

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

PRESIDENT PHILIP:

The hour of eleven having arrived, the Senate will please come to order. If the Members would please rise, and the friends in the gallery please rise, for the purpose of a prayer. The prayer today is by Pastor Bill Davis, Lakeside Christian Church, Springfield, Illinois. Pastor Davis.

PASTOR BILL DAVIS:

(Prayer by Pastor Bill Davis)

PRESIDENT PHILIP:

Reading and approval of the Journal. Senator Butler...

SECRETARY HARRY:

Senate -- Senate Journal of Wednesday, June 23rd, 1993.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, June 24th; Monday, June 28th; and Tuesday, June 29th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of Journal, pending the arrival of the printed transcripts. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

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

Senate Bill 266, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 to Senate Bill 266.

Passed the House, as amended, June 29, 1993.

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

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

House Joint Resolution 55.

Adopted by the House, June 24th, 1993.

It's congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Resolutions.

SECRETARY HARRY:

...(machine cutoff)...Resolution 663, offered by Senator Topinka.

Senate Resolution 664, offered by Senators Hasara and Woodyard.

Senate Resolution 665, by Senator Hawkinson.

Senate Resolution 666, by Senator Palmer.

Senate Resolution 669, by Senator Philip.

And Senate Resolution 670, by Senator Ralph Dunn.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 667, offered by Senator O'Malley.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Senate Resolution 668, offered by Senators Rauschenberger, Lauzen and others.

And Senate Joint Resolution 80, offered by Senators Klemm and McCracken.

They're all substantive.

PRESIDENT PHILIP:

Illinois Information Service has requested the opportunity to film the Session today. Any objections? No objections. Leave is granted. Yes. May I have your attention, please? Chicagoland Television News has requested permission to tape our Session today. Is leave granted? Leave is granted. Resolutions.

SECRETARY HARRY:

Senate Resolution 671 offered by Senator Woodyard.

It's substantive.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1108, offered by Senator O'Malley.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Petka has filed a motion with respect to Senate Bill 781.

PRESIDENT PHILIP:

Okay. Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Now, Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I rise to request a Republican Caucus immediately in Pate Philip's office. We're on a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

time frame, guys, so please get there quickly, and don't lag behind. Thank you very much.

PRESIDENT PHILIP:

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Thank you, Mr. President. I would request a Democratic Caucus to meet immediately in Senator Emil Jones' office.

PRESIDENT PHILIP:

Thank you, Senator Cullerton. Let me make this one announcement: The -- the Senate will stand at ease to the call of the -- the Chair. You know, I -- not know how long these caucuses are going to go, so we will just leave it hang out there a little bit.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: To the Committee on Executive - motion to concur with House Amendment 1 to Senate Bill 266, and Conference Committee Report to Senate Bill 941; to the Committee on Judiciary - Conference Committee Report to House Bill 766; to the Committee on Public Health and Welfare - Conference Committee Report to House Bill 1852; and Be Approved for Consideration - Conference Committee Report 2 on Senate Bill 940.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

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

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

House Bill 300, with Senate Amendment No. 1.

I am further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of Senate Amendment No. 2.

Action taken by the House, June 30, 1993.

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

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

Senate Bill 420, together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 2 and 3 to Senate Bill 420.

Passed the House, as amended, June 30, 1993.

We have a like Message on Senate Bill 770, with House Amendments 1 and 13.

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

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

House Joint Resolution 59.

Adopted by the House, June 30, 1993.

We have a like Message on House Joint Resolution 61.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

To the Honorable President of the Senate:

Sir - In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate Bill that is being returned by the Governor with specific recommendations for change:

Senate Bill 718.

Submitted by George H. Ryan, Secretary of State.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Rea arise?

SENATOR REA:

A point of inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR REA:

On the -- on the bills that have come out of Rules Committee and will go to the various committees, and even the ones that did not come out on this sheet, what's the time frame as to the committees? Will they -- will all those committees be meeting to -- to hear those bills?

PRESIDING OFFICER: (SENATOR WEAVER)

The rules require one hour posting. None of the committees' postings have been done yet, but I presume maybe tomorrow there will be some posted for hearing. Senator Rea.

SENATOR REA:

Yes. Mr. President, is this also, then, the ones that came out earlier today or yesterday that have not been heard in committee -- they will be heard also tomorrow in all those committees?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

They'll be assigned to the committee. It -- it's up to the committee to call the -- call the bills in committee. So I presume that there will be action on many of them. I can't tell you whether all of them will or not, Senator Rea. Resolutions.

SECRETARY HARRY:

Senate Resolution 672, offered by Senators del Valle and Demuzio and all Members.

Senate Resolution 673, offered by Senator Demuzio.

Senate Resolutions 674 and 675, by Senator Demuzio.

They're all congratulatory and death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. On Resolutions Consent Calendar, we will now proceed to the Order of Resolutions Consent Calendar, and with the leave of the Body, all of those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Resolutions.

SECRETARY HARRY:

Senate Resolution 676, offered by Senator McCracken.

It's substantive.

...(machine cutoff)...Resolution 677...

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand at ease for a few minutes.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Senate will come to order. WCIA and WAND-TV request permission to videotape tonight's Senate proceedings. Is there leave? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measure has been assigned -- Approved for Consideration: the motion to concur with House Amendments 1 and 13 to Senate Bill 770.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 677, offered by Senator Topinka. It's designatory.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. On the Order of Non-concurrence House Bills, House Bill 300. Mr. Secretary, are there amendments?

SECRETARY HARRY:

Senate Amendments 1 and 2 to House Bill 300.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. House Bill 300, for the -- for the Body, is the bill which is going to deal with the resolution to the underground storage tank issue, and therefore, in order to put this in conference committee so we can get the final language, I would move to refuse to concur <sic> with Senate

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Amendment No. 2 to House Bill 300, and put it in conference committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar moves that the Senate refuse to recede from the adoption of Amendment No. 2 to House Bill 300, and that a conference committee be appointed. All those in favor will say Aye. Opposed, Nay. The motion carries, and the Secretary shall so inform the House. Senator Fawell, on House Bill 1587? Mr. Secretary?

SECRETARY HARRY:

Senate Amendment 1 to House Bill 1587.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. There has been a request that I put this in conference committee so that the Bulls license plate can be made for a benefit of Little City for retarded children and citizens. I -- so I therefore request a conference committee and refuse to recede.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 1587, and that a conference committee be appointed. All those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. The Illinois Public Broadcasting Council For Illinois Lawmakers requests -- to tape -- videotape this evening. Is there leave? Leave is granted. On Supplemental Calendar No. 1 appears Senate Bill 770. Senator McCracken, do you wish to proceed? Mr. Secretary.

SECRETARY HARRY:

House Amendments 1 and 13 to Senate Bill 770.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen of the Body. Senate Bill 770, as returned from the House, makes some changes to the Commonwealth Edison bill we previously considered. This bill now applies to utilities of -- that serve five hundred thousand or more customers. Illinois Power is a potential user of this section. All prohibitions and requirements that apply to Commonwealth Edison also apply to Illinois Power. It sets forth more expressly the protection from cherry-picking. It also extends the cherry-picking protection not only to a prohibition of the statutory subsidiary or the interim subsidiary, but also the holding company and any non-regulated subsidiaries. It also sets forth an evidentiary standard to prove that there was competition in the decision by the customer to go with the unregulated subsidiary. It also, in deference to Peoples Gas, has arrived at language requiring not only that the subsidiary deal with the holding company at arm's length and pay market value, but also that any terms and conditions, as well as price, offered to the subsidiary are also offered to competitors as well. I move its -- that we concur in Senate <sic> Amendments 1 and 13.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- Mr. President, Ladies and Gentlemen of the Senate. Just one quick question of the sponsor, if he would yield.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR JACOBS:

This bill's pretty much intact the way it looks, from the way

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

we sent it out of the Senate. However -- however, there is...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator McCracken.

SENATOR JACOBS:

However, there is one change that there's a little confusion on, I think, on some of the Members on our side, and that's on the five hundred thousand for the -- the housing projects. We are being told by some that that is coming out of the rate base. It's my understanding, even according to our -- our analysis, that that does not come out of the rate base; that comes out of the stockholder's share. Can you help clear that up?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. I apologize. That's another change instituted in the House. Commonwealth Edison will donate five hundred thousand dollars per year for twenty years to the Illinois Affordable Housing Trust. That's administered by IHDA - provides rehabilitative housing and low-income or -- housing, or that like.

It's used almost exclusively in the Chicago area, I'm told. That -- that provision is required -- or that money is required to come only from -- from retained earnings, cannot be used or taken into account in setting the rate base. There are express protections to that effect.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I -- I find that language -- I'm not sure what I really think about that. To ask a public utility to make a contribution to public housing of five hundred thousand dollars a year, I mean, why should they be singled out and -- and be asked to do that? I don't know, and I'm not sure why that

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

provision's in there, but it sure shouldn't be. But I have a question of -- of the Senator, and I would appreciate his yield.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WATSON:

Senator McCracken, you and I had this conversation a while back, and we never really got back together, but I asked the question when this bill came up before. And a concern that we have in our area, and certainly now that Illinois Power is a part of this, is that if -- if Illinois Power now will have the opportunity to get into selling of refrigerators, stoves, freezers and then allow that to be billed to the customer on their monthly bill, and then provide this service to those people and allow that to also be put on their monthly bill. Is there anything in here that would allow Illinois Power or Commonwealth Edison to get into competitive business with retailers that are -- that -- really this would put an unfair competitive advantage to Illinois Power and the utilities over those retailers, local businessmen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

That -- that is prohibited to the subsidiary and applies to IP as well as ComEd.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch. Senator Welch, did you have your light on?

SENATOR WELCH:

Yes, I did. Thank you, Mr. President. I have a question of the Chair. Was this conference committee report distributed? Because I can't find a copy of it. Was it distributed?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Yes. It's not a conference committee report, though. It's a concurrence.

PRESIDING OFFICER: (SENATOR WEAVER)

It's a concurrence in Amendments No. 1 and 13, Senator Welch.

SENATOR WELCH:

I'm looking on my desk, and I find nothing to indicate what it is. Was -- was that -- there's a document that says it's the concurrence. Was that distributed? 'Cause I -- I haven't seen it. Do you...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

I'm not sure what he's referring to.

PRESIDING OFFICER: (SENATOR WEAVER)

Are you asking for copies of -- of the amendment? Senator Welch.

SENATOR WELCH:

I'm asking for the document that indicates that we are concurring in what the House did. I -- I don't -- I can't find it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

The motion's on the Supplemental Calendar. It's a motion to concur. And the Supplemental Calendar was distributed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Thank you. Senator McCracken, just some questions about the formation of the holding company itself. Is this company going to be owned by private shareholders or by ratepayers?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

As -- as Commonwealth Edison is currently hold -- owned by private shareholders, this will be owned by private shareholders.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

If this holding company makes money, who will benefit from it? Will it be the shareholders, or will it be the ratepayers?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

The shareholders will benefit. It's an unregulated subsidiary.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Will the holding company pay dividends to shareholders?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

I'm sure it would.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

So we are, in essence, talking about a private company under the auspices of a public utility.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Senator McCracken.

SENATOR McCracken:

The framework, as I understand it, would be this: There would probably be an interim subsidiary for up to eighteen months. That subsidiary would be merged into the holding company when the holding company's created. A non-regulated subsidiary would be created by the holding company. The utility and the non-regulated subsidiary would both be subsidiaries of the holding company.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion?

SENATOR McCracken:

The holding...

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Palmer.

SENATOR PALMER:

Yes. Thank you. One last question. Given the description that you just gave, where it seems - and please correct me if I'm wrong - that the public utility is now coming under the auspices of the holding company, if it loses money, then who pays for that?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Only the shareholders. The bill expressly provides that no costs of the creation or the transactions involved will go toward the rate base. It may not be compensated in the rate base.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

I apologize, Mr. President. One last question. What about the cost of making loans and other costs of doing business as a company - who pays for that?

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Senator McCracken.

SENATOR McCracken:

Well, I think your question is: Do they make it up in the rate base? And the answer to that question is: They do not make it up in the rate base. It may not be borne by the ratepayers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, I had a -- a question again. I'm sorry, I didn't get to answer -- ask it earlier. But, why is it that Commonwealth Edison and Illinois Power both need to circumvent existing law and form a subsidiary so quickly? What is it that they want to do that can't take the time of the Commerce Commission to review it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

They want to compete and save, for the ratepayers, the value of the investment in the infrastructure. If they fail to do so, in light of changing technology and federal regulatory law, and lose the opportunity to compete over the next two to three years that ICC approval would require, we shall all suffer as a result of that delay.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Welch.

SENATOR WELCH:

Well -- so they want to rush into this so they can get into business to make money for the consumer, is basically what you're telling us. Is that right, Senator?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

You know what my teacher in rhetoric taught me: Never concede

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

the underlying premise of your opponent's argument. So I do not agree with the premise of your question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, that's good, because since Commonwealth Edison is so interested in helping the consumer by getting into business transactions, why was it yesterday we passed a bill that said if they enter into a bad transaction on an option - an option to sell pollution credits - we indemnify them? We did that yesterday. So that if they make a bad business transaction -- and by this bill, they're saying they are business wizards; they will make money for the consumer; they will reduce their -- their costs. But yesterday they didn't have the business acumen to not sell options to pollute and lose money. Yesterday they wanted to be indemnified, because they might make a bad business decision; today - trust them - they're going to make good business decisions. We don't need the Commerce Commission. Let's let 'em rush right in so they can buy whatever company that is and make it a subsidiary -- a part of their subsidiary so it can start earning money for us consumers. Well, I don't see how yesterday we had to indemnify their bad business judgment; today they're business wizards, and we should pat 'em on the back and hurry this up. This doesn't make sense. It's a bad bill. And I think we should be voting No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken, to close.

SENATOR MCCRACKEN:

For the opponents of the bill as it left the Senate, the changes made in the House more expressly convey the protections many of the -- of the opponents had sought in the Senate previously. If anything, this bill is stronger in their behalf

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

than it was when it left here the first time. I move its -- that we concur in House Amendments 1 and 13.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Rea arise?

SENATOR REA:

Thank you, Mr. President. I had my light on, and I guess you probably just didn't see it.

PRESIDING OFFICER: (SENATOR WEAVER)

Your light was not on when I asked Senator McCracken to close, Senator Rea.

SENATOR REA:

I would like to ask the Senator a question or two, if I might.

PRESIDING OFFICER: (SENATOR WEAVER)

Proceed.

SENATOR REA:

Thank you, Mr. President. In terms of the loans that are made to the holding companies, what -- what happens if -- if a holding company should collapse, and in terms of the consumer, who has -- who will stand responsible? What losses would the consumer have? Where do they play into it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

If, by consumer, you mean ratepayer, page 2 of Amendment No. 13, subsection (c) specifically provides that no costs incurred in the transactions, including loans that you refer to in your question, may be borne by the ratepayers. It may be borne only by the shareholders.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

So -- so you're telling me, then, that the -- the ratepayer,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

then, actually would not have any liability there, in -- in case of a collapse.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCRACKEN:

Correct.

PRESIDING OFFICER: (SENATOR WEAVER)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and 13 to Senate Bill 770. Those in favor, 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 38, the Nays are 17, 1 voting Present. The Senate does concur in House Amendments No. 1 and 13 to Senate Bill 770. And the bill, having received the required constitutional majority, is declared passed. Mr. Secretary, do you have a file on Conference Committee Report on Senate Bill 940?

SECRETARY HARRY:

Mr. President, Second Conference Committee Report on Senate Bill 940.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen. I move the -- the Body's adoption of the Conference Committee Report on Senate Bill 940. Senate Bill 940, as it left the Senate, considered the issue of landfills located in forest preserve property and specifies statutorily that those are not subject to assessment for value. They had always been considered to be licenses, as opposed to leases. Licenses are not assessable as real property under our Revenue Act of 1939, and this states expressly in the law, in that circumstance, what I believe had always been the law. Secondly,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

it allows the Cook County -- or Cook County to issue non-referendum bonds to pay for constructing, acquiring, equipping, repairing, renovating buildings, other improvements to land; requires them to be retired within thirty years. Also allows the Cook County Forest Preserve District to purchase or lease property for public purposes. This language was in Senate Bill 706, which previously passed. Excuse me -- excuse me. Also included in this conference committee report is Senate Bill 706, which had authorized forest preserve districts in counties with a population of no more than three hundred sixty thousand to trade parcels of land owned by the district for parcels of land owned by others, which the board determines to be advantageous to the district. And finally, incorporates Senate Bill 642 - Senator Dudycz's bill - which allows the Chicago Park District to issue bonds in the amount of one hundred twenty-eight million dollars prior to January 1, 2004, for the sole purpose of building or rehabbing any museum under the control of the park district. This bill passed the Senate previously by a vote of forty-six affirmative votes. I move that we adopt Conference Committee Report No. 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR WELCH:

Senator McCracken, according to the analysis I received, it says that the forest preserve, which owns the landfill, is paying taxes. Are they -- who are they paying taxes to? The county? Is that what this is?

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Senator McCracken.

SENATOR McCracken:

I don't believe they're paying taxes yet. They have been assessed for value, and that is in controversy in the Department of Revenue and the courts now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

So, the entire money we're talking about is all an argument within DuPage County between the forest preserve and other taxing bodies in DuPage County?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR T. DUNN:

Senator, dealing with the aspect of trading parcels of land and giving that authority to two counties, is my analysis correct that a trade must be unanimously approved by the forest preserve district?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Yes. Everything except the population threshold is current law. We changed the -- the population threshold from three hundred thousand to three hundred sixty thousand. Everything else

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

is current law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

And, Senator, does that also include that if there is a transfer or a trade, that there shall be an appraisal by an MIA <sic> (MAI) appraiser?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. That also is current law, and is unaffected.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. This is an example of a good sponsor, bad bill. This is, again, Senate Bill 940, that squeaked by this Chamber by a -- by a vote of thirty-two to twenty-one last time we saw it. To remind the Body of what we're talking about tonight: This is a case where Waste Management - a well-run, profitable corporation - was assessed a million dollars a year of real estate taxes. They said, "No, we don't owe it, because we're on forest preserve property." The court said, "Yes, you do owe it." The forest preserve now has it on appeal in the courts. Within six months of the court decision, the forest preserve amended its contract to say that any taxes that are assessed, you - Waste Management - will pay for. Now, rather than letting the courts decide, the forest preserve's asking you to exempt it from paying any taxes. I went home last week and found in my newspapers the court's decision on this, where people looked at the facts in this circumstance, this controversy within DuPage County, and it said, "DuPage County Judge John Teschner, on Thursday, upheld the decision of the judge at the Illinois

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Department of Revenue who ruled that taxes were owed on the dump in Green Valley." The people who voted No on this bill last time were confirmed in this decision. I don't ask you to re-try the issue; I just ask you to vote No here, so that it stays in the hands of the courts where it belongs.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I -- I -- what has happened in DuPage is that our forest preserve has always been, obviously, off of the tax rolls. When we put our landfill on the -- in the forest preserve, at that time, twenty-some years ago, nobody thought much about it. In fact, it was considered an ideal situation where we could build landfills which would eventually become hills to ski on and for recreational purposes. And so nobody objected. We, obviously, in our county, do not collect our own garbage. We have to -- each municipality in -- in the county has private haulers that come in and -- and collect our garbage, and they took it to the landfill. In the last contract that was signed, our forest preserve people signed a contract that said, in effect, that there would be no tax liability, because there never had been in the past, and if there was, the county would pick it up. What has happened is that Naperville School District now has decided that this is kind of a golden egg, and that would mean most of the constituents in my area would end up having to support the Naperville schools. I don't think this is fair. I think this bill will correct and keep in place what has always been the past policy, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR JACOBS:

Our analysis says - and -- and I don't know if your analysis says anything different - that there is no apparent opponents -- no known opponents to this legislation. Is that what your analysis basically indicates also?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Well, I always knew about Senator Lauzen, so I've never consulted my analysis on that issue.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

The reason I ask, and I'm not -- you know, I'm just trying to get it straight in my mind, because even though I -- I don't stand in the way of the legislation, it seems strange to me that if a township and a school district stands to lose, as I understand it, potentially twenty-two million dollars in back taxes, there should be somebody out there screaming against this piece of legislation. They don't seem to be screaming. Can you tell me why?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

They probably appreciate the justness of my cause.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I -- I wish to speak regarding the portion of the conference committee report which used to be Senate

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Bill 642. As Senator McCracken correctly mentioned earlier that a couple of months ago it passed out of this Body with a vote of 46 to 5. Just like to remind the Members here that that provision is one which would authorize the Chicago Park District to issue one hundred and twenty-eight million dollars in revenue bonds for the improvement and expansion of Chicago's jewels - the museums downtown and throughout the City of Chicago - over a ten-year period. Now, this bond authorization is a continuation of the Legislature's practice of allowing the park district to issue debt on behalf of the Chicago museums. And which museums are we talking about? Well, we're talking about the Field Museum, the Museum of Science and Industry, the Art Institute, the Shedd Aquarium, the Mexican Fine Arts Center, the Du Sable Museum of African-American History, the Adler Planetarium, the Chicago Historical Society, and the Chicago Academy of Sciences. And prior to issuance of the bonds, the park district will require that each museum would raise, from private funds, at least one dollar for every public dollar issued pursuant to the program, and further note that, under this program, would be issued without public hearings and comments. Previous bond issues on behalf of museums have been substantially retired and were part of the park district's prior year -- years' real estate tax -- base. And therefore, it is not anticipated that new bond issues subject to the program will substantially affect Chicago tax bills, and for that reason I stand in support, and I would urge that we all vote for it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. You know, this is actually a violation of our rules, because we -- we said in our rules that we would not attach unrelated items together. Now, the park district

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

bond issuance that -- that Senator Dudycz just talked about is good. And a lot of us support that. But what have we done here? They stuck it with a bad bill that allows a tax break for a landfill artist. At the same time, in a -- in a few hours -- a hour from now, you're going to be asking the people of Illinois to dig deeper into their pocket and come up with a lot of taxes, but yet you want to give a tax break to some rich people, and you want to justify it, Walter, by saying it has something to do good with the museums. Well, I just say that that's a bunch of hogwash, because you shouldn't have the museums and the bond issues in there mixed up with a tax break for some rich dumpers in some stupid landfill in DuPage County. It's just wrong, and it's especially wrong in light of the fact that one hour from now you'll be asking the people of Illinois to dig deeper into their pocket to pay their taxes, but yet you want to give a tax break to some rich landfill artist, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Well, I suppose, Mr. President, before I would ask questions of the sponsor, I would like to note that I -- besides representing Cook County, I also represent DuPage County, and for Senator Hendon's benefit, I would like to note that not everybody in DuPage County is either rich or stupid or collectively, you know, involved here. It's just an unfair comparison, and I really don't think it's relevant to this discussion. But in -- in -- first, I'd like to ask some questions, if I may, of the sponsor. How many non-referendum propositions do you have in this bill - backdoor referenda, where the public doesn't have a chance to vote on these things?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

SENATOR McCRACKEN:

Two.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Could you identify which ones they would be for me, please?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCRACKEN:

One is the Cook County bonds for rehabilitation, and the other is the -- oh, and -- and the museums. Two.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Yes. Mr. President, I just want to know, is -- I just want a parliamentary inquiry.

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, sir.

SENATOR TROTTER:

Wondering: Is the DuPage part of this bill germane to the other aspects of this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

I'll certainly get back to you. Just a minute, Senator Trotter. Senator Lauzen.

SENATOR LAUZEN:

When we -- when we talk about the -- the bill did pass here by a slim margin. 940 originally passed here by a slim margin, went over to the House and was killed. Between that time and now when it's being considered again, there was a court decision against Waste Management and the forest preserve's district. I represent this district. These are people who I directly represent. As far as opposition that Senator Jacobs was talking about, people are

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

fighting the best they can in the court system, and we negate that whole effort if we decide today that a forest preserve district should not pay tax. Here's an analogy: If the forest preserve district agreed to pay the real estate taxes for other companies as well, should they all receive a tax exemption? If the school district agreed to pay the property taxes for a local car dealer, should the car dealer be granted a tax exemption? Of course not. The forest preserve district's agreement to pay the tax is totally irrelevant and it shouldn't be rubber-stamped by this Body. Do not co-sign the amendment that was made by the forest preserve with Waste Management by voting Yes. Please vote No against this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Inquiry of the Chair, Mr. President. Has this conference committee report been distributed? Where is it?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, I understand it has. Senator McCracken, to close.

SENATOR MCCRACKEN:

Accuse the forest preserve district of lack of foresight; accuse the forest preserve district of ignorance; accuse the forest preserve district of a lack of 20/20 vision, but do not accuse the forest preserve district of pulling the wool over some poor taxpayer's eyes. What happened is this: Nobody in their wildest dreams imagined that this landfill would be considered a lease for purposes of property tax assessment and -- and collection. Zero. Zero. The assessor that started this travesty is now out of office, and it's not coincidental. The fact of the matter is, everybody laughed at him when he went to the courts and said, "This is a lease, not a license." Everybody. Now, I confess to you, people are no longer laughing at the proposition.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

But everybody - everybody - believed there was not a scintilla of quality to his argument. Zero. When everybody was taken by surprise at the Department of Revenue level, the forest preserve district was faced with this problem: We have eight zillion tons of garbage at this landfill. We cannot tell this landfill operator that he has to bear these taxes, which no one could have foreseen, because we don't have any economic leverage with the landfill operator. They had no choice but to pick up the risk of these taxes. Everybody's garbage in DuPage County, and a lot from Cook County, is in this and the other landfill up north. Nobody saw it coming. Now, the local judge did, in fact, according to reports, affirm the Department of Revenue decision. But let me tell you something: That decision was not de novo. He did not weigh evidence. He did not take legal arguments, apart from the record made in the Department of Revenue. The litigants were -- were precluded from new evidence on the point. Their arguments had to have been made at the Department of Revenue level. We don't know the quality of those arguments. But when they hit the circuit court, this is not an independent decision the circuit court has rendered. It has affirmed the Department of Revenue, based on a review of a record made at the Department of Revenue. We, I think, do not have to assume that in that limited type of review, this court is obviously correct. As a matter of fact, I think the court has to be wrong. People differ on the point. I don't begrudge people a differing point of view on the issue. But, believe me, I knew about this as it was percolating. I represent the same township, and until Chris Lauzen took the new Senate seat, I represented the landfill and the people around it. Nobody saw the decision coming. With no economic leverage, they had to agree to pick up the risk of the taxes, period. Now, what will the result be? Ask yourselves: What will the result be? Is it a twenty-two-million-dollar loss? Or is it a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

twenty-two-million-dollar windfall? Will the taxpayers of DuPage County, as a whole, funnel twenty-two million dollars into a single school district? Is that justice? Two school districts. Is that justice? This is one district glomming on to a thin ray of hope in expectation of a windfall. Tell the forest preserve district they're stupid; tell 'em they didn't foresee this happening, but don't tell me that they're doing something wrong in trying to rectify this inherently unjust situation. Now, from here on in, the courts will continue to be limited in their review. This may go to the appellate court, but the appellate court will be bound by the record made in the Department of Revenue. They will not consider this de novo. They will have no opportunity, except on questions of law, to consider any differently than this judge considered, who in turn was bound also by the proceedings in the Department of Revenue. I believe that when you weigh the lack of foreseeability - and I stand here as a colleague and a brother; I know it to be true for a fact - and the absurd windfall that will result, I believe my cause is just. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter, the Chair rules that this report contains portions of -- all relating to the subject of the forest preserve and is germane.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate adopt Conference Committee Report on House <sic> Bill 940. Those in favor will vote Aye. Opposed, Nay. For what purpose does Senator Trotter arise?

SENATOR TROTTER:

...(microphone cutoff)...appeal the ruling.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter has appealed the ruling of the Chair. The question is, shall the ruling of the Chair be sustained. All

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

those in favor of sustaining the ruling, vote Aye. All those opposed to sustaining the ruling, 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 35, the Nays are 19 <sic> (18), none voting Present. Having failed to receive the -- having received the necessary votes, the ruling of the Chair is sustained. The question is, shall the Senate adopt the Conference Committee Report on -- Report No. 2. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 15, 1 <sic> (7) voting Present. The Conference Committee Report is adopted. On your regular Calendar, on page 10 at the top of the page. Senator Farley, on House Bill 2080? Mr. Secretary.

SECRETARY HARRY:

Conference Committee Report on House Bill 2080.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to concur with the Conference Committee Report to -- No. 1 to House Bill 2080. This makes changes in the notice and hearing requirements of the Truth -- Truth In Taxation, as the Act applies to taxing districts in Cook County only. It makes no changes with regard to the Act's requirements in downstate in taxing districts. As House Bill 2080 passed the Senate with amendments offered by Senators DeAngelis and O'Malley, the bill required Cook County taxing districts to hold annual public hearings on proposed tax levies according to a fixed schedule of dates - the first week of December - and also required public notice of proposed levies increased by more than five percent over

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

the current levy. The only change Conference Committee Report No. 1 makes to the Senate version of the bill is to require published notice of the proposed levy if it exceeds from the current levy by more than five percent or the Consumer Price Index, whichever is less. I would move, Mr. President and Ladies and Gentlemen of the Senate, that we do concur with Conference Committee Report No. 1 to House Bill 2080.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Stern?

SENATOR STERN:

Will the Gentleman yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR STERN:

Senator, I had a constituent in my office concerned about this conference committee this afternoon, feeling that what it does is pit the public against units of local government and make it appear that they are trying to put something over. These are conscientious units of local government anxious to do the public will. And we read over the conference committee, and there were a couple of things in it I wanted to ask you about. First of all, this requires a hearing - a public hearing, as I understand it - if the levy would raise a hundred and five percent of the prior year's amount. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

That is correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern?

SENATOR STERN:

Does the State of Illinois hold such hearings if their budget

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

is going to be higher by five percent or more of the prior year's?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley.

SENATOR FARLEY:

No. But it -- the hundred and five percent is in the current Act.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

It described, at some length in the bill, the kind of publication that would be required. It says it has to be no less than one-eighth of a page -- now, certainly one-eighth of a page is a lot more in the Tribune than it is in The Highland Park News, for instance - and twelve-point type with a black border, not less than a quarter inch, and so on. This struck us as micromanaging of the most acute kind. And I guess our feeling about this was: Why is this bill necessary? Why do we have to tell units of local government in such detail how they must advertise this public hearing? Why must they hold this public hearing when, in fact, their deliberations are held in public? Not...(microphone cutoff)...State, I might add.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley?

SENATOR FARLEY:

Well, it's the intent of the -- of the bill to hold hearings at the levy level - not at the budget level, but at the levy level - to give people more of an input into what that levy might be, and as far as the printing, that's in the present Statute right now. So I just followed that, as far as the printing notification.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Farley has made every effort to accommodate the objections that were in committee. I think this lays another layer on the Truth in Taxation. I urge the support for 2080.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, I agree with the -- with the -- with Grace Mary Stern, who raised the -- a serious question, and that is: How much doubt are we going to throw in the minds of the taxpayers about local government? We -- we have this attitude - this superior attitude - that -- that the minute local government makes any kind of a move, we have to double-check and triple-check what they're doing. I think this is totally useless. My prediction is that you won't have five people at these hearings, but somewhere along the line, somebody's going to have a real good -- kind of a feel-good feeling, and actually we're accomplishing, actually, absolutely nothing with this. I would urge we turn our backs on this with a resounding No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis?

SENATOR GEO-KARIS:

Would the sponsor yield for one question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

SENATOR GEO-KARIS:

Does this bill apply strictly to Cook County, Senator?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley?

SENATOR FARLEY:

Was -- I'm sorry. Was the question, "Does it only pertain to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Cook County?" Yes. Yes, Senator, it does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Farley, to close.

SENATOR FARLEY:

Well, thank you, Mr. President, Ladies and Gentlemen of the House. I don't see anything wrong with allowing taxpayers to come in and have input into the process at a particular time. That week is established - the first week in December - in this conference committee report and in this bill. We talk a lot about taxes and -- and public's right to know. I think this bill and this conference committee report is a -- is a move in the right direction, and therefore, Mr. President and Ladies and Gentlemen of the Senate, I would hope that we do concur.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 2080. 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 49, the Nays are 7, 1 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 280 <sic> (2080). And the bill, having received the required constitutional majority, is declared passed. For what purpose does Senator Smith arise?

SENATOR SMITH:

Thank you, Mr. President. My button seemed to not have come on green, and I wanted to be registered as voting for this bill just...

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect.

SENATOR SMITH:

Thank you.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

On page 9, under the Secretary's Desk, Non-concurrence, House Bills. Senator Barkhausen? Do you wish to proceed, Senator Barkhausen? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Amendment 1 to -- or Senate Amendment 1 to House Bill 936.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. I move that we recede from Senate Amendment 1 to House Bill 936. The original bill, which would be the form that this bill passes in, should we act on this motion to recede - this is final action - is very limited in scope in granting quick-take powers to the Cook County Highway Department and the Lake County Department of Transportation, which has been working for several years on widening Lake Cook Road. This only affects two small commercial parcels of property where two underpasses are being constructed to facilitate the movement of traffic along Lake Cook Road. The Illinois Association of Realtors, which, of course, is often an opponent of quick-take measures, is not opposed to this measure, and it did earlier pass this Chamber overwhelmingly. The amendment that we put on at Senator Philip's request ran into a snag over in the House, and we'll try to accomplish that by some other means. But in the meantime, this bill that I'm asking us to take final action on here, only affects this one project, and there is no opposition, and I ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Barkhausen has moved that -- that the Senate recede from Senate Amendment No. 1 to House Bill 936. This is final action. The question is, shall the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

Senate recede from Senate Amendment No. 1 to House Bill 936. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 12, none voting Present. The Senate recedes from Amendment No. 1 to House Bill 936, and the bill, having received the required constitutional majority, is declared passed. WCIS is -- WICS requests permission to videotape. Is there leave? Leave is granted. Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 282, with Senate Amendment No. 1.

Non-concurred in by the House, June 30, 1993.

We have a like Message on House Bill 203.

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

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

Senate Bill 1105, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

Passed the House, as amended, June 30, 1993.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand at ease for a few minutes.

(SENATE STANDS AT EASE)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

70th Legislative Day

June 30, 1993

(SENATE RECONVENES)

PRESIDENT PHILIP:

May I have your attention for one minute? There will be a Republican Caucus in my office immediately. If the Democrats want to join, be my guest. Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

Thank you, Mr. President. While we accept your kind offer, Senator Jones has asked that we also meet in his office for a Democratic Caucus immediately.

PRESIDENT PHILIP:

Thank you.

MIDNIGHT

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

94/11/29
14:02:51

JUNE 30, 1993

HB-0300 REFUSE TO RECEDE	PAGE	8
HB-0936 RECEDE	PAGE	36
HB-1587 REFUSE TO RECEDE	PAGE	9
HB-2080 CONFERENCE	PAGE	31
SB-0770 CONCURRENCE	PAGE	9
SB-0940 CONFERENCE	PAGE	19
SB-1108 FIRST READING	PAGE	3
SR-0663 RESOLUTION OFFERED	PAGE	2
SR-0664 RESOLUTION OFFERED	PAGE	2
SR-0665 RESOLUTION OFFERED	PAGE	2
SR-0666 RESOLUTION OFFERED	PAGE	2
SR-0667 RESOLUTION OFFERED	PAGE	2
SR-0668 RESOLUTION OFFERED	PAGE	3
SR-0669 RESOLUTION OFFERED	PAGE	2
SR-0670 RESOLUTION OFFERED	PAGE	2
SR-0671 RESOLUTION OFFERED	PAGE	3
SR-0672 RESOLUTION OFFERED	PAGE	7
SR-0673 RESOLUTION OFFERED	PAGE	7
SR-0674 RESOLUTION OFFERED	PAGE	7
SR-0675 RESOLUTION OFFERED	PAGE	7
SR-0676 RESOLUTION OFFERED	PAGE	7
SR-0677 RESOLUTION OFFERED	PAGE	8
HJR-0055 RESOLUTION OFFERED	PAGE	2
HJR-0059 RESOLUTION OFFERED	PAGE	5
HJR-0061 RESOLUTION OFFERED	PAGE	5
SJR-0080 RESOLUTION OFFERED	PAGE	3

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-PASTOR BILL DAVIS	PAGE	1
JOURNAL-APPROVED	PAGE	1
JOURNALS-POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	1
AT EASE	PAGE	4
SENATE RECONVENES	PAGE	4
COMMITTEE REPORTS	PAGE	4
MESSAGES FROM THE HOUSE	PAGE	5
MESSAGE FROM THE SECRETARY OF STATE	PAGE	6
RESOLUTIONS CONSENT CALENDAR-ADOPTED	PAGE	7
AT EASE	PAGE	8
SENATE RECONVENES	PAGE	8
COMMITTEE REPORTS	PAGE	8
MESSAGES FROM THE HOUSE	PAGE	37
AT EASE	PAGE	37
SENATE RECONVENES	PAGE	38
MIDNIGHT	PAGE	38