield.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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We certainly welcome our visitors to Springfield. Let us greet them. House Bill 979. Out of the record. House Bill 980. Senator Cronin? Madam Secretary, will you read the bill. Did -- did you wish to recall this bill, Senator Cronin? Are you ready for 3rd Reading? 3rd Reading. Senator -- Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

House Bill 980.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 980 is an agreed bill between the Management Association and the Legal Assistance Foundation. I know of no opposition to the bill. Be happy to answer any questions. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Cronin, to close.

SENATOR CRONIN:

Yes. As I stated that -- this is an agreed bill. It is something that benefits both employers and employees. It deals with the wage assignment provisions of the law. It talks about exemptions and so on and so forth. It -- I'd be happy to, as I said, answer questions. As it is an agreed bill, I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 980 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.



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END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. The record is 54 Yeas, 1 Nay, 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 1009. Senator Dunn? I mean, House Bill 1009. Out of the record. House Bill 1029. Senator LaPaille? Out of the record. House Bill 1032. Senator Woodyard? Out of the record. House Bill 1038. Senator Philip? Out of the record. House Bill 1039. Senator Madigan? Madam Secretary, will you read the bill?  
ACTING SECRETARY HAWKER:

House Bill 1039.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you -- thank you, Madam President. 1039, as amended, does two things. First of all, it increases the penalties for violating the Hunter Interference Prohibition Act, and allows the revoking of hunting, fishing and trapping privileges, license or permits. Purpose of this - it raises -- on this aspect of it, it raises the misdemeanor from a Class C to a Class B misdemeanor, and it -- that portion of the bill is designed to deter persons from interfering with hunters, fishers, and trappers while they're pursuing their lawful and legal activities. The second portion of the bill - the amendment to the bill that we passed yesterday -

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has got to do with the problem that has arisen with wild game dinners. Public Health Department has found that they need to be -- found that they needed to be enforcing the Statutes, insofar as the rules and regulations regarding the inspections of game or meat, so to speak. And there have been several charitable wild game dinners that have been shut down by the Public Health Department. Public Health Department was seeking a way to relieve themselves of the responsibility of doing this, and that is -- the amendment to House Bill 1039 accomplishes that. So that a disclaimer can be placed in a -- conspicuous locations at wild game dinners and the Public Health Department can be relieved of this responsibility. I'd be glad to answer any questions on House Bill 1039, as amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Sponsor yield, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield. Senator Berman.

SENATOR BERMAN:

Our staff indicates that the Department of Conservation knows of no case that was prosecuted under the existing law. Do you know of any?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman <sic>.

SENATOR MADIGAN:

Senator Berman -- thank you, Madam President. Senator Berman, I am -- I am standing here and I'm not aware of any, either.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Well, Ladies and Gentlemen, I rise in opposition to the bill.

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This -- this calls for a mandatory seven-day jail sentence in the event of a conviction, and there hasn't ever even been any prosecutions under the existing law. I -- I really think we're being asked to pass something for which there is no problem. So, I -- I really don't think that we ought to be doing this. I -- I don't know why we're being asked to impose a mandatory requirement, when no one's even been prosecuted under the existing law, which doesn't even have a mandatory law -- a mandatory sentence. So I rise in opposition to the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President. Well, I rise in support of this bill. As a matter of fact, without this amendment on it -- certainly we've got -- we're going to have problems all over the State hosting, or -- or various sporting organizations conducting these wild game dinners. To give you an example, at a board meeting, just this past week, of our Illinois Sportsmen's Caucus, of which many of you on this Floor are members of that caucus. Our intent is to host a wild game dinner this fall. Well, the hotel at which we're going to have that is not going to serve that dinner without the provisions of this bill. I don't know how on earth -- yes, this is a real Catch-22 for the Department of Public Health. You tell me how you're going to inspect a deer before you kill it. I don't know how you do that. Or, the same with a turkey, or anything else: How do you inspect that animal before you kill it? And this simply clarifies that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman, for a second time.

SENATOR BERMAN:

Thank you, Madam President, for a second time. Senator Woodyard, I'm not addressing the amendment. And I have no problem

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with the amendment. The problem I have is with the bill to which the amendment was added, and I would suggest that we vote the bill down, find another vehicle to put on the provisions regarding the dinners. That's not the part that disturbs me; it's the first part with a mandatory sentence where we -- where we don't have anybody that's violated the existing law. So if Senator Madigan wants to address -- and I have no problem with the point you're making. I just think that the amendment was put on the wrong bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Yes. Will the -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR TROTTER:

Yes. Senator Madigan, are you familiar with the Connecticut law that says that this Statute is -- is unconstitutional?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

I didn't know -- no, Senator, I didn't know Connecticut law ruled on constitutionality in Illinois.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

...(microphone cutoff)...law -- it's a federal law, but the case -- similar case had come up in Connecticut which was tried and it was proven that it was unconstitutional. The case was Dorman versus Satti, and it was affirmed in the 2nd Circuit Court. And the fact that it was unconstitutional and it was upheld, under Hunters' Harassment Act, which prohibited interference with the

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lawful taking of wildlife as an unconstitutionally over-broad prescription of First Amendment rights.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan. Senator Madigan.

SENATOR MADIGAN:

Thank -- thank you, Madam President. I have two things here to offer in rebuttal to that, Senator. Number one, we're not dealing with the law; we're dealing with the penalties on this bill. Number two, we have information over here that there is conflicting -- in other states, there is -- that this has been upheld in other states.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

And that's exactly the point, Senator. What you're doing is, you're penalizing with a seven-day incarceration of a legitimate First Amendment right.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator...

SENATOR MADIGAN:

That imprisonment, Senator, I believe in the bill, is for subsequent violations of the Act, not the initial violation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

So, subsequent. So the first time you -- you get a pass, and the second time -- then we're going to take away your rights. Is -- is that what you're saying?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. No, we're not going to take away

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your rights; we're going to put you in jail.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

Just to the bill: Right, they'll put you in jail, which is taking away your First Amendment rights, and that is -- again, is unconstitutional. It's been upheld in Connecticut and it surely will be upheld here. There's no reason for us to put something on the books that we know is against -- violation of the Constitution, and I suggest that we all vote No on this issue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. I rise in support of this bill. There has been a problem with some activists who choose to use their First Amendment rights to interfere with the rights - the legitimate rights - of -- of hunters. And while I will concede that a seven-day jail sentence is a rather severe penalty, it only comes into play when an individual commits the offense twice. We have a lot of hunters in our State who enjoy hunting, and it seems that we have a number of people who are hell-bent to interfere with that right of hunting. This bill addresses the question. I have not read the case that Senator Trotter cites, but I would say to you that when you see language from the court that says a -- a case or a Statute is too broad in its application, that may not fit to the narrow definition of interfering with someone that's hunting in this State. I didn't hear Senator Trotter say that this was a case in Illinois or a neighboring state, or that the language in the state law that was found to be unconstitutional was identical to -- it is identical? Well then, I would say that that federal court is wrong.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Any further discussion?

SENATOR T. DUNN:

And I would hope the federal Court of Appeals would see they're -- see that they were wrong.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Madigan, to close.

SENATOR MADIGAN:

Thank you, Madam President. I think the matter's been pretty well understood and debated here. I would just submit that, again, we're the Illinois General Assembly and we're not in Connecticut, and hunters and fishers and fishermen and trappers should be allowed to reasonably pursue their lawful activities. And if somebody wants to interfere with them, they should go to Connecticut. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1039 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Madam Secretary, take the record. On that question, there are 41 Yeas, 12 Nays, 2 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Senate -- House Bill 1040. Senator Philip? Out of the record. House Bill 1045. Senator Philip? Out of the record. House Bill 1092. Senator Cullerton. Senator Cullerton? Out of the record.

PRESIDING OFFICER: (SENATOR DeANGELIS)

House Bill 1102. Senator Cullerton. You wish the bill called? Take it out of the record. House Bill 1125. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1125.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. House Bill 1125, as amended, extends caps or tax limits only to non-home rule units in Cook County. It deletes the prior -- prior year EAV mandate for Cook County. Contains a number of additional provisions and has an effective date of October 1, 1993. This is a -- a bill that has been widely discussed in the Senate previously.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any questions? Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator O'Malley, does -- this calls for a statewide advisory referendum on tax caps at the '94 election. Does it do anything else? Does it all -- does it go ahead and impose tax caps on all the taxing districts now also?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

This is -- it will be an advisory referendum.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

My question is, is that -- is that all that this bill does now? This just simply is an advisory referendum on tax caps in the 1994 election?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

No -- no, sir. I -- I thought your question was, did it in



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fact have a provision for a statewide referendum, and my answer to that was that it does. There are other provisions in the bill, including extension of tax limitations to Cook County, with the exception of non-home rule units.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I rise in opposition to -- to tax caps. That is a prerogative that ought to be left with the units of local government. Tax caps in downstate counties, if they were to be imposed, even at the rate of a CPI, would be -- would mean tax increases for all of our rural communities. I think they've done an excellent job in handling their own property tax quarrels, and I don't see any need for tax caps, yesterday, today, or tomorrow. I would rise in opposition.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, I have to assume that almost everyone present has thought out their position on this question. But I would just like to make the point that school districts in my area - school boards who represent some of the outstanding schools in the nation - care very profoundly about maintaining the right to support those schools and maintain their excellence. This is an issue which makes me feel a little like I am on the wrong side of the aisle. Is it not the Republican philosophy that urges us to get government off the back of the -- those who are elected? It -- does it not urge us to permit elected officials to conduct themselves in the way in which those who elected them want them to do? Is it not appropriate for us to say that if the people of Bolingbrook or Cairo or Carbondale have elected a school board, have elected a city council, that they

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want those elected individuals to complete the projects that they were elected to do? We should not, here in Springfield, be second-guessing the village board of Hawthorne. We should not be second-guessing the school board at New Trier and telling them that they may or may not spend monies that the people of that area have asked them to spend. I think this is a really wrong premise, and I urge my colleagues on the other side of the aisle, who want government off the backs of the citizens of Illinois, to think very carefully about this bill and to vote No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, I see a contradiction here. On one hand, we're saying -- and the people of the State of Illinois had said "We don't want any more mandates on local government." Now we're going to ask them "When did you quit beating your wife?" Because that's all that this particular bill really is going to do, is to put out a premise that everyone has got to say yes to. And it makes very little sense. It takes away the local control. This is the biggest mandate out there that I've seen yet this year, and I have already stated that I'm with the Governor. I've -- I've made my pledge on no more mandates, and the Governor should really follow through on his pledge and say no more mandates, and also be opposed to this. As -- as Senator Welch said earlier, this is not an ideal society, and in an ideal society, this makes sense. But you do need to have some local control; local control is where it should be, and I think that we should vote No on this issue.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. I oppose

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this bill as well. I oppose tax caps. This is, as Senator Jacobs just said, probably one of the largest mandates -- in a Body that has opposed mandates and been very strident in its opposition. I want to take a different tack, though, to my colleagues on the other side of the aisle. I sit on Revenue -- the Revenue Committee this year, and I'd like to remind you that I have kept a tally of at least five or six bills that have come before us requesting exemptions to the tax caps that were imposed last year in this Body. So it would suggest to me - and I hope would suggest to you - that this is a piecemeal approach. It is not the proper way to do what is rightfully needed, and that is to reform the tax system in this State. But when we do that, we need to accept the fact that we have to have revenues coming in from somewhere, which would suggest reform of both the property taxes and the income tax. And until we're ready to do that, and to be honest with the people of the State of Illinois, then you are causing needless suffering, as evidenced by the kinds of exemptions that have been requested this Session.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. I hate to interrupt debate, but I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR CULLERTON:

I'm very happy to introduce, from the Republican side of the gallery, the graduating class from Mt. Carmel Academy, who's come down here to Springfield to see us in action. So thank you very much for coming down to Springfield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests please stand and be recognized? Will our

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guests please stand and please recognized? Senator Hall.

SENATOR HALL:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor will.

SENATOR HALL:

Senator O'Malley, who wants this?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

My experience and -- and after walking through my district, I found the overwhelming majority of the people in my area, which is completely, for all practical purposes, suburban Cook County, want this bill. This is important to taxpayers. It's important to senior citizens on fixed incomes, who want to make sure they can keep living in their homes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

I think you got a phone call from somebody who wants this bill, Senator Hall. Senator Hall.

SENATOR HALL:

I see this is offered, and according to our analysis, on behalf of the Management Association. Who... This is 1125. You take that out? Has it been taken out with an amendment? Well, it's still a bad bill anyway.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you, Senator Hall. You can take your phone call now. Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor will.

SENATOR SHAW:

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Senator O'Malley, why is downstate an advisory referendum?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Shaw, this is a statewide advisory referendum. This is not just limited as a referendum question in downstate Illinois. It applies to the entire State. Thanks for clarifying that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

What are we doing -- would you explain how this affects Cook County - this bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

This bill will extend property tax limits to Cook County, with the exception of non-home rule units. I'm sorry...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

How -- could you tell me how this would impact upon the school districts and park districts in the non-home rule units?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Let -- let me clarify my previous statement: with the exception of home rule units. So your -- if your question is, will this affect the park district - yes; it will impose tax limitations on park districts.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

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SENATOR SHAW:

What about school districts?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

This bill, if it becomes law, will extend limits to all units of local government in Cook County, with the exception of home rule units.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Mr. President, in light of there is no relief forthcoming from the State in terms of funding education, it seems to me that it would -- should be left up to those people that have to -- that have the responsibility of funding - that's the taxpayers - in terms of making sure their children get an education. And it -- this bill here would cause an undue burden on many of the citizens that live in Cook County, who send their children to public school. If we had -- if the State was doing its -- filling its responsibility in terms of -- of funding education, funding the various other programs that we have in terms of local government there, certainly this might be a good bill. But most of the school board members, or all of them that are in my district, are elected by the people, both the school board and the park district, and certainly the people in the -- in those districts have an opportunity to vote those people out of office if they think that they're doing something wrong. Just back last November, I believe it was, that we passed a referendum in one of my school districts. The people voted for that referendum. I'm not certain of what the amount of the referendum was, but they voted overwhelmingly for the referendum. I think what you're doing -- or attempting to do here is to remove that right from

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the people to fund education. There is a lot of schools in my district that are on the Watch List now. And as I said earlier, you have not provided any State aid in order to get those schools off of the Watch List, and the only alternative that those schools and those children have to get an education is through some type of taxes. We know that you can't educate people without some dollars, and what you're saying here is, "We don't care about the education of the children." That's what this bill is saying, because what you're doing is limiting -- or attempting to limit the -- or put a cap on the taxing authority there. And I think that is wrong. I think this is a bad concept for this time, unless the State has made a full commitment in terms of funding education. You know, and I know, and the people all over Illinois know that we have shirked our responsibility in terms of educating the children. Now, what's going to happen when those schools close or will not be able to open - will not be able to open next year? We have to do something here. And -- well, I think I'm the one that's -- I think I'm the one that have the mike there, Senator O'Malley, and -- in terms of that, and you can answer that in -- in your debate of the -- of the question here. The -- as -- one of the previous speakers mentioned the fact that local governments have no way of getting any money. They come to Springfield with their hat in their hand and we don't give them any money, and then now, on the next hand, we want to turn around and say, "Well, you're not going to be able to get the money from the local community that you represent." I think it's wrong, and I think it's a bad concept, and it should be defeated.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you, Senator Shaw. Senator O'Malley, you could address that in your closing comments. Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. I'd like to respond to

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some of the previous speakers on this. First of all, Senator Hall, who asked "Who wants it?" Last year I made a mailing to my entire district. I got five thousand responses. Eighty-six percent of those people said they wanted tax caps. Eight percent said they -- they did not want them, and the rest had no opinion. So, eighty-six percent of those people, indeed - eighty-six percent of five thousand - did want a tax cap. Secondly, I think -- I made -- I just made a mistake I think we all make. This is -- we should not use the word "caps", because this does not cap spending. All it says is there is a limit to which a school district, for example, can go, in -- in raising its spending, before it has to go to the people. And again, what's wrong with going to the people on a referendum? As Senator Shaw said, one of his schools -- school districts approved it. Why not let -- why not let the taxpayers have that kind of a privilege? There is also some concern about whether or not this is a mandate. Well, I can tell you, the difference in this is, when -- when we in the Legislature pass a mandate, there is no choice. It's like something coming out of a Hitler edict: You will do this, and you have no choice; you must. In this case, we limit the amount of spending that can go on -- the amount -- limit the amount of taxes, and then it goes to the people. Again, what is wrong with giving the people a chance to say yes or no? Yes, we -- you can spend your -- increase spending, or no, you can't speak -- or increase spending. There's nothing wrong with that. It seems to me the purest form of democracy, and we ought to let the people have that opportunity.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair would request that, since we have so many people that wish to speak, that we keep our comments more relevant and shorter. Senator Klemm. Senator Klemm.

SENATOR KLEMM:



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Thank -- thank you, Mr. President. You know, every day I pick up the paper, I'm reading from Washington - the Clinton Administration coming on with a new tax: new tax for income taxes, energy taxes, health taxes, taxes on businesses, taxes on everything that moves and doesn't move. You know, my people are getting pretty tired of it in my district. I don't know if you people are getting calls as I am. They're saying "For crying out loud, this government still belongs to the people, not just to the spenders or the bureaucrats or anybody else who always needs more money." And for once, and I -- I think we have to congratulate Senator O'Malley, to at least allow us to put this issue before the voters who own this government - who we're supposed to listen to - to find out if, in fact, they want some curtailment of some of the spending habits that we've seemed to have gotten into. In fact, many people have come up to me and said, "You know, we should not have even wasted our time making it advisory; we should have made it permanent and saved even more money." So I commend the Senator for at least allowing the public - the citizens we represent - to finally maybe say no or how they want to go it. Obviously they're not listening to us in Washington. They're shoving down everything they can find so they can spend more. Maybe this is a good time for Illinois to speak out, and I stand in support of this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I heard Senator Butler talk about an eighty-five-percent response -- eighty-six-percent response to your survey. I think we'd get the same response - any one of us - if we asked that question: "Do you want your property taxes limited as to the amount that it could be extended?" That's not the issue, Ladies and Gentlemen. I

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would suggest to you that the problem with this bill is just one paragraph, and that paragraph says that this is an exception -- or an exemption from the State Mandates Act. What that means is that we want to be the good guys - put a tax cap on the property taxes that local government units, including schools and parks and libraries, can assess in Cook County. We want to be those heroes, but we are unwilling to address the problems of how do you adequately fund schools and parks and libraries. Take out the exemption from the State Mandates Act so that if you've got expenses that have to be met - and we want to be the good guys - we're responsible to provide that revenue from -- taxes that we're willing to levy, because we are precluding locally elected officials from exercising their responsibility in levying their budgets. That's the whole point here. We, the General Assembly, this year, have refused to -- to take the bite of that sour apple to pass a new funding formula, and fund it, for our schools. We recommitted that bill to -- to Rules. Why? Because we didn't have the guts to fund it. But here we're saying "Schools in Cook County, you must limit the size of your increases." I will tell you that when this bill was up -- this amendment was up in committee the other day, there were three witnesses that filed witness slips. They weren't from Chicago; they weren't from a school district that's got a four-hundred-million-dollar deficit. They were from Niles Township, a township that has one of the highest tax bases in the State of Illinois. It has one of the finest school systems in the State of Illinois. Those people were there to speak against this, because those quality schools - the kind of schools that every one of us want in our communities - Niles Township High School, a number of the elementary schools that are in Niles Township, are worried that they may not be able to maintain the quality - the high quality - that people move into Niles Township to be able to send their kids to, and they want to

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pay those taxes. That makes quality living. And we, with all of our knowledge, are going to say "No, Niles Township, you can't do that. You've got to compromise the quality of your schools; you've got to compromise the quality of your libraries; you've got to compromise the quality of your parks, so that we can issue our press releases and tell the taxpayers and the senior citizens that we did something for them." Well, we're doing this on the backs of children, on the backs of people that want to use the libraries, on the backs of the people who want to have quality parks. That's irresponsible government. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair advises if we could keep our comments shorter. Senator Butler, did you want to just respond to something he said? Quickly.

SENATOR BUTLER:

Yes, I do. Senator Berman, I don't see anything in the -- in this bill that says that a local community cannot raise -- cannot raise its dollars spent -- to be spent on education. The provision in here for a referendum does exactly that. The problem is that the average taxpayer is -- is fed up, and two-thirds of referendums do not pass. Now, is that bad? I mean, here's the -- here's the taxpayer, in all his ignorance, saying "I don't want my taxes increased", and you're saying, "Boy, that's bad. Who is that dummy who just stands there and just forks out money? Who is he to say that -- that a -- in a referendum that you can't increase spending?" That's all we're saying in here - control spending. And if it's reasonable... What?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Okay. Senator Butler. Okay. Senator Cronin.

SENATOR CRONIN:

Without beating this legislation into the ground, I -- I rise in support, in enthusiastic support of this bill. And I -- I feel

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compelled to just make a couple important points. There's been much said about the issue of local control and mandates, and those who oppose this legislation, I believe, have kind of twisted those concepts to serve their purposes in opposing this. When you talk about local control, there has always been limits on tax rates and limits on taxing authority that have been imposed by the General Assembly. That's always been the case. That's our responsibility, constitutionally and otherwise. Secondly, with respect to mandates: Of course we are opposed to mandates, but there is an important distinction here. We are opposed to mandates that impose increased costs on local government. This is a mandate that seeks to contain costs. I think that these tax caps is a reasonable first step in accomplishing property tax reform and property tax relief. All we're asking is to limit increases. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Will the sponsor yield for a couple of quick questions?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor will.

SENATOR RAUSCHENBERGER:

Senator O'Malley, I'm kind of confused by some of the debate. It seems these might not be the same kind of caps that we have in my area, based on some of the discussions I'm hearing. Are these tax caps substantially different than the tax caps that are now -- the tax cap proposed for Cook County - is this substantially different from what's in effect in the five collar counties?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

These are exactly the same as the other caps that have been

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imposed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Do these -- will -- will this tax cap in Cook County reduce revenue to local government in any way? It seems to me, some people feel like it's going to reduce revenue.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

No, I -- I don't know of any reason why local revenue would be depleted as a result of this. The limit is -- is in -- represents a percentage increase over the prior year levy. So the opportunity for local revenue growth remains, and I think, as Senator Cronin pointed out well, this is just another form of a limitation which we in the General Assembly have an obligation to impose, or to -- to at least address, as far as placing reasonable limitations on the ability of local units of government to raise property taxes. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Doesn't this legislation - those areas that'll be new areas put under tax cap - doesn't it allow a provision for a referendum for the local unit of government to increase their...(microphone cutoff)...revenue?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Rauschenberger, it certainly does. It -- it allows the people to be invited back into the process, if you want -- if a local unit of government wants to exceed the limitation that's

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placed on it. So, there is -- there's the opportunity for a local referendum approval.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger, you...

SENATOR RAUSCHENBERGER:

Then -- then it seems to me that this bill does not compromise the quality of local government. It -- it simply makes excess local government growth accountable to the voters. Right?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

I -- I absolutely agree with your summation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I rise in strong support of this legislation. My area has tax -- much of my area has tax caps now, and it is working. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of this measure. Let's talk about the basics. A certain individual - certain Senator - talked about new funding. New funding is an issue that we have to address as we constantly go on through our legislative business, not just this year, but next year and the following year and the following year, and so on and so on and so on. This isn't a question of new funding. This isn't a question of limiting. This is a question of reasonable tax relief that we can provide to those people in our district that need tax relief. We have to start somewhere. Our responsibility, I think, at this point in time, is to pass

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this measure, to put a cap on these spending limits and to tell the folks back -- that we represent that we're trying to be responsible, we are concerned with their spending, and pass this good legislation. And I would, therefore, Mr. President and Ladies and Gentlemen, promote and suggest an Aye vote for this good piece of legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

General Jones.

SENATOR JONES:

Thank you, Mr. President. I -- I'm getting rather confused, so will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR JONES:

Senator O'Malley, I heard about the referendum, and I heard about the tax caps. Now, I heard about -- heard what Senator Rauschenberger said about the collar counties that -- six collar counties, but I know in the State of Illinois, there are a hundred and two counties. Now, in Springfield, for example, in Springfield is -- does this place a cap on the school districts in Springfield? I need to know that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

As you know, Senator Jones, it does not. This applies to Cook County in terms of -- of imposing the limitation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

So -- but in Springfield, it would be a referendum to the school district to decide whether or not they want to have a tax cap. Am I correct?

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Again, Senator, you are correct. This -- this bill provides for a statewide advisory referendum.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Could you tell me the difference between the extension of the property tax to the school district in Chicago - District 299 - and the difference in the extension of the property tax to the school district here in Springfield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jones, the -- the -- the part of the State that, in my opinion, requires the most relief at this point in time is Cook County, where we have rising -- rapidly rising and increasing assessed valuations. There doesn't appear to be the support to -- to extend it statewide, and that's why we -- we considered a statewide advisory referendum to allow the voters to tell the General Assembly how they feel about the question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

In -- in addressing the issue, this is the hypocrisy that I've heard as it relate to the school districts all across the State of Illinois. I thought we had gotten away from this separate-but-unequal treatment of students in Illinois. But here, in the southern part of Illinois, if the -- if the school district so desires to raise those property taxes, they may do so; but in the City of Chicago, you are placing a cap on them and not



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affording them the same right. Separate but unequal. And so all the hypocrisy that I've heard on the Floor about what the State is doing -- don't treat the children who have to attend those schools, be it the City of Chicago or suburban Cook County, any different than the children who have to go to school in Springfield, be it Decatur, be it -- be it Southern Illinois. That's the hypocrisy that I've heard as it relate to this piece of legislation. The Governor indicated that -- in his address - the State of the State Address - that he wanted to extend property tax throughout the entire State. We recognize, in many school districts - downstate, southern Illinois - who are on the Financial Watch -- List, but you are not going to cap those taxes; you're going to let them decide by referendum. In the City of Chicago, they will not have that decision; it will be mandated as such. But again, separate but equal <sic>. And that's all the hypocrisy that we've heard on this piece of legislation. This is one state - it's the State of Illinois - the twelve million people should not be separated by legislation. So don't come here talking about all this goody two-shoes or what you want to do for property tax, when you are not really trying to help the people. You are trying to stymie the people who need the services; you're trying to stymie the local government officials to make those decisions. So let's deal with the real issue. The real issue is, you want to penalize the people in the City of Chicago and Cook County, but you're going to let the rest of the State, and especially downstate - the hundred -- the ninety-six counties that are not included in this legislation - you let them decide by a referendum. You had an opportunity, the President had an opportunity, to let the school districts in Cook County, by a referendum, decide whether or not they wanted to raise taxes and place a cap on that, but no, you voted against that. So all we've heard so far is hypocrisy, hypocrisy, hypocrisy. And as a

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freshman Senator, I'm very shocked that you fell into that type of a category. I thought you would listen to something more reasonable as it relate to all the children of the State of Illinois. And this bill should be resoundingly defeated.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley, to close.

SENATOR O'MALLEY:

First, to address Senator Jones: The Chicago public school system, right now, is dealing with a tax levy increase of 4.74% under the -- the maximum limit set forth here. Many of the leaders in Cook County have seen the wisdom of limitations, and I share with you two of them: Mayor Daley, self-imposed on a home rule unit, City of Chicago; Assessor Hynes, former President of this Body, well-respected in suburban Cook County, as well in Chicago, and a resident of Chicago, has come out strongly urging support for tax limitations. Now, to everybody in the Body: Senate Bill 1125 -- or House Bill 1125, as amended, is substantially what Senate Bill 1 was, which left this Body on April 20th, with thirty-seven affirmative votes. I thank all of you for taking the time, again, to listen to this important issue and discuss it with us today. Let's all keep in mind that local taxing authority comes from this State - from this State Legislature. There would not be property taxes in the State of Illinois unless this State Legislature permitted it. But with that authority also becomes a -- comes a responsibility, and we have the responsibility of having reasonable limitations imposed on local governments' ability to raise property taxes. This is not an issue of local control or placing a mandate on government. This is about whether or not the people will be part of the process again, or to what extent they will be part of the process. Local government will have the ability to ask the citizens that they serve, whether or not the additional services - increased

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services, and the funding that they are going to need, which exceed these limitations - whether or not they can agree with them. I submit to you that the time has come for us to invite people back into the process. Trust them. That's what democracy is all about, and I urge us to vote Aye on this important piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 1125 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 37 Ayes, 19 Nays, 2 voting Present. The bill, having received the constitutional majority required, is declared passed. House Bill 1126. Senator Burzynski. Take it out of the record. House Bill 1163. Senator Mahar. Take it out of the record. House Bill 1194. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1194.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill 1194 has been amended, and it amends the Public Aid Code to prohibit a person from transferring real property for less than fair market value within sixty months immediately before applying for Medicaid or being admitted into a nursing home, whichever occurs later. Currently the law calls for thirty months, but as many of us know, this bill addresses that problem that received a great deal of attention recently about the horror stories that have been related about people transferring substantial assets in order to qualify for

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public assistance. This bill addresses that, and I do ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I would just rise on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR WELCH:

Mr. President, in our -- in our gallery, over on the Republican side, we have a group of students from North Lawn Junior High School, from Streator, Illinois. If they would rise, we would welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will the students who have chosen the right side please stand and be recognized? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to make a statement first, and then I'd like to ask the sponsor of 1194 a question, if I may. Thank you very kindly.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith.

SENATOR SMITH:

I wanted to ask him about this bill, that while your bill is intended -- is well-intended, according to a recent report by the Auditor General's concern in enforcement of property transfer laws, in fiscal year '91 and '92, thirty-five of an estimated forty-two thousand applications, long-term care, were initially denied, due to improper property transfers. The audit indicates that the Illinois Department of Public Aid's polices and processes

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need three different things, and I want this -- to be considered: More comprehensive to identify possible prohibited transfers; more consistently followed by the Department of Public Aid's office; and three, more restrictive to extend penalties to those who transfer property to quality <sic> for Medicaid. Hence, extending the period of time is not the issue. Is it a possibility, Mr. Sponsor, that you would be willing to put this bill in conference committee and address some of the Auditor General's concern in this report? Is it a possibility that you could do that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, it is regrettable, sometimes, that people try to take advantage of -- of what we're trying to do here. Yes, I wish they had more time to investigate some of the transfers; however, they don't have as much time now as they have even under this bill. We would like to have at least extended that, but obviously, we're trying to be reasonable with it. I think we're trying to answer the needs of both people; people that genuinely have requirements and needs that we can assist them, and those that are trying to abuse the system. I think we all -- and you've worked very long in your career trying to eliminate abuses, because when we allow those abuses to occur, it takes away valuable dollars from those who really need it. And obviously, what we're trying to do is restore a period of reasonableness for people who are trying to divest themselves of assets so that they could qualify for, again, assistance or Medicaid. It's not a perfect world; I wish we could do more. We think this is the best we could offer right at this point in time.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith.

SENATOR SMITH:

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I merely wanted to bring to your attention that -- if it's a possibility that you -- couldn't you extend that time? Is -- is that not the issue?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, if you're talking about investigative time for them to look into the matter, they try to make it as quickly as possible in order to assist those that need the assistance and to allow them to qualify to go into nursing homes with their assistance - financial assistance. Sometimes that's difficult. For us to pass a law saying they would need thirty, sixty, ninety days to investigate, probably wouldn't be a problem; but, if they find that there has been abuses, they obviously will deny those people those benefits. So I don't know if a time frame necessarily even accomplishes what we'd like to do. Certainly, they're doing what they can, both county and statewide, because it's affected both county level, also, for their nursing homes. They are trying to do the investigation as quickly as they can. I don't think we need a time frame, necessarily, in this legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SENATOR KLEMM:

Well, thank you, Mr. President. I think the bill has been discussed. We had a similar bill that passed unanimously from the -- the Senate. I just ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 1194 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 2 Nays, 4 voting Present. House Bill 1194, having received the required constitutional

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majority, is declared passed. 1203. Senator Cullerton. Take it out of the record, Madam Secretary. 1230. Senator Smith. Take it out of the record. 1235. Senator Hawkinson. Take it out of the record. 1249. Senator Geo-Karis. Take it out of the record. You know, we're getting down to the shorts on this, folks. 1256. Senator Cronin. Out of the record. 1261. Senator Hasara. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1261.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Amendment No. 2 that was debated in -- at some length on the Floor yesterday, actually becomes the bill. It was Senator Fawell and Senator Jacobs' amendment. I will just explain it briefly, and then if there are any additional questions from yesterday, I'll try to answer them. This amendment, which becomes the bill, creates a Special Hauling Vehicle status, and what it does is -- is to permit asphalt and cement trucks access to roads. They will pay a hundred-dollar-a-year fee for this special hauling permit. If they are stopped and ticketed, they may proceed if they are not more than four thousand pounds overweight. I might say that this is another example of a bill that was originally opposed by some of the township and county road people. We got everyone together for the period of a couple weeks. We negotiated the bill. It was amended so that it met everyone's concerns, and to my knowledge, at this time, there are no opponents to this bill. Everyone signed off on this. It received bipartisan support, and I would ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, just briefly. I too rise in strong support of this bill. I think it's a good compromise and hope that we can send it out of here.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to set the record straight, I too stand in -- in support of this legislation. However, Amendment 1 actually is still the bill. This does clarify it and makes it a little bit better, and it's not my amendment, but I do stand in support of the -- of the particular legislation and -- as amended.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara, to close.

SENATOR HASARA:

I believe the issue was debated yesterday when the amendment came up, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 1261 pass. Those in favor will vote Aye. The opposed, vote Nay. And the voting's 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, 1 Nay, none voting Present. House Bill 1261, having received the required constitutional majority, is declared passed. House Bill 1316. Senator Peterson. Senator Peterson. Out of the record. House Bill 1341. Senator Karpziel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1341.



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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 1341 amends the -- Illinois Purchasing Act and the Solid Waste Planning and Recycling Act. It requires that the official newspaper of Illinois have a minimum usage of recycled fiber. It standardizes the reporting requirements for a local government's recycling rate. It creates the Measurement Reporting Standards Task Force. Sets forth definitions of the -- what the municipal waste is -- you know, what's considered municipal waste. And one of the amendments imposes a sentence of community service consisting of removing and -- imposes a mandatory sentence of community service consisting of removing and properly disposing of litter for those who are convicted of littering, and in addition to any fines which may be imposed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 1341 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 56 Ayes, no Nays, none voting Present. House Bill 1341, having received the required constitutional majority, is declared passed. 1354. Senator Mahar. Senator Mahar. Out of the record, Madam Secretary. 1374. Senator Welch. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1374.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a bill that -- basically is a bill that we passed earlier as a Senate Bill. What it does -- increase the maximum amount of nuclear safety emergency preparedness funds the Department of Nuclear Safety can use to compensate local governments. Raises it from two hundred fifty thousand to three hundred thousand dollars, and it doesn't include any funding. This is voluntary on the part of the Department or on our part, by appropriating the money to do this. That's basically what it does.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall House Bill 1374 pass. Those in favor will vote Aye. The opposed will vote Nay. And 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 Ayes, none voting Nay, none voting Present. House Bill 1374, having received the required constitutional majority, is declared passed. 1411. Senator Hasara. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1411.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. House Bill 1411 adds universities to those who -- who operate under the Minority and Female Business Enterprise Act. I know of no opposition, and I ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 1411 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none Nays, none voting Present. House Bill 1411, having received the required constitutional majority, is declared passed. Senator Peterson. 1427. Read the bill, Madam Secretary. House Bill...

ACTING SECRETARY HAWKER:

House Bill -- House Bill 1427.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. House Bill 1427, as amended, allows drainage district treasurers to record liens in the county recorder's office. If the treasurer is not the -- is not the county treasurer, the reporting forms shall be as required by the county treasurer. And it leaves the option up to the drainage district who they want to be the treasurer: a member of their board, ex officio, or the county treasurer. Ask for your favorable vote on House Bill 1427, as amended.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any questions? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

The sponsor says he will.

SENATOR DONAHUE:

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Thank you. Senator Peterson, just to clarify this, 'cause I know you've amended it, if you have an -- an attorney's office that is treasurer for a number of different drainage districts, they can be designated that and -- and according to the -- file it according to the form and all that kind of stuff so they can continue to be that -- that treasurer of the drainage districts.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson.

SENATOR PETERSON:

That's correct, Senator. They can be the treasurer. They will have to report, though, the recorded liens to the county office - any liens that are put on drainage district property.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue, are you done?

SENATOR DONAHUE:

Would they not do that already today, or is -- is there -- is that just a little bit different?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson.

SENATOR PETERSON:

At this time, I believe there's a problem with recording, and that's one of the concerns the county treasurers had. These people have little pieces of paper in their pocket and do this and that, and they want a more uniform system of recording this.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson, to close.

SENATOR PETERSON:

I think the bill has been adequately explained, and I appreciate your favorable vote on House Bill 1427.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 1427 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is now open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. House Bill 1427, having received the required constitutional majority, is declared passed. House Bill 1464. Senator Topinka. Senator Topinka, do you wish 1464 called? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1464.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka. Senator Topinka.

SENATOR TOPINKA:

Am I on? Oh, there we go. This bill would require the Illinois Environmental Protection Agency and the Illinois Department of Public Health to participate in Army Corps of Engineer projects involving storm and sanitation reservoirs, which would hold water continuously for five days or more. As I explained yesterday when we put on an amendment, this in no way impedes those projects from being completed. It does not in any way stand in the way of the Army Corps of Engineers, but it does seek to make sure that our people are present at the time of these discussions, to protect the public interests and the public health. And that's all this bill does.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 1464 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting No -- Nay, none voting Present. House Bill 1464, having received the required constitutional majority, is declared passed. Senator Mahar, for

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-- take 1479 out of the record, Madam Secretary. House Bill 1489. Senator Cronin. Senator Cronin requests that House Bill 1489 be brought back to 2nd Reading. Take it out of the record. House Bill 1498. Senator Berman. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1498.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you Mr. President and Ladies and Gentlemen of the Senate. This bill has been amended after conferences between the advocacy groups for the patients and the nursing home industry. The language that -- that adjusts a -- the issue of falsifying nursing home residents' health care records has been removed from the bill so that that issue is no longer addressed by the amended bill. The rest of the bill substantially incorporates provisions of federal law and the State Mental Health Code into the -- Nursing Home Care Act. I'd be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any -- any discussion? If not, the question is, shall House Bill 1498 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 who voted wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. House Bill 1498, having received the required constitutional majority, is declared passed. Senator Watson, 1507? Take it out of the record. House Bill 1575. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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House Bill 1575.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is the bill that was drafted by the Chicago Bar Association, the Condominium Law Subcommittee, and it's been reviewed by all concerned organizations and actually strengthens the ability of unit owners to override possible unnecessary assessments passed by a board. Under existing law, a board could double or triple the assessments at the time of the annual budget without any unit owner veto, if the purpose of the increase is simply to rebuild the reserves for repair and replacement of the property. This bill eliminates this loophole. Existing law also permits a minority of unit owners to prevent the property from being maintained if a midyear assessment is necessary. And this bill eliminates the game-playing and provides that once an annual budget or separate assessment increases the previous year's assessment amount by fifteen percent, unit owners have an opportunity to veto the assessment by a majority vote of the total membership. The only exceptions are where a governmental authority has mandated a repair or a genuine emergency exists. So this is very similar to - if not, I believe, identical to - a bill that we passed, a Senate bill - 442. The House has added some amendments which are -- I don't believe, acceptable. This is the bill that we passed before. It has the support of the bar associations, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 1575 pass. Those in favor will vote Aye. The opposed, vote Nay.

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And 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 58 Ayes, none voting Nay, none voting Present. House Bill 1575, having received the required constitutional majority, is declared passed. Senator Dudycz. 1637. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1637.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 1637, as amended, does amend the Metropolitan Water Reclamation District Act. It authorizes the district board to order a party responsible for a discharge to pay court reporter costs and the hearing officer fees, in a total amount for both not to exceed three thousand dollars. This bill is apparently serving as the omnibus Metropolitan Water Reclamation District bill. The committee Amendment No. 1 contains the provisions of House Bill 2060, sponsored by Senator Mahar, which authorizes an increase in the amount of emergency contracts which can be let without notice and competitive bidding from twenty-five thousand to fifty thousand. This -- the provisions of House Bill -- or House Bill 1097 passed the House 104 to 2. It -- the Senate Floor Amendment removes the non-referendum bond extension, which had already passed previously on another bill - both Houses - and it defines the Rich Township annexations as territory not within another sanitary district. This allows for the creation of the Eastern Will County Sanitary District. I know of no opposition to this amended bill, and I seek your support.



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PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 1637 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. House Bill 1637, having received the required constitutional majority, is declared passed. Senator Dudycz, 1642? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1642.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 1642 is a proposal of the Fraternal Order of Police. With the amendment, the bill now applies only to disciplinary action - State Police are now okay. Have they -- they have removed their opposition to the bill. The bill amends the State Police Act to make any statements or admission obtained during the course of any hearing not conducted in accordance with the State Police Act, inadmissible in any administrative hearing before the State Police Merit Board. And Senate Amendment 2 would provide that any elected public official who pleads guilty to a criminal offense under State or federal law, must resign, effective at the time the plea agreement is made. The second -- or this amendment that was added onto -- or Floor Amendment No. 2, which was added on yesterday to Senate Bill 1642, was prompted by the controversy surrounding the Chicago City Clerk, who pleaded guilty to a felony but originally refused to resign office until he was to be sentenced later on this July, but

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has since resigned the office. The amendment did pass the Local Government and Elections Committee on House Bill 129, but was held in -- well, that's it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor will.

SENATOR HALL:

Senator Dudycz, are you saying that if a State trooper is reviewed and -- obtained in violation of the State Police Act -- are not admissible to any subsequent discipline proceeding? In other words, they can do what they want, and they can't -- is that what you're saying?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCZ:

No -- not -- not entirely, Senator. The intent was to make statements, admissions or examinations under the Act without advising the officer of his rights under the disciplinary provision, inadmissible in a subsequent disciplinary action.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

Well, am I reading correctly when I see in the book it says, any statement or admission obtained during the course of a hearing, interrogation or exam -- not conducted in accordance with the Illinois State Police Act may not be utilized against the officer? And why would they be free from any of this?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Dudycz.

SENATOR DUDYCYZ:

Are you referring, Senator, to the portion of the -- the criminal proceeding or the administrative hearing?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

About the administrative hearing.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, my handler is not beside me, but I -- I believe that may be correct.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall, are you done? Senator Hall.

SENATOR HALL:

If -- if -- if a trooper or an officer arrests someone and he didn't take care of the thing -- or he could be wrong -- no matter what it says, it's inadmissible, and I can't see why that -- he'd be given -- different from other people.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall, we're taking this out of the record. The sponsor is going to talk to you about it.

SENATOR HALL:

Okay.

PRESIDING OFFICER: (SENATOR DeANGELIS)

House Bill 1643. Senator Dudycz, you wish that called? Senator Dudycz? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1643.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz. For what reason does Senator Jacobs wish to be recognized?

SENATOR JACOBS:

Parliamentary procedure, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR JACOBS:

I have filed a -- a motion to reconsider, having voted on the prevailing side, and -- on Amendment No. 2, which was the amendment in regards to mailings, and under Rule 7-15(d) the Senate must deal -- it states the Senate must deal with this motion before the bill is to be considered.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs, read on. This motion is not timely, as the bill is on the Order of 3rd Reading. Senate Rule 7-15, the one that you quoted, permits a motion to reconsider a vote on the adoption of an amendment only when the bill is on the Order of 2nd Reading. The amendment was adopted yesterday, and the bill advanced to the Order of 3rd Reading; therefore, this motion is out of order. Senator Dudycz, proceed. Senator Jacobs, yes.

SENATOR JACOBS:

I concur with that -- that ruling; however, I have asked to suspend those rules, which is applicable under Chapter 25, Rule 1 of Robert's Rules, that makes the motion to suspend having

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precedence over the motion.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs, we are not on the -- we are now on the Order of 3rd Reading, not on the Order of Motions. Senator Dudycz. Senator Jacobs, yes.

SENATOR JACOBS:

I think -- I think the point is being missed. I am asking that that rule be suspended, and all I'm asking for is to vote on that. If you've got the thirty votes to override the -- the ruling, then so be it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Well, let me reiterate again, Senator Jacobs: we are not on the Order of Motions. We are on the Order of 3rd Reading. Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. In most cases, you know, the sponsor does have control over his legislation, and I -- I would have been more than happy to speak with Senator Jacobs about any motion that he would have previously entered, but no indication was made to me by either him or a Member of his staff that -- that he had filed this. He has made no communication at all to me, and I'd just like to proceed with the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Please proceed.

SENATOR DUDYCZ:

House Bill 1643 amends the State Police Act. It requires, rather than permits, back pay to officers - police officers - who are found not guilty in a suspension hearing or who serve a suspension greater than the State Police Merit Board prescribed. It requires seven-percent interest payment on the back pay, and it permits the Board to order costs and attorneys' fees for frivolous legislation <sic>. This legislation was modeled after almost

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identical language contained in the Illinois Labor -- Public Labor Relations Act, which requires the Illinois Public Labor Relations Board to award interest on back pay and authorizes the impositions of sanctions in the discretion of the Board. It was -- this bill was prompted -- or at the request of the Fraternal Order of Police, the Illinois Police Association, and the State Troopers do support it, and I would seek your affirmative support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. On a point of parliamentary inquiry, if I may.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR CARROLL:

Thank you, Mr. President. Under Robert's Rules, Senator Jacobs' motion is in order and takes precedence over any other business. It's one of the precedented motions, and I would refer you again to -- within Section 25 of Robert's, and our rules of course say Robert's applies when our rules are silent, and our rules are silent. This is specifically a precedented motion that takes precedence over the -- the hearing on the bill, and I think we have to first dispose of Senator Denny Jacobs' motion - you're giving me signals - before we can go to the other order of business.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For the last time, we are on the Order of 3rd Reading, and I have ruled already. If you want to challenge the ruling, fine, but we are on the Order of 3rd Reading. Yes. Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President. It's just -- I am suggesting to the Parliamentarian that this is a precedented motion. Senator

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Jacobs did say he was appealing your ruling, which I thought would be unnecessary because...

PRESIDING OFFICER: (SENATOR DeANGELIS)

I did not hear that.

SENATOR CARROLL:

...because it is a precedented motion, and therefore, should automatically happen.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

...(microphone cutoff)...President, I -- I was trying to get your attention to appeal the ruling of the Chair, and I ask for a motion to -- to appeal...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Okay. The question is...

SENATOR JACOBS:

...the ruling of the Chair, which is always in order.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the rule, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. There are 32 Ayes, 25 Nays, none voting Present. Having received -- failed to receive the necessary three-fifths negative votes, the appeal fails, and the ruling of the Chair is sustained. Senator Dudycz, back to 1643. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Also on the bill, we -- we adopt Senate Floor Amendment No. 2, which I would defer to Senator Petka to discuss the merits of that portion of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

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SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 2, which was adopted yesterday on the House <sic> Floor, basically is the embodiment of Senate Bill 102, with the exception that the Department of Revenue is explicitly excluded, as opposed to legislative intent that we had on 102 and we sent out of here. The bill was extensively debated yesterday and -- or this amendment was extensively debated yesterday, and I would simply move for its adoption.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

...(microphone cutoff)...Our rules - Senate Rules - which I have in my hand, 7-13 clearly states that a motion on a different subject -- "No motion or other legislative measure on a subject different from that under consideration shall be admitted under" (the) "color of" (an) "amendment". Now I ascertain, Mr. President, that there are many of us who support the State Police and their back pay; however, this amendment is being offered against our rules, which is 7-13 under the color of amendment, because it has absolutely nothing to do with the State Police at all; it has absolutely nothing to do with the subject at hand. And according to Rule 7-13, we cannot do this.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon. Senator Hendon, let me remind you, we are on 3rd Reading. If you had wished to make that point, it should have been made when the amendment was there for adoption. We are on 3rd Reading. That amendment was adopted. It is part of this bill. Senator Hendon.

SENATOR HENDON:

Your ruling, Mr. President, on the previous question was perhaps correct, because it says clearly in our rules that that



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has to take place on 2nd Reading. However, if you would read the rules and take a moment to see it, you will see that there is no such provision when it comes to this particular motion on a different subject. There is no 2nd Reading stipulation whatsoever on this question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon, that issue should have been discussed on 2nd Reading. Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I wanted to rise in support of House Bill 1643, because I think it's a good bill, and Senator Dudycz has done a good job of bringing it forth to 3rd Reading out of the Committee on Government Operations. However, the part that makes this bill not such a good bill is the amendment that Senator Petka has decided to attach to the bill. And unfortunately, I think it's quite clear that the sole intent of that amendment is to help undo CUB, because the Citizens Utility Board, the entity created by the Legislature to advocate on behalf of tax -- ratepayers, is doing a pretty good job. And what we're seeking to do is to deny them that twenty percent of their budget which they generate through the mailings, that they have the privilege of doing, which was granted to them by the General Assembly. So, Senator Dudycz, I'm forced to vote Present on this bill, although I recognize that it is a good bill, because of what I think is a bad amendment that Senator Petka has managed to successfully attach to this good bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon, for the last time, hopefully.

SENATOR HENDON:

Well, Mr. President, I would have been finished, but you won't let me finish. You -- I'm just asking you to show me in our rules where it says that this particular question has to take place on

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2nd Reading, as you can point out how Senator Jacobs' motion had to take place on 2nd Reading, and you were correct. Now show me where this one has to take place on 2nd Reading in our rules, because I cannot find it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon, if you wish to have challenged that amendment, you should have done it when it was being adopted. The amendment was adopted. We're on 3rd Reading. Senator Dudycz, to close.

SENATOR DUDYCYZ:

Thank you, Mr. President. I would just seek your affirmative support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On that question, is -- just a minute. Just a minute. Just a minute. Senator Welch, your light was on.

SENATOR WELCH:

...(microphone cutoff)...the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All right. Go ahead. Quick.

SENATOR WELCH:

I have no parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DeANGELIS)

God bless you.

SENATOR WELCH:

I just wanted to speak on the bill - specifically on the amendment. What this amendment does is make a good bill a bad bill. Very seldom do we see a bill that is rolling through here where the issue of germaneness is abused to put on an amendment that is similar to this. Senator Dudycz, I'm speaking to the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz...

SENATOR WELCH:

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I'm not raising a parliamentary or other inquiry.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz, for what reason do you arise?

SENATOR DUDYCZ:

Mr. President, I closed, and I would just seek the vote -- a roll call vote on...

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair -- the Chair allowed Senator Welch 'cause he didn't see his light. Go ahead. Quickly, Senator Welch.

SENATOR WELCH:

Well, I don't blame Senator Dudycz for trying to shut me off. It's such a ridiculous attempt on the part of his side of the aisle to add a terrible amendment to a good bill. I would -- I would try to shut me off too, Senator Dudycz, because I wouldn't want people to see what I did either. Because what you've done is combined an abuse of the process with special interest legislation and rolled them into one to try to pass it over to the House. The only justification for this amendment to eliminate the Citizens Utility Board is to reward campaign contributors. I can see -- no other justification. We've had so many pious statements within the last two hours from this -- the other side of the aisle about how we're going to save taxpayers' and homeowners' money; we've got to have caps because they're spending money like wildfire. And then the one group that keeps utility rates low, you have an amendment to eliminate them. And it seems to me that it's contradictory, totally hypocritical, and the only justification is that this special interest group that you're rewarding - the utility companies - seems to be in favor of your side of the aisle more than ours. There really is no other justification: to allow a group that has fought to lower utility rates - in the last two years has helped win rebates for people of over six hundred million dollars - and then to come up with an amendment like this,

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I think, is -- is absurd. I think we all should be voting No on this.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz, to finish his close. Senator Hendon, we do not allow filibusters in the Senate. Okay? If you wanted to appeal the ruling of the Chair, you should have appealed it at -- the first time when I told you that we were on 3rd Reading. Took you a hell of a long time to do it, I'll tell you. Senator Dudycz just closed. On that question -- on that question -- the question is, shall House Bill 1643 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Take the record. On that question, there are 32 Ayes, 20 Nays, 6 voting Present. House Bill 1643, having received the required constitutional majority, is declared passed. 1695. Senator Molaro? Take it out of the record. House Bill 1716. Senator Collins? 1716? Read the bill, Mr. Secretary. Senator Collins.

SENATOR COLLINS:

Yes. I have an amendment and -- that has been filed, but I haven't seen whether or not the Rules Committee has -- it's a technical...

PRESIDING OFFICER: (SENATOR DeANGELIS)

All right. Take it out of the record. House Bill 1718. Senator Geo-Karis. Out of the record. 1739 - the Chair would request that we come back to that when -- when the Chair has left. House Bill 1746. Senator Cullerton. Senator Barkhausen, I understand you've taken over that bill? Okay. Senator Barkhausen, on House Bill 1746. Do you wish this bill recalled, Senator Barkhausen? Senator Barkhausen. Are there any amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Barkhausen.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, been asked to inquire as to whether the bill was brought back to 2nd Reading.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen seeks leave of the Body to return House Bill 1746 to the Order of 2nd Reading for the purpose of an amendment. Hearing of no objection, leave is granted. On the Order of 2nd Reading is House Bill 1746. Mr. Secretary, any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen, explain your amendment.

SENATOR BARKHAUSEN:

Thank you, Mr. President. Amendment No. 1 to House Bill 1746 adds some individuals to this Task Force on Ownership Succession and Employee Ownership that the bill would create. The idea behind the amendment is to add individuals to this Task Force that have specific expertise in the subject matter of business succession. And I move its adoption.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All those in favor of Senate Amendment No. 1, signify by saying Aye. Opposed, say Nay. The amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. Senator Dudycz, are you ready to return to House Bill 1642? Read the bill, Mr. Secretary. 1642. Leave is granted to return House Bill...

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SECRETARY HARRY:

House Bill 1642.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYCYZ:

Mr. President, with my trusted expert beside me, I'm ready to proceed with House Bill 1642, which amends the State Police Act to make any statement or admission obtained during the course of any hearing, interrogation or examination not conducted in accordance with the State Police Act inadmissible in any administrative hearing before the State Police Merit Board. Originally it included any court of law. That provision was removed. And the other part deals with the Chicago City Clerk situation, which would provide that any elected public official who pleads guilty to a criminal offense under State or federal law must resign, effective at the time the plea agreement is made.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall House Bill 1642 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, none voting Nay, none voting Present. House Bill 1642, having received the required constitutional majority, is declared passed. House Bill 1778. Senator Hawkinson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1778.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 1778 is the annual library system per capita grant formula. We have amended it here in the Senate to increase the level of funding consistent with the Live and Learn funding level. Be happy to answer any questions; otherwise, I would ask for your favorable action on House Bill 1778, as amended.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 1778 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. House Bill 1778, having received the required constitutional majority, is declared passed. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR BURZYNSKI:

Thank you. In the gallery today, visiting from the -- one of the finest universities in the State of Illinois, we have several members from the Student Association from Northern Illinois University. I'd like for them to be welcomed to the Senate Chambers, please. In the gallery back here.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will the students please rise and be recognized? House Bill 1787. Senator Barkhausen? Take it out of the record. House Bill 1821. Senator Klemm? Out of the record. House Bill 1886. Senator Topinka? Out of the record. House Bill 1902. Senator

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McCracken? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1902.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you. This would amend the Act to require clerks - generally in the northeastern part of the State, the metro area - to annually budget for an independent audit. Apparently now, the clerks, because of revenue-sharing concerns, are subjected to multiple audits. This -- this would require that a single audit be used for that purpose, as well as auditing the clerk's office generally. Senator Dunn asked that Will County be exempted. We adopted that amendment yesterday. I move its passage.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Stern.

SENATOR STERN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor said he will.

SENATOR STERN:

I just want to see if I understand correctly. They budget for the audit in the circuit clerk's budget -- does that mean that they - the circuit clerk - selects the auditor?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Yes, they -- they would select the auditor for their audit.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Stern.



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SENATOR STERN:

A number of years ago, before any of you young people were born, we had a little scandal in the Circuit Clerk's Office in Lake County, and I would like to suggest that it isn't just that experience, but simple common sense, that says that you do not hire the person who goes over your records and approves them; that this should be done by the county board. The county board should select the auditor and should see to it that this is a totally objective audit. I think this is inappropriate legislation, Senator.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. I was just discussing with the sponsor some of the concerns we have in some of the collar counties. I do tend to believe that the county board should -- should be the ones who have the audit - to be conducted by an independent accounting firm if they wish; not the department agency itself. I think it's just a simple case of checks and balances. If we were to do this, then obviously the next request would be the county sheriff will have their own people audit their books, and then the county clerk and every county elected official, and I think we went through this at one time. So what we did years and years ago was consolidate it. We do have a county audit. It seems that if we're looking at costs, the county -- when I was county board chairman, we got a better deal of a price of auditing the entire county books than having separate contracts of various accounting firms doing individual agencies or departments. So I think as -- as an economy measure, the independent certified accounting firm which we, as a county, used to go out for bid, also, to do a contract for two or three years to do the auditing, is still appropriate. So to look at the

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circuit clerks of -- of some of the counties to be separate from that, I think, would be an error in judgment. So therefore, I must stand in opposition to this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen. For once, I can agree with Klemm.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will. Senator McCracken.

SENATOR HASARA:

Senator, could you enlighten us as to how this came about?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. The clerks in the metro area around Chicago, as well as the Cook County Clerk -- or Circuit Clerk, requested this legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Is it a correct statement to say that they felt that they needed an audit in addition to the regular county audit? Is that not why they requested this?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR HASARA:

Or am I wrong in my interpretation?

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SENATOR McCracken:

In Cook County, according to the bill, there'd be the allowance that the county board's auditor would -- would suffice. In the other counties, that is not the case. The purpose behind this bill is -- because of revenue-sharing with municipalities, they are subjected to multiple audits which are initiated by these towns, to confirm how much money should be distributed. The purpose of this is to limit and make used for all purposes a single audit.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Okay. Well, it seems to -- I stand in support of this bill. In reaction to the argument that you have the clerk hiring the auditor, I mean, I think it's the same thing; the county board hires the auditor that audits the county board's budget. I don't think it's so unusual to have this happen. And it is true that the circuit clerk has so many more fees and funds than the other county officials do that it's -- when I was a circuit clerk, it was always a big concern, if you're an ethical circuit clerk, that the county audit may miss something, because the one in Sangamon County was all -- was not all that thorough. And so, you know, I'm sure that's why the clerks asked for this. So, I -- I just don't think it's that unusual to have the unit of government that's being audited hire the auditing firm. I think it happens all the time, and would assume it would be let out for bid. This is an elected official that's open to run for election and be criticized for doing anything unethical. And so, I think it makes a lot of sense, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. Before I begin on this issue, I just wanted to remind the Chair - I'm sure I don't have to - about the proper decorum and the use of profanity toward any Senator in this Chamber, because no matter how upset I've gotten over an issue, I've never done that. I would never do it to you, and I respectfully request that you do not do it to me. Violate my -- my rights, if you must, but please don't do that, because not only is it wrong, but it would also hurt our friendship. Will the speaker yield for a question, please?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Speaker said that he will.

SENATOR HENDON:

Senator McCracken, under this bill, if a municipality feels that they have gotten shortchanged by the county, they now will lose their right to get an independent audit. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

That is precisely correct.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Do you feel that it is right to take away the rights of a municipality to appeal an audit that they feel shortchanges their particular town? And this is across the State, I might add.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

The bill is not across the State. The bill applies to the northeastern counties only, with the exception of Will County. But let me say this, as -- as to the policy issue you raise: I would not characterize the issue the way you have characterized

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it, as the right of a municipality. What I would say is this: The municipality has a right to receive the money due it under the law. Whether it has the right to compel the clerk's office to undergo independent audits, which in the case of Cook County and the collar counties and the metro counties generally is potentially very numerous and repetitive, I would say public policy dictates that as long as the audit is an independent audit, a certified audit conducted by a licensed CPA, one audit is enough.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

In committee, we also discussed an amendment that was very controversial. It was, in fact, a tax increase. Now is this tax increase amendment currently part of HB1902?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR McCracken:

My zeal was held in check by the committee Members, and we did not adopt that amendment. It's not part of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Well, I'm -- I'm glad to hear that, Senator, because there was a concern in committee, and I -- I speak against this bill because I think that people have a right, if they feel that they've been shortchanged, to -- to get an audit, an independent audit. I also think that this legislation opens the door for abuse, as Senator Grace Mary Stern pointed out happened one time ago. So I -- I think this is bad government, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR GEO-KARIS:

I noted by committee amendment that the County of Will was left out, and yet you include the County of Lake, and the bill requires DuPage, Lake, McHenry, Boone, Winnebago, Kane, Kendall, Grundy, DeKalb and LaSalle Counties to annually budget for an audit. Why was Will County left out, and why was my county included?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator McCracken.

SENATOR MCCRACKEN:

Senator Dunn got to me early. No one else asked.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I'm going to get to you now. Mr. President and Ladies and Gentlemen of the Senate, I don't think we need this legislation. And particularly, when all of a sudden all the rest of us have to account, and what about the rest of the State? It's not fair. And so now, much as I love the sponsor of this famous bill, I am speaking against it, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Stern.

SENATOR STERN:

I apologize for rising twice on this subject, but I think it's important to note - with the greatest confidence in circuit clerks, who are the largest fee-earning office in any county -- to take some exception to Senator Hasara's comment. As I understand this bill - and feel free to correct me, Mr. Sponsor - only the

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Cook County Circuit Clerk will be using the auditor hired by the county board. Think a little bit about what this means: that your -- all your local circuit clerks in these various counties are going to be having that bit, if you like pin-striped patronage - polyester patronage, whatever you like - to hire an auditor to rubber-stamp the procedures being used in that office. I think this is wrong, and I think it's not the kind of thing this Body should be permitting. I really urge you to vote No. Senator Geo-Karis remembers the situation that I referred to in Lake County. Those things can happen. They may not happen often, and it does not cast aspersions on the other circuit clerks. This is not the way this Body should be moving. I urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SENATOR McCracken:

Well, since it's not a controversial matter, I'll keep my remarks short. All counties may enter into an intergovernmental agreement with the circuit clerk in that county for the circuit clerk to use the same auditor as the county uses. It is not a requirement, other than in Cook County, where, if the county board chooses to, it can require the circuit clerk to use the same auditor. In addition, the county boards in this bill are allowed to require a second audit if, in its discretion, it believes it should do so. So there are some safeguards here. Now, people have come up and asked me: "Why is it organized along these lines? Why is this geography the way it is?" The clerks themselves are organized geographically, and they have a group comprised of all of the northeastern Illinois counties, which has requested this legislation. Now, I submit to you, there's a rational public policy for it generally, and that that is the size and complexity of those offices generally. So I don't think this is bad public policy. I don't think it's inappropriate that it be

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limited to the metro area and northeastern Illinois. And as I said, I don't believe a municipality has a right to force other audits. They have the right to the money that is due them. The question is: What will provide the basis for that determination? Will the clerks be forced to a multiplicity of audits and all the confusion and cost that entails, to them, let alone of paying for the audit by the municipality? It ought to be one audit. And I don't think there's anything wrong with -- with the body being audited making that request. That's how it's done now, commonly.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On that question, shall House Bill 1902 pass. Those in favor, vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 28 Nays, 1 voting Present. House Bill 1902, having failed to receive the constitutional majority required, is declared failed. House Bill 1957. No. House Bill 1985. Senator Watson. Out of the record. House Bill 2053. Senator Molaro? Out of the record. House Bill 2062. Senator Raica. Out of the record. House Bill 2082. Senator Weaver. Out of the record. House Bill 2097. Senator Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill contains two aspects. The first is that it amends the Voluntary Payroll Deduction Act and requires soliciting organizations to disclose to State employees its receipts from all sources, rather than receipts from



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State employees. The second aspect of the bill deals with a local government when they elect to conduct a charitable payroll deduction campaign. They shall not be allowed to discriminate against any qualified organization, their member agencies or the United Fund. This second aspect is supported by the American Cancer Society, the American Diabetes Association, American Heart and Lung Association, the Arthritis Foundation, Association for Retarded Citizens, the Easter Seal Society of Illinois, the March of Dimes, the Mental Health Association of Illinois, Muscular Dystrophy Association and the United Cerebral Palsy Foundation of Illinois.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall House Bill 2097 pass. Those in favor, 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 55 Ayes, none voting Nay, none voting Present. House Bill 2097, having received the required constitutional majority, is declared passed. 2109. Senator Welch. Senator Welch? Out of the record. Senate -- 2121. Senator Palmer? Out of the record. 2122. Out of the record. 2123. Senator Philip? Out of the record. House Bill 2163, Senator Berman? Read the bill.

SECRETARY HARRY:

House Bill 2163.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is aimed at protecting senior citizens who are ripped off by organizations trying to sell them living trust documents.

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The bill has been amended several times to address the concerns of the banking industry, the savings and loans, and the Credit Union League. I believe it is an agreed bill, as it now stands. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? The question, then, is -- shall House Bill 2163 pass. Yes. Senator Berman.

SENATOR BERMAN:

Thank you. And just in closing, I want to state, at the request of the Commissioner of Banks and Trust Companies, that Senate Amendment No. 1, which was adopted to this bill, is intended to clarify that the bill is not directed at the day-to-day activities of financial institutions and trust companies, which are closely supervised by government regulators. Thank you very much, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The record will -- so reflect. The question is, shall House Bill 2163 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, none voting Nay, 1 voting Present. House Bill 2163, having received the required constitutional majority, is declared passed. 2227. Senator Fawell? Senator Fawell? 2227? Take it out of the record. 2231. Senator Hasara. Senator Hasara? Out of the record. 2244 -- 2242. Senator Topinka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2242.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

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SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, by virtue of this bill and its -- its recently put-on amendment, we allow the Department of Public Aid to develop and implement by rule an electronic help <sic> information system which would electronically process claims and store Medicare and Medicaid patient records, medical histories and billing information by December 31st, 1994. It also provides that the Department of Public Aid would issue health cards to Medicare and Medicaid recipients for assessing <sic> the system. It is kind of a new concept. The Department of Public Aid would like to try it. They are in support of the bill, and there is no one I know of in opposition. And I would seek, you know, a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question... sponsor will yield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator, is this just a pilot project, or is this covering all recipients?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

SENATOR TOPINKA:

Yes. Thank you. No, it would be for all Medicaid recipients, and it would be the billing history for all. It would be a new system, and apparently they're looking at what has occurred in other states. It's a cost-saver, and it would keep more adequate and accurate records that would be, apparently, available at one's fingertips. So that's where we're coming from on this.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch, are you satisfied with that answer?

SENATOR WELCH:

I had another question, Senator.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Can you tell me what the cost would be to change over this system to the -- to the electronic system?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

SENATOR TOPINKA:

First of all, our amendment made it permissive. So it's dependent upon when, indeed, the Department gets it -- you know, puts its budget in order on this matter. They also have said that they feel that they can absorb this transition onto an electronic system.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, my analysis says that the Department is requesting 1.6 million to institute a pilot program, and you're saying this isn't going to be a pilot program; this is going to be everybody receiving public aid, and yet, it's not going to cost any money. I'm confused here.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

SENATOR TOPINKA:

We have a fiscal note from the Department that says they can do it within their budget. They have never, to my knowledge, come up with a figure of 1.6 million - is, I guess, what you're coming up with. The highest we've seen was five hundred thousand

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dollars, basically, they felt they could bring it in for. But they do feel they can absorb it in their budget. We also have made this permissive. So as a result, there's nothing that says they have to do it now, next year, five years from now. It's just when they're ready to do it and have the available money. Dependent upon our appropriation system, they go forward or not. ... (microphone cutoff)... pilot project.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

We're going to check on that 1.6 million-dollar request. But I had another question, Senator. Just yesterday, Senator O'Malley proposed an amendment to a bill which required various agencies to determine the out-year savings projected from legislation that we passed. And in the spirit of Senator O'Malley's amendment, could you tell us how much money we're going to save in the future by doing this?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

SENATOR TOPINKA:

At this point, I don't think we can project that, but in other states, they feel that -- that it has been helpful, and because it does get rid of paperwork, that indeed it would have a cost-savings factor to it. I just don't have any official amount of money from them that I could share with you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Senator, our analysis still states that it will cost 1.6 million this year, and there's a request for that amount by the Department of Public Aid. That's in another bill, so maybe we can look into it later, but that's what we show.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...I understand that the 1.6 million dollars was requested by the Department of Public Aid. Can you tell us precisely where that appropriation is at the moment?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

SENATOR TOPINKA:

No, sir, I'm not. I'm not on the Appropriations Committee, and I'm not handling that. This is strictly authorizing legislation, and again I would note, it is permissive.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor...

SENATOR CULLERTON:

On -- I'm reading Amendment No. 1, and I'm just wondering, when privileges are terminated for economic factors, would this bill give a doctor an action for restraint in trade?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Topinka.

SENATOR TOPINKA:

Amendment No. 1 was never adopted, sir.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further questions? Any discussion? Senator Cullerton, did you -- did you want to make a comment? Any further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Well, I think anything that we can do to tighten up the Public

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Aid Department, in terms of where our Medicaid dollars are going, who's getting them, where and how and why, because we can do it electronically and bring this up to the 21st century, hopefully saving money in the -- in the context of this, as has apparently been done in other states. I think it's a good move. We're going to have to get to it eventually, and if Public Aid is ready to start that process now or in the immediate future, I think we should give them that authority should they wish. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 2242 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. House Bill 2242, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR MAITLAND)

...(microphone cutoff)...Bill 2245. Out of the record. House Bill 2265. Senator Watson. Out of the record. House Bill 2282. Senator Watson. Out of the record. House Bill 2307. Senator Fitzgerald. House Bill 2375. Senator Raica. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2375.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2375 makes numerous changes, substantive changes, to the Boat Registration and Safety Act. First thing it does is

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provides that it is unlawful to flee or attempt to elude an officer of the law with a watercraft. Allows all watercraft preparing for an approved regatta or preparing for a race to be exempt from registration. This provision was currently restricted to only motorboats. It increases penalties for violating watercraft titling laws. Modifies the lighting requirements. It designates that a vessel can display and use sirens in either blue light or red. It prohibits dumping of marine head on waters of Illinois. Provides that a watercraft operating on the waters of Lake Michigan, accessible, working, visible distress signals, and it also prohibits the use of personal watercraft and specialty prop craft between the hours of sunset and sunrise. And I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Raica, you wish to close, sir?

SENATOR RAICA:

I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2375 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 55 Ayes, 1 Nay, no Members voting Present. House Bill 2375, having received the required constitutional majority, is declared passed. House Bill 2444. Senator Philip. Out of the record. Earlier, leave was granted to return to House Bill 1739. Senator DeAngelis. Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1739.

(Secretary reads title of bill)

3rd Reading of the bill.



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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

First of all, on a point of personal privilege. Speaking from the Floor, it was suggested that during the course of sitting in the Chair, that I used a profanity. And sometimes one man's profanity is another man's vernacular, or slang. To the extent that it was interpreted that way and taken that way, I apologize, but there was never any profanity directed at any person. The so-called profanity that was suggested was in terms of describing the activity, not as a personal attack. But if that person feels affronted by that, I do apologize. However, I want to point out that there was no intent whatsoever to do that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, you wish to proceed? You've been recognized on 1739.

SENATOR DeANGELIS:

Okay.

PRESIDING OFFICER: (SENATOR MAITLAND)

I'm -- I'm sorry. Senator LaPaille, for what purpose do you arise, sir?

SENATOR LaPAILLE:

Yes. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR LaPAILLE:

Senator DeAngelis, in his explanation -- many people don't know that Senator DeAngelis just returned from Italy where he did take a course in the "Italian Parliament School of Etiquette", and that's basically the interchange that occurred. And I understand it, now we want to let you -- all of you understand it.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

On this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

On this bill. Senator DeAngelis, you -- you may proceed.  
Senator DeAngelis, your bill.

SENATOR DeANGELIS:

House Bill 1739 is a bill that was sent over to us by -- from DCCA, and it -- it permits the use of financial intermediaries for the State to leverage public monies against private investments while reducing administrative overhead. What this basically does is it sets up a loan program for those companies who are in need of equity or who are in need of loans, and blends them in with the private sector. Senator Klemm put an amendment on which took out what he thought was objectionable, and that is dealing with bank holding companies. And a second amendment was offered to make it an immediate effective date. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Here's another command, another command to DCCA to do something that they apparently didn't have the innovative or creative idea to come and ask us some -- a long time ago. We are now building up DCCA to -- again, to be one of the biggest bureaucracies in State government. We've had a number of bills that have commanded them to do this and do that, and create this task force and that force, and study this and do that. And here's another one of those commands that we're giving to DCCA. Next year they'll probably be in for the sixty-five million dollars that we've cut out of their budget for the last two years.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DeANGELIS:

Well, this bill was debated in committee, and, Senator Demuzio, you were as wrong in your statements in committee as you are right now. This does not require any additional funding, does not, in fact, really expand. What it does, it allows the movement of money in a little different area. I urge a favorable roll call on this vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1739 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 58 Ayes, no Nays, no Members voting Present. House Bill 1739, having received the required constitutional majority, is declared passed. Resolutions, Mr. Secretary. Top of page 17. Secretary's Desk, Resolutions. Senate Resolution 138. Senator Dudycz. Out of the record. Senate Resolution 232. Senator O'Malley. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Resolution 232, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Resolution 232 urges the State <sic> Revenue Committee to work with public and private groups to conduct a comprehensive study of the State's Tax system and to submit recommendations for change to the Illinois General Assembly not later than December 1, 1993. I believe an objective and comprehensive study will provide the factual information we need to help us overhaul our tax system, to

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the extent it's necessary, to make it more simplified, fair, efficient, reliable and responsive to the needs of Illinois citizens.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much. I -- I have to chuckle to myself on this one. This commands, by legislation, the State <sic> Revenue Committee to conduct a comprehensive study of the Illinois Tax system and to submit that recommendation for change back to us by December the 1st of 1993. Senator O'Malley, why don't you just tap your seatmate on the shoulder over there and ask him, as the Chairman of the Revenue Committee -- if he would, indeed, have a task force to study taxes in Illinois and use whatever staff and whatever we have just to do it without legislation. As a matter of fact, to be honest with you, this will be very costly, and if there's anybody in this State that believes that we in the General Assembly can take an objective and comprehensive study of taxation in Illinois and come up with a -- a good recommendation, is -- is silly. This thing ought to be -- if you're going to do a study, let the Taxpayers' Federation, or somebody who knows something about taxes, do it. Take a look at the Legislative Record. We are the worst people to be doing a study on taxes in Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you -- thank you, Mr. President. I just stand in strong support of this resolution. The -- the -- oh, I don't know -- AARP organization, American Association of Retired Persons, in their May 1993 legislative report, strongly supports a study of this -- of this -- the revenue system. And in a letter that I received from AARP, they also did. So I think this is a very good

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idea. There are a lot of groups around the State waiting for us to make a study and to do something about our property tax system, our tax system, our revenues, and I think this is a good start. If not the Revenue Committee -- if they don't know anything about revenue, we're in big trouble in this Assembly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Malley, you wish to close, sir?

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Thank you for hearing me on this. Let me just briefly respond to Senator Demuzio, if he's -- oh, there he is. I know. This -- you're absolutely right. We can't -- we cannot mandate that this be done, because we're elected officials. We can't mandate that we will work together to do the right thing. But what this resolution does is urge us to do that, and being a Member of the Revenue Committee and knowing those Members who are on it, I strongly believe that we'll work together to do precisely what this resolution calls for. I also would suggest to you that we were to -- we were to work, under the resolution, with public and private sources, and the Taxpayer's Federation indeed is going to be involved. They are strongly -- proponents for this and have made that clear. And I also am very appreciative to have AARP's approval. So again, to the Members of the Senate, I would request your support of this important resolution. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley has moved the adoption of Senate Resolution 232. 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 54 Ayes, no Nays, no Members voting Present. Senate Resolution 232 is adopted. House Joint Resolution 6.

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Senator Lauzen. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 6, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Mr. President, Ladies and Gentlemen of the Senate, House Joint Resolution No. 6 simply urges the United States Food and Drug Administration to expedite the approval of drugs that address women's health problems. I would ask for your support on this resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Lauzen, you wish to close? Senator Lauzen has moved the adoption of Senate <sic> (House) Joint Resolution No. 6. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Joint Resolution No. 13. Senator Ralph Dunn. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 13, offered by Senators Ralph Dunn and Severns.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Members of the Senate, this has created a Library Task Force to study the problem of library finance throughout the State, including public and nonpublic, academic and special libraries. The Task Force will consist of seventeen members: Secretary of State, ex officio State Librarian, who shall chair the force, and then each Legislative Leader shall appoint two legislators, one librarian and one public member with expertise in finance and government. They're to report back to

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the Governor and General Assembly by January 1st, 1995. I'd urge adoption of -- House Joint Resolution 13.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Welch.

SENATOR WELCH:

Thank you. Why don't we just combine this with the Revenue Committee study, and we'll get two for the price of one?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Dunn, you wish to close, sir? Senator Dunn moves the adoption of House Joint Resolution No. 13. Those -- 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 58 Ayes, no Nays, no Members voting Present. House Joint Resolution No. 13 is adopted. House Joint Resolution No. 15. Senator Tom Dunn. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 15, offered by Senator Tom Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This resolution creates the Joint Task Force to study health problems that have afflicted Gulf War veterans. There's no cost involved in this. The membership is comprised of the Director of Public Health, and Veteran Affairs, as well as allowing the "Four Tops" to appoint Members of the General Assembly. I urge a favorable adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Dunn, you wish to close, sir? Senator Dunn, you wish to close?

SENATOR T. DUNN:

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Urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn has moved the adoption of House Joint Resolution No. 15. Those in favor will -- will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Joint Resolution 15 is adopted. Senate Joint Resolution 19. Senator Topinka. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 19, offered by Senator Topinka. The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this resolution would seek to create a special task force to study the future needs of the Chicago Transit Authority and to study the best way to meet those needs. We have had support from the CTA, from the RTA, from the chairman of the RTA, from all of those who would be touched by this. What we're attempting to do is to -- to get some kind of answers on whether or not we should seek the rehabilitation of current threatened lines or the abandonment of current threatened lines with suggestions for replacement of something of equal merit, convenience and location, or any new forms of public transportation or other considerations that -- that might take the place of those things which we might wish to abandon or not reinstate. We do have a reporting deadline. I don't know of anybody in opposition at this point.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Topinka,



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you wish to close?

SENATOR TOPINKA:

Just to seek a favorable roll call, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka moves the adoption of Senate Joint Resolution 19. 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 57 Ayes, no Nays, no Members voting Present. Senate Joint Resolution 19 is adopted. Senate Joint Resolution No. 20. Senator Topinka. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 20, offered by Senator Topinka.

The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, this would create a task force to study the need for legislation to adequately provide for the enforcement of the Pollution Control Board's regulation on diesel emissions. We have sought to try and include all of those players who would -- would be involved in this. We have spoken to the Mid-West Truckers. Apparently they had some initial opposition. They now have no opposition - in fact would like to be represented at the table. What this ultimately does - and I think we can all relate to it - is that many of our constituents consistently object or -- or at least go reticently to have their car engines tested for emissions and so on, and then would question why it is that trucks and buses and all those who use diesel can continue to chug and -- and send out these clouds of smoke, and why them and not me - that type of thing. This seeks to address that issue and to come up with a

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program that is practical, doable, sensible, commercially viable and still gets the job done. To my knowledge, again, no one is in opposition. We've worked with all parties, and I would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Just to seek a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka moves the adoption of Senate Joint Resolution 20. 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 55 Ayes, no Nays, 2 Members voting Present. Senate Joint Resolution 20 is adopted. Senate Joint Resolution 44. Senator Philip. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 44, offered by Senators Philip, Weaver and others.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 44 would create a statewide commission to study the five State funded retirement funds. You know, I've been around here a long time, and anybody who has been around here a long time understands we're underfunded, and we're a little nervous about it, quite frankly. As you know, there's a National Association of Pension Funds. They rate the twelve worst states; they call 'em the "Dirty Dozen". I hate to tell you, but Illinois is the fourth worst out of the fifty states. So this is

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an attempt, quite frankly, to do something about it, to study it. It has a reporting date of July 1, 1994. The Speaker of the House, Mike Madigan, is going to be the House sponsor. I'd be happy to answer any questions. Move the adoption of Senate Joint Resolution 44.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Philip, you wish to close, sir? Senator Philip has moved the adoption of Senate Joint Resolution 44. 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 58 Ayes, no Nays, no Members voting Present. Senate Joint Resolution is adopted -- Senate Joint Resolution 44 is adopted. Senate Joint Resolution 45. Senator Fawell. Out of the record. Senate Joint Resolution 51. Senator del Valle. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 51, offered by Senator del Valle. The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Joint Resolution 51 encourages the Department of Aging and the Department of Rehab Services to seek the advice of advocate groups for the disabled and senior citizens in drafting guidelines for the protection of home health care workers. The guidelines shall include, but not be limited to, hours of employment, wages, health care and other benefits. And the resolution requires the DOA and DORS to submit a report to the Governor and the General Assembly concerning the guidelines on or before January of '94.

PRESIDING OFFICER: (SENATOR MAITLAND)

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55th Legislative Day

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Is there discussion? Is there discussion? Senator del Valle, you wish to close, sir?

SENATOR DEL VALLE:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle -- moves the adoption of Senate Joint Resolution 51. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Joint Resolution 54. Senator Mahar. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 54, offered by Senators Mahar and Fawell.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Joint Resolution 54 urges our Congressional Delegation to lobby Congress and the President to locate the magnetic levitation train test facility site in Illinois. -- For those that don't know, magnetic levitation trains are the premier design worldwide in train travel that will enable people to travel on trains up to three hundred miles an hour. There's two reasons to locate this in Illinois. First of all, the six hundred thousand dollars that it costs to design -- to design the technology by Argonne was paid for by the citizens in Illinois through a State grant. Secondly, whichever state gets the test facility, which is about twenty-five million dollars, will enjoy the corresponding industry which will surround it, to build the -- to build the superstructure, as well as the trains and whatnot. So, this could be a tremendous economic -- positive economic impact to our State, and I would urge adoption of Senate Joint Resolution 54.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is there discussion? Is there discussion? Senator Mahar moves the adoption of Senate Joint Resolution 54. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Woodyard, for what purpose do you arise, sir?

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. I have a congratulatory resolution, Senate Resolution 465, and at this time, I'd like to move for the suspension of the proper rules for immediate consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 465. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator -- Senator Woodyard has moved for the adoption of Senate Resolution 465. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 477, offered by Senator Hall and all Members.

Senate Resolution 478, offered by Senator Topinka.

And Senate Resolution 479, offered by Senator Geo-Karis. They're death and congratulatory resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 480, offered by Senators Shaw, Raica and Jones.

It's substantive.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw, for what purpose do you arise, sir?

SENATOR SHAW:

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Yes. Thank you, Mr. President. I move for immediate -- for the -- suspend the appropriate rule for immediate consideration of Senate Resolution 480.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 480. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Shaw now moves for the adoption of Senate Resolution 480. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. All right. The Senate will stand in recess until the hour of 3 p.m, at which time we will simply read in the Rules Report. There will be no other business to take place at that time. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Thank you, Mr. President. I would request a very quick Republican Caucus in President Pate Philip's office now - right now.

PRESIDING OFFICER: (SENATOR MAITLAND)

That request is in order. Senator Demuzio, what...

SENATOR DEMUZIO:

I -- I didn't hear you. Is Rules still going to meet at 2:30?  
PRESIDING OFFICER: (SENATOR MAITLAND)

That is correct. Further discussion? Senator -- the Senate stands in recess till the hour of 3 p.m.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR WEAVER)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Committee on Agriculture and Conservation - Senate Amendment 1 to House Bill 1854; to the Appropriations Committee - Senate Amendment 3 to House Bill 917, Amendments 3 and 4 to House Bill 1243, Amendments 2, 3, 4 and 5 to House Bill 1244, Amendment 2 to House Bill 1245, Amendments 4, 5, 6 and 7 to House Bill 1246, Amendments 3, 4, 5 and 6 to House Bill 1247, Amendments 2 and 3 to House Bill 1525, Amendment 2 to House Bill 1693, Amendment 2 to House Bill 1721, Amendment 2 to House Bill 1885, and Amendment 1 to House Bill 2203; to the Committee on Education - Senate Amendment 3 to House Bill 701, Amendment 1 to House Bill 1695, and Amendment 3 to House Bill 2062; to the Committee on Environment and Energy - Senate Amendment 1 to House Bill 1163, Amendment 6 to House Bill 1316, Amendment 4 to House Bill 1479, and Amendment 1 to House Bill 1821; to the Executive Committee - Senate Amendments 3, 4 and 5 to House Bill 203, Amendments 3, 4 and 5 to House Bill 1886, and Amendment 2 to House Bill 2123; to the Committee on Insurance, Pensions and Licensed Activities - Senate Amendments 1, 2 and 3 to House Bill 2307; to the Committee on Judiciary - Senate Amendment 1 to House Bill 246, Amendment 1 to House Bill 767, and Amendment 3 to House Bill 935; to the Committee on Local Government and Elections - Senate Amendments 12, 13, 14 and 15 to House Bill 176; to the Committee on State Government Operations and Executive Appointments - Senate Amendment 1 to House Bill 248; and Be Approved for Consideration - Senate Amendment 1 to House Bill 419, Amendment 3 to House Bill 564, Amendment 2 to House Bill 766, Amendment 1 to House Bill 1040, and Senate Amendment 3 to House Bill 1313.

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PRESIDING OFFICER: (SENATOR WEAVER)

Messages.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 90, together with the following amendment, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 to Senate Bill 90.

We have like Messages on Senate Bill 159, with House Amendments 1, 2, 3, 4 and 6; Senate Bill 273, with House Amendment No. 1; Senate Bill 418, with House Amendment No. 1; Senate Bill 614, with House Amendment No. 1; Senate Bill 651, with House Amendments 1 and 2; Senate Bill 714, with House Amendment No. 1; Senate Bill 730, with House Amendment No. 2; Senate Bill 759, with House Amendment No. 1; and Senate Bill 1078, with House Amendment No. 3.

All passed the House, as amended, May 19, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Raica arise?

SENATOR RAICA:

Thank you, Mr. President, for the purpose of a committee announcement, if I may.

PRESIDING OFFICER: (SENATOR WEAVER)

Certainly.

SENATOR RAICA:

Thank you for your courtesy. The Calendar shows the Local Government and Elections Committee meeting tomorrow at 8:30 in Room A-1 of the Stratton. Instead, we will meet at 9:15 - 9:15 in



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A-1 of the Stratton for Local Government. We should be out in five minutes. We only have three amendments. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you. For what purpose does Senator Madigan arise?

SENATOR MADIGAN:

Just for purposes of an announcement, Mr. President. That on the schedule, there -- and we will meet as soon as possible on the Insurance, Pensions and Licensed Activities. It'll be a very brief meeting, and I would assume that we can do that immediately upon recess here, or adjournment.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you -- thank you, Senator. Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I just want to clarify that to anybody that's listening that the Insurance Committee is scheduled to meet at 4 p.m. today. They -- we will meet either at 4 o'clock or immediately upon recess or adjournment, as to whatever our schedule is for the remainder of the day.

PRESIDING OFFICER: (SENATOR WEAVER)

We will be adjourning shortly, Senator Madigan. Senator Molaro, for what purpose do you arise?

SENATOR MOLARO:

Yes, Mr. President, a question of the Chair, please?

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR MOLARO:

When we convened at 3 o'clock, our side of the aisle sometimes doesn't have all their Members; the Republicans are noted for having them, and I was just wondering if there was a party that someone's throwing that the seven or eight of us were not -- we weren't invited to. And I thought...

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PRESIDING OFFICER: (SENATOR WEAVER)

There must be something going on.

SENATOR MOLARO:

Is there anything that you're aware of, Mr. President?

PRESIDING OFFICER: (SENATOR WEAVER)

There must be something going on. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. The Senate Committee on Appropriations will meet at -- meet in Room 212 at 5:30.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Karpziel arise?

SENATOR KARPIEL:

Thank you -- thank you, Mr. President. Simply to announce to all Senators who are within my hearing, that there will be a committee -- Executive Committee at 4 o'clock in Room 212. All those that have amendments in the Executive Committee, please be prompt.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary?

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following corrected report was filed:

Senate Amendments 3, 4 and 5 to House Bill 1886 were

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inadvertently referred to the Executive Committee. They have been referred to the Committee on Judiciary.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolutions 481, 482, 483 and 484, all by Senator Lauzen.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Is there any further business to bring before the Senate? If not, Senator Woodyard moves the Senate adjourn until Thursday, May 20th, at the hour of noon. We stand adjourned.

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