

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

69th Legislative Day

June 29, 1993

PRESIDENT PHILIP:

The hour of ten having arrived, the Senate will please come to order. If the Members will please rise and our friends in the gallery please rise for the prayer. The prayer today will be by Father Spreen, St. Augustine Church, Ashland, Illinois. Father Spreen.

FATHER SPREEN:

(Prayer given by Father Spreen)

PRESIDENT PHILIP:

...(microphone cutoff)...and approval of the Journal. Senator Butler.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, June 23rd; Thursday, June 24th; and Monday June 28th, in the year 1993, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, it is so ordered. WFLD Chicago would -- is requesting permission to film. Also WAND-TV requests permission to videotape for today's proceedings. Is there leave? Leave is granted. Senator Burzynski, for what purpose do you arise?

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR BURZYNSKI:

Thank you. One of our colleagues today is celebrating a birthday. They say that his birthday is equal to his IQ in

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numbers, and I wish that you'd join me in wishing Senator David Syverson a happy birthday. There's cake in the front. Happy birthday, Dave.

PRESIDING OFFICER: (SENATOR WEAVER)

Happy birthday, David. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 57.

Adopted by the House, June 24th, 1993.

We have a like message on House Joint Resolution 58. They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 660, offered by Senator Maitland.

And Senate Resolution 661, offered by Senator Butler. They're both congratulatory.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 662. It's substantive. Offered by Senators del Valle, Palmer and Garcia.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Thank you -- thank you, Mr. President. Thank you, Mr. President. I appreciate very much the fact that the Senate President has filed, I guess, a -- a letter indicating that he has

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withdrawn both motions to reconsider the votes by which House Amendments <sic> 5 and 282 were passed, which means that there is no further action pending on those particular bills. And since they were passed last week, is it now the intention of the -- of the Senate to give those bills to the Senate and make -- to the House, and put those in their possessions this morning?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, sir. Yes. Senator Demuzio.

SENATOR DEMUZIO:

So, the Speaker will, in fact, have those bills in his possession, then, in the House, and they will be for -- for whatever action as of this morning, according to -- according to your current ruling. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

You are correct.

SENATOR DEMUZIO:

Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

On page 9, Secretary's Desk, Non-concurrence, House Bills. Senator Mahar, do you wish to act on House Bill 436? Senator -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Amendment 2 to House Bill 436.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, to explain.

SENATOR MAHAR:

Thank you, Mr. President and Members. I would move to recede from Senate Amendment No. 2, which requires that a permit for a solid waste disposal site within the boundaries of a solid waste disposal district include a statement that the district has reviewed the application and approved the site. The remainder of the bill dealt with the one-stop shopping permits for lawncare

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wash containment areas and also a -- a Committee Amendment No. 1, which is a clarifying amendment. So I would move that we recede from Senate Amendment No. 2 to House Bill 436.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar has moved the Senate recede from Senate Amendment No. 2 to House Bill 436. Is there discussion? If not, the question is, shall the Senate recede from Senate Amendment No. 2 to House Bill 436. This is final action. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does recede from Senate Amendment No. 2 to House Bill 436. And the bill, having received the required constitutional majority, is declared passed. On page 10 of your Calendar, we'll go to the Order of Conference Committee Reports. Is Senator Hawkinson on the Floor? Senator Fawell, are you ready on House Bill 258? Senator Fawell? Mr. Secretary, do you have a file on Conference Committee Report No. -- First Conference Committee Report on House Bill 258?

SECRETARY HARRY:

Conference Committee Report on House Bill 258.

PRESIDING OFFICER: (SENATOR WEAVER)

The Chair recognizes Senator Fawell.

SENATOR FAWELL:

Thank you very much. The Conference Committee Report No. 1 provides that the House concur in Senate Amendment No. 1. In addition, it adds language to the bill, as amended by Senate Amendment No. 1, to clarify provisions of the proposal to pre-screen -- for pre-screening admittance to the State-operated facilities. This is a bill now that AFSCME supports. The Conference Committee Report passed the House 115 to nothing, and I ask for your Aye vote.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 258? Those in -- 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, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 258, and the bill, having received the required constitutional majority, is declared passed. Senator Hawkinson, on House Bill 69? Mr. Secretary, do you...

SECRETARY HARRY:

Conference Committee Report on House Bill 69.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Conference Committee on House Bill 69 deals with the -- the Home Alone situation. This was negotiated for some time between the House version and our version that was originally contained in Senate Bill 246, sponsored by Senator Petka. And I think all parties are in agreement with this version. Basically what we attempted to do -- and the difference between the two versions -- the House had a -- an -- a list of factors dealing with when intent would be established on the desertion issue, and our feeling was that these factors did not create a bright line that would let parents know whether their conduct was or was not criminal. And what we agreed to do was to create a bright line of abandonment for more than twenty-four hours of a child under thirteen, without leaving them with a sitter or someone who was fifteen or older, so that parents wouldn't have to guess at whether they were committing a criminal offense. And then the list of factors we felt more appropriately belonged in the neglect part of the Juvenile Code, and that's

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where they were placed, and we feel the factors are relevant on the issue of neglect. I think this is a good bill at this point. I think it creates a bright line of child abandonment, and it also sets forth factors that ought to be considered in determining it, particularly in the neglect area. And I would ask for your approval of the Conference Committee Report on House Bill 69.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 69? Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 69. And the bill, having received the required constitutional majority, is declared passed. Senator Berman? Mr. Secretary, is there a report on -- House Bill 293?

SECRETARY HARRY:

Conference Committee Report on House Bill 293.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Conference Committee Report on House Bill 293 addresses a number of issues. The two -- or three that are most prominent deals first with the area of municipal tax liens -- municipal -- liens incurred for demolition. Under existing law, these liens become a lien when there is a tax foreclosure sale. These liens must be paid, and what results in that is that many small parcels, because of the cost of the demolition, go unbid, and remain on the tax -- off the tax rolls, without any productive use and no generation of tax money for any of the taxing bodies because of the existence of this lien. This Conference Committee Report has

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been compromised so that as it's presented to us today, it wipes out, at the tax sales, municipal liens under the amount of five thousand dollars only. This County of Cook is exempt from this bill. This is supported by the Downstate Tax Buyers Association and by St. Clair County and other downstate counties that want to get these parcels back on the tax rolls. Another provision in here is the legislative confirmation of agreement entered into between Diamond Star and McLean County regarding litigation over the assessment process, regarding personal and real property. There's a number of other items which I don't think are very controversial. Be glad to respond to any questions, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR KLEMM:

Thank you. I was just curious of why Cook County would be exempt if, in fact, you wished to wipe out any liens under five thousand for all the other municipalities in -- in Illinois. I was just curious why we are doing that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

I personally thought it was a good idea, but the county didn't, and in order to move it along for the other hundred and one counties, we agreed to allow them out. The -- like many other issues, I think down the road they will see that this makes sense, and we'll probably be able to bring them in in a year or two.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

For another inquiry from the sponsor. Do the other counties and the other municipalities now support this provision of taking away their municipal lien, while leaving municipal liens in Cook County intact? Do they now support this Conference Committee Report?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

The bill is supported by the United Counties Council and by the -- by Lake County. It is opposed by the Illinois Municipal League and the DuPage Mayors and Managers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support of this Conference Committee Report. Senator Berman has worked long and hard in trying to reach a reasonable accommodation on an issue that needs to be addressed. I am not totally happy with it, and I told him I would like next year, when we come back, to look at the possibility of including Cook County in this. But I think the five-thousand-dollar level doesn't hurt any municipality. It will allow -- the -- expeditious action to take place so that we can get some of this property moving again. And I -- I think he really would have wanted the bill in a different form, but we could not reach a consensus. I think this is about the best you could do. So I urge the support for this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:



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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR HAWKINSON:

Senator, if -- if the municipality has a lien of something less than five thousand dollars, I'm interested in how they protect that lien under this bill. I understand that the deed would eliminate it, but prior to the deed, when they get the notices, can a lien holder - the municipality - can they redeem the property, pay the taxes, and in effect become the owner of the property, to preserve their lien in advance of the issuance of the tax deed?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Yes, they can -- they could foreclose their lien. Or they can bid their lien in at the time of the sale. So this does not prevent either of those opportunities.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Berman, to close.

SENATOR BERMAN:

Thank you. I didn't mention the Taxpayers' Federation of Illinois supports the bill, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 293. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 6, 2 voting Present. The Senate does adopt the Conference Committee Report on House Bill 293, and the bill, having received the required constitutional majority, is

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declared passed. Senator Karpel, on 317. Out of the record.  
Senator Woodyard? Mr. Secretary.

SECRETARY HARRY:

Second Conference Committee Report on House Bill 596.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. The Second Conference Committee Report on House Bill 596 is in -- the form as it was when it left the Senate. It is the Korean War Veterans' license plate. It does include the fees that had been agreed to in the Senate to support the financial cost of -- of those plates. The fortieth anniversary of the signing of the armistice in Korea occurs next month, and we're quite hopeful that -- that we'll be able to get this Conference Committee to the Governor and get it signed in time for the -- the ceremonies that will be taking place in the State. I would add that this bill -- the Conference Committee, in its present form, has nothing whatsoever to do with the Elvis Presley plate. He left Springfield about a week and a half ago, so -- it does not allude any to the Elvis plate.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 596. Those in -- the Second Conference Committee Report on 596. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the Second Conference Committee Report on House Bill 596. And the bill, having received the required constitutional majority, is declared passed. Mr. Secretary, is there a report on House Bill 837?

SECRETARY HARRY:

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The Conference Committee Report on House Bill 837.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara?

SENATOR HASARA:

Thank you, Mr. President. House Bill 837 contains all the provisions for the court reporters. The new provision in this report relates to salary increases for court reporters. It puts them in line with the other nonjudicial employees of the Supreme Court. The other provisions that we've already voted on deal with continuing ed for court reporters. This has been agreed to by all parties, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussions? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she'll yield.

SENATOR WATSON:

I'm looking through the analysis here and I don't see what salary increase we are giving court reporters. Could you give me that information, Senator?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

In the past, Senator, court reporters were under a different salary schedule than other nonjudicial employees. Their salary increases were the same as judges' cost of living. This brings them in line with all the other employees of the court, which is the same as other State employees.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson?

SENATOR WATSON:

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Yes. Thank you. Then does this put -- does the Supreme Court support this? Okay. That's Doug Bowie and -- and -- okay, very good. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor, Senator Weaver.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she would yield.

SENATOR WELCH:

It's hard to hear over here in the corner, Senator Hasara, so I'm not sure if you covered this, but what is the current salary of full-time court reporters in the State of Illinois? Is there a certain amount, or is there an average amount you could give me?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

I -- I think it depends on, you know, how long they've worked and how many transcriptions they produce.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

The last time we had a bill like this, the average was thirty-nine thousand dollars in salary is -- is what I recall. What you're -- what you're trying to do with this bill is, number one, give them a yearly cost-of-living increase; number two, eliminate a requirement for continuing education; reduce the amount of hours of continuing education from twenty to ten every two years. Who is going to pay for this? Isn't this going to be paid for by the counties or the State, or who's paying?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

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SENATOR HASARA:

Senator, we are not giving them an annual cost of living. We're taking that away from them and putting them under the same pay scale as other State employees. As far as the initial provisions of the bill, which I think we voted on a couple of times already, there was a technical error last year in the continuing ed provision and the original bill corrects that error. So this -- this eliminates their automatic cost-of-living annual increase.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

That is absolutely contrary to the information we have. Our information that it does give them an annual cost-of-living increase, by saying that they are lumped in with other court personnel. These are some of the highest -- highest paid employees in the court system. They get paid more in my county than the elected officials do, even the -- the circuit clerk. They get paid more than the county clerk. They get paid more than anybody in the courthouse, except for the State's attorney, the sheriff and the judges. And yet they have no requirement for a continuing legal education. You're -- you're giving them a salary increase that I haven't seen justified. We're cutting -- we're cutting budgets left and right here. There's over a hundred and twenty million in cuts to the State budget, and yet we're giving these people a cost-of-living increase when their average salary is about thirty-nine thousand a year. And on top of it, they can work outside the job. They can do transcripts and get paid extra for those. I don't understand why -- why we're doing this, myself. Can you explain this cost-of-living -- or this not-cost-of-living increase, but being lumped in with everybody else so they do get a yearly increase?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Senator, several years ago the court reporters came in and the Legislature voted them the same pay increases that we, as legislators and judges, get, which is an annual cost-of-living, based on the cost-of-living index. This bill, in addition to correcting a technical error in their continuing education hours, changes that to put them in the same category as other employees of the Supreme Court. So that they are now no longer in the same category as judges and legislators, but they're in the same category as -- as all other State employees, when it comes to raises. And that's up to us to put in the budget what we give them.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch?

SENATOR WELCH:

Well, Senator Hasara, these individuals are not like other State employees. They have their own retirement system. They have their own formula. They get the best of all worlds, and now we're going to give them a guaranteed living adjustment every year. You know, I got to compliment this group. I've been down here twelve years, and every year these guys come in for a pay raise - every single year. It's just absolutely incredible to me the benefits that individuals get in this profession. It's absolutely beyond the -- the amount of time put in, the amount of study put in. It's -- it's a absolutely incredible profession. I would urge everybody to get into this when you get out of the Legislature. It's the best-paying profession you can find anywhere, and I think that we should make all of ourselves court reporters when we get out of here.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator LaPaille.

SENATOR LaPAILLE:

Yes, Mr. President. I stand in strong support of this legislation by Senator Hasara. This has been a long, continuing issue of rights of -- of shorthand reporters and court reporters. Year after year, they have come before us to settle problems between the courts and their profession. This year, through the leadership of Senator Hasara, the Supreme Court and Justice Ben Miller sat down with the -- with the shorthand reporters and negotiated an agreement. We should not stand in judgment of the Supreme Court in their own budget. If they feel that this type of increase is what they can live with, we will still have control over the appropriation process. So if the money's not there, they're not going to get a pay raise every year or a COLA every year. So we still have the final say. I would say that Chief Justice Ben Miller did a fine job in negotiating this, and that we should all support House Bill 837.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Hasara, to close.

SENATOR HASARA:

I thank Senator LaPaille. And I would just say I feel that the -- this provision in the Conference Committee actually gives the Legislature more control, rather than less control, over the salaries of court reporters. And it has been a negotiated bill, and all the parties have agreed. I will -- I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 837. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 8, none voting Present. The Senate does

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adopt the Conference Committee Report on House Bill 837. And the bill, having received the required constitutional majority, is declared passed. Senator Cullerton on the Floor? Senator Cullerton on the Floor? Senator Mahar, on 1163? Mr. Secretary?

SECRETARY HARRY:

A Conference Committee Report on House Bill 1163.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. First Conference Committee Report on House Bill 1163 contains the following: Requires the Community Water Supply Testing Council and the IEPA to set fees for the pre-'86 and post-1986 water quality testing of community water supplies. Communities are still required to have their water supply tested, but may opt to test their own water quality or to have their water tested by a private laboratory. All fees collected under this program are to be deposited in the Community Water Supply Laboratory Fund and may not be used for any other purposes. It also expands the Community Water Supply Testing Council. Secondly, it provides for the revenue -- for the revenues or costs from sales or purchases of emissions allowances to flow through the fuel adjustment clause. The fuel adjustment clause fluctuates, depending on the cost of the fuel which is used to generate electricity. Revenues generated from the selling of the emission allowances would thus be reflected immediately in the utility bills, rather than waiting for a change in the rate base. Thirdly, it provides that nothing in the Prohibition Section of the Air Pollution Title in the Environmental Protection Act shall prohibit the burning of landscape waste for agricultural, habitat management, or fire -- firefighter training purposes. The burning of landscape waste by production nurseries is considered burning for agricultural purposes. And finally, incorporates the



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provision of Senate Amendment No. 1, which makes a technical correction in the sewer construction permit fee, to ensure that sewers constructed with a design population of a hundred are required to pay the fee. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER):

Is there discussion? If not, the question is... Excuse me, Senator Welch.

SENATOR WELCH:

I had a -- I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Mahar, this allows the Commerce Commission to authorize a rate increase - a utility rate increase - based on expenditures from the sale of allowances created under the Clear Act Amendment. When we did this -- this allows for options to be purchased to pollute. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

So, then, if -- if Commonwealth Edison, for instance, sells -- or buys options for the right to pollute and they lose money on them -- let's say they speculate on buying, you know, a thousand options to pollute five thousand tons a year - they buy a thousand options to do that - and the price goes down on the open market. The price of that option actually declines, just like a stock declines, and they sell those options to another company - the right-to-pollute option, they sell that - and they lose five

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million dollars, for instance. Under this bill, they can go to the Commerce Commission and increase utility rates by five million dollars, because they lost money on their options to pollute the air?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The bill says that the Commission may also authorize the increase or decrease of rates and charges based upon the expenditure or revenues resulting from the purchase or sale of emission allowances.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

That's -- that's exactly the point. What we've done is we've created the right, at the bequest of these utility companies, to sell the right to pollute. They wanted to use the free market system to buy and sell these options, with the understanding that the reduction in air pollution over the number of years would be reduced. What you're doing with this bill is saying that, "Well, yeah, we're going to have the free market system here on these options. We agree with that. But if you lose money - if you lose money on these - you can go to the consumers - the poor, little schmo - and raise his utility rates to make up for your loss, for your speculation on the option market." What -- what you're doing here is -- is giving them the right that they tried in another bill - 770 - to get into another type of business. This business is buying and selling options. But, oh, if you lose money, don't worry; we'll indemnify you by letting you charge you -- your customers more. If you make money, well, maybe we'll reduce rates. But we know the history of reducing rates in the State of Illinois - it's not a very good one: They never seem to get

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passed down to the customer. But you can bet that these utility companies will be in there to raise rates once they make some bad deals on these options. You know, they've got the best of all worlds here. They can go out and speculate with utility customers' money with this bill. This is a terrible idea, and we should defeat it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Thank you. Senator Mahar, is this the bill -- I just want to make sure I'm understanding it correctly. If I am Company A and I have a -- an emission allowance for a set period of time but I do not use all that allowance, Company B can purchase part of that allowance from me. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Yes, that's my understanding, and this is something that was established by the federal government. It is not being established by us. All this would allow would be for that company that's benefit, they could pass that -- that credit immediately on to the consumers, as opposed to having go back to the Commerce Commission. That's the purpose.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you. But in practice, aren't we saying that Company A, by being able to use the emission allowance of -- or Company B,

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being able to use the emission allowance of Company A, has the potential to pollute twice as much, in practice, in its area, because of this exchange? Is that a correct way of looking at this?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

No. We're not authorizing that at all. What we're doing is allowing the consumers to benefit immediately on their bills, as opposed to having to go back and rework the rate base.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report -- the First Conference Committee Report on House Bill 1163. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 43, the Nays are 7, 3 voting Present. The Senate does adopt the Conference Committee Report on House Bill 1163, and the bill, having received the required constitutional majority, is declared passed. Senator Karpziel, on 317? Madam Secretary, is there a Conference Committee Report filed?

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 317.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 317 simply raises the income limit for the Senior Citizen Property Tax Deferral Program from fourteen thousand, as it came over from the House, to twenty-five thousand. And that's all it does at this point. I'd ask for an Aye vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the -- the question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 317. Those in favor will vote Aye. 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, the Ayes are 56, the Nays are 1, none voting Present. The Senate does adopt Conference Committee Report No. 1 on House Bill 317, and the bill, having received the required constitutional majority, is declared passed. Senator Cullerton. Conference Committee Report on House Bill 1319. Senator -- Senator Cullerton. Out of the record. On the top of page 11 we have Conference Committee Report No. 1, House Bill 1553. Senator O'Daniel. Madam Secretary, do you have a file on Conference Committee Report on House Bill 1553?

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 1553.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. Conference Committee Report No. 1 on House Bill 1553 has made several changes since the original bill. The original bill was strictly dealing with the wearing of an orange -- solid orange cap during the upland game season, but as a result of the Conference Committee, they -- it's agreed to Senate Amendment No. 1 and 2 that makes a exception for field trials that do not take place during the upland game season. And it also permits the Dixon Park District to engage in equestrian activities. Also, it -- it changes the requirement and it requires the hunters and trappers to obtain permission from the owner or tenant before hunting within a hundred yards of a occupied dwelling. It also allows the

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Department of Conservation now to determine the number of hunters that are allowed in -- in a duck blind or a -- or goose pits. It also changes the hunting hours for -- for goose hunting in the southern zone to be the same as the rest of the State, from an -- thirty minutes before sunrise to thirty minutes afterwards. And it also allows hunters and sportsmen clubs and groups that -- that have private wild game feeds to do so without having the meat inspected, so long as they display a placard indicating such. So, that's pretty well what the -- the Conference Committee Report does, and as far as I know, there's no opposition to the bill. And I'd -- I'd move for the passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 1553. Those in favor will vote Aye. Opposed, 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, the Ayes are 56, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 1553, and the bill, having received the required constitutional majority, is declared passed. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A matter of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR JACOBS:

It has been brought to my attention that there is a -- a Gentleman in the Senate - relative newcomer to the Senate - who indicates that he is forty-three years of age today, and he hopes to get out of this Session before he's forty-four. And I would like to have the Senate wish Senator Robert Molaro a happy

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birthday. Senator Molaro, happy birthday.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy Birthday, Senator Molaro. Senator Lauzen, for what purpose do you arise?

SENATOR LAUZEN:

Going back to House Bill 317: I was recorded as a No vote on that. My intention was to vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record shall so reflect. House Bill -- Conference Committee Report No. 1, House Bill 1787. Madam Secretary, do we have a file -- a Conference Committee Report on House Bill 1787?

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 1787.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. The Conference Committee Report on House Bill 1787 is fairly close to the form in which it was previously approved by the Senate. The subject of the bill is consensual eavesdropping, meaning a -- a conversation in which one of the parties...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Pardon me, Senator Barkhausen.

SENATOR BARKHAUSEN:

...one of the parties consents to the conversation - in this case, a law enforcement official. The bill allows this conversation to take place without court approval in order, and in those situations where it is necessary, to protect an undercover officer conducting an investigation. Furthermore, the -- the bill allows a limited form of admissibility of the content of a conversation, but only in those situations where a party to the recorded conversation is killed or suffers great bodily harm, or

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for the purpose of the direct impeachment of a witness. There are, in addition, certain bookkeeping and notice requirements that would be required of those recording such conversations. The bill is a product of a compromise between the Illinois State Police, who originally brought it to us, and the Illinois State Bar Association. I should note that it puts Illinois into the mainstream of some forty-eight other states that allow consensual eavesdropping without a court order and -- and with full admissibility. This, I emphasize, only allows admissibility of such recordings under very limited circumstances. I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. What we have here -- if you recall this bill, this is the bill where sometimes during the course of an investigation - and why this is being brought up - you would have State troopers or undercover officers being put in a position where their safety may be in jeopardy. So what they want to do is, when they go and they're undercover, or they're going to be at some buy or some bust and they're going to be dealing with these gang members or drug dealers, they want to be able to have a device and eavesdrop on conversations they're having with these drug dealers. And the reason they want the device, so the team that's outside of this area, if something is going down that the safety of the officers is in jeopardy, they would be able to go in and supposedly save the officers. Well, that's terrific, and that's noble, and that's a great idea. And it should be there. So we're going to make an exception to the Eavesdropping Law. In Illinois right now you either have to have both parties' consent or you need a court order. What we're going to do is make an exception and say, since



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of course the drug dealers are never going to okay recording their conversation, we're going to have an exception. If the police officer or undercover agent can wear the device, he does not need a court order, and he will not be guilty of the -- violating the Eavesdropping Statute. And that's terrific. But what this amendment says - and it goes a little further - and what it says is that any recording derived as a result of this exception -- now, they're not only going to wear it so the police officers outside can hear it; they're going to record it now. And it says any recording derived as a result of this exception shall be inadmissible in any proceeding, except where a party present during such recording is injured or killed. Now, if you're going to make an exception, and you're going to allow the recording to be used as evidence - and I don't see why we're going to use this recording as evidence if we're only allowing the eavesdropping for the safety of officers - why we're now going to make it admissible if the party's injured. In other words, if you're going to have a right of privacy and you're going to have a Fourth Amendment, either you're going to need a court order or you don't. You can't say we're going to make it admissible because someone got hurt. There's no correlation. There's no logic to it. It doesn't make any sense. Either it's admissible or it's not. Either we're going to violate the Fourth Amendment or we're not. Either we're going to chip away at it or not. To come up and say that it's not admissible unless someone gets hurt - there's no logic to it. What I think we're having is, we're going to have an end run to chip away at the Fourth Amendment and say it's officer safety issue. The officer can wear the device. He can have his men outside. There is no reason to record it, and there is no reason whatsoever to make it admissible. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

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SENATOR PALMER:

Thank you, Mr. President. I want to follow up on Senator Molaro's line of thinking. As I read my analysis, there are some other disturbing factors in here. And correct me if I'm wrong, Senator Barkhausen, but as I read this, it says that the Director of the Department of State Police shall issue regulations. And I would wonder: Is that the only check that we have on what I consider coming close to the wind on violating the Fourth Amendment? Secondly, it says "any private oral communication". Does that mean that if someone is in a room with a suspected person and unwittingly is part of a conversation, that that innocent bystander's conversation also becomes part of this record? And finally, again, this question of officer safety. If that is the only purpose of this bill, why will this written record of the interception or the recording be kept for ten years, and who is the custodian of that tape for those ten years, and does the person who has been recorded know that such information has been kept for ten years?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator -- Senator Palmer, it's -- it's been pointed out to me that the -- that the regulations are basically consistent with current law and practice, and furthermore, at -- really at the behest of those negotiating on behalf of the State Bar Association, the -- the bill, in its current form now, requires the bookkeeping and notice requirements that are similar to nonconsensual eavesdropping, so that defendants can determine if proper procedures are being followed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

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Thank you. I suggest, though, that that is after the fact - what's done with the tape. That does not answer the question ahead of time: that we are sailing very close to the wind, as far as I'm concerned, in a Fourth Amendment right of not being recorded in such a way. I think this is a very, very dangerous precedent to set.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator Barkhausen, I see -- I have just a few questions. It says here that the recordings will only be done if a officer's life is in jeopardy. Isn't an officer's life always in jeopardy out there on the streets?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

This only applies to drug investigations and forcible felonies.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Can -- will you name the -- the long list of enforcible <sic> felonies for this Body?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

We can probably, if you're interested, give you a cite to -- Section of Chapter 38 defining the forcible felonies.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

My question is, Senator: How many felonies fall into that category? And -- and the reason why is we need to know -- everyone in this Chamber needs to know how wide-ranging this use of recording devices. And I'm all for protecting police officers' lives, but I saw -- I read in the paper just the other day where another officer was killed stopping someone for a traffic violation. So a officer's life is always in jeopardy. So we need to know exactly how far-reaching this clear violation, in my opinion, of the Fourth Amendment actually is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Investigation of a traffic violation would not be one of them. There are twelve that are enumerated, and then it -- the ones you would pretty well assume are included, obviously including murder, kidnapping and the like, and then there's sort of a catchall phrase at the end: resulting in great bodily harm or permanent disability or disfigurement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. I have in front of me Section 5-28 <sic> (5/2-8) and describes forcible felony: treason, first degree murder, second degree murder, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, and on and on and on and on and on. So it's practically everything, including burglary and any -- any old thing. And I'm just saying that this is far -- far too

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outreaching here. And my other question: Why in the world would the records be held for ten years if it was simply there to protect the officer? That officer may be retired and came to the State Senate in ten years.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I'm glad to try to answer these questions. I mean, bottom line: If people are more interested in the -- in the rights of criminal defendants than they are in police officers investigating dangerous felonies, don't vote for the bill. I mean, the bill is supported by the State Bar Association, which, in my experience, after thirteen years as a Member of the Judiciary Committee watching representatives of the bar associations come in and -- and continually take position on behalf of criminal defendants and against the positions of prosecutors in this State, the fact that they are for this bill ought to tell us something.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

I -- I am personally offended by that, but I -- I'm not going to let it bother me, because worse things have been said about me on this Floor. But I think that it is -- it is a shame for you to stand there, Senator, and try to imply that people who are concerned about innocent people, who are simple bystanders who may simply be talking to someone that they didn't even know was a drug dealer, or a burglar, or an arsonist or whatever, that they're concerned about -- about the criminal. We're concerned about the innocent bystander. You, Senator, could be out there tomorrow. The Gentleman standing next to you -- you don't know what he does in his off-hours. You simply do not know. So anybody can be

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standing next to somebody in an innocent conversation and that person is under investigation for whatever reason - and I named the entire list here. And it is wrong for you to stand there and imply that those of us who are against this intrusion that -- and against people that are innocently recorded and kept for ten years, that we are supporting criminals and against the police. I just want you to know, sir, that I happened to pass a -- a lot of law-and-order legislation in the City Council, and have some here in this Chamber that were buried by the -- the various chairmen of those committees, or Judiciary. So I am offended by your implication, sir. And what you need to look at is what happens to the innocent bystanders who have absolutely nothing to do with that particular criminal investigation. And I'd like for you to address that. What happens to the innocent people? It says here that the judge "may" - may - give them notification and "may" give them a copy of the tape, when it should say that the judge "shall" give any innocent bystander a copy of whatever was recorded to them. Why doesn't it say that the judge "shall" give them that information?

PRESIDING OFFICER: (SENATOR DUDYCZ)

...(microphone cutoff)...assume that's a rhetorical question, Senator Hendon. It's a question. Senator Barkhausen.

SENATOR BARKHAUSEN:

Let me, if I may -- I know Senator Hawkinson has been waiting to speak. Maybe -- I think his remarks will address answers to your question and some other points as well.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson, to answer Senator Hendon's question. Senator Hendon.

SENATOR HENDON:

Thank -- thank you, Mr. Chairman, and I certainly have a great deal of respect for my aisle mate here, but I did not ask Senator

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Hawkinson the question; I asked the question to Senator Barkhausen - and it is his bill - and I want to know what is his opinion of why innocent people do not get a copy of the tape recording that they don't even know exists of -- of their conversation. They may not -- that tape may allow them to know for the first time that that person is a criminal. Why can't they get the copy of the tape?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Section 14-3B provides that notice of interception or recording is -- is given to the individual not later than a hundred and twenty days after the termination of interception or recording or immediately upon the initiation of criminal recedings -- proceedings. So, you know, there is notice.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

And -- and, Mr. Chairman, I'm trying to be brief, but -- but the sponsor is kind of skating around the issue here. Section (f) <sic> (b) says that a court "may in its discretion" - may - m-a-y - at its discretion - "make available to those persons or their attorneys for inspection those portions of the intercepted communications..." It says "may". It does not say "shall". And it says at the court's discretion. I'm simply asking, why doesn't it say that the court "shall" give those innocent people copies of that communication?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Just a couple of points. I rise in support of the Conference Committee to House Bill 1787 for several

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reasons. One -- one is a reason that, if I've listened carefully, has not been mentioned yet. There's another important aspect to this bill, other than the one that's been discussed. In Illinois, we have one of the strongest Eavesdropping Statutes in the nation. It goes far beyond the requirements of the Fourth Amendment to the Constitution or the Illinois Constitution, and that Eavesdropping Statute has made it an offense and prohibited one citizen from recording another citizen over the telephone, or otherwise, unless there's consent of both parties. That goes far beyond what the Fourth Amendment requires, and that applies to all of us. A few years back the Illinois Supreme Court, in a -- in a decision - the Beardsley decision - essentially overturned our own Statute and -- and authorized citizens to start taping each other. This bill will revert that law back to what we intended it with our Eavesdropping Statute, so that citizens -- private citizens will not be able to tape each other without consent. And that's an extremely important part of this bill. It's something that Senator Cullerton had in another piece of legislation. And this will make our law consistent again, and actually is more protective of our rights of privacy than is the current state of the law in Illinois. Secondly, on the part of the bill that has had the discussion so far: Arguably, the Beardsley decision would allow law enforcement to tape any conversation - not just those enumerated in this bill. This bill does not violate the Fourth Amendment. And I -- I rose initially to indicate that we're really not talking about implicating any change in the Fourth Amendment. Obviously, we're not able to do that. The federal government currently allows wiretapping on all federal offenses in this manner, and clearly, the original bill, which we passed out of here, would allow a far broader wiretapping than this bill does. The Bar Association had objections to that. They have negotiated this out, and this bill is really a far more limited



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use and -- and -- occurs in only two cases: one, where someone is actually recorded and then gets on the witness stand and lies, and you can use that recording as direct impeachment; the other exception is the great bodily harm - the bodily harm exception. And I understand that was part of the -- the compromise suggested by the Bar Association. There's a legitimate public policy argument, as suggested by Senator Molaro's remarks, over whether we ought to do that in great bodily harm or not, but I don't think that the Fourth Amendment is implicated. And I would urge your approval of the Conference Committee Report to 1787.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Thank you, Mr. President. Let me -- let me start by -- by offering an apology, if -- if any of my remarks were taken as a -- as a personal offense. I -- I am just simply puzzled that Illinois has been so behind the times in moving in the direction of criminal law enforcement policy that the federal government and more than forty other states have already taken, and we're moving, you know, ever so slightly in the same direction by passing this bill, if we do. And -- and that was the reason for my remarks, and I again urge your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 1787. Those in favor will vote Aye. Opposed, 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, the Ayes are 40, the Nays are 14, 4 voting Present. The Senate does adopt Conference Committee Report No. 1 on House Bill 1787, and the bill, having received the required constitutional majority, is declared passed. Senator Molaro. Madam Secretary, do you have a file on a Conference

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Committee Report on House Bill 2053?

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 2053.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you. This bill went to conference committee and the only changes are, there was a typographical error that we changed, and the only other change that we agreed on was that the booklet that is going to show what a pre-need contract is -- the booklet has to be presented and prepared by rule, and that was the only change. So now there is a booklet that has to be given out when you're given a pre-need contract. Those are the only changes. I would urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this in any way affect percentage of funds that need to be held back or any of the suggestions -- there were apparently some talk about that in the negotiations. And a follow-up question: Are the Funeral Directors' Association in support of the bill in its present posture?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

No to your first question, and yes to the second.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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SENATOR MOLARO:

I would urge a Yes vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 2053. Those in favor will vote Aye. 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, the Ayes are 57, the Nays are 1, none voting Present. The Senate does adopt Conference Committee Report No. 1 on House Bill 2053, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Madam Secretary, do you have a file on Conference Committee Report on House Bill 2397?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 2397.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Chair recognizes Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this report provides that if the Department of Children and Family Services makes an initial determination that a child has been physically or sexually abused, then placement prevention services shall not be provided to the person responsible for the child's welfare, unless the court finds that it is in the best interest of the child to do so. And this report cleans up Senate Amendment No. 2 and makes the Sections that were amended consistent with each other, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 2397. Those in favor will vote Aye. The opposed, vote Nay. The voting is

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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 Yeas, none voting Nay, none voting Present. The bill is passed. The Senate does adopt the Conference Committee Report on House Bill 2397, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have a bill -- do you have on file a Conference Committee Report on House Bill 2408?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 2408.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen. 2408. Senator Barkhausen. Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 2408 is another part of the juvenile justice reform package and has two -- two measures in it that we passed before. The original bill and this current measure repeals a -- a six-month limitation that a minor is allowed to be declared a dependent -- or allows a minor to be removed from his parents if it is determined to be in the best interests of the minor. Secondly, it creates a rebuttable presumption that there is an immediate and urgent necessity for shelter care for a minor if there is probable cause to believe that another minor residing in the same household is physically or sexually abused and that there is an immediate and urgent necessity to place the abused minor in shelter care; then a -- a new provision that -- that deals with juvenile detention homes and the reimbursement for special education services by the State Board of Education. The -- the State Board has said that it could no longer reimburse the Chicago Board of Education for the entire Cook County Juvenile Detention -- Temporary Detention Center using the special education formula, so this creates a new means to reimburse for the special education costs for students who receive

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year-round, as opposed to just school year, services. Be glad to try to answer your questions, and otherwise urge the adoption of the report.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer, for discussion.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

Senator Barkhausen, my analysis says that other minors who reside in the same home with a child who is considered to be abused are at risk, and that this creates an immediate and urgent necessity for other minors to be taken out of that home. Could you give me a little more detail on what that means? All children within a household where there is an abused child will be removed from that household - is that how I should interpret this?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't know that it would -- it would not automatically mean that other children had to be removed. It would, however, I guess, take a step in that direction by creating a -- a presumption that -- that other children in that household were also at risk. But that presumption, of course, could be overcome by -- by opposite proof that -- that they were not at risk.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Thank you. And whose responsibility will it be, Senator Barkhausen, to prove that other children are not abused?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

...(microphone cutoff)...trying to get the answer to your question, Senator.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Do you need a couple of minutes for that or...?

SENATOR BARKHAUSEN:

...(microphone cutoff)...have an answer to that question right now.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR FAWELL:

I'm reading the analysis, and I was wondering, on -- on the analysis on No. 2, it says "applies to school districts that provide educational programs to juveniles at the Juvenile Detention Home." We do have such a home in -- in DuPage County. I'm just wondering, are we talking about the State now reimbursing the school districts for that cost of educating these children? Is that basically what we're doing?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen, did you hear the question?

SENATOR BARKHAUSEN:

This, I'm told, applies to all juvenile detention centers in the State. I've been told also that it has no net impact on costs of special education reimbursement to the State.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR HALL:

Senator Barkhausen, I think that Senator Palmer's question was a fundamental question. Do you -- or... You still want to pursue the bill when you're not able to answer that question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It -- it's a, you know, bill that we already passed 56 to nothing before, and I'm -- you know, it was one technical question that I couldn't answer, but I don't think that it's any less reason to pass the bill than there was before.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SENATOR BARKHAUSEN:

I'd ask for your support for this measure, Mr. President and Members, that, as I pointed out, we overwhelmingly passed before.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 2408. 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 49 Ayes, 1 Nay, 8 voting Present. The Senate does adopt the Conference Committee Report on House Bill 2408, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 139?

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ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 139.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair recognizes Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Conference Committee Report on 139 simply -- it exempts from the Job Referral and Job Listing Services Consumer Protection Act any newsletter or matching service provided by a not-for-profit organization that's been in existence for at least three years before the initiation of the newsletter, and that charges fifty dollars or less. This Conference Committee Report has been passed unanimously by the House. It was passed originally as a Senate bill, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 139. 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 57 Ayes, none voting Nay, and 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 139, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 159?

ACTING SECRETARY HAWKER:

Yes, Mr. President. Senate -- First Conference Committee Report on Senate Bill 159.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Chair recognizes Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is Conference Committee Report



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No. 1 to Senate Bill 159. Has several provisions contained in House Amendments No. 1, 2, 3 and 6 which had -- originally had passed, and they're still included in the report. It also provides for the Parent as Teachers Program. We currently have this program for preschool. This would allow a Parent as Teachers Program for K through 12. It also contains agreed-to language concerning a block grant program by which four different programs could be applied for at one time. It allows for the -- permits programs funded under the scientific literacy grant to be made available to private school teachers and students after public schools have afforded adequate access. This is identical language that's already included in the School Code for programs offered by educational service centers. It also allows for community colleges to invest in mutual funds that invest primarily in corporate investment-grade or global government short-term bonds. This is brought to us by the Community College Board and the trustees. And it adds a provision -- or prohibits the University of Illinois Board of Trustees from excluding ROTC courses from course catalog or student transcripts. The House amendments that I mentioned, number one, removes the art planning grant from the proposed conglomerate of applicants that can be used. At one particular time we had five. We removed the art planning grant in Amendment No. 1. Amendment No. 2 is a technical change. Amendment No. 3 rewrites the parent training grant program to break out the program for parents of children from kindergarten through high school into a separate subsection, and that clears up some concerns that some school administrators have concerning -- and school attorneys believe that the warning language of a parental consent form could reduce participation in the home visit programs. And they've asked for a statement of legislative intent to indicate that the home visit provisions of Senate Bill 159, the Conference Committee Report, pertain only to the Illinois State

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Board of Education grant programs referred to in the bill. They feel that such a statement will protect other home visit instrumental programs currently operated in many school districts. There's a provision in here that provides that the -- a parental training grant program include home visitation component that no home visits shall be allowed to take place without prior informed consent of the participating parents. And it -- House Amendment No. 6 involves moving back the date for the repeal of the tax equivalent grant for the Chaney-Monge School District, located in Will County in Stateville Prison. Other than that, that's the components of the report, and I'd be glad to answer any questions.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Stern.

SENATOR STERN:

Will the Gentleman yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Says he will.

SENATOR STERN:

Senator, I had a couple of phone calls from my district yesterday on this bill, and I'm just -- although I heard all that you said and read the whole analysis, I just want to ask you: Were the anxieties and the concerns of some of the home educators, some of the more conservative parental groups, satisfied with the negotiated new bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Watson.

SENATOR WATSON:

We had considerable negotiations with the Christian Home Educators, Eagle Forum and the Illinois Pro-Family Network, and those -- those people were originally opposed to the legislation. We put language in here that removed their opposition, and we have letters to the effect that they are neutral on this legislation now.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SENATOR WATSON:

I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 159. 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 41 Ayes, 11 Nays, 2 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 159, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 246?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 246.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Chair recognizes Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate -- the Conference Committee on Senate Bill 246 is a -- a compromise which was worked out by all interested parties. The -- the bill basically provides for an offense known as "child

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abandonment", which requires that the parent, to be guilty of this offense, must knowingly leave a child under the age of thirteen without supervision by -- by any reasonable person over the age of fourteen, for more than twenty-four hours. It also adds fourteen -- or, excuse me, fifteen factors for the court to use in determining whether or not supervision was adequate. Additionally, there is a new offense created of endangering the life or health of a child, and also certain hearsay exceptions are made applicable to this Statute. The bill passed out of the Senate before, in substantially the same form, with 51 affirmative votes, and I would move for the conference committee adoption at this time.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Klemm.

SENATOR KLEMM:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR KLEMM:

Just curious - is this similar to what we just passed in the Conference Committee Report on House Bill 69?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Senator, it is -- it is basically in the same format, yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

So that we're sending two bills to the Governor on this identical -- all right. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Senator Petka, to close.

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SENATOR PETKA:

I urge the adoption of this conference committee report.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 246. Those in favor, 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 54 Ayes, none voting Nay, and 3 voting Present. Senate does adopt the Conference Committee Report on Senate Bill 246, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 289?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 289, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Thank -- thank you, Mr. President. Senate Bill 289 contains the original bill which we passed, allowing for service of summons by certified mail for wage deductions when a debtor is garnished. The bill did not include Cook County at the -- but may be included at the option of the court. In addition, it allows for the certified mail service of wage deduction and garnishment of bank accounts as well. What would happen is similar to a situation that now happens in -- in the circuit clerk's office. If you go in and you want to serve a small claims summons, you can do that by certified mail by paying an extra fee of six dollars and thirty cents. If you want to serve a citation to discover assets, you do that by paying an extra six dollars and thirty cents. This just includes another provision, which allows for deductions that are

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served on the employer or the bank, to be by certified mail. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 289. 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, the Ayes are 57, the Nays are 0, those voting Present are 0. And the Senate does adopt the Conference Committee Report on Senate Bill 289, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 499?

ACTING SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 499.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Butler.

SENATOR BUTLER:

Thank you very much. Conference Committee Report on Senate Bill 499 is actually an amendment to the Unemployment Insurance Act and not - and not - the Workmen's Compensation Act, as is reported in our -- on our schedule. In essence, this bill encourages Amsted Industries to reopen their Granite City plant, and it provides a -- a three-year program in which the levels of their contribution to unemployment insurance are reduced temporarily. It requires them to -- this applies to a plant that was opened in -- or, excuse me, ceased operations in 1991 and is -- was closed during 1992. Secondly, it commits in 1993 to invest at least -- at least five million dollars for the purpose of resuming operations. And three, it must rehire at least two hundred and fifty employees during the year of 1993. This was an

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agreed bill between labor and business, and I should mention parenthetically that many of us were impressed by the practicality of this bill. And matter of fact, Senator Klemm, I believe, has indicated he will introduce legislation to make this more universal in the future. I would urge approval of the Conference Committee Report on Senate Bill 499.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not -- if not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 499. 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, the Ayes are 58, the Nays are none, those voting Present is 0. And the Senate does adopt the Conference Committee Report on Senate Bill 499, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 536?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 536, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill, as it left the Senate, authorized the Illinois Department of Transportation or a county board to enter into an agreement with a public utility to use the utility's right-of-way for a bikeway, and -- provided that the right-of-way is in excess of a hundred and ten feet. The House amendment made it in excess of -- made it sixty feet, and it applies only to Lake County, because it added a provision to allow the county board of a county with a population

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of over five hundred thousand but less than six hundred thousand to use motor fuel tax funds, if it wished, for the construction and maintenance of bicycle routes along county roads. The Farm Bureau is not opposing this bill; we double-checked that. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report... pardon me, Senator Severns. Senator Severns.

SENATOR SEVERNS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR SEVERNS:

Senator, for what purpose is this -- was this bill brought forward, specifically the limitation to -- I mean, of use only to Lake County, and why should we permit Lake County to use motor fuel tax funds for a purpose that the other counties cannot use the funds for -- especially when there's a Bike Trail Fund already in the Department?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, Lake County needs it and wants it, and Lake County is a county that is under six hundred thousand and more than three hundred thousand. And we've done that before; we've gone on population. And I don't see a thing wrong with it. Do you?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

I was -- I'm not surprised by your response, Senator, but I'm just wondering: Will all of our counties' motor fuel tax funds be



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used to help fund the Lake County bikeways?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I think it would be up to the option of the counties, and if the county wanted to do so, I suppose it could. But in my county, we do have a great need for it. We have a program of many bikeways, and -- and the county has requested this, and frankly, I don't see anything wrong with it. I have a bicycle. I don't go bike riding, but there are a lot of people who like to go bike riding, and this is for the health measures of the people.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

A final question for my friend and colleague, Senator Geo-Karis: Will the allocation, specifically, come from the Lake County allocation, or does it come from the statewide allocation? That's the answer I'm trying to get.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

My understanding, it would come from the motor fuel tax funds allotted to it for the construction and maintenance of bicycle routes along county roads. It would come from its own -- my understanding is from its own motor fuel tax.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill was heard in the Transportation Committee, and the way the amendment is now worded, it is a good bill. Obviously, we do have a problem up in our neck of the woods right now, because we have the employee reduction

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trip problem that's -- that's facing us. And very frankly, we're going to be in more and more need of -- of alternate ways of allowing these employees to get to work, and this is certainly one of them. It does allow that the -- the funds used for Lake County can be used in this manner, instead of other ways. I think it's a good bill, and I would urge your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't -- I don't know where all of you folks have been, but when I go back home and they start talking about bike trails -- that we are giving out bike trails for this county and bike trails for that county. We've got seven hundred and forty-five and will in -- end of the fiscal year, nine hundred and thirty-five million dollars worth of bills downstairs in the Comptroller's Office that we can't pay, and we're building bike trails. And now we want to allow the motor fuel tax to construct or maintain bicycle routes across county roads? I don't think you want to do this.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Was that a question? Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. I stand in support of this Conference Committee Report for a couple of good reasons. First of -- all, it takes the county board action in order to do something that would serve the people of -- of, in this particular case, Lake County, and it certainly is using their own dollars; it's using their own allocation of motor fuel tax dollars. So it's not taking any dollars from anyone else. I think when we get the Clean Air Act, and we're talking about trying to have trip reductions, certainly one of the good things we see in my area and in Lake County is some of the bike -- bicycle paths. Now it

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sounds kind of silly that people will take their bicycles in the summer and go to work, but that's exactly what many people are doing. Here's a case where we could increase our enjoyment of the area. The county is the one who makes that determination, and I think it's a fine bill. We should all support it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, for one, happened to -- a few years back I know I passed some legislation in regards to registration to -- to build bike paths, and it's unfortunate that all of those funds are not being delivered to bike paths. If they were, legislation like this would probably not be necessary. However, if this were a statewide mandate and if we were to do this on a statewide basis, I would probably be standing up voting against this legislation. However, the Senator has made this very specific. It is for the County of Lake. If they have the desire to do this, I think they have the right to spend their money as they see fit, and I stand in strong support of the legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR PALMER:

Thank you. Senator Geo-Karis, I just want to make sure that I'm clear about this, following up on, I think, something Senator Klemm said. This is an allotment to Lake County of your tax for motor fuel revenue, and Lake County is choosing to use a portion of this to develop bike paths. I'd just like to know if there are

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any consequences to that. When it comes to Lake County, does this come out of your road building? When you take something away there are obvious consequences to something else. I just wanted that question answered, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

First of all, it's optional to -- to Lake County to do so, and if it does do so, it would come out of their own allocation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further questions? If not, Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

Ladies and Gentlemen of the -- in the Senate -- Mr. President, Ladies and Gentlemen of the Senate - I'm sorry - I think this is a very good bill because there are a lot of people who are going to work in my county on bicycles, and they don't create pollution. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 536. 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 47 Ayes, 4 Nays, and 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 536, and the bill, having received the required constitutional majority, is declared passed. Senator Palmer. Senator Palmer. Senator Palmer, do you wish Senate Bill 12 <sic> called? 712? Okay. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 712?

ACTING SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 712.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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The Chair recognizes Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. This is a very simple bill. All of the additions that were added in the House have been taken out of it, and it very simply says that the Department of Public Health, in cooperation with county, multiple county and municipal health departments, may establish sites for -- mobile sites for immunizing children or referring parents to other programs that provide immunizations. This bill passed out of the Senate back in May - it's in its original form - 57 to nothing. And I'm happy to answer any questions, but I'd like a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 712. 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. And the Senate does adopt the Conference Committee Report on Senate Bill 712, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 926?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 926.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 926 contains several different amendments. They include a change in the Prompt Payment Act, allowing vendors to collect interest of less than twenty-five dollars in overdue bill -- bills owed the State; it would go down

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to five dollars and above. It also allows the Secretary of State to deny, suspend or revoke registration of a person registered under the Securities Law, if that person is defaulting on a student loan. That was the original provision of the bill, to make sure that these student loans get repaid by individuals who are licensed by the State. It also allows State agencies and universities to sign fuel contracts of up to ten years in length, with the idea that a long-term contract will allow for them to enter into savings over the long term, as opposed to a one-year contract. It also allows Northern Illinois University public radio and TV stations to receive State public radio and television grants, and it continues for five years a program we started with the funding of the Illinois Institute for Entrepreneurship Education. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any questions? Any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you -- thank you, Mr. President. I just rise in support of this bill. It does contain some very good provisions, and certainly I think they're noncontroversial.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 926. 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. And on that question, there are 58 Ayes, none voting Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 926, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 935?

ACTING SECRETARY HAWKER:

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First Conference Committee Report on Senate Bill 935.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 935, which we approved before in -- in fairly similar form, creates a slightly new financial institution to aid the smaller financial institutions in the State - and potentially elsewhere in the country - in compliance with the Community Reinvestment Act. It changes or alters what has been known for the -- as the "bank for savings institutions" into a "bank for financial institutions" and makes a number of changes to the Banking Act, the Savings and Loan Act, the Savings Association Banking Act and the Savings Bank Act. As I indicated, the bank will help member institutions, which are all FDIC-insured, to comply with Community Reinvestment Act laws. So not only, I emphasize, is this helpful to these financial institutions in complying with the Community Reinvestment Act, but more importantly, this can be and should be an important economic development tool for the State of Illinois. By facilitating compliance with the Community Reinvestment Act, we will be encouraging loans in areas of the State that need credit. There is an additional provision supported by the Environmental Protection Agency and coming, I am told, at the request of the Harris Bank, to exempt the sale or transfer or other conveyance of a land trustee's trust portfolio to another land trustee from the -- from coverage under the Responsible Property Transfer Act. I'd be glad to answer your questions, and otherwise ask for your support on this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 935. Those in favor will vote Aye. The opposed will vote

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Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the -- take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 935, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 951?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 951, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, on Senate Bill 951.

SENATOR MADIGAN:

Thank you, Madam President. Conference Committee Report No. 1 on Senate Bill 951 reinstates the original language that was incorporated in Senate Bill 951 as it passed this Chamber previously, with the exception of three changes to the original language in Senate Bill 951. And those three changes are -- as follows: that, first of all, -- simulcast can begin at 8 a.m. instead of 10 a.m.; secondly, the Racing Board retains control over the -- any increases in parking fees; and the last change, that Section 26 of the Horse Racing Act is deleted from the bill, and that is so that when Senate Bill 602 comes around in the fall on another conference committee report, that Section will be amended. And as far as paperwork in keeping everything straight, it was -- the decision was made just to delete Section 26 at this time. There is no opposition to Conference Committee Report No. 1 to Senate Bill 951, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Watson.



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SENATOR WATSON:

Yes. Thank you, Mr. -- Madam President. Thank you. You mentioned simulcastings, Senator Madigan, and as you know, we've been trying to get some cooperation with the Chicago-area tracks and Fairmont which is located in -- in Madison County in Collinsville, as far as some simulcasting -- the Chicago tracks taking additional days of simulcasting. And I'm curious if that language is in here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. To answer Senator Watson's question, specifically the answer to that is: No, there is nothing in this bill. However, this language was suggested by Fairmont. The language and discussions that you refer to are ongoing, and may be part of 602.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson. Further discussion? Senator Dunn. Tom Dunn.

SENATOR T. DUNN:

Thank you, Madam President. I may have a conflict on this bill, but I intend to vote my conscience.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MADIGAN:

I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 951. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none,

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none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 951, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 964?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 964, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara, on Senate Bill 964.

SENATOR HASARA:

Thank you, Madam President. The new addition to this conference committee is a funding mechanism for the Rural/Downstate Health plan that many people have worked on. The bill passed several years ago, and there has never been a funding mechanism. This bill transfers to the new Rural/Downstate Health Access Fund fifteen percent of the revenue annually. This is a fund called the Illinois Estate and Generation-Skipping Transfer Tax. There has been an excess of revenue in that fund, and this bill, which has been agreed on by the Department of Public Health, SIU, U of I, the Illinois -- Primary Health Care Association, with a lot of work by everyone who's worked on rural health -- and this is the mechanism to fund the substantive bill, which has already passed this Body. Be glad to try to answer any questions, and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. The First Conference Committee Report on Senate Bill 964 is actually the accumulation of a three-year effort to find a permanent funding mechanism that will allow this State to finally

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begin implementing the provisions of a comprehensive plan to address the ongoing health care crisis in our underserved areas, and particularly the rural areas of Illinois. This was -- this Body actually was first alerted to our rural health care crisis as far back as 1986. It took us four years to enact meaningful legislation - Senate Bill 2277, which I sponsored to address this crisis - and another three years to develop the permanent funding mechanism contained in this Conference Committee Report. I cannot emphasize enough the importance of this legislation to the people of my districts and countless other citizens who have been deprived of accessible, affordable health care. The problems plaguing our area since this crisis reared a head less than a decade ago - and -- and these are many - and we've had doctors leaving rural areas because of insurance costs; cash-strapped hospitals and emergency rooms shutting their doors; ambulance services closing shop because of lack of funding; or inability to attract physicians to underserved areas; citizens having to travel many miles out of the way to obtain the more basic care; and a large geographic size and low population density that has made the cost of delivering services prohibitive. So, Ladies and Gentlemen, we have waited for too long in rural Illinois to access quality health care, and our children, our elderly, our disabled and others who have -- desperately need enhanced health care services must no longer be kept waiting without our inaction. So this Conference Committee Report has been the subject of much hard work and negotiation on the part of many individuals and groups, and it certainly merits our unqualified -- unequivocal support here today. And I would ask for your support for this most important legislation, which is a very high priority in the needs of the General Assembly of this State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Klemm.

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SENATOR KLEMM:

Yes. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield. Senator Klemm.

SENATOR KLEMM:

A question I have - and I guess some of the colleagues sitting around me wanted the same question asked - and that's the Illinois Estate and Generation-Skipping Transfer Tax. Perhaps you could explain to us what that is, and since we're diverting some dollars from that fund to this newly created Rural/Downstate Health Access Fund, maybe you could tell us what those dollars had normally gone to, and where do they come from?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Senator, this has to do with -- with estate taxes, and in certain cases, instead of going to the federal government, it's my understanding that -- that they can be designated to go to the State. And there is now a fund within the Treasurer's Office that handles this money, as there are many other funds. In recent years, this money has generated more money than was anticipated, and in fact, it's my understanding that with the death of Mr. Wirtz last year or fairly recently, that this fund received a windfall. And so, that's the genesis of this particular legislation. We've tied a percentage of that fund to the annual appropriation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, apparently there's a great deal of money collected from that transfer tax, because apparently the bill is taking fifteen percent of all revenues exceeding a hundred and twenty-three

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million annually. I was wondering: Could this money be used to kind of reduce or eliminate some of the granny tax that all the hospitals -- or nursing homes are paying now? Is that a source of revenue? I'm not sure exactly, again, what we do with the Estate and Generation-Skipping Transfer Tax. I see you've got a portion goes to counties. I was wondering if that's going to affect them too. I just wanted this clarification.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Senator, as you know, there are numerous funds that generate money. How we spend them is certainly up to this General Assembly. Spending out of this fund has been in place for a long time. This particular bill is the result of an attempt by many, many groups and legislators over the last eight years to find money to fund rural health programs in counties that really need them.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR HASARA:

I think the merits of the rural health bill that passed several years ago have been well debated, and I think the need exists even more today than it did three years ago. I laud a number of people on their attempts to find a mechanism to fund this program. It's been a bipartisan and upstate/downstate coalition of people who have worked long and hard on this, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 964. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 964, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a Conference Committee Report on Senate Bill 1096?

ACTING SECRETARY HAWKER:

Yes. Senate -- First Conference Committee Report on Senate Bill 1096, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Conference Committee Report on Senate Bill 1096 requires all proprietary schools to meet standards and requirements at least as stringent as those required by Part H of the Federal Higher Education Act and designates the Illinois Student Assistance Commission as the State agency responsible for coordination of proprietary school oversight in Illinois. We deleted from the bill the requirement on enrollment agreements for cosmetology schools, and also the reporting of the default rates. This is now a conference committee report that is supported by all parties. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator del Valle, to close. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1096 -- 1096. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1096, and the bill,

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having received the required constitutional majority, is declared passed. Senator Cullerton has requested leave for the Body to return to the Order of Conference Committee Reports on the bottom of page 10. Conference Committee Report on House Bill 1102. Senate -- Madam President <sic>, do you have on file a Conference Committee Report?

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 1102.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. This bill as originally passed the Senate was a -- contained a number of different bills that were supported by the Department of Children and Family Services. I think there were seven different individual bills that were not controversial. In addition, we had added an amendment dealing with permanency planning, which was also not controversial. There was, however, a Senate Amendment No. 4 that the Office of the Public Guardian in Cook County was very much opposed to, and it dealt with the definition of "neglected child". And so what this Conference Committee Report does is to recede from that amendment. That was also the subject matter, I think, of -- we had some discussion with Senator Watson last week where he included the provisions of Senate Amendment No. 4 in a bill that he passed. But what this bill does is -- is, in effect, a clean bill in that that controversial part is not here. The Department of Children and Family Services wanted Amendment No. 4, but it did not prevail. So they are, however, still in favor of the bill as a whole. Be happy to answer any questions, and would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the

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question is, shall the Senate adopt Conference Committee Report on -- House Bill 1102. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 1102, and the bill, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

A parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DONAHUE)

Make your point.

SENATOR DEMUZIO:

This morning the Presiding Officer indicated that House Bills 5 and 282, after the motion to reconsider had been withdrawn by the Senate President, that both of those bills would physically be in the possession of the Speaker this morning - a.m. It is now p.m. and I was wondering what the holdup is.

PRESIDING OFFICER: (SENATOR DONAHUE)

I hesitate, Senator Demuzio, simply because the paper is being processed. ...(microphone cutoff)...Senator Cullerton, on House Bill 1319. Senator Cullerton, on House Bill 1319 - do you wish to have it called? Madam Secretary, do you have -- on file a Conference Committee Report on House Bill 1319?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 1319.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Maybe -- this won't take long. Maybe the paperwork will be done by the time we're through with this bill. This is a



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Conference Committee Report which we -- very similar to the bill that we passed. As everyone knows, last November the Illinois Constitution was amended to create the Bill of Rights for Crime Victims, and we -- that's what this bill does, is to -- is to, in effect, codify this. There was one minor change requested in the conference committee, dealing with the Section dealing with immunity. The -- the -- the Statute was amended by Amendment No. 1 in the Senate, at the request of the State's Attorneys' Association, and it said that any act or omission or commission of any law enforcement officer, state's attorney, Prisoner Review Board member or other employee of the State acting in good faith in rendering crime victim's assistance, or otherwise enforcing the Act, shall -- there shall not be any civil liability upon that individual, unless the act is a result of willful or wanton misconduct. In an effort to clarify this provision, we have taken out the language, "unless the act is a result of willful or wanton misconduct." So if you're acting in good faith, you'll be immunized; if you're not acting in good faith, you won't be. That's really the subject matter of the change. There also was a clarification that the State's attorney must give notice to the victim of the date, time and place of trial when the State's attorney is given notice. So, I would be happy to answer any questions and ask for a favorable vote on the conference committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report, House Bill 1319. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, and none voting Present. The Senate does adopt the Conference Committee Report on House

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Bill 1319, and the bill, having received the required constitutional majority, is declared passed. On page 9, under Secretary's Desk, Concurrence, is Senate Bill 553. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 553.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I move that the Senate concur with House Amendment No. 1 to Senate Bill 553. Senate Bill 553, as it left this Body, was the Department of Revenue's tax enforcement bill. The House added one amendment to it, which is the language to the Motor Fuel Tax Act -- Motor Fuel Act to recognize the International Fuel Tax Agreement - the IFTA agreement - as the controlling document for commercial carriers that are subject to registration under that Act. The IFTA is a federally mandated program which Illinois must be in compliance with by September 30th of 1996 or risk loss of federal funding. The basic concept of this program is to alleviate the burden of getting the proper appropriate permits and reporting of motor fuel taxes by the motor carrier. Under this program, each carrier will only have to register and file with their base state, versus each individual state, thus diminishing bookkeeping requirements. There are other provisions in the bill. Right now the amendment is supported by the Mid-West Truckers Association, the Illinois Trucking Association, and the Illinois Movers' and Warehouse's Association. I don't know of any opposition. I'll be happy to answer any questions. If not, I would urge the adoption of the concurrence motion of House Amendment No. 1 on Senate Bill 553.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any discussion? Is there any discussion? Seeing

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none -- Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 553. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, those voting Present are none. The Senate does concur in House Amendment No. 1 to Senate Bill 553, and the bill, having received the required constitutional majority, is declared passed. 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 Environment and Energy - the motion to concur with House Amendments 1, 4, 5 and 8 to Senate Bill 406; and Be Approved for Consideration - motion to recede from Senate Amendment No. 1 to House Bills 936 and 1587.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate stands in recess until 2 o'clock.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

...(machine cutoff)...will come to order. For what purpose does Senator Donahue arise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I would request a Republican Caucus immediately in Senator Pate Philip's Office. All the Members that are not on the Floor and in your offices, would you

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please come there immediately.

PRESIDING OFFICER: (SENATOR WEAVER)

Republican Caucus in Senator Philip's Office, and the Senate will stand in recess until 6 o'clock. Senator -- O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I request a Democrat Caucus immediately in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR WEAVER)

All right. Democrat Caucus in Senator Jones' Office. Senate will stand in recess until the hour of 6. For what purpose does Senator Hasara arise?

SENATOR HASARA:

I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, Senator.

SENATOR HASARA:

There are a group of students from SCOPE summer school in Springfield in the gallery, and I'd like to have them stand and be recognized.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests in the gallery please rise? Welcome. Any other announcements?

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Senate will come to order. The Senate will adjourn until 11 a.m. tomorrow, June the 30th.

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