

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

86th Legislative Day

November 4, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

The regular Session of the Eighty-eighth General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by the Reverend Dan Seibert, First United Methodist Church, Springfield. Reverend Seibert?

THE REVEREND DAN SEIBERT:

(Prayer given by the Reverend Dan Seibert)

PRESIDING OFFICER: (SENATOR WEAVER)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Wednesday, November 3rd, in the year 1993, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

You've heard the motion. Without objection, so ordered. Committee Reports. 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 89.

Adopted by the House, November 3rd, 1993.

We have a like Message on House Joint Resolution 87; and House Joint Resolution 80.

Adopted by the House, October 26th, 1993.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Committee Reports.

SECRETARY HARRY:

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Senator Karpel, Chair of the Committee on Executive, reports House Joint Resolutions numbered 73 and 85 and Senate Joint Resolution 101 Be Adopted.

Senator DeAngelis, Chair of the Committee on Revenue, reports Senate Bill 95, the motion to concur with House Amendments 2, 3, 4, 5 and 6, Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bill 405, the First Conference Committee Report, Approved for Consideration.

And Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 232, the motion to concur with House Amendment 3, Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 912, offered by Senator Smith.

It's a death resolution.

And Senate Resolution 913, offered by Senator Smith.

It's congratulatory, Mr. President. I beg your pardon. They're both death resolutions.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. For what purpose does Senator Donahue arise?

SENATOR DONAHUE:

Thank you, Mr. President. I would like to request a Republican Caucus in Senator Pate Philip's Office immediately.

PRESIDING OFFICER: (SENATOR WEAVER)

Republican Caucus in Senator Philip's Office. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Mr. President, might we inquire as to how long the caucus would last, so that we might inform our Members?

PRESIDING OFFICER: (SENATOR WEAVER)

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I would hope that we could reconvene in about thirty minutes.
The Senate will stand in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We're going to come to order in the Senate, and request that all Senators be in their seats. We'll stand at ease for a few minutes. Message 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 88.

Adopted by the House, November 4th, 1993.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 914, offered by Senator Mahar.

Senate Resolution 915, by Senator Demuzio.

Senator Hasara offers Senate Resolution 916.

And Senate Resolution 917, by Senator Shaw.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar. The Chair is prepared to go to Conference Committee Reports on page 7. Is Senator Collins here? Page 7. On page 7, we're going to do Conference Committee Reports. House

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Bill 246. Senator Collins? Mr. Secretary, do you have a file on -- on file a Conference Committee Report on House Bill 246?

SECRETARY HARRY:

First Conference Committee Report on House Bill 246.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Chair recognizes Senator Collins. Senator Collins, on House Bill 246, Conference Committee Report.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. Just hold on for a minute. I move for the adoption of the First Conference Committee Report on House Bill 246. As you'll recall, earlier in the Spring Session we passed an amendment dealing with the Probate Act, and it -- primarily addressed one Section of that Act because what we were attempting to do at the time was several things: a) was to deal with the -- the home alone problem, the kids that were being left home alone; temporary guardians for those people who were suffering from terminal illness or incapacitated, so that they would have a right to choose someone to take care of their children. And the bill had no opposition. I think it's probably one of -- the only bill that had unanimous support and probably endorsed by every major organization, private and public, in this State. What this bill does, it makes that Act applicable to all of the various other Acts that deals with -- in probate court, and it clarifies some of the languages in that bill. So I would just move for its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR COLLINS:

Just simply move for its adoption, and I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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The question is, shall the Senate adopt the Conference Committee Report on House Bill 246. 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 the question, those voting Aye are 58, those voting Nay are none, Present none. And this Senate does adopt the Conference Committee Report on House Bill 246. And the bill, having received the required three-fifths majority, is declared passed. On page 7, House Bill 299, on the Order of Conference Committee Reports. Mr. Secretary, do you have a file -- on file a Conference Committee Report on House Bill 299?

SECRETARY HARRY:

First Conference Committee Report on House Bill 299.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Chair recognizes Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. The First Conference Committee Report on House Bill No. 299 deals with -- the first part deals with Subtitle D language which will allow the IEPA to extend deadlines for compliance with the regulations until April the 8th, '94 for municipal landfills which accept less than a hundred tons per day, or which accept flood waste. This has already been approved by the -- the Federal EPA; however, they require that we include this in our Statute. Part number two deals with an issue in Senator Rauschenberger's district: language regarding participation of solid waste disposal in the local siting process. This is agreed-to language. If there are questions, I would defer to Senator Rauschenberger. There's also two other items that we included in a previous bill at the request of the Department of Agriculture, which is technical cleanup. I know of no objection, and I would ask that we adopt Conference Committee Report No. 1 on House Bill 299.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Mahar, to close. The question is, shall the Senate adopt the Conference Committee Report on House Bill 299, with Amendments 1 -- Senate Amendment 1 <sic>, First Conference Committee Report. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. The Ayes are 56 <sic> (57). There are no Nays, 1 voting Present. And the Senate does adopt the Conference Committee Report on House Bill 299, with Amendment 1 <sic>. And the bill, having received the required three-fifths majority, is declared passed. On page 2 of the Calendar, we're going to House Bills 3rd Reading. House Bill 795. Senator Watson, do you wish this bill returned to 2nd Reading for purposes of amendment?

SENATOR WATSON:

Yes, I would. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson seeks leave of the Body to return House Bill 795 to the Order of 2nd Reading for the purpose of an amendment. Any objection? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 795. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Weaver and Hasara.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. Senate Amendment No. 1 to House Bill 795 has to do with -- just to give you a little background: many of the schools in the State of Illinois that started school operations in August closed a few minutes or an hour early because of the heat. This would allow those schools in this school year,

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1993-94, to still qualify for State aid, even though they didn't live up to the letter of the law at the five hours of instruction. So, that's basically what it does. If anyone has a question, we had a hearing on this in the Education Committee yesterday, and I think we -- we tried to answer all the concerns that the Members of the Education Committee had. So I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in support of Senator Weaver's motion. We had a very extensive hearing. I appreciate his courtesy and Senator Watson's courtesy in -- in holding the hearing on this subject, and really what it boiled down to was that somebody failed to watch the clock, and children would be hurt because of that oversight, which amounted to a few minutes. I think because it's only limited -- or limited only to this school year, I'm going to support it. I think there is questions that we should look at, and I think it's the intention of the committee to look at, for the future, and I stand in support of this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Madam President. I also rise in support of this resolution <sic>. A couple of the affected districts are within Sangamon County, and I appreciate the cooperation and support of the General Assembly. It -- some of the -- a couple of the schools adjourned like ten minutes before the deadline, simply not realizing what the length of time was under the Statute, and it seems ridiculous to punish them for an oversight that certainly was unintended. And I appreciate your support.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, all those in favor, say Aye. All opposed. The Ayes have it, and the amendment is adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senator Watson, on the Order of 3rd Reading, House Bill 795, as amended. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 795.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Madam President. This is the bill that was just discussed. Everyone seemed to be in support. I'd ask for your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 795 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please. There are 58 voting Aye, none voting Nay, and none voting Present. And this bill, having received the required three-fifths majority, is declared passed. On page 6, on the Order of Resolutions, Senate Resolution 905. Is this -- Senator, do you wish to have your resolution considered? Senator Watson?

SENATOR WATSON:

Yes, ma'am.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Okay. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Resolution 905, offered by Senators Watson and Philip.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam Chairman. This is a resolution that we have debated before on this Floor. It creates the Chicago School Turnaround Commission. The previous resolution was adopted, and the Commission has been meeting. In fact, I think they've had about three meetings. But from what we understand, there was a problem with some language that would have allowed the Minority Leader to appoint his own suggested Members. So what we're doing here is trying to clear that up. We have -- made a couple of changes, one of which is the number of people who would be appointed. The President of the Senate has nine Members to appoint, and the Minority Leader of the Senate has six Members. And the Commission will meet and the Chairman will report its findings to the General Assembly by May 16th, 1994.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR JONES:

Senator Watson, under the resolution that passed previously, and we repassed again, how many appointments did the President have, and how many did the Minority Leader have?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

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SENATOR WATSON:

In the previous resolution, each had nine.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Jones.

SENATOR JONES:

Then this is a -- a -- a decrease in the Minority Leader's appointment. Also, as I read this resolution, it also gives the power of the President to appoint the chairman and to do other things. So, what I'm saying to -- so this is a -- not a bipartisan resolution, that had been -- or commission that was put together by Senator Rock. This is a partisan resolution designed solely to give the President a means to appoint and control a Commission on Turnaround, rather than have both parties involved equally and both parties getting together to pick a chairman. Why this great departure from the previous resolution? Could you tell us that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, I think under the previous resolution, there was a problem in getting a quorum present because of the fact that there possibly wasn't the appointments made that -- that should have been made. The idea here is to give the -- the President -- he shall appoint the chairman of the Commission also, the President of the Senate, to give nine Members -- actually it would be -- eight Members would create a quorum. And I think that was the problem.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jones.

SENATOR JONES:

Well, as you stated in your opening remarks, you said our side -- and if you'll recall, I questioned you very intently on the

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previous resolution as to the appointments. Now what you've done with this resolution is that you have reduced the number of appointments by the Minority Leader. It is not a bipartisan effort that you are attempting. It was equal appointments in the previous resolution. And when I questioned you on the resolution - I believe it was in the spring of the year - I wanted to make that perfectly clear for the record. Now, if the President of the Senate want a commission all by himself, then he should so state here. But if it's going to be a bipartisan issue, then you -- it must be equal number of appointments. It must be nine Democrats and nine -- nine appointed by the Minority Leader, nine appointed by the President. But you only have six here. So I mean, this -- this attempt to have something that is completely controlled by your side of the aisle to look at a issue is not in the best interest of education. And I -- I know this is not what you had previously passed. So can you explain why the Minority Leader only has six and the President has nine?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, that's not unusual, that we would set up a commission or a committee, or any -- any function appointed by this particular Body, by the Leaders, in which the President or that Presiding Officer would have a greater number of individuals to appoint. That's not very -- that's not unusual at all, Senator. I recall that quite readily during the past Sessions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer. Senator Jones, have you finished?

SENATOR JONES:

Well, in speaking to the resolution, and since you were the sponsor this past Session of the revised resolution that gave equal -- so you felt it should be done equally. Now you're

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attempting to, on a partisan basis, appoint a commission which would be dictated by one person. So I urge the Members on this side of the aisle to vote against this, because it is not in the best interests of education in the Chicago public school system.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I want to second what our Leader on this side has said about this so-called Chicago Schools Turnaround Commission. I have been opposed to this from the outset, and it has been a bipartisan opposition, since I raised questions, even at the time that Senator Rock was President of the Senate. I have -- and particularly in light of the crisis that we have now with Chicago schools, and the efforts that are going on in so many quarters, I still question why this Commission is necessary, why people cannot work through the process that this legislative Body already put into place, which involves parents, teachers, faculty, the community. I do not understand - and especially now that this is not even bipartisan any more - why this is being done. It gives me great concern, and I would hope that our side would vote No on this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR HENDON:

Senator Watson, you indicated that this Commission has met three or four times already. What -- what type of business did they take care of in these three -- three or four meetings?

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson. Senator Watson.

SENATOR WATSON:

I didn't hear the question. I'm sorry. Would you please repeat it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon, repeat your question, please.

SENATOR HENDON:

My question is, you -- you stated that this Commission has met three or four times. I'm asking you, what -- what business did the Commission take -- take care of during these three or four meetings that they've already had?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, I know they have met several times. They had an organizational meeting, for one; then they're just taking up the business of the Commission.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Can you explain to this illustrious Body what is the business of the Commission that they took up?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Watson.

SENATOR WATSON:

In the resolution, on page 2, "the Commission shall consider and analyze methods to aid and assist Chicago school reform groups in effecting a turnaround of the Chicago Public School System."

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

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SENATOR HENDON:

What you did, you read from the resolution, but is that what they did? That's what they did, or you don't know what they did? Perhaps they didn't do anything, which is what I am suggesting. And I don't know about any of you, but I -- I watched the results of the election the other day, and it was clear to me that the people are tired of -- of these duplicative commissions, of wasting of the taxpayers' money. And I would just suggest to you that this is another waste of the taxpayers' money, and I don't believe that the people of this State are willing to allow you -- or any commission to be created which is duplicative in nature. That is simply a waste of the taxpayers' money. And I believe that we all should get that message on both sides of the aisle, that waste of the taxpayers' money is -- is no longer acceptable. Also, Senator Watson, in -- in the original resolution, it said that the Commission would reflect, based on the 1990 Census, the ethnic and racial makeup of the City of Chicago. That's no longer in there either. So no -- not only did you strip the Minority Leader of -- of being on an equal basis, but you've also taken out that language that would make sure that the Commission was racially and ethnically balanced. Why did you do that? Why did you take that out?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, Senator, I'm not quite sure. Quite frankly, I -- I really don't know. But I look at the list of people who we have appointed, and I -- and I've got to tell you, there -- there are reformists who are involved in the reform process, and they are people who are -- have a genuine concern about the public schools of Chicago. And if you would look at this list, I think you would concur that these people have a sincere interest in trying to do

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what's right.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Well, I'm not going to belabor the point, but I -- I -- I asked you, simply, why did you take that out of your legislation. Now all of us carry legislation, and if it's your bill -- if it's your resolution, you should be able to tell me why you took out that important part of it. If you're real about about reform, if you're real about -- about the Commission reflecting the racial and ethnic makeup of the City of Chicago, why did you take it out? And I'd still like an answer to that -- to that question. ...(microphone cutoff)...by you or a staffer or our illustrious President, somebody took it out, and they had to have a reason to take it out. I'd hate to suggest that the reason to take it out was because you did not want a racially and ethnically balanced Commission; therefore, I have to simply ask the question so that I'd have some other -- something else to base it on.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Watson.

SENATOR WATSON:

Well, it's the same answer as I gave previously. I'm not sure why that was taken out. I -- I just wish you'd look over the list of people who -- who have been appointed, and -- and I think you'll find that the racial balance that you're concerned with has been -- has been addressed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon, your final remarks? Thank you. Any further discussion? Any further discussion? Senator Watson, to close.

SENATOR WATSON:

Well, thank you. Well, I hope that we would get unanimous support for this, because if you -- if you just know the people

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that are involved here and the -- the sincere interest they have in seeing a true turnaround in the Chicago public schools -- and anybody who doesn't think that there's not a problem, really isn't -- isn't aware of -- of the situation. I mean, it's -- it's a sad indictment on the system in which only graduates about fifty -- less than fifty percent of the kids who enter as freshmen. These people are going to meet and come back to us and give us some basic recommendations for change, and that change is to create a better environment for the young people of Chicago, the four hundred and eleven thousand young people who attend the Chicago public schools. I see nothing wrong with this. I see nothing threatening about this. And I think it's the right direction to go. I would appreciate a support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson moves the adoption of Senate Resolution 905. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is now open. Mr. Secretary, take the record. Have all voted who wished? Have -- already voted. There are 32 Aye votes, 24 Nay votes, 1 Present, and this resolution is adopted. We're going to Supplemental Senate Calendar and -- No. 1, and on the Secretary's Desk, there's Resolution -- HJR 73. We're going to pass it temporarily, and we're going onto -- with leave of the Body. Leave? Thank you. Leave of the Body to return. It's House Joint Resolution 95 -- I'm sorry. It's House Joint Resolution 85. Senator Syverson. Senator Syverson there? Mr. -- Madam Secretary, will you please read the resolution.

ACTING SECRETARY HAWKER:

House Joint Resolution 85, offered by Senators Syverson and LaPaille.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

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Thank you, Madam Chairman -- President. Very simple resolution. As we know, with the passing of Representative Zeke Giorgi, who was the Representative from the Rockford area for almost thirty years, there was a -- a move in the past by Representative Rotello to change the name of the building, and of course, Zeke would always say no, which was typical of Zeke. Well, this is an opportunity where we can -- we can change the name of the building without him being able to object to it. Obviously, I had the privilege of working with Zeke for -- for one year, previous to that as a businessman, however, as many times we called upon Zeke for -- for his help, and he was always there to work with us. He was obviously best known for his constituent services. And actually, having an office next to his for -- for this year and seeing how busy he -- he was, I think it's -- it clearly is fitting that the -- we have an opportunity to change the name of the building from the Rockford State of Illinois Building to the Zeke Giorgi Center. I know of no objection. This passed the House unanimously. I'm not sure if Senator LaPaille wants to make a few comments on that. We just ask for a favorable vote for that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Madam Speaker...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Just a moment. It would be appreciated if we could have a little more attention. Thank you. Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Madam President. I do join with Senator Syverson on this resolution honoring, I think, a true legislator's legislator. Zeke Giorgi -- I met him when I was approximately fifteen years old when I became associated with Speaker Madigan,

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and I can tell you, through those twenty-four years, Zeke was a person of impeccable honor, a person that could light up a room when he came onto the House Floor or Senate Floor or into a meeting. He never took anything very, very seriously, and it was good in the legislative process not to think that all of this is for real and -- and to create enemies and divisions, and he brought that type of an approach where he was able to work in a bipartisan manner. And he's a person that I will be missing - I think we'll all be missing. And I think this is one of a small token to show our appreciation for his great work and his great love for this process and his great friendship to all of us. So I do join with Senator Syverson, am very honored to be a chief cosponsor with him on this resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Madam President. I certainly rise in support of this. I served in the House some twenty-seven years ago when Zeke Giorgi was there, and as a matter of fact, he greeted me with open arms when I came there. This would be a great -- and I want to congratulate all of us to say that we had the honor of naming this building the Zeke Giorgi thing. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Syverson, to close.

SENATOR SYVERSON:

I think this just gives us an opportunity for -- for Zeke's children and grandchildren and great-grandchildren, and for the people of Rockford, to long remember that to be a great leader, you do not have to be a wealthy businessman, a powerful politician, or even a college graduate. But if you have a love for people and a willingness to serve them, you can make a difference in your community. And I think this is a -- one small

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step that we can take in that memory. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah. Thank you, Madam President. I too rise in strong support of this resolution. I first met Zeke when I served in the House back in 1973, and just this past August, he, my wife and his wife, we were on a trip together, and we visited the Holy Land. He indicated he always wanted to get there. He was a great legislator. He was a person that we all admired and respect, and, Madam President, I -- I would like to move to add all Members of this side of the aisle be added as cosponsors of this resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Your request is in order. And we'll have -- we'll move the -- the adoption of the resolution is moved by Senator Syverson. And those in favor will say Aye. Those opposed will say Nay. And please take a roll call, so that we can all be on it. Ring the bell. Clerk -- Madam Secretary, take the record. There are 58 Yeas, none voting No, none voting Present. And this resolution is unanimously adopted. Senator Syverson, are you ready on Senate Joint Resolution 101? Madam Secretary, would you please read the resolution.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 101, offered by Senators Syverson, Burzynski and others.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. This is a resolution that -- hopefully that we will not be using. We're doing this to pass this over to the House only because the bill that -- that carries the amendment that I think will clean up the insurance adjusters'

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bill is coming up later. But just to make sure there's no problem, we're asking for your support for this resolution. Basically, what it says is we're asking the Department of Regulation not to enforce the new language which was written this last year, because of some wording changes. What's happened is, independent insurance adjusters will basically be put out of business because of the way the wording of the new law was done. Again, that was not the intent of the Department of Regulation or the Department of Insurance, and -- all we're doing now is -- is asking them to use this until we can get the language cleared up. Again, I don't know of any objection.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR SYVERSON:

Just a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Those -- Senator Syverson moves the adoption of Senate Joint Resolution 101. Those in favor will say Aye. Those -- opposed will say Nay. And the voting is now open. Have all voted who wished? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, none voting Present, none voting Nay. And the resolution is adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Earlier we asked leave of the Body to return to House Joint Resolution 73. Senator Dudycz. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

House Joint Resolution 73, offered by Senators Dudycz and Berman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

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SENATOR DUDYCZ:

Thank you, Madam President. Senate Joint -- House Joint Resolution 73 was brought to me by one of my House Members, Representative Ralph Capparelli, himself a senior citizen. The purpose of the resolution is to have the General Assembly reaffirm the fact that senior citizens are greatly affected by all legislation submitted before the General Assembly and that we hope that the resolution will keep seniors in the minds of Members in considering the merits of all legislation. Basically, that's what it does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator Dudycz moves the adoption of House Joint Resolution 73. 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, Madam Secretary. On that resolution, there are 58 Ayes, no Nays, and none voting Present. House Joint Resolution 73, having received the required votes, is adopted. On the Order of -- Secretary's Desk, Concurrence, is Senate Bill 95. Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendments 2, 3, 4, 5, 6 and 7 to Senate Bill 95.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, to explain.

SENATOR WOODYARD:

Thank you, Madam President. I...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Woodyard, just a second, please. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Thank you, Madam President. We'd like to ask for a Democratic Caucus immediately. It'll take about a half hour in Senator

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Jones' Office. We'd like to do it prior to this bill being called.

PRESIDING OFFICER: (SENATOR DONAHUE)

That is always in order. Senator Cullerton has requested a Democrat Caucus immediately in Senator Pate -- or Senator Jones' Office. How long do you think you'll be, Senator Cullerton? About a half an hour?

SENATOR CULLERTON:

Yeah. The same half hour you took.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. The Senate will stand in recess till the hour of 2 o'clock.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

...(machine cutoff)...Senate will reconvene for the purposes of paperwork only, and the Senator -- and the Chair recognizes Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. I understand that this is only for the purpose of reading in the Rules Committee Report. I have talked to Senator Jones, and Senator Jones indicates that for that purpose only, we're willing to go back into Session and then recess again for the caucus.

PRESIDING OFFICER: (SENATOR DONAHUE)

Committee Reports.

SECRETARY HARRY:

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Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Appropriations Committee - Senate Amendment 1 to House Bill 26; and Be Approved for Consideration - House Bill 2082 and Conference Committee Report 2 to Senate Bill 498.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate stands in recess till the hour -- Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you, Madam President, for the purpose of an announcement. There will be a -- an Appropriation Committee meeting at 2:35 in Room 212.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate stands in recess to the hour of 2.

(SENATE STANDS IN RECESS)

(FIRST SPECIAL SESSION RECONVENES)

(See First Special Session Transcript)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Regular Session will come to order. Mr. -- Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1139, offered by Senator Hendon.

(Secretary reads title of bill)

1st Reading of the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Committee Reports.

SECRETARY HARRY:

Senator Maitland, Chair of the Committee on Appropriations, reports Senate Amendment No. 1 to House Bill 26 Be Adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 918, offered by Senator Severns and all Democrat Members.

Senate Resolution 919, offered by Senator Weaver.

They're both congratulatory, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar.

SECRETARY HARRY:

...(machine cutoff)...Senate -- Senate Joint Resolution 103, offered by Senator Weaver.

(Secretary reads SJR No. 103)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. I would ask for the suspension of the rules for the immediate consideration and adoption of Senate Joint Resolution 103.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration of -- adoption of Senate Joint Resolution 103. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now Senator Weaver moves for the adoption of Senate Joint Resolution 103. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Mahar, for what purpose do you rise? Senator

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Mahar. Why don't you go to Senator Dudycz?

SENATOR MAHAR:

Thank you, Madam President. If this is the appropriate time, I'd like to seek leave of the Body to be shown as the chief sponsor of Senate Bill 1043, and it should read, therefore, "Mahar-Shaw".

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar seeks leave of the Body to be added as a sponsor of Senate Bill 1003 <sic> (1043). Is leave granted? Leave is granted. On Senate -- Supplemental Calendar No. 1, under the Order of Secretary's Desk, Concurrence, is Senate Bill 95. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 2, 3, 4, 5, 6 and 7 to Senate Bill 95.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam...(microphone malfunction)...Members of the Senate. I would ask leave to take Senate Bill 95 out of the record, with the provision that we can get back to it in just a short -- short while.

PRESIDING OFFICER: (SENATOR DONAHUE)

Leave is granted. Out of the record. Senator Weaver, on Senate Bill 232? Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Amendment No. 3 to Senate Bill 232.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. I would move to concur with House Amendment 3 to Senate Bill 232. This amendment amends the Financial Securities Development Act by changing Section 8 -

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Amendments of governing agreements. The amendment, amongst other things, requires financial institutions to mail or deliver a clear and conspicuous written notice of a change in terms to the original agreement governing the revolving credit plan. It also requires the financial institutions to include an addressed postcard that the borrower may return to the financial institution objecting to a change in the terms. To avoid any possible inadvertent disclosures of the borrower's financial records, the intent of subparagraph (c)(5) is for the financial institution to include a response card that the borrower may return in an envelope, instead of on just a postcard. This amendment passed the House last week 103 to nothing. I don't know of any -- I know there are some concerns, but certainly there's no political concerns in Amendment No. 3. I would be happy to try to answer any question any Member has; otherwise, I would move adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator LaPaille.

SENATOR LAPAILLE:

Just to put this bill in perspective, for, as Senator Weaver said, it did come out of the House 103 to 0. Ellis Levin voted Yes for this bill. Jan Schakowsky, she voted Present. So, she didn't even oppose it, but she voted Present. So Ellis Levin was a Yes vote on this bill, and you know Ellis is a consumer fighter, a Ralph Nader supporter. And if he could vote Yes, I think we could -- all could vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Members of the Senate. Because of the explanations I had received of differing information, I rise to oppose the legislation, which originally I thought I would be supporting. And let me explain the difference. It's my

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understanding that the purpose of this bill will allow credit card issuers to change the interest rate on items you have already bought and have been paying off on time - not to change the interest rate for something you buy next week, but to change the interest rate for something you may have bought last month or last year and have been paying off on contract over time at a set rate. I was led to believe that the only time they could raise the rate was if a consumer failed to pay their bill two bills in a row, in other words, if for sixty days the credit card user stiffed the credit company, in which case they were going to raise the interest rate. I personally have no problem with that at all. I think it's absolutely appropriate. That was the information I received yesterday. I'm advised today by both staffs that that is not the case; that you could be paying for something you purchased on a credit card last year, paying it timely all the way through, and they decide now to raise that interest rate in the middle of your payment period. What are your choices? They will send you a postcard informing you of that. Now if that postcard is not -- is just being sent to you, first of all, how do you know that the consumer got it? Secondly, if it's a postcard, the mailman and everyone else in the world now knows your credit card number. I don't think that's the brightest way to do it. And then, if I understand it correctly, your choices are: you can send it in that you don't want them to do it, in which case they cancel your card; or, if you don't send it in, they raise the interest rate on all that you have owed already, even though you have been timely paying it. That's not what was explained to me yesterday. Now that both staffs have explained it to me, I think it's a horrible idea.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

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Senator Carroll, I think you are incorrect. The -- the notice will be sent with your billing, in an envelope. It won't be exposed to the postman or anyone else who might go through your mail. And in sending it back, they will provide an envelope to be put in -- the postcard to be put in where you object to any raise. And if you object to that raise on existing -- on existing loans, they cannot raise the rate. It's not retroactive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President. I rise in support of Senate Bill 232 because Illinois has fallen behind some of the other states, such as Delaware and South Dakota, from attracting financial institutions that issue and process credit card businesses. And Senate Bill 232 deals with debt ratification and puts Illinois on an equal basis with both of these other states, which are leading credit card states. And current Illinois law creates a competitive disadvantage, and I feel that this is a bill that we should pass and would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Madam President. Well, Senator Carroll makes a distinction here about the fact that the credit card company can raise your rate in the interim period when you have an existing balance, as if that's something new. It is not new. Seventy percent of the credit cards that are issued in this country are issued from South Dakota, from Nevada and from Delaware, and in that seventy percent, those state laws permit exactly the same thing. So we already have that aspect here in Illinois, because Illinois has seventy percent of their cards, roughly, from those states. The other issue that you should be concerned with is the

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fact about jobs, and this is having an impact on jobs, because the hottest credit card today is the General Motors credit card. There are in Illinois three thousand people that work on the General Motors credit card, strictly alone. You've seen other companies follow that. Ford Motor Company has followed it; Chrysler has followed it, so it's a hot card. We're also talking about jobs in this, and this is more jobs for Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Madam President. I would just move to concur in House Amendment No. 3 to Senate Bill 232 and request a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. The question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 232. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 22 Nays, and 1 voting Present. The Senate does concur in House Amendment No. 1 <sic> (3) to Senate Bill 232, and the bill, having received the required constitutional majority, is declared passed. ...(machine cutoff)...Conference Committee Reports is Senate Bill 405. Senator Rea. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 405.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rea.

SENATOR REA:

Thank you, Madam President. Senate Bill 405, Conference

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Committee Report 1, amends the Vehicle Emissions Testing Chapter of the Vehicle Code to provide for upgrades and enhancements of the Vehicle Emissions and Inspection Program as required by the Clean Air Act, which was amended in 1990 at the federal level, which affected many of our State programs. Senate Bill 405 will achieve a thirty-percent reduction of the pollutants from vehicles - forty-four tons per day over the current program in the Chicago area - and it will also achieve a six-percent reduction from vehicles - seven tons per -- over the current program in the metro-east area. There is some geographic expansion of the program, which is required by Congress, which will result in a five-percent increase, which will include two -- two hundred and nineteen thousand vehicles in the number of vehicles in the Chicago area and a hundred-and-twenty-one-percent increase in the metro-east area. There'll be eleven new testing stations that will be constructed: eight in the Chicago area and three in the metro-east area. Fifteen million in federal funding has been committed for FY'94, FY'95 and '96 - a reimbursement-based fund to cover capital costs, and I might also point out that there are no additional motor fuel tax funds that will be used. A State implementation plan must be submitted to the USEPA after this legislation becomes law for approval by November the 15th of this year. Land acquisition and construction must begin in order to comply with the Clean Air Act requirements. Sanctions for failure to upgrade the program includes a loss of seven hundred and ten million in federal highway funds. I would ask for an Aye vote on this, and also, if there's any questions, both Senator Mahar and myself will be glad to respond.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. The hour is late and I know a lot of

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people really don't care, but I just would like to point out a few things. Number one, Chicago is not out of compliance this year. Last year they were out of compliance two hours - two hours for the entire year. We have progressively made inroads upon any kind of pollution that is caused by the cars over the last several years since we have had this stupid bill in place. Now we are going to expand it into counties that have never been out of compliance. DuPage has not been out of compliance for over three years. Before that, we were out of compliance for all of a half of an hour for the entire year. When I went to Washington a few years ago and asked them why they insist that we have to do this, I was informed that it was because Milwaukee was complaining. Milwaukee is complaining, and therefore, we must spend forty million dollars to clean up air that right now is at zero level as far as pollution is concerned. I was also informed Gary, Indiana, is complaining. So we must spend forty million dollars and have our people be subject to increased repair bills, up to four hundred and fifty dollars per vehicle, if they cannot pass the emissions test and have to ask for a waiver. To my knowledge, -- our congressmen were not contacted. I have personally contacted Congressman Lipinski and Congressman Ewing, and they claim they know nothing about this bill. I presume this bill is going to fly. I would just like to remind my colleagues when they come around and ask -- our constituents ask why they have to spend four hundred and fifty dollars to repair their vehicle, may I suggest we put a banner over the emissions testing station and say, "Welcome to President Clinton's newest mandate." This is a bad bill; we ought to defeat it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate.

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There comes a time in the life of an elected official when we must say, "Enough it enough." There can be no clearer time, in my opinion, than this bill. Senator Fawell has -- has put her finger on the hot button. There is no allegation that there is noncompliance in the areas which are now going to be coming under federal regulation and jurisdiction. All we have here is a simple case of some high-minded masters in Washington and their bureaucratic allies who have made a decision that when we send money to them through our taxes, that the only way that we're going to get our money back from them is if we play according to rules that they set up that simply have no relationship - none whatsoever - to the quality of -- of our air. This is one of the worst examples that I can think of of a federal government that is blackjacking and extorting from its citizens compliance with rules which make no sense. A country and western singer said...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka...

SENATOR PETKA:

..."You've got to stand for something, or you'll fall for anything."

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka, I hate to interrupt you, for just a second, but I believe Senator Rea has something to say. Senator Rea.

SENATOR REA:

Madam President, I would like to take Senate Bill 405 out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. With leave of the Body, Committee Reports.
ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to Executive Committee - Senate Amendment No.

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l to House Bill 2082; Be Approved for Consideration - motion to concur with House Amendment No. 7 to Senate Bill 95.

Signed by Senator Weaver, Chairman, the Committee on Assignment -- pardon me, on Rules.

PRESIDING OFFICER: (SENATOR DONAHUE)

On Supplemental Calendar No. 2 is Senate Bill 498. Senator Topinka? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Second Conference Committee Report on Senate Bill 498.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President, and Ladies and Gentlemen of the Senate, Conference Committee No. 2 on Senate Bill 498 is probably best known and easiest -- explained on this Floor by noting that this is the National Guard employment security bill which indeed tries to make sure that our guardsmen - men and women - who served so admirably during the floods and during the problems that we have had here, are ensured that when they come home, their jobs will be there for them; they will receive no harassment. Obviously, we don't want to make some -- such difficulty for them on this that people don't join the Guard, because much like firemen, we don't appreciate the National Guard until we are in trouble. And both the fire -- and paramedics, as well, as Senator Raica would note. We just appreciate them all. And that's -- that is the biggest part of this bill. There are other parts of this bill which would postpone the due dates and enacting -- and interest penalties for 1993. It's permissive on the part of counties to allow this to be done for those areas that would be hit by the flood. It also -- we have included parts of Cook County that also suffered a -- a flood earlier in the year at -- that those Representatives and Senators who come out of Chicago duly called to our attention.

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That is included in here; so they are dealt with fairly. It has a number of other provisions. I would be happy to answer other -- any other questions, but I think everybody has fully signed off on it. This flew 114 to 0 in the House. I'd like a similar roll call here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Rise in support, ask for your favorable consideration, ask for a roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka, to close? The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 498. 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 55 Ayes, no Nays and none voting Present. The Senate does adopt Conference Committee Report on Senate Bill 498, and the bill, having received the required three-fifths majority vote, is declared passed. On your regular Calendar, page 2, House Bills 3rd Reading, is Senate Bill -- or House Bill 26. Senator Maitland, do you wish to have that bill returned to 2nd Reading for the purposes of amendment? Senator Maitland seeks leave of the Body, return House Bill 26 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 26. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, to explain the amendment.

SENATOR MAITLAND:

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Thank you very much, Madam President and Members of the Body. If it be the will of the Body, we would just seek to adopt the amendment and -- and move the bill to 3rd Reading, and then we'll debate the issue at that point, if that's all right with the Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Seeing none, Senator Maitland moves the adoption of Senate Amendment No. 1 to House Bill 26. All those in favor, say Aye. Opposed, Nay. We should have a vote on this. I'm sorry. I'm reading -- all 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 56 Ayes, 1 Nay, none voting Present. The amendment is adopted. Are there any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now... Senator Maitland, on House Bill 26. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 26.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. House Bill 26 does represent a scaled-down version of the supplemental appropriation bill, House Bill 4, that passed out of this Body several weeks ago. It essentially deals with only those areas that are essential to the operation of State government between now and January. We have taken all the other areas --

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other issues out of the bill. It does -- it does appropriate three hundred and twelve million dollars -- three hundred and twelve million six hundred and forty-five thousand dollars in total funds, thirty million of which is General Revenue money. Most of this deals, again, with -- with the -- with the issue of -- of flood relief. In addition to those areas which have already been talked about previously, we did retain the language that was asked for by the Secretary of State and the authorization of those funds; the additional nursing home grant revenue; the DMH/DD transfer from Public Aid; the ISAC saving bond transfer; DPA child care money, to capture federal dollars; the ISBE capital transfer; the Deputy Auditor General money, and also and finally, to the family of our -- our departed friend, Zeke Giorgi, the appropriation -- Zeke Giorgi, the money necessary to -- to pay the family for what they have coming. And therefore, Madam President, I stand ready to answer any questions today that Members of the Body might have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President and Members of the Senate. I will be brief; we've been through this before. I am, as a individual Member, and I believe speaking for our side of the aisle, uniquely supportive of the funds to replace the monies spent in flood relief. I think the State employees did a outstanding job and went well above and beyond the call of duty in a time of crisis, and obviously, there should be no impediment to them doing their normal course of work while they use the funds necessary to do flood relief. I have a concern still with the way in which the Governor and the Republican Party is trying to divide our State. I think it's wrong. I think it's the wrong message to be sending to the three million people of Chicago, most importantly to the

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four hundred and eleven thousand students in the Chicago system, and most, most importantly to those seven or eighty thousand students who are looking to graduate from either their elementary or high school program in Chicago. Mount Morris has the same problem. There is a difference: The Governor has chosen - the Republican Leadership has chosen - to loan State money to Mount Morris. The Governor has chosen - the Republican Leadership has chosen - not even to allow Chicago to help itself. While they're willing to bail out Mount Morris, and that's a laudable purpose, they are not willing to allow self-help against the tax base in Chicago so that the Chicago kids could have the same comfort. We are not against Mount Morris. We are not against Carmi, where now the Governor has decided to send the Superintendent of Education down there to try and help that system. We are not against Chicago. It's a shame that the other side of the aisle is not the same way.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much. In all due respect to Senator Carroll, I've been around here long enough too, just a little shorter than you have, and I know that sometimes you have to take the good with the bad. I think it's time that we finally get the flood relief money to the people who need it the most, and worry about the other problems when we get there. I am committed to helping Chicago, and I think time has come, and this is the second time. I hope we don't revisit this thing when we come back next week or the week after.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam Chairman. And I -- I would ask my colleagues

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to please give me a -- a little attention here, a little respect, since I didn't get any in the Appropriations Committee. I might add, I -- I kind of expected some in the Appropriations Committee, but I was not shocked that I didn't get any. But I do expect to get some in this Body. We have a serious problem, and I want to bring it to the attention of all the Members, and that is, either we're going to follow the rules that we voted on, or we are not. Now, I am accusing the Chairman of the Appropriations Committee today with disrespecting, disregarding and trampling on the -- my rights as a Member of the Appropriations Committee to call for a division of the question. I also am accusing the Chairman of Appropriations to allow his staffer, the one standing right there with his head on his jaw, to disrespect or attempt to disrespect me, Senator Hendon, a Member of this august Body. Now I might do a lot of things, but I don't disrespect anybody in this Chamber. Each and every one of us was duly elected by the people of our district, and I will certainly not allow any staffer, who is nothing but a hired individual, to disrespect -- anyone on my staff to disrespect any Senator. And this staffer was heard clearly by me saying to his -- the Chairman of Appropriations, "Ah, just shut him down." Well, I'm going to let you know, my friends, nobody shuts me down - nobody. I am not going to accept it. Now, I want to turn the Chairman of Appropriations' attention to our rules, 'cause obviously either he has not read them, or he simply does not respect them. And I'm saying to each and every one of you, it is dangerous when we trample on the rules <sic> of any Member in this Body. Our rules, on page 1, Section 1-2, discusses that all committees are committees of this Senate, and therefore, are bound by the rules of this Senate. Section 1-3 discusses the Senate being ruled and governed by the Constitution of the State of Illinois. 1-4, all legislative matters, be they amendments and so on and so forth, has to come under the rules of

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this committee. Now, I simply called for a division of the question - a division of the question - which clearly, on page 28 of our rules, as well as in Robert's Rules of Order, is in order. Page 28, Section 7-14. And maybe you don't expect a young Senator from Chicago to know the rules, but I do. Maybe you expect me to just be the typical -- what you think is a typical Chicago legislator in your idea, but I am not. I know the rules; I read the rules; I understand the rules, and I expect you, Chairman Maitland, to respect the rules. Now, I called for a division of the question. I asked Chairman Maitland, how could he rule that I do not get a division of the question. He could not state one Statute, not one sentence, nothing at all in the rules that said that I had no right to call for a division of the question. He just decided, in his own imperial way - I guess he figures he's the Shah of Iran or something - that he was just going to say that I just couldn't do it, based on nothing more than the fact that he wants to say I can't do it. That is wrong, Ladies and Gentlemen of the Senate. It is wrong. I can go on and on and on and on. Page 268 of Robert's Rules of Order, of which this Senate is governed when it applies, says that I have a right to call for the division of a question when the -- when the issues at hand are not related. I do not believe that Mount Morris schools are related to the floods at all, nor do I believe that a number of other items in this bill are related to the flood. But our Chairman, our illustrious Chairman, decided on his own that he's just going to trample on my rights, and I'm just going to let him know, I could easily go -- said, "Go to circuit court." I could go to circuit court, but if I go to circuit court, everything we voted on in Approp will be thrown back and this entire thing will be held in abeyance. And you know that that is the truth. So I have just one question to you, Senator Maitland, and I'd appreciate it if you'd turn your -- if you would turn around and face me when I

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ask you.

END OF TAPE

TAPE 2

SENATOR HENDON:

Question: Do you have the right to trample on the rights of any Member of your committee?

PRESIDING OFFICER: (SENATOR DONAHUE)

Are you finished, Senator Hendon? Okay. Senator Hendon, you're -- now you're recognized, so repeat your statement.

SENATOR HENDON:

Are the rules of the -- is the Appropriations Committee governed by the Rules of the Senate of Illinois? Yes or no.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis. For what purpose do you rise, Senator Hendon?

SENATOR HENDON:

I was -- I -- I believe I had the Floor. I asked a question, and I was waiting for the answer before I asked my final question. The -- the question is not rhetorical. I...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR HENDON:

Well, you can -- you can say it's rhetorical if you wish. I say it's not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis. Senator Hendon. Senator Hendon. Senator DeAngelis, for what purpose do you rise?

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SENATOR DEANGELIS:

In an attempt to answer the question, and I would wish that the person who does not want me to speak would show me as much respect as he demands himself. The question to that -- the answer to that question is, you cannot divide a question in a conference committee report.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, Madam President, I just rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR DUDYCYZ:

You know, I understand Senator Hendon's frustrations, as a freshman Member of a Minority Party in the Senate. I -- I too felt those frustrations a few years ago when I was a freshman legislator, and I'd just like to remind my colleague on the other side that this is the Illinois Senate, not the city council, Senator. And we do have some decorum here, and we do show respect for each other in -- in this Body. And I would appreciate you to show as much respect for my colleague, as I am showing you now, and as we show each other. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Madam President. Just in response to the statement made by the distinguished Chairman, this is not a conference committee report. We recognize that you cannot divide the question, as such. I think the question at hand here is whether or not in the committee, if a Member asked that the question be divided, does that Member have the right to have a

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separate vote? We recognize what the rules say on conference committee report. But on -- in -- in -- in the committee, when you're discussing a issue that is not a conference committee report, can such a question be -- be divided, if such? That is the issue at hand, and then we can get on with the business of the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

On a point of personal privilege, let me -- let me just say that I -- I -- with respect to the argument that we are having here, it seems to me that perhaps what we should have done in committee was to allow the motion to separate the question, and on a partisan roll call, have it voted down. I'm trying to recall, in my nineteen years, of the division of the question in the committee. I think it's one, perhaps, that we have gotten into today, and perhaps something we ought to look at, Senator Maitland, from henceforth on, and not get ourselves all tied up into this particular debate on this particular motion. Maybe there is some -- some room for us to discuss this at a later date. But it seems to me that it could have been handled with some dispatch by simply a partisan roll call. Now, there might have been some other reason why you didn't want to address that -- that issue in committee, but maybe it's something that we ought to perhaps prevent in the future and take a look at. And by the time we come back here in January, maybe we could -- we wouldn't have this kind of debate that's taking place on the Floor. And -- and I -- I request that we just move on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis, for a second time.

SENATOR DEANGELIS:

Yes. I just wanted to state that I stand corrected on the

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conference committee; however, this was a single amendment, as a conference committee would be, and you cannot divide the question on a single amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon, for a second time.

SENATOR HENDON:

It was clear to me that this was not a conference committee report, that's number one. To my friend and -- and -- and good friend, Senator Dudycz, I most certainly respect you and would never show any disrespect for you; however, when my rights are trampled upon, as they were in the committee - all I asked for was a vote. If I had lost, I would have been through with it. But I am going to at least get a vote, Walter, and I have a right to stand up and demand that my rights be respected. Now, when my rights are disrespected, then -- then, hey, it's Katie barring the door. You hit me; I'm going to hit you back. The Chairman disrespected me; his staffer disrespected me, and that's -- and I am reacting accordingly.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

I move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. House Bill 26 is indeed a very important piece of legislation that needs to pass out of this Chamber today, and I -- I -- I respect most of the comments that were made on the other side on this issue. I -- I respectfully disagree with my good friend, Senator Carroll, on this issue. I think it is -- I think it is separate. Yes, the Governor had this in his -- in his

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recommendation for Mount Morris, but indeed the Governor of this State has worked very hard in advancing a program to deal with the Chicago crises. And indeed we still continue to have some difficulties there, and I'm convinced with the leadership of the Governor, we're going to be able to resolve this issue. Let me just say in conclusion, Madam President, directed at my colleague on the other side of the aisle with respect to disrespect in committee...(machine cutoff)... with respect to disrespect in the committee, a motion was advanced by Senator Hendon to divide the question. We didn't know whether or not this was doable, whether it was proper. And I plead guilty if I didn't know exactly what the rules were on this issue. I said to Senator Hendon, "Senator, I will respect your motion. Let me ask you to withdraw the motion now. Let's put the committee at ease, and I will get back to you and recognize you after we have an answer." We did quite a bit of research. We wanted to treat Senator Hendon fair; we wanted to treat the rest of the Members of the committee fair. I talked with staff and other Members, both Republican and Democrat. Came to the conclusion that I would allow him to continue with his motion, but I would be prepared to rule the motion out of order, because I was concerned and convinced that the question of division on this issue is not permitted. I told him further that if I ruled the motion out of order, he had a right to appeal the Chair, at which time he became very disturbed, and I guess I understand that. There was discussion in the committee, and I asked him on three occasions, attempting to recognize him to make his motion. I never, ever denied him the opportunity to make the motion. That was his right, and every Member in that committee, Republican and Democrat alike, knew that I recognized him on three occasions, but he chose to sit back in his chair and refused to respond. I then asked, "Any further discussion?" There was none. And I then called for the motion

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that had been put by Senator Donahue, and the committee moved forward. I regret that those things happened. And, Senator Demuzio, I think the point you make is a very good one. We handled it as best we could. I'm disappointed at the reaction of my good friend, Senator Hendon. Madam President, I request a favorable roll call on House Bill 26.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 26 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, and 3 voting Present. House Bill 26, having received the required three-fifths majority vote, is declared passed. On Supplemental Calendar No. 1, under the Order of Secretary's Desk, Concurrence, is Senate Bill 95. Senator Woodyard? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 2, 3, 4, 5, 6 and 7 to Senate Bill 95.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Madam President and Members of the Senate. Before proceeding with this bill, I would like to ask leave of the Body -- there are two separate motions that have to be considered. And I would like leave of the Body to consider both of those motions on the same roll call, because it deals with the same amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Madam President and Members of the Body. I withdraw my request for leave of -- of two -- of the two

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separate motions considered in one, and so we'll -- we'll go with all of these amendments. Senate Bill 95, as I think you can see from its number, has been around for quite a long period of time. And just within the past few days, really, the House rather loaded this bill up with a lot of provisions, most of which, as far as I know, are -- are pretty noncontroversial. None of these are my amendments, and quite frankly, they even ended up killing my underlying bill. But...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I -- I don't have any quarrel with what -- what we are doing, but don't we have to adopt Amendment No. 7, and then -- and then do 'em all at one time? We just...

PRESIDING OFFICER: (SENATOR DONAHUE)

We are doing all of the amendments concurrences, and that is 2, 3, 4, 5 and 6 and 7. No. Just a second, Senator Demuzio.

SENATOR DEMUZIO:

So, Madam President, it's my understanding that we're going to concur with -- with all of the House Amendments including No. 7, even though it's not on the board. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

That is correct, Senator Demuzio.

SENATOR DEMUZIO:

That's what we want to know.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam -- Madam Chairman -- I see, there's a second concurrence that I can see here that does include No. 7. I found another one that said it didn't; that's all.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Woodyard.

SENATOR WOODYARD:

Well, thank you, Madam President and Members of the -- of the Senate. Then I guess our first motion is a motion of concurrence on House Amendments 2, 3, 4, 5, 6, and then I will need to withdraw my motion of nonconcurrence on 7, and we'll concur with that later. Can I proceed with...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

All right. I'm getting different signals back here, but it sounds like it's 2, 3, 4, 5, 6, 7 that we will move to concur on. If I could proceed, Amendment No. 2 is what removed all of the existing language in the bill and -- and just added a -- a Section title in the Veterans' Administration Retrocession Act. Amendment No. 2 deals with a request of a printer down in Senator O'Daniel's district. It's my understanding that this printer sends out-of-state mailers to another third party in the State of Illinois, before they're sent out of State. This adds the provision that also the agent or seller would not have to pay sales tax on those inserts. If there are any questions, I would allude to Senator O'Daniel on that. Amendment No. 4 is a transfer of parcels in Winnebago County, and also East Alton, and authorizes Arcola to transfer a section of an abandoned rail line. Part of that is in Senator Syverson's district, part of it in -- in Senator Weaver's district. Senate Amendment No. 5 is -- it authorizes people in -- or the Kankakee County Board to lease certain properties. It grants quick-take powers to Bensenville for their Bensenville Flood Control Project. Grants quick-take authority to Arcola and Tuscola on a waterline. There are three separate districts involved in that. Amendment No. 6 would allow Cook County Medical Center -- I'm sorry, the Medical Center

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Commission in Chicago, to do quick-take powers in some area around Cook County Hospital. That's in Senator Hendon's district, and, Senator Hendon, I am showing you respect for putting this amendment in. Amendment No. 7 was the one that we had some problems with -- some objection on. The first provision in Senate -- or in Amendment No. 7 deals with the retrocession by the United States Government to the State of Illinois on Chanute Air Base, and I think we need that provision very strongly. It also deals with concurrent jurisdiction over land near Pekin and Greenville that are used for federal prisons, and it authorizes a conveyance by the State to Sheffield, on a parcel of land. Those are the -- are the provisions that are in the six amendments, and I would move for concurrence of -- by the Senate of those amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Woodyard, I'm sorry, I couldn't hear you. I just wanted to make sure that the sunset is still in this, on Amendment 3.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank you. And -- and, Senator Palmer, I failed to mention that, and I apologize, but, yes, the sunset provision is in, and it sunsets January 1, 1997.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

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Thank you, Madam President. I would like to know if I would be out of order if -- if I can ask Senator Petka to stand up and say a few words on this bill also.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, to close, please.

SENATOR WOODYARD:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. The question is, shall the House <sic> concur in House Amendments 2, 3, 4, 5, 6 and 7. 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 43 Ayes, 13 Nays, and 1 voting Present. The Senate does concur in House Amendments 2, 3, 4, 5, 6 and 7. House Bill -- you just took my bill number away. Having received the required three-fifths majority, is declared passed. Resolutions. Resolutions Consent Calendar. With the leave of the Body, all those that have been read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the resolutions are adopted. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1140, offered by Senator LaPaille.

(Secretary reads title of bill)

Senate Bill 1141, by Senator LaPaille.

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(Secretary reads title of bill)

And Senate Bill 1142, offered by Senator Welch.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

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 passage of a bill of the following title, to wit:

Senate Bill 433 with House Amendments 1, 2, 3, 4 and 5.

We have like Messages on Senate Bill 684 with House Amendments 1, 2, 3, 5, 6, 10, 11, 12 and 13; Senate Bill 881 with House Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11; Senate Bill 1024 with House Amendments 2, 3, 4, 5, 10 and 11; and Senate Bill 1043 with House Amendments 1, 2 and 3.

PRESIDING OFFICER: (SENATOR DONAHUE)

If there's no further business to come before the Senate, Senator Topinka moves the Senate stand adjourned until Wednesday, January 12th, at the hour of 11:30 a.m. Senate stands adjourned.

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