

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

PRESIDENT PHILIP:

The regular Session of the 88th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by the Reverend Jeff Chitwood, Southside Christian Church, Springfield, Illinois. Reverend Chitwood.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, November 29th and Wednesday, November 30th, in the year 1994, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and approval of the Journal, pending the arrival of the printed transcripts. There being no objection, so ordered. There's been some inquiries today about when we're going to get out of here, and as far as I'm concerned, the sooner the better. I know that it's the second season for deer hunting, and all my deer hunting friends want to go down and kill Bambi. So we'd like to give you that opportunity. We're going to go through the Calendar as quickly as possible, stand at ease and do some committee hearings, hopefully come back and some paperwork from the House. I would hope we'd be out of here by noon or one o'clock at the latest. That would certainly be my intention. So the shorter we make this, the faster we'll be able to shoot Bambi. Thank you. Resolutions.

SECRETARY HARRY:

Senate Resolution 1987, offered by Senator Demuzio.

Senate Resolution 1988, by Senator Shaw.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Senate Resolution 1989, by Senators DeAngelis, Watson and others.

And Senate Resolution 1990, by Senators Rea and Topinka. They're all congratulatory and death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

PRESIDING OFFICER: (SENATOR DeANGELIS)

We will now move to page 8 on today's Calendar, to the Order of Business of Secretary's Desk, Non-concurrence, on House Bill 61. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 61, with Senate Amendment No. 1.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I would move to refuse to recede from Senate Amendment No. 1 to House Bill 61, and request a conference committee.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan moves that the Senate refuse to recede from the amendment on -- adoption of amendment on House Bill 61. All in favor, signify by saying Aye. Nays -- opposed, Nay. The motion passes, and the Secretary will so inform the House. On the same page, on page 8, on the Order of Business of Conference Committee Reports, we have House Bill 282. Mr. Secretary, do you have on file a conference committee report on that bill?

SECRETARY HARRY:

First Conference Committee Report on House Bill 282.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The House recognizes Senator Watson -- Senate recognizes Senator Watson. The Chair recognizes Senator Watson.

SENATOR WATSON:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Thank you, Mr. President. This is Conference Committee Report on House Bill 282. Has four provisions, one of which involves the Metro East Transit District. Last year there was a referendum held in the St. Clair County. This is the light rail system for St. Clair County and St. Louis. There was a referendum held and the public decided to raise the sales tax to fund the mass transit district. What this will do is create a situation by which those entities that are titled and sold - such as automobiles, boats, motorcycles - titled sales will be exempt -- or we are actually giving the authority to the Metro East Transit District - the ability - to take off half percent of the sales tax. What this does is creates a situation by which those dealers in that area will become competitive with the neighboring communities. The second provision involves homestead exemption on a -- on a homestead. Right now the -- there was -- there was a court case and seventy-five hundred dollars per individual was decided that would be the amount of the homestead exemption, up to fifteen thousand dollars. In other words, a husband and wife, or two individuals. Judge Heiple of the Supreme Court felt that this language needed to be clarified because there was a possibility that there could be considered multiple exemptions past the husband and wife, or the -- or the two. So we are trying to clear that -- that situation up. Third provision involves the Department of Revenue. Would allow them to accept electronically filed returns if a written signature is on file. And the fourth provision involves the Rate Adjustment Fund of the Industrial Commission. This is a situation by which those people who are eligible for the benefits from this are -- that are having problems with funds, this will allow them to extend the borrowing authority for an additional three years.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Channel 17 has asked leave to videotape the proceedings.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Hearing no objection, leave is granted. Any discussion? Any discussion? If not, the question is, shall the Senate adopt Conference Committee Report on House Bill 282. Those in favor, vote Aye. Opposed, voting 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 vote -- on that question, there are 48 Ayes, 4 Nays, 2 voting Present. The Senate does adopt Conference Committee Report No. 1 on House Bill 282, and the bill, having received the required three-fifths vote, is declared passed. Again on page 8, we have House Bill 1594, on the Order of Conference Committee Reports. Mr. Secretary, do you have on file a conference committee report on House Bill 1594?

SECRETARY HARRY:

First Conference Committee Report on House Bill 1594.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 1594, as amended -- the amendment, by the way becomes the bill, and all provisions relating to Conservation 2000 is out of the bill. House Bill 1594, as amended, eliminates the distinction between regional pollution control facilities and pollution control facilities by removing the term "regional" throughout the -- all the pertinent Acts. The bill is a response to a decision of the Federal District Court for the Southern District of Illinois, where the judge found that the distinction between facilities which accepted only local waste and facilities accepting waste from out of State and outside the local government boundaries violated the commerce clause. This bill eliminates the distinction and allows the local siting process to remain in place. In addition, there was clean-up language added to it dealing with JULIE computer system, which was noncontroversial and agreed to. And that is what the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

bill does now. We have committed to various other groups, including the Municipal League, that we will continue dialogue and debate on this - the siting process - in the spring Session.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Are there any questions? If not, the question is -- okay. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. If I could ask the sponsor a few questions, I'd like to do that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question -- sponsor says she shall yield.

SENATOR WELCH:

Thank you. Senator, according to my analysis, this bill is going to grandfather in facilities permitted for development or construction before January 1, 1994, meaning that they won't have to follow any of the nine siting requirements under the siting requirements of Senate Bill 172.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpiel.

SENATOR KARPIEL:

I'm sorry, Senator Welch, according to my staff and according to what I know about the bill, there's no grandfathering in.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Yes. There's also a -- the Municipal League is opposed to this, I understand, because it eliminates a current exemption allowing for local zoning to be in effect if it's in the boundary of a city. Is that true?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpiel.

SENATOR KARPIEL:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Would you repeat that, please, Senator? I -- I didn't quite hear it. The Municipal League is opposed to it because of what?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Let's have a -- let's have a little order, please. Senator Welch.

SENATOR WELCH:

The Municipal League is opposed to the bill, because it eliminates siting authority for a city, as opposed to the county. Is that true?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel.

SENATOR KARPIEL:

No. To my knowledge, one of the reasons the Municipal League is opposed to it is because it takes out of the Act exactly what the judge said we have to take out: that you can have a local -- a regional pollution control facility. It does take out the word "regional". You could still have a county or a city. The city still has siting. It's just that you can't differentiate between regional pollution control facilities and other pollution control facilities. But the Municipal League is one of the groups that we will be working with in the spring Session.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch, are you done? Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...me ask the sponsor -- Senator Karpziel, would you mind taking this out of the record for a few minutes until we get some of this stuff clarified? I don't think there's going to be a big problem, but some of us -- our analysis apparently does not dovetail with what the intent is of this bill, and if -- if -- if you would, we'd appreciate it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Karpziel says she will. Take it out of the record.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Again on page 8 of today's Calendar, on the Order of Conference Committee Reports, is Senate Bill 1724. Mr. Secretary, do you have on file a conference committee report on Senate Bill 1724?

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1724.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair recognizes Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. First Conference Committee Report on 1724 retains the underlying portion of the bill, which extended the permit period from thirty-five to ninety days, such -- so that applicants will have more time to negotiate with the EPA without losing the right of appeal. This passed the Senate 53 to nothing. Secondly, it deals with the issue of voluntary audit privilege - voluntary audits, companies that -- that have a -- that undertake voluntary audits, to see if they're in -- complying with EPA laws. This would be privileged. This passed this Chamber overwhelmingly, if not unanimously, and is supported by the IMA, State Chamber and Illinois EPA. Third, it extends from December 1st -- from today to December 1st of 1997 the requirement to promulgate rules and regulations regarding landscape waste compost facilities. This is done because the Pollution Control Board still has -- needs additional time to accomplish this. The next measure is at the request of the City of Chicago. Allows the Illinois court system to impose community service as a penalty for illegal dumping of construction debris. Next, the next Section amends the Private Sewage Disposal Licensing Act. It comes to us at the request of the Homebuilders and Realtors. It seems that the Department of Public Health has gone beyond what is reasonable in promulgating rules dealing with private sewage disposal - septic tanks, in particular. And this would -- if they're going to increase the density, this provision

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

will require that it be done by the Illinois General Assembly. The next deals with disposal of tires. July 1st of this year, we no longer dispose whole tires in landfills. This says that shredded tires may be disposed in landfills, but only after a number of exceptions have been -- only in the event that other alternatives are not available, such as lining for roadways, ground cover, leachate collection systems, incinerations and the like. This comes to us from BFI and Chewton Glen Energy. It is -- and the language is signed off by Waste Management, as well as the Illinois EPA. The final Section deals with a -- an exception that was made in an audit of the EPA regarding authorizing the EPA to accept indirect cost reimbursements. Be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

While I applaud the underlying bill, and think some of the provisions are very good in this conference committee report, I would just like to point out and share with my colleagues that it -- it's my understanding -- or my reading, anyway, on page 1 and 2 of this conference committee report that, in effect, we are now injecting the General Assembly into land density requirements, which will mean when you want to change the regulations on the size of lots for proper septic systems, that the General Assembly will now be involved, as if we don't have enough duties and as if sometimes we're not constrained enough in time. I would just like to -- to warn that if we pass this, it's my understanding that we're going to be interjecting the General Assembly into land density rulings. I'd also like to point out on page 21 of the conference committee report, specifically we're -- we're allowing now a court - and this is at -- apparently at the request, I think the sponsor said, of the City of Chicago - to allow community

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

service as a penalty for illegal dumping. The conference committee report, or the language, fails to specify a natural person. Under most readings of law, as I understand it, a person in this context could be a corporation. And it just -- it just kind of concerns me, and I think it maybe should concern Members in the General Assembly of why someone is so intent on defining the right to penalize a person with community service. I certainly hope there's no pending actions that this might apply to corporations, perhaps, that would then be eligible for community service, rather than monetary penalties or other penalties for illegal dumping. I -- I think the conference committee report's got some very good things in it. We would have time in five weeks to deal with those. So I would just recommend a careful consideration of this conference committee report. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Are there any other questions? If not, Senator Mahar, to close.

SENATOR MAHAR:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

I'm sorry, Senator Mahar. Senator Welch threw a late light.

SENATOR WELCH:

We were still trying to figure out the previous environmental bill, Senator. I'd like to ask a question, Senator Mahar, if possible.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor said he will yield.

SENATOR WELCH:

Senator, could you explain the provision affecting burning of tires?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR MAHAR:

Thank you, Mr. President. The provision that amends the Illinois Protection Act that deals with this Section states that -- as you know, we do not allow tires in landfills today - whole tires. This Section would state that other alternatives -- before we allow shredded tires to be put in landfills, that we allow -- that we consider through the Illinois EPA, as well as the Illinois Industrial Materials Exchange Service, that other alternatives be considered, and of those alternatives, the incineration of tires is one of them.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch, are you finished?

SENATOR WELCH:

I had one more question. At least.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Leave your light on from now on.

SENATOR WELCH:

My understanding is that the amendment is going to make it more difficult for landfills to dispose of these waste tires, because it sets up guidelines as to what they have to do to dispose of them, such as complying with sending them to a facility that burns them, before they dispose of tires. Is that your understanding or intention with this bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

The purpose of this language is to do what is necessary to keep -- we already keep whole tires out of landfills. What we're trying to do is find alternative sources so shredded tires are not going to be in landfills.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

Like to follow up on a question that Senator Rauschenberger raised about the dumping of construction debris and whether this applies -- this community service applies equally to corporations as it does to individuals. If you could just explain that Section a little more. My analysis talks about persons convicted of open dumping of construction debris, but I don't know why persons would be dumping construction debris.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

Well, an individual can be convicted if they're illegally dumping. I think what Senator Rauschenberger -- and rightfully so, his concern is that whether somebody under this Section would be subject to -- a corporation or a corporation president would be subject to it. This came to our attention -- this concern came to our attention within ten minutes before the committee yesterday. And I've agreed to work with the construction industry to -- to further refine that, or define that, during the next -- next Session, and consequently, they did not object to the bill during committee.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Just one last question. You're not saying then that this substitutes for monetary payment when they are wrong in dumping?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR MAHAR:

No, the -- the language in -- on page 21 is specific. It says, "in addition to any other penalty".

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar, to close.

SENATOR MAHAR:

I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1724. Those in favor will vote Aye, and the opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 7 Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1724, and the bill, having received the required three-fifths majority, is declared passed. Senator Woodyard, for what reason do you seek recognition?

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR WOODYARD:

Joining us in the -- the gallery today on the other side of the aisle is a delegation of Chinese from the Consul General's Office in Chicago. They are primarily education people. Also with them are people from our Community College Board. Mainland China is considering the possibility of establishing a community college system in China, and so they're down here taking a look at what Illinois does with our system. And I would appreciate a welcome to our Chinese friends, from Chicago.

PRESIDING OFFICER: (SENATOR DeANGELIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Will our guests please rise and be recognized? WICS-TV requests permission to videotape. Having heard no objections, request is granted. We will now move to page 3 on the Calendar. House Bills 3rd Reading. On page 3 of today's Calendar is House Bill 457. Senator Fawell, do you wish this bill to be returned to 2nd Reading...

SENATOR FAWELL:

Yes, I do.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...for purposes of amendment?

SENATOR FAWELL:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell seeks leave of the Body to return House Bill 457 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 457. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell, to explain your amendment.

SENATOR FAWELL:

Thank you -- thank you very much. This is basically a -- some clean-up language for the bill that -- that we passed last Session. It was requested by the Secretary of State, and it regards the -- the bill that allows seniors to buy stickers so that if, indeed, they would like to, they can make sure that their car is stopped after 12 <sic> o'clock -- between the hours of 12 and 5. These are stickers that are requested by seniors. In the original bill it was -- they had to make the request to the local officials. Frankly, the local officials didn't want to fool

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

around with it. It will now be done by the Secretary of State's Office for a very nominal fee. I believe it's -- they're talking about five dollars. And they hope that that will cause a -- a -- a deposit of funds so that perhaps they won't even have to charge that. It is a lifetime sticker, unless the senior requests that it be taken off. It will be put in the computer immediately. If they want the sticker to be taken off, they must fill out another form, and at that point, it can be taken off. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All those in favor of the amendments, say Aye. Opposed, say No. The Ayes have it. Are there any further amendments?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This amendment has to do with what we call the "wide load" legislation, and I know there's many of you here that have been concerned about this provision and -- and we have a -- another bill coming over from the House. There's two issues out there -- two -- two separate bills dealing with this issue just to make sure we got it completed, because January 1st of this next year, very onerous legislation will take effect if we don't pass this legislation and have it signed by the Governor. This is legislation that was -- a group sat down with the Implement Dealers, the Farm Bureau, the Farmers' Union. The State Police, Department of Transportation have agreed that when you are hauling an instrument of husbandry - in other words, farm machinery - that has a -- a width of 14.6 -- fourteen foot six inches, you must have an escort. That's the provisions. That was the agreement that was worked out. Representative Hartke from the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

House was involved in this, and has passed legislation in the House dealing with the same issue. It's important that it takes effect immediately because of the implications of the January 1st kick-in of the legislation that would really create problems. And I appreciate the -- the work of many Members on this particular issue.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As -- as Chairman of the Transportation Committee, I was not really privy to a lot of these discussions. Senator Watson carried the ball for us. What this bill does, as he -- as he said, was it allows loads up to fourteen-six to be transported without a -- without an escort. It is true that some of the highways are only nine feet in -- in width, as far as the lanes are concerned. In fact, the widest lane that we have is twelve. Right now the law says that any load of any width can be carried on these highways, and -- and unfortunately, I -- I was over in the Supreme Court not too long ago when such a load was being carried by a -- a farmer. Seventeen feet long, no escort, and he got his head lopped off of a -- he lopped off the head of a -- of a fellow farmer on a bridge, who unfortunately happened to be going the wrong way. This is a -- a very dangerous situation that is happening right now. This is a compromise. Fourteen-six is still a little bit large, as far as I'm concerned. It happens to be -- would overlap at least two and a half feet into the next lane, but it was an agreed bill. And of course, we all know how important agreed bills are.

PRESIDING OFFICER: (SENATOR DeANGELIS)

All those in favor of adopting Floor Amendment No. 3, signify by saying Aye. Opposed, Nay. The amendment is adopted. Any further Floor amendments for consideration?

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. On the Order of 3rd Reading, we have House Bill 457. Senator -- Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 457.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

I'm very tempted right now to hold this bill, but obviously there's another bill right behind it. And this is important to our farmers, who, I'm sure, have always given me their full support in the past. So since we have already debated the bill, I will let it fly.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Yeah. I -- thank you, Mr. President, Ladies and Gentlemen of the Senate. I just rise in support of -- of House Bill 457. It's not the best bill in the world, and the Senator is absolutely right, but it's a step in the right direction. It keeps the -- it keeps the economy moving, so to speak. And also, at the same time, it gives us a year to study whether or not there is a real problem out there, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On that, question is, shall House Bill H47 <sic> (457) pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

54 Ayes, 4 voting Nay, none voting Present. House Bill 457, having received the required three-fifths majority votes, is declared passed. On page 7 of the Calendar, on the Order of Secretary's Desk, are Resolutions. Senate Resolution 1896. Senator Woodyard, do you wish your resolution considered? Mr. Secretary, please read the resolution.

SECRETARY HARRY:

Senate Resolution 1896, offered by Senator Woodyard. The Committee on Executive adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This resolution was requested by the Health Facilities Planning Board to allow them to conduct a study of capital expenditures by hospitals throughout the State of Illinois. It does contain two amendments suggested by the -- the Executive Committee. One of those amendments would put a -- a reporting date of April 1st, 1995 in the bill. It also confines this study to just one year back, so that the Board would not be able to go further back. The Committee also suggested that we took a look at legislation that would -- to where we would not have to come back with this kind of resolution each year, and that's basically what the resolution does.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any questions? Any discussion? If not, the question is, shall Senate Resolution 1896 pass. Those in favor will vote Aye. All 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, there are 54 Ayes, none voting Nay, none voting Present. Senate Resolution 1896, having received the required constitutional majority, is adopted. The

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Senate will stand at ease for a few minutes till the Rules Committee completes its contemplation. And with that admonition, they came out.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Stern, for what purpose do you rise?

SENATOR STERN:

Madam -- Madam President...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Stern.

SENATOR STERN:

...may I, on a point of personal privilege, take a minute or two to thank the Body for my tenure here, to thank you for your courtesies. This will be my last day before January, and we will all be busy on the 10th. It has been a real privilege and honor for me to represent the 29th District in the Senate. And you can't be in this business long enough -- as long as I have without knowing that sooner or later, the ax may fall. I go, not happily - it's more fun to win; you all know that - but I do think it's important to make the statement that we all should feel the privilege of working in this process where we don't punch each other in the nose when we disagree, and we don't put bombs in each other's mailboxes. This is a Chamber where honorable people may disagree - and we will be disagreeing again in just a few minutes - but I think it's important to recognize we are colleagues and we respect one another, and I thank you for your courtesies to me. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Madam -- thank you, Senator Stern. Committee Reports, Madam Secretary.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

committees: Conference Committee No. 1 to Senate Bill 1232 referred to the Judiciary Committee; motion to concur with House Amendments 1, 2, 3 and 23 to Senate Bill 1147 referred to Public Health and Welfare Committee; motion to concur with House Amendments 1, 2, 3 and 7 to Senate Bill 1211 referred to Revenue Committee; and motion to concur with House Amendment No. 10 to Senate Bill 1297 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On page 8, on the Order of Conference Committee Reports. With leave of the Body, we will return to House Bill 1594. Madam Secretary, do you have a file -- on file a conference committee report on House Bill 1594?

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 1594.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Chair recognizes Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. House Bill 1594 basically - let me just go through this again - just simply changes the siting legislation in Illinois for landfills, transfer stations, other pollution control facilities, to take out the word "regional". A court and a judge found it unconstitutional to differentiate between regional and those that were simply pollution control facilities. A city or a county or any local government can still have a local facility that takes in only their waste, but under the new language now, it will have to go through the siting process, just as a multi-unit of government facility has to. And that's basically what the bill does.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

I just wanted to ask one question, to have on the record the

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

answer.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She -- she indicates she'll yield.

SENATOR WELCH:

Senator Karpziel, on page 20 of the bill, there is a amendment to the prior bill that changed the wording, "After the effective date of this amendatory Act of 1983 <sic> (1993)". That was changed to, "After January 1, 1994". That language allows a facility to avoid the requirements for local siting. Now, is it your assertion here that the legislative intent in that change of the date is not to allow any other facilities to escape siting; that was merely done to comply with a -- with a court decision?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpziel.

SENATOR KARPIEL:

Correct. And I don't have a copy of the bill here, or my staff. But my understanding is that was brought up, really, by the Reference Bureau. It was a technical change. The intent is to not allow any siting before that date, and as a matter of fact, it wouldn't -- there is not time for that to happen anyway.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Any further discussion? Hearing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1594. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 voting Nay, 2 voting Present, and the Senate does adopt the Conference Committee Report on House Bill 1594. And the bill, having received the required three-fifths majority, is declared passed. We will now go to the top of page 8, on the Resolutions, Senate Resolution 1926. Senator Dudycz, do you wish your resolution considered? Madam Secretary,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

read the resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 1926, offered by Senator Dudycz and President Philip.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz, to explain the resolution.

SENATOR DUDYCZ:

Thank you, Madam President. The intent of Senate Resolution 1926 is quite clear. It states that -- first of all, that the National Voter Registration Act of 1993 mandated that states enact legislation necessary to implement voter registration procedures by January 1 of 1995. Also mentions that the cost of this unfunded federal mandate is estimated from between several million to several hundred million dollars. Also it mentions that other states - specifically, California, Indiana, Michigan, Pennsylvania, New Jersey, Kansas, Mississippi, New Mexico, Texas, Montana and Nevada - have also had problems in implementing this federal unfunded mandate. Also it mentions that we, in Illinois, have an established voter registration program at all driver's license facilities, and a progressive deputy registrar program that already provides numerous opportunities for persons to register to vote. Specifically, currently in Illinois, a citizen can register to vote at all Secretary of State's driver's facilities, all county clerk's offices, most libraries, most high schools, municipal offices, universities, colleges and junior colleges, labor organizations, community organizations, Department of Public Aid offices, Department of Employment Security, private corporations and political party offices. They all have the ability to -- to have registration programs in these facilities. Also says that it will be more than fifteen months before Illinois has its next scheduled federal election, and we are urging Congress to extend the deadline from January, 1995, to January,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

1996 - for one year - to allow the states to enact reasonable implementing legislation, as well as to allow Congress to reconsider the requirements that <sic> the Act through modifications that recognize the diversity of state measures and to find a source of funding so we can fund this mandate that the federal government is imposing on us.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Stern.

SENATOR STERN:

Madam President, I rise in opposition to this resolution, partly on the basis that it is too late to have any effect. We are not only at the eleventh hour of this legislation; we are at the twelfth hour. We are required by the federal government to have implemented this legislation on voter registration by January 1. Today is December 1. Let me tell you some of the things that I find objectionable about this resolution. First of all, if we were going to try to persuade the Congress to change its mind on this subject, we should have started a long time ago. It is now too late. The resolution lists thirteen states that have not yet implemented it. But it does not say that three of those states have not met in Session this year, and are administering it locally, or -- strike that. They are passing administrative rules to adopt the procedures necessary. Texas, Nevada and Montana are those. Is it not more appropriate for Illinois to join with the remaining forty states, and do that which this federal law requires of us, than to fight it in this kind of dithering action. We need to implement one of the two bills that is prepared and ready for us to adopt. Let me go on to say, yesterday at committee I was astonished to discover that there is still a belief that by implementing national voter rights registration -- registering -- Voter Registration Act, we will be adopting same-day registration. That is not the case, Ladies and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Gentlemen. We are simply adopting a form of voter registration by mail a -- an ability to register voters at every facility that is listed. While Senator -- Dudycz lists a great many places at which registration may take place, that is voluntary for many of them, and does not take place at all of them. Let me tell you what is going to happen as of January 1st if we do not implement the national law: We are going to end up having people registering at these facilities because they are going to be told by federal law that they can do so, and they will be registered to vote only in national elections. They will go to their polling places in March or April to vote in local elections and find that they are, in fact, not able to do so. They are going to be angry and be disenfranchised. They are going to upset the results of many of the elections that will take place at that time. The county clerks and the boards of election commissioners are going to have to provide for double sets of registered voters. They're going to have to provide two booths for every one booth that they now provide. They'll have to provide two vote recorders for every one vote recorder they now provide. They are going to have to go to enormous expense, for no reason except our apparent distaste for the federal legislation. The Attorney General Janet Reno has said she would start litigation against any state which has not implemented the national law by January 1st. We start out already in the wrong on this litigation. Why in a year when we have so many places to put money, should we be spending it on useless, futile litigation like this? I urge you not to pass this resolution. It is truly meaningless. I urge you, instead, to consider and pass one of the two pieces of legislation which would implement the National Voters Registration Act. Thank you very much.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator LaPaille.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR LaPAILLE:

Thank you, Madam President. Senator Stern said it like it is. The motor-voter legislation is here, and for Illinois to ignore it is only going to create a two-tier system here in Illinois. And for those Members who will be running in 1996, here's what would occur if we do not implement motor-voter here in Illinois: A voter would be registered to vote in congressional, U.S. Senate and Presidential elections, and then they would also -- they would not be armed to vote in State elections. So for those Senators that perhaps are in a Democratic congressional district and wish to have their supporters vote for them for State Senate, perhaps they would be able to go in and vote for the Democratic congressional candidate, but then they would not be eligible to vote for the Republican State Senate candidate. So that is what we're creating here, is a two-tier system in Illinois. And during the Reagan and Bush years, the federal government implemented the Clean Air Act, which required mandatory auto emissions testing. And we didn't like it, and we delayed and delayed, but then we finally had to do it. And I submit to you that motor-voter is here. It's a federal law. Thirty-seven states have already implemented it, and it would just be folly to say that Illinois is going to keep delaying this and then end up with a two-tier system here in Illinois. I say now is the time to act. The bills are here in the Senate, and we should move them as quickly as possible.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator del Valle -- del Valle.

SENATOR dEL VALLE:

Thank you, Madam Chair. Excellent pronunciation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Gracias.

SENATOR dEL VALLE:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

I want to share with -- with our side of the aisle some of the -- the content of the debate in the Executive Committee when this resolution was passed yesterday. But before I do that, let me remind everyone that the U.S. House has adjourned. They adjourned as of Tuesday. They're finished. And so I'm not sure where this resolution is going to go, given that there is no Legislative Body to accept it as of this week. So therefore, I think that it is obvious that this resolution on the part of the Senate, because it is only a Senate resolution, is an attempt to disguise what is a blatant political decision - a decision based strictly on politics - an attempt to disguise our failure to act in order to comply with federal law. Now, it's not the first time, as has already been indicated, and I'm sure won't be the last. But I really appreciated the candor of our Executive Committee Members who said yesterday that their opposition to the National Voter Registration Act is based on ideology and on philosophical differences. I appreciated that candor. I appreciated the fact that one Member said that it was political and that the purpose, they felt, of this National Voter Registration Act was to allow us to register our voters, to register more people. Well, that's exactly what the National Voter Registration Act is all about. It's for the purpose of making sure that as many people as possible who are eligible to cast a vote in this country are given that opportunity. The National Voter Registration Act is for the purpose of facilitating voter registration so that, yes, we can have long lines, instead of no lines, on election day. That's exactly what we want. We aren't afraid of the voters. As a matter of fact, we were hoping for a much higher turnout in this last election. And I daresay that the results would have been very different if there had been a much higher turnout. And I guess that's why some Members here don't want the Voter Registration Act. Because they are afraid of what the silent

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

voter might say on election day. And so I ask you to please vote a resounding No on this resolution, and let's -- us send a message to those individuals here in this Legislative Body who want to violate federal law, who refuse to comply with federal law and who are contributing to the very gridlock that many of the voters who did vote on November 8th said no to. I urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon. Briefly?

SENATOR HENDON:

Thank you, Madam President, and I will be very brief.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you.

SENATOR HENDON:

I truly do not understand my distinguished and intelligent friend, Senator Dudycz's logic here. As a matter of fact, I spoke with our President about this bill when we were trying to pass it earlier, and he indicated to me that it wouldn't do -- it wouldn't take effect for the November election, and I let him know that my concern was the upcoming election. And when you look at the results of the last election, it's clear that Democrats do not have a monopoly on registering voters or getting those voters to the polls. So I see this as a nonpartisan issue. I see it as an issue to try to encourage Americans across this country to participate, because no one got a mandate in this last election because most people simply don't participate at all. And anything that will allow our people to participate, regardless of -- of party, is a good thing. So I -- I'm urging a No vote on this, and I -- I really think my distinguished friend should -- should withdraw and also vote No on this and let motor-voter come to Illinois. Thank you very much, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Fawell.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR FAWELL:

Thank you very much. I'd like to tell you why this is not a good idea. In this particular State we have a hundred and two county clerks, or -- that handle the election, or such as in my county - we have an election commission. We also have a hundred and two different forms. The way we register voters in the County of DuPage is on a different form than the way they register them in Cook County, the way they register in Kane County, the way they register them in Lake County, the way they register them in Will County, the way they register in Madison County, or any other county in the State of Illinois. And a lot of my people go to other counties when they get their driver's license. They go to Hillside. They go to Aurora. They go down to Joliet. What you are asking is that every single clerk hands out enough forms for every single driver's license place in the State and every other place that -- supposably we can do this at, so that they can get registered the way their county clerk wants them to. Now, if you want to have a uniform form, that's fine. Who's going to pay for it? Right now those forms are paid for by the county. State want to pay for it? State want to set up a computer to pay for it? We, right now in our county, have all this stuff on computers, as I believe the County of Cook does. A lot of the counties don't. This is a dumb bill. When you start looking at other elections there are a lot -- every, single election there are voters that come in that only vote for the President and the congressmen, because they're servicemen or because they've moved. This is not a new idea. It is not a good idea whether Congress in their great wisdom seems to think it is or not. And when are we going to start acting as Senators of the State of Illinois and tell everybody else to go take one big flying leap? This is an excellent resolution, and we ought to all vote Aye.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. I rise in opposition to the resolution simply because, as has been previously stated, Congress in Washington has adjourned. There'll be a new Congress sworn in in January, after January 1. Now, those who are concerned about this mandated cost beginning January 1, if we do not implement, the cost is still going to be there. And for those persons who register after January 1 at those facilities, such as firehouses and library, thinking they will be able to participate in the -- the municipal elections across the State of Illinois that will be held in February and April, and what's going to happen is simply this: When Rickey Hendon wins the primary election, someone's going to file suit, because they were denied the opportunity to participate in that election, because they will only be able to participate in a federal election. There is -- there is a possibility that we could have a special federal election. So it is not only impacting 1996; there's a possibility it could have impact in 1995. So passing this resolution, which is really meaningless -- and those who are concerned about the so-called mandated cost, well the cost is already here. The cost will begin January 1 simply because all these election commissions across the State of Illinois will have to keep dual records, and in keeping those dual records, they would automatically have that mandated cost. So we're not saving any dollars. The question is whether or not voters would have the opportunity to register by mail, and there's nothing wrong with that, if you're concerned about the American people or the people of Illinois participating in the electoral process. So passing a resolution when your own House Members -- your own House Members on that side of the aisle thought is was a very good idea. And some of them are pretty bright on the other side of the rotunda, and they voted for this

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

last spring. But for us to sit here and -- and play games with this issue, we're not solving the problem. But every municipal election that is to be held in February and April of next year could conceivably be thrown out because I can see a class action suit being filed by someone who was denied the opportunity to participate. This is a dumb resolution. It is ill-advised. It's not in the best interest of the people of Illinois, and the sponsor in his infinite wisdom should -- should do us all a favor and just withdraw the resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I also rise in opposition to this amendment <sic>, and -- frankly I am appalled that a Legislative Body brought here by voters, who had to vote for us to bring us here, should stand in opposition to any means by which the voter can participate more fully in that process. That just seems to me a contradiction in terms. Ten years ago I worked with a number of grassroots organizations - Republican, Democrat and so forth - on the road toward a motor-voter bill, with the simple idea of trying to remove the barriers that were keeping voters from being able to vote. I have been in rural areas where people told me they had to walk two and three miles to get to a polling place, because it was absolutely impossible for them -- the restrictions were so tight. We have already been through, in this country, the poll taxes. We have been through all kinds of measures that have prohibited people from voting. This, very simply, says that people now have one more means by which they can vote, and I think that is a legitimate -- and frankly, it's already in place. So for us to stand here and say that people should not have that option when it has already been passed by the Congress, I think it is disingenuous to talk about this costing too much. The cost of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

having a two-tiered system will, in fact, be, in the long run, far more costly to all of us than implementing what is already law.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Before I call the next speaker, the AP requests the right to take photos. Hearing no objection, the request is granted. The next speaker, Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Madam -- Madam President. The Executive Committee and its debate was mentioned earlier by one of the speakers, and as Chairman of that Committee, I would like to set a few things straight. The previous speaker mentioned that someone talked about ideological and philosophic differences. That was me. I suppose in this Body when all anyone talks about, on that side of the aisle, seems to be politics and that all the -- anyone opposed to this -- to the bill and for this resolution is doing it only out of politics, I suppose someone who mentions philosophy -- political philosophy or ideology is way off base. But frankly, for some of us, there is a big difference philosophically between the parties, and on some issues philosophy guides our vote. Whatever happened to state sovereignty? Anything -- according to, I believe, the Tenth Amendment, power is not delegated to or prohibited by the federal government and reserved to the states. Since when does the federal government have the right, under our Constitution, to continually mandate on the states their -- their wishes, what they want done, when it is not in the Constitution for them to do so? And not only to mandate that we provide this increased voting ability -- this increased enfranchisement of voters, but tells us specifically item by item how it has to be done. Now, I know the State has done that to local governments and they're pretty sick of it when we do it. And I don't blame them. And I'm pretty sick of it when the federal government does it. Now, for all those people on the other side of the aisle, let

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

me say that this is not a resolution to try to stop increased registration or increased voting on the part of anybody or anyone's constituents. What I don't like is the federal government telling us how to do it. I also have a philosophic difference with the idea of allowing people who are not citizens of the United States to vote here, and the federal bill does not allow election officials to ask potential voters if he or she is a citizen of the United States. I think that is wrong. Now, there are some of these things that were said that are simply wrong, on the other side of the aisle. We are not going to necessarily have this tremendous confusion about voting between local and federal elections. At the present time, Illinois has a very fine method of registering people. We -- we have a lot of places. They can register at libraries. They can register at the Secretary of State's Offices. The two parties do a good job. Candidates get people out. We have a pretty good way of registering, and very frankly, if they have to walk or drive or get a few blocks to get someplace, or even a mile, I think there's a little bit of citizen responsibility here too. But we have places to register. If they, in fact, register at any of the places they can now register, and they're a new registrant or have moved - they want to change their registration - if they do that at the places they are now allowed to register - the driver's license facilities, libraries, all the other places, village halls, county offices - they can vote in both elections, just as they can now. They are not going to be restricted. So that is patently false. Let me tell you another problem with this bill. It calls for us having to decide, of all these different agencies and units of government, who can register. One of the things that held this bill -- the bill up from being passed last year was because we couldn't come to an agreement on which agencies or units of government should be included, one of which that was suggested

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

were libraries. Libraries came in here and told us it was going to cost them a great deal of money to do this, because -- let me tell you about Roselle. Roselle lies in two counties, Cook and DuPage. At the present time they register people. They have people there that'll register you, but they have -- first of all, they have no employees that live in Cook. Even if they did, you have to have a register -- according to the federal law, you have to have a registrar there at all times that you are open ready to register people. So you would have to have some -- and since they are open days, evenings and weekends, you would have to hire several more people just to take care of that. And they were objecting to that. That's one of the reasons that bill was held up last year, because we couldn't come to terms on that. Not because we didn't want to register people, but because like a lot of mandates -- a lot of mandates that we pass that in concept sounds good and probably is very good - and I have no objection to the concept of enfranchising more people - but in -- but in the details in implementing that concept is where we find so many problems. There are a lot of problems with the federal bill. This resolution does not say kill the bill. It does not say repeal the bill or anything. All it is asking are three things: to give us time to enact reasonable implementation; to allow Congress time to reconsider some of the requirements of the bill; and to allow Congress time to, perhaps, find a funding source of the bill, because it's just another mandate without funding. I urge a Yes vote on this resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? We have two more speakers. Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. As an election authority who administered elections for in excess of twenty years, non-passage

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

of this resolution -- I urge you to vote a No on it. The complexity of elections has increased dramatically in the last twenty-four years, and the judges of election will be subjected to greater complexity if the National Voters Registration Act is not complied with by the State of Illinois. You are creating a second election in each and every precinct, and I can envision the number of election contests that will result from our failure to comply with the National Voters Registration Act. I urge all of you to vote No on this resolution, and let's get about the business of adopting the National Voters Registration Act. And Senator Karpel, in due respect, the registration form that is signed by the registrant at the time they register states: I solemnly swear or affirm that I am a citizen of the United States. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpel, what purpose do you rise?

SENATOR KARPIEL:

Well, I understand that on the new form, Senator, there is an affirmation, but there is no -- you don't have to show any kind of a verification or identification or anything to prove that. So I think it's less than, you know, less than nothing.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates -- he indicates that he will.

SENATOR JACOBS:

This is, Senator, is it not -- this is simply a resolution? It has no true effect of law?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR DUDYCZ:

That's correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

...(microphone cutoff)...much as there was some conversation about philosophies and that's the reason certain things are being done, I just curious if you could maybe amend this so that you could urge Congress to -- to pass term limits within the first ninety days of -- of the new Session?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Butler. You know we have spent about forty-five minutes on this one topic, and we're not done yet. Senator Butler.

SENATOR BUTLER:

Thank you. I'll be brief. I just want to point out one comment that -- of the many excellent comments that Senator Karpziel made. And that is, she used the word "citizen responsibility". I wish I could feel that this -- that this bill, the voter registration bill, was directed at Mr. and Mrs. Average Citizen. What it's really directed at is the lazy, the indifferent, the disinterested citizen, because we provide so many opportunities for people to register and for people to vote. All citizens need to make very little effort in order to vote, or -- or to register. What more can we do? Maybe we ought to put a -- put a -- a registration blank or a ballot on everybody's pillow and beg them to vote. You know, that word "citizen responsibility" is, I think, the most important thing that's been said here today. We constantly are catering to the whiners. This is a whiner bill. "Please make it a little easier for me to vote." My God, we have responsibility as citizens, and this is the chance, I think, to say to all potential voters, "My gosh,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

you're citizens. This is a democracy. Make some effort. It doesn't take much. Please, make some effort to vote." I -- I urge you -- and I support Senator Dudycz's resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR GARCIA:

Senator Dudycz, is it true, to your knowledge, that in addition to the affirmation of citizenship on an voter registration form, that the form, with respect to lawful permanent residents who have become naturalized U.S. citizens, requires one to state when they became a citizen, in what U.S. district court that took place, and the year?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz, to respond.

SENATOR DUDYCYZ:

Senator, are you referring to the -- the new form or the old form -- the current forms?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

I'm referring to the form in use currently, and whatever new forms may be in effect. The ones that are used currently in Cook County, to your knowledge, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz, to respond.

SENATOR DUDYCYZ:

Staff tells me that you are asked where you were born, but any

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

further we don't know. And as far as the proposed language of the new forms, I have no idea, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Madam President, for the benefit of the sponsor of this resolution, I'd like to inform him that those forms require anyone who became a citizen through naturalization to give the date, the place, when that naturalization occurred, and that the Board of Election will verify that with the U.S. Immigration Service to further prevent any fraud from taking place. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR DUDYCHZ:

Thank you, Madam President. You know, enough has been said on this resolution. I'd just like to give a few brief points, reiterate that this is -- that National Voter Registration Act is an unfunded federal mandate. The Secretary of State's Office has stated the estimated cost of between four hundred and -- four hundred thousand dollars start-up costs, including two hundred thousand in printing -- in printers alone. Some of the -- your fellow former colleagues, Senator Bowles, other clerks have come to my office and they have said that start-up costs in -- for the clerks would be very, very expensive. Champaign County Clerk, for example, said with a population of a hundred and seventy-five thousand, estimates of the start-up costs for their county alone would be approximately forty thousand dollars. I'd just like to again say that everybody in Illinois has an opportunity to -- to register to vote today. I mentioned a long list of locations. And I am not personally opposed to motor-voter, Senator Stern. You -- you may recall that back in 1990, the General Assembly

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

passed a bill, Senate Bill 2157, which allowed registration in the State -- Secretary of State's facilities, and since then, over seventy-six thousand people have been registered at the Secretary of State's Office alone. As a matter of fact, I even cosponsored -- when you were in the House, you sponsored House Bill 3563. I cosponsored it in the Senate hoping to -- not to disenfranchise, but to enfranchise our citizens, to encourage people to vote. But this unfunded federal mandate that the -- that the Congress has -- has jammed down our throats is -- is making it very difficult for states like Illinois to comply with, and all we're asking for is a one-year extension so that the -- the points that I mentioned earlier can be addressed. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz moves the adoption of -- of this resolution, and we are going to have a roll call vote on it. So, those in favor will vote Aye. Those opposed will vote Nay. The voting is now open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On this question, there are 32 voting Aye, 26 voting Nay, none voting Present. And this resolution's hereby adopted. Illinois Information Services requests permission to videotape. Hearing no objection, permission is granted. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR WATSON:

We have a resolution that we've introduced for one of our staff members here on -- on our side of the aisle - Republican side of the aisle - who will be retiring at the end of this year,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Carolyn Cronin. And I think Carolyn is here. Carolyn, if you would. Carolyn works on our press staff, and has worked for us for ten years and has been my press staff for that period of time. And I just want to show my appreciation for the work that she's done here for us on our side and I'm sure you've collaborated with the other side on -- on many of occasions, and you've done an outstanding job. You literally follow me around from committee hearing to committee hearing or whatever it may be, and -- and -- and I really want -- want you to know how much I appreciate the work and effort that you've put -- put forth for me, and -- and other Members, I'm sure, concur with that. We have some cake here that -- in honor of your leaving us, and we wish you well, and -- and again, thank you for all that you've done for us.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson, your comments are well made and for a very deserving individual. Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

Yes. Madam President, there will be a meeting of the Senate Health Committee as soon as our enclave here dissolves, at my desk on the Senate Floor. We expect it to be extremely minimal in terms of time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Thank you, Madam President. I would like to announce a Republican Caucus immediately following adjournment for some -- a brief period of time. Pate Philip's Office.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Madam President. There will be a Revenue Committee

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

-- Senate Revenue Committee meeting in Room 212 at 11:45.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Senator Hall, for what purpose do you rise?

SENATOR HALL:

Thank you, Madam President. There'll be a Democrat Caucus in Leader Jones' Office immediately.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. There's a Republican Caucus immediate after this morning's adjournment, and a Democrat Caucus immediately after. Senator Hawkinson, for what purpose do you rise, sir?

SENATOR HAWKINSON:

Thank you, Madam President. There'll be a Judiciary Committee meeting in Room 212 at 12 noon.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Judiciary meeting at Room 212, 12 noon. Would you please look at your Calendars? Page 2. On the top of page 2, on the Order of 2nd Reading, Senate Bill 251. Mr. Secretary, would you read the bill. Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 251.

(Secretary reads title of bill)

2nd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments that have been approved for consideration? Madam Secretary.

ACTING SECRETARY HAWKER:

We -- we have no amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. We're waiting -- if you'll stand at ease for a few moments, we're waiting for a Rules Committee Report. And then we'll be recessing to the call of the Chair for the purpose of the committee meetings.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

ACTING SECRETARY HAWKER:

Senator -- Senator Weaver, Chairman of the Committee on Rules, reports that the following Measure has been assigned to committee: Conference Committee No. 1 to Senate Bill 1153 has been referred to the Judiciary Committee.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further -- any further reports? Hearing none, there will be caucuses. There's a Democrat Caucus immediately, and there's a Republican Caucus immediately and the Senate will stand in recess, and our committees taking place after the caucuses. We stand in recess.

(SENATE STANDS IN RECESS)

(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 Education - Conference Committee Report 1 to Senate Bill 881; to the Committee on Local Government

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

and Elections - Conference Committee Report to Senate Bill 1366.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 1153, the First Conference Committee Report, Be Approved for Consideration, and Senate Bill 1232, First Conference Committee Report, Be Approved for Consideration.

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Senate Bill 1147, the motion to concur with House Amendments 1, 2, 3 and 23 Be Adopted.

And Senator DeAngelis, Chair of the Committee on Revenue, reports Senate Bill 1211, the motion to concur with House Amendments 1, 2, 3 and 7 Be Adopted.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DONAHUE)

Supplemental Calendar No. 1 is being distributed within the Senate Chambers. And those within earshot of my voice, will you please make your way to the Floor? Final action will be taken on a number of bills. 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1728, with House Amendment No. 6.

Passed the House, as amended, December 1st, 1994, by a three-fifths vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Resolutions.

SECRETARY HARRY:

Senate Resolution 1991, offered by Senator Topinka.

Senate Resolution 1992, by Senator Cullerton.

Senate Resolution 1993, by Senator Philip.

And Senate Resolution 1994, by Senator Burzynski.

They're all congratulatory, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. ...(microphone cutoff)...now proceed to the Order of Resolutions Consent Calendar. With 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, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there 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 Ayes have it, and the motion carries. And the resolutions are adopted. Channel 7 seeks leave of the Body to take pictures of the Session. Is leave granted? Leave is granted. On Supplemental Calendar No. 1 is Senate Bill 1147. If -- leave of the Body, we'll come back to that. Next is Senate Bill 1211. Senator Tom Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1211, with House Amendments 1, 2, 3 and 7.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. Actually, Amendment No. 7 becomes the bill, so I'll address myself to that. This bill addresses a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

problem that was created by the Wood River Township Hospital down in southern Illinois. There are four hospitals that are run by townships in the State of Illinois, and this is one of them. And what they did was to pass a levy to pay off tort immunity bonds, and the effect of that was to have doubled the taxes in the area for property owners, both commercial and residential, without any referendum. This bill would prevent that from happening in the future again by those four hospitals, so that the hospital may levy taxes for tort immunity purposes only if those taxes remain under the limitation. I'm happy to answer any questions, if there are any.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator Dunn, where are the other three township hospitals that would be affected?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR T. DUNN:

They're in southern Illinois. And I'll have to operate from memory. There -- there are none around you that I recollect.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR T. DUNN:

Urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

This is final action. The question is, shall the Senate concur in House Amendments No. 1, 2, 3 and 7 to Senate Bill 1211. 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 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1, 2, 3 and 7 to Senate Bill 1211, and the bill, having received the required three-fifths majority vote, is declared passed. Do we have leave to come back to Senate Bill 1297? Leave is granted. On Supplemental Calendar No. 1 is Senate -- is Conference -- under Conference Committee Reports, is Senate Bill 1153. Senator Dudycz. Mr. Secretary, read the bill.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1153.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Members of the Senate, before us today we have Senate Bill 1153, the contents of which are the result of hard work by many people. And before I go into -- briefly going into the bill, I'd like to recognize the principals that were involved in the creation of what we now know as Conference Committee Report No. 1 to Senate Bill 1153. I -- I first -- I recognize the architects of this bill, and that is Governor Jim Edgar and Mayor Richard Daley, Senate President Pate Philip, Senate Minority Leader Emil Jones, as well as Speaker Madigan and soon-to-be Speaker Daniels. They were the ones who thrust all of us together to hammer out this one-hundred-and-fifty-seven-page document. And second, I'd like to recognize the people who did the work, the -- the people from the various offices of the principals: Mr. Jim Montana and Richard Agin from the Governor's office; Jim Reilly and John Roe from the Mayor's

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

office - Jim Reilly, from the Mayor's office, even came to my office on Thanksgiving morning to hammer out some minor points - John Roe, who's creative mind conceived much of the Mayor's initiatives; from our own staff, we have Mark Warnsing, Phil Weber and Gideon Baum, who put their heads together and came out with -- with the Senate's perspective towards this package; as well as Speaker Madigan and Representative Daniel's office, Jill Wineman and Frank Houser <sic> (Straus). I think this -- this package is very important to the people of the State of Illinois, and those people need to be mentioned as being very crucial to putting this together. Also, I'd like to recognize the Chairmen and -- of -- other -- Minority Spokesmen of the committee -- the Judiciary Committees in the Senate and the House: Senator Carl Hawkinson, who was the -- the lead thrust of the legislative efforts, along with Senator Ed Petka, the Vice Chairman, and Senator Tom Dunn, the Minority Spokesman of the Judiciary Committees. They joined with our counterparts from the House, Tom Cross and Tom Homer, to put aside their political differences and truly work in a bipartisan fashion to pass this bill. And finally, I would just wish to recognize the law enforcement community of Illinois, which kept the police perspective in focus, as well as the police officer safety - a priority in this package. I met with Chicago Police Superintendent Matt Rodriguez, as well as eighteen other sheriffs and police chiefs from the metropolitan area and other parts of the State of Illinois last week in Chicago, and we received input from them into this package. The crime bill before us this afternoon has three major components, the first one being the contents of House Bill 381, which passed earlier this summer out of the Senate with a vote of 57 to 1. It toughens the prostitution and juvenile pimping laws; expands child pornography to include computer distributed pornography; fraud in the WIC program - that is the food aid for women, infants and children -

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

is attacked comprehensively; the laws against the criminal use of firearms is strengthened - persons convicted of the illegal possession of firearms are subject to a mandatory two to five years imprisonment; penalties are increased for the unlawful possession -- of use of guns within one thousand feet of a school; armed violence with handguns, semiautomatic weapons, sawed-off firearms and machine guns will now carry a minimum of fifteen years in prison; a minimum sentence of community service is required to minors found delinquent on gang-related crimes. We also have input from the Governor's office, three major provisions which were eloquently elaborated on in Judiciary Committee about a half hour ago by Directors Howard Peters and Jess McDonald. The Governor's proposals, briefly, allows delinquent minors who cannot be properly cared for or rehabilitated, after placement with the Department of Children and Family Services, to be transferred by the court to a secure residential facility licensed or operated by the Department of Corrections. The -- the transfer to the Department of Corrections will require recommendation of a special interagency review committee and a court hearing to determine if transfer to a secure residential facility is justified. And the penalty is increased for compelling membership in a gang. And the third and very important provision of this crime package are fourteen proposals from the Mayor's Illinois Safe Neighborhoods bill, and they are including the following: A presumption is created that certain minors charged with violent offenses of felony drug crimes should be tried as adults; it allows a longer continuance of a -- of a delinquent's adjudicatory hearing, if for an offense involving death, great bodily harm or sexual assault; mandates minimum dispositions on juveniles thirteen and older found delinquent for first degree murder; it increases the penalty for intimidation and for threatening jurors and witnesses; it allows the court to consider an extended term prison sentence for

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

a felony committed by a gang leader; mandates a minimum sentence of thirty to one hundred twenty hours of community service for a gang-related crime; it increases the penalty for commission of a DUI while the person's license was suspended, revoked or restricted because of a prior DUI or reckless homicide violation; it raises the maximum penalty for aggravated DUI which involved an accident resulting in great bodily harm; it imposes minimum two years probation on first-time drug violators and requires drug testing and community service; it creates the new crime of gunrunning to significantly increase the penalty for the unlawful transfer of three or more guns to a person; it also increases the penalty for defacing the serial number of a firearm; it makes it a felony to violate a condition of bail prohibiting the possession of a firearm, and allows the court, as a condition of bail on certain offenses, to require the defendant to surrender his firearms to law enforcement, pending the outcome of his case; it increases the minimum and maximum imprisonment required for the attempt murder of a police officer or correctional officer or EMT; and finally, it increases the penalty for aggravated battery with a firearm and aggravated discharge of a firearm against a police officer, correctional officer or EMT. Ladies and Gentlemen of the -- of the Senate, crime has no political preference, and in our attempt to deal with it, neither should we. This is a -- a crime package which is a good start. No, it will not eradicate crime in Illinois, but it sure is sending a message to the people of the State of Illinois that the Illinois General Assembly, combined with the Mayor's office, the Governor's office, we are working together to -- to work against the criminals, so that the criminals know that their days of easy living are going to be coming to a close. I ask your support on Conference Committee Report on Senate Bill 1153 for the people of the State of Illinois.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator Dudycz, I read this morning a staff analysis of the bill that came out of the House that was estimated to be in the range of approximately two hundred and twenty-one million dollars, in terms of its impact on the State of Illinois. Can you explain to us how we went from a cost -- a projected cost of two hundred and twenty-one million to a approximately fifteen million, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam President. The Correction's Impact Note does show a fiscal impact of fifteen million dollars, and I think that Senator Hawkinson can elaborate on that if... I would yield my time now to Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz yields to Senator Hawkinson.

SENATOR HAWKINSON:

I think, Senator, there was an understanding among all the participants in this negotiation that with the new federal crime bill and the push for the truth-in-sentencing measures that are going to have to be considered in January in conjunction with the existing crime bill and the potential changes that Congress may make in that crime bill, that we're going to have to revisit the whole sentencing structure next year and that in light of that,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

some of the sentence enhancements that were contained in -- in this bill were deferred to January.

PRESIDING OFFICER: (SENATOR DONAHUE)

Leave has been asked for WCIA-Channel 3 from Champaign to film the proceedings. Is leave granted? Leave is granted. Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. Senator Hawkinson, given that we have a fifteen-million-dollar price tag, can you briefly explain what that will cover, given that we will be revisiting the fiscal aspects of it in January, as you stated.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Director Peters handled that question I -- I thought quite well in Judiciary Committee a few minutes ago, and -- and basically the explanation is, that fifteen million is not this year's cost. That is a five-year cost. There are some two -- 2.3 million, I think, that will be necessary in terms of the juvenile planning and the juvenile facilities. Much -- much of the money that -- that goes in that area, however, is already being spent through placements that we're making out of State, et cetera. But the fifteen million, even that figure, is a five-year cost figure on some of the enhancements such as the -- the enhancements for shooting at police officers, firemen and paramedics - the dramatic and enhanced sentences that we have in there; some of the enhancements that we're getting tough on gang leaders who are committing some of these crimes. But that the -- the costs of those enhancements is spread over a five-year period.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Garcia.

SENATOR GARCIA:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

I appreciate that; however, what we're saying is that we don't know -- we don't have a very precise figure of what the cost -- the impact of this bill will be and we plan to, in January, begin to address that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Absolutely not. You're -- you're a hundred and eighty degrees off. We do know what the cost will be; it'll be -- roughly fifteen million dollars spread out over a five-year period, with roughly thirteen million of that being the enhancement costs, and the 2.3 million being the juvenile provision cost. But we do have a good handle on the cost of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Garcia.

SENATOR GARCIA:

For a last question. Senator Hawkinson, can you explain some of the privatization aspects of this bill, just in general?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

There was concern raised on that also in -- in committee, and Director Peters again reaffirmed that there's no intention for any juvenile facilities in DOC to be privatized. The language is -- is applicable towards the juvenile secure detention provisions, which may, in some instances, be licensed private facilities, but there's no intention to expand this beyond those secure detention facilities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam Chair. A question for the sponsor.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator del Valle.

SENATOR dEL VALLE:

Senator Dudycz, in terms of the provisions allowing for the -- putting ten-year-olds and eleven-year-olds in secured facilities licensed by the Department of Corrections for an extended period of time, what is in this bill that tells us what is going to be done with those youngsters during the period that they're incarcerated?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This, again, was discussed at committee today, Senator. We're talking about ten-/eleven-year-olds who have committed violent crimes, have been adjudicated delinquent and are also wards of the State through DCFS. The concern that I think you're expressing is to make sure that there continue to be plans developed within the Department, to make sure that there is continual review of these cases, and also that when -- when they are released from the Department, that there be planning that takes place within DCFS and the Department to make sure that they are continued within the services provided by DCFS, and that is the intention of both the Department and DCFS. The wardship will continue, that you asked me earlier. There is no cutoff of the wardship. They will remain wards of DCFS.

PRESIDING OFFICER: (SENATOR DONAHUE)

All you have to do is punch your button again, Senator del Valle.

SENATOR dEL VALLE:

Thank you. My question still is: What -- what kind of activity, what kind of programming, what kind of rehabilitation

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

type of activities are going to take place within that licensed facility that may - at this point - may be operated by a not-for-profit? Is that correct? But down the road there is a plan to build a DOC juvenile facility to secure these individuals. What type of activities? Because, as we all know, there's no such thing as rehabilitation in the Illinois Department of Correction's system for adult inmates. And we all know that many of these inmates come out a lot meaner, a lot angrier, than what they were when they went in. And that is why we have, in part, such a high recidivism rate. So my question is: What are we going to do to make sure that these young individuals - very young individuals - after they've served their time, are released and not returning as a result of the condition that they're in at the time that they're released?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

First of all, the facilities for the delinquents under thirteen will be separate from the Juvenile Department of Corrections for those thirteen and older. So it will be a separate facility. Both Director McDonald and Director Peters assured us that there will be the full continuum of services, including the mental health services and the other juvenile services, the programmatic services they'll be developing. In terms of the licensing of the private sectors, the licensing standards will ensure that there'll be that full continuum of services. But it'll be the full continuum of services, and it's not the same as the adult facilities. Indeed, it will be run separately from even the facilities for the older juveniles.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Madam Chair, to the bill: Yesterday's Sun Times had an editorial urging this Body to slow down on this bill, and I think we just heard, I think, one of the reasons why we should be slowing down. It's really not clear here what we're going to be doing with ten- and eleven-year-olds. I worked in a Boys' Club for nine years, and I represent a district where just about everyone will tell you, and will agree, that there is a need for Illinois to have a correctional system that includes facilities to deal with ten- and eleven-year-old violent offenders. Everyone agrees with that. The question is not whether or not Illinois should proceed in that direction, instead of sending kids out of State, but how is Illinois going to proceed. I want those individuals from the City of Chicago, in particular, who came down here to lobby for Mayor Daley's Safe Neighborhoods bill, I want them to know that this bill here today is very, very different from the bill that they were told they were lobbying for. I want my constituents back in my district to know that this bill does not include a lot of provisions that were originally in that bill. This bill does not, for example, include the ban on the sale of assault weapons. It -- this -- or, the original bill had greater penalties for gunrunning based upon the number of firearms delivered. This bill deletes the entire section dealing with child abuse which prohibited a person from owning or working at a child care facility if convicted of certain crimes. This bill does not have truth in sentencing. Most of the violent offenders in our community are adults. Those were the individuals that we wanted to see locked up for at least eighty-five percent of the time that they were sentenced to do. Those are the ones that I'm really worried about. But this bill does nothing about that. And I'm glad, Senator Dudycz, you said that crime will not be eliminated July 1st or January 1st, whenever the bill takes effect; that we will still have crime, because that's exactly it.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

We're not doing anything about the real problems here. But because of some high-profile cases, this Legislative Body once again, along with the Mayor and -- and the Governor, have decided that they have to proceed, that they have to show that they're tough on crime, that they've taken a step. The question is: What kind of step? This step is not taking us where we need to go. This step is not going to protect our constituents from violent offenders. It's not going to. And let me also say that even though we don't have truth in sentencing in this bill, which is what I think the public wants, it still will require construction of new facilities. And I want to go on record right now, and I want the Mayor of the City of Chicago to go on record once and for all. Corrections is a growth industry in this State, and it'll continue to be a growth industry. And one of the things that shocked me the most was when I came down here a few years ago and I was watching the local news, I saw this marching band - a high school marching band. I was wondering what the celebration was in the town. The celebration was that they had just been awarded the construction of a prison facility. And that town was celebrating. Why? Because of the jobs that would be created. Let's construct these facilities in the City of Chicago or near the City of Chicago so that people have access to the jobs, so that the kids that are in there that are secured can see some positive role models; they can see some black and Hispanic faces of individuals who are working in these facilities and looking to protect the public. That should be done. And we should have a bill next Session that says that future construction of correctional facilities will be in the City of Chicago. Let's make these facilities closer to the loved ones, so that they can then turn and work with those inmates and try to influence them to change their ways. Let's do that. Let's use a more humane approach, rather than creating jobs for some of our friends on the other

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

side of the aisle. The Corrections industry will continue to grow. But this is not going to protect us; this bill is going to cost. And I'm glad that individuals, earlier today, said that we shouldn't spend money on the National Voter Registration Act, that that's going to cost us money, and I guess what you had in mind was rather than spending money to register people, let's set it aside so that we can spend money to lock them up and keep them locked up, so that we can lock up the ten- and eleven-year-olds and not provide any kind of rehabilitation services while they're in there. Well let me tell you that some of those ten- and eleven-year-olds are going to get out, and they're going to come back into my district and into your district and they're going to be a lot meaner and a lot angrier at society, and then they're going to do even more damage. And then what are you going say? What are you going say? "Well, at least we secured them for awhile." What do you say to the victims of the families? What are you going to say to them? You've put us in a box here. You've put us in a box; you didn't give us a chance to participate. Senator Dudycz, I was not consulted on this bill. Our side of the aisle was not consulted on this bill. The Mayor of the City of Chicago and his staff sitting up there - they didn't talk to us. They didn't talk to us. You see? But when I visit these facilities, I'll see a lot of kids who look like I do. But they didn't talk to us. What do I say to the families? This is strictly politics. That's all it is, and you have the upper hand. This will pass. This is a tough vote, but we will have acted in an irresponsible manner. We will have acted in a manner that is not just. And we are for crime, and don't try to paint me as a liberal. I want these kids that are violent locked up. I want violent offenders off the street, but I also want to make sure that it's done correctly, and I want to make sure that it's done in a fair manner, and I want to make sure that you don't

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

force my community to suffer in an adverse manner, in a disproportionate manner. And that happens time and time again in this Body. And that's not right; it's not fair. Yes, it plays good with the voters. It certainly does. But this is wrong. This bill is wrong. This bill takes us half way to where we need to go. We need to take a full step rather than half a step. And for those of you that say, "Well, let's take care of this in January. Let's take care of it in January. Let's clean it up in January," yes, I suppose we could do that, but I'd like to hear some commitments here this afternoon that we are going to take those steps. And I want to know how we're going to come up with the money to pay for all these additional facilities that are needed, because there are enhancement -- enhanced penalties in here. And I agree with a lot of these penalties, but let's do it right.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Dudycz, what are the -- are there any prevention dollars in the fifteen million that was mentioned as part of this package?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

So, was there any consultation with any of the organizations that have a history of working with young people? For example, Ada S. McKinley, as I understand it, had language that would have enhanced not only the -- putting young people in secure facilities, but would have provided what Senator del Valle was talking about, the actual language to talk about the kinds of activities that would take place during the time that they are incarcerated. Is that included?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDY CZ:

If I understand your question, Senator, no, I don't believe that -- or, not to my knowledge. I don't know whether the Ada S. McKinley Organization was consulted from your community, but neither was the Northwest Neighborhood Federation consulted in the legislative negotiations on this bill from my community. As far as I know that they have -- they have given input over the months and years to the Mayor's office, to the Governor's office, to your office, to my office, and to all of our colleagues' offices of both -- of both Houses. And this, Senator, is a result of all of the offices, regardless of political affiliation or -- or regional differences, combining to come up with something that is meaningful.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

To the bill: This is not a meaningful bill. And let me just tell you that I agree with probably what my colleague, Senator Hendon, is going to say; that we need to be smart on crime, as well as tough. Ada S. McKinley, by the way, is not in my district; it is a citywide operation. My point is: I live in this community. I am one of these people who has to hit the floor

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

at 3 o'clock in the morning, because people are shooting on the next block. I happen to have Englewood in my community, which is -- used to be the murder capital of the world a few years ago. The response to all this was to turn to organizations, to turn to the universities of Illinois and other universities who have now a body of knowledge and information that would have been helpful in this. The National Institutes of Health, for example, did a study on the Englewood community, to look at what should be done in a community that wants to participate in having a safe community. Nowhere have any of these organizations, have any of these communities where the problems are, been consulted to be part of this. And I am tired of always being at the end - the tail end - of decisions made by this Body and other bodies to impose upon communities that ought to be partners in that process. We are talking about families; we are talking about people who legitimately should have been part of this process, and they were never consulted. They end up calling my office, they call the offices of everybody on this side of the aisle, and they are never part of it. Are you aware that a study in New York in 1987 by the State University of New York, funded by the National Institute of Justice, shows that this kind of thing did absolutely nothing, except lead to more recidivism. We could have had -- had we been involved in this, we could have put together a sound juvenile justice program, so that when these young people came back and moved next door to me and down the street from my neighborhood and in my community, they could have been citizens and could have contributed. That has not been the case, and I think this is unfortunate. It would seem to me after the statewide elections, that we could get back to being statesmen and stateswomen and not come up with this kind of nonsense.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I'm just wondering how my colleagues feel on the other side when we passed House Bill 381, when we amended it and sent it to the House, and it sat there and sat there and sat there because of politics. And you want to say this bill is for politics. Well, the Mayor of Chicago, I think, has some good common sense, and he has made some recommendations. We couldn't use all of them because there is such a thing as cost, and there's also such a thing as effect. But when I look at this bill, upon -- upon which was worked, by the way -- on which was worked by not only our Chairman of Judiciary and Vice Chairman, but also, I'm sure, your Minority Spokesman from your side was there, and so don't say you didn't have any input into the bill. That's why we have committees. You had input in the bill. Just because you don't like it and you want to blame the Mayor of Chicago for everything, doesn't give you an excuse to say the bill is no good. Now, I'm a Republican and the Mayor's a Democrat. And I'm sure he wouldn't vote for me, and I probably couldn't vote for him. However, crime is crime, and it's nonpartisan to have an interest in curbing it. This may not be the best bill, but it's a step in the right direction. If you folks are so interested in really doing more, well, come January start putting your bills in. Put some bills that will make good sense and really help curb crime even more. But when I look at this package, I think it has some very good things in it. It protects children more. It also -- if you go through it, it increases penalties for people from -- who violated -- when they possess handguns when they're ineligible by law to possess them; and unlawful sale of such firearms, the penalties have been increased; there's a mandatory imprisonment for persons who are ineligible under the FOID Act to possess a firearm; and increases penalties for carrying concealed weapons unlawfully; and

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

enhances the penalty for unlawful use of weapons committed on or within a thousand feet of a school. How many kids have been gunned down near a school? Quite a few. And if you look further, it provides the Governor's addition for the Department of Corrections to establish a privatized secure residential facility to house delinquent minors who are too -- too violent to be kept at the Department of Children and Family Services. I think it's -- it's fine to get up before the television cameras and argue how bad the bill is. Well, I think the bill is a step in the right direction, and I think if we use our common sense and really care about curbing crime, then let's support this bill and get it out of here and get it over to the House, which I hope, in its wisdom, will approve the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is leave granted -- permission granted for Channel 2 News to record the proceedings? Leave is granted. Senator Weaver.

SENATOR WEAVER:

I'd move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Weaver. Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam Chair. Question of the sponsor, please. Senator -- Senator Dudycz, is there any provision in this bill that would prohibit any juvenile, other than those who are wards of the State, from being incarcerated in this program?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Only those juveniles that have been adjudicated delinquent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR COLLINS:

Yeah. The reason I raise that question, because in your opening statement you said that this bill applied to children that were under the custody of the Department of Children and Family Services, and that is not the case. Because under the existing law - and this is the part that bothers me, and especially I'm concerned about the ten- to thirteen-year-olds - that the judge could, under existing law - and it didn't change under this Act - adjudicate any kid and place them under the -- the custody of the Department and make them wards of the State, simply by the fact that they had been adjudicated delinquents under the existing law and under -- there's nothing in this particular bill that changed that. So it is foreseeable that any case that went to court, any kid, and especially those that didn't have the money for the kind of legal representation, as the system works now, could in fact be turned over to the Department and then placed into one of these facilities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

If I can -- if I understand your question right, Senator, the transfer can be made only by order of the court. And it is only -- it is only juvenile delinquents who have been adjudicated delinquent -- juveniles who have been adjudicated delinquent and, as under current law, have been sent to DCFS.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

I -- I understand that. I think the confusion here though is, I listened to the hearing this morning and they talked about such limited number of children that this program would actually impact upon, and I'm -- and I guess the truth is that the -- the truth of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

the matter is, we really don't know just how many children would be impacted by this particular law, once it's opened -- the situation is opened up. And let me just make it very clear here. I -- I started working on a project, and as a matter of fact, I have a whole file here - case file - asking and searching -- working with DCFS, over a year ago, talking about - and I think long before Senator Topinka got involved - with trying to find out where were our children - those that had been placed out-of-State in out-of-State placement. And there most certainly is a need for us to come up with the kind of facilities here in Illinois that will negate the -- the whole problem of having to place these children out of State. I have no problem with that at all. But I think Senator Palmer and Senator Miguel basically hit on the major problems here, and that is: What are you doing with those ten- to thirteen-year-old children, who are really just as much of a victim in this whole process as the people that they harm? Now, we do need to make sure that these children are not put into or taken out of situations, so that they cannot harm themselves or they cannot harm other innocent people, but at the same time, we should not place them in that stigma under the Department of Corrections. What is so wrong -- if the money have to come to the -- from the taxpayers, what is so wrong with the Department of Children and Family Services, for that category of children, providing those -- building those facilities or however you want to do those facilities, through -- through private agencies or -- or through the State-operated agencies, operating those programs themselves, rather than these ten- and thirteen- -- to thirteen-year-old children being labeled as criminals under Department of Correction? That stigma will go with that child the rest of that child's life, and you will never, ever be able to - in the absence of a real rehabilitative plan - to be able to -- to rise above that stigma so that -- that kid can go on and grow up

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

to be a productive citizen. So what the taxpayers is going to be doing is paying for not only that child's care -- and by the way, let me just talk about the cost of this. Senator Miguel del Valle talked about a growth industry. Well, you've never seen a growth industry because this -- right now we pay -- let's talk about the pay here. The lockdown psychiatric care that we pay now per child, per day, is three hundred and fifty dollars a day - Department of Children and Family Service. Lock -- delinquency locked up, we pay two hundred and fourteen dollars per day - per day. Nonsecure, a hundred and ninety-three dollars per day. Well now, that's big business. And so what you're going to do, you're going to see a proliferation of these kinds of facilities and -- and requests for licensings of these kinds of facilities from people in the business to make money. And, yes, we are going to have to supply the product for them to stay in business. And what I'm afraid of, without the safeguards and the advocacy kinds of programs in this piece of legislation to protect these children - to protect these children - and the absence of a real rehabilitative plan to rehabilitate these children, is that we are going to be warehousing these children and more children, encouraged to lock these children up to keep this industry operating. If we're not very careful, that's what we're going to do. And we're going to do a disservice not only to the children, but to the taxpayers of the State of Illinois because taxes are going to have to be raised to pay for it, and that's what we have to be careful about here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. I -- I appreciate your comments, Senator Collins. You know, I've -- just would like to make one brief comment to you. It's personal in nature. I -- I have

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

served in this Body for ten years with you, and the correct pronunciation of my name is Dudycz. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. I know I feel compelled to make a correction of a statement that have been made. Back in the -- back in the spring of this year when the -- when we were in Session, I sponsored the Safe Neighborhoods bill, and that bill still currently languish in the Senate Rules Committee. But the bill that we have now is supposed to be a compromise bill, part of which I had -- I didn't partake in. I want to make that record crystal clear. The bill that I supported was the bill that was a real tiger; the one that the House passed over with all the penalties in - all the penalties dealing with the transfer of firearms. Also included in that bill were provisions for youngsters who get -- good time off for youngsters who were in these detention centers. So I was not part of the pulling of the teeth out of the bill. Let's make that crystal clear. But had I been part of the negotiation that took place just recently this past Monday, I would have ensured that protective measures would have been in there for those juveniles who would be incarcerated between the ages of ten and thirteen years of age. So, that we -- what we need in this bill -- and I'll ask you a question, Senator Dudycz: Are there any rehabilitative programs, or educational programs, included in this legislation for those individuals to be housed in secure facilities? Is there anything in the bill that will ensure that those children who would be incarcerated, some attempt would be made to rehabilitate them?

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Oh! Senator Dudycz.

SENATOR DUDYCZ:

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Yes. Thank you, -- Madam President. Senator Jones, we have been assured by both Director McDonald and Director Peters that those programs will be -- made available to those juveniles.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, I do have here a letter from Director Peters and Director Jess McDonald indicating through the rule-making process, as we rush to judgement on this, that those provisions would be included in the rule making, which I really -- believe it should be statutorily, because if these facilities are going to mirror the current adult facilities that we currently have, then all we're doing is delaying a big time bomb because these facilities will become, more or less, training ground for young persons who we -- where there is no attempt to rehabilitate them and they'll come out worse than what they went in. In any given society, if you're -- if you can't save the children, you can't save anyone. And I would have ensured that that would have been part of the bill. So even though this is a bipartisan support, I must make it crystal clear that when negotiations took place this past Monday, I was not there, and so therefore my staff was not there. And -- but had I been there, I would have insisted - I would have insisted - that the language in the -- the bill that came over that would have eliminated good time for habitual juvenile defenders <sic> would have remained; I would have made sure that those persons who transfer these firearms to one another that kill people would have remained; I would have insisted that those individuals who have -- have been convicted of child abuse, I would prohibit them from working in these facilities. I would not have pulled out all the teeth that you pulled out of this bill, when you talk about being tough on crimes, especially as it relate to firearms. So I want to make that crystal clear. We're rushing

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

to judgement on this issue, but we should have sat down to have the -- the necessary input. I want a safe, secure facility for these young juvenile offenders, but by the same token, I feel these individuals, many of them, can be rehabilitated, and -- and we should have taken that into consideration. So I want to make that one point crystal clear as we deal with this bill, 'cause I wasn't the one that pulled the tooth -- the teeth out of the tiger's mouth.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. This is a crime bill I'm finally going to be able to vote on, with all due deference to a couple of my fellow Democrats. As far as being part of the process, I'll echo the same sentiments. Notwithstanding that however, I think there's a lot in this crime bill to be proud of. I think we got a message in November - a message I didn't particularly care for - that something has to be done. I don't know if the individual or set of individuals are around yet, been born yet, to try and figure out what we're going to do about these eight-, nine-, ten-, eleven-, twelve-, thirteen-year-old offenders who just refuse to behave themselves. Locking them up is not something that I particularly care for. You know my voting record here. It -- it just bothers me that we're locking these people up -- or, these kids, in whatever we want to call them - secure detention facilities. That's a nice word. But we're locking them up. That's terrible that our society has to lock up ten-, eleven- and twelve-year-olds. But the sad part is, and my colleagues will agree, we have to. We have to lock them up. What we're going to do once we lock them up is something that we better debate, to better debate long and hard in the upcoming Sessions. Sun Times says we're going too slow. People said we're not going fast

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

enough. We have to do something. I like this bill because it's forcing us to do something. I don't see how we're not going to address it. So to get assurances that you people, or the Republicans, or the DOC, is going to address it, well of course you have to. What else can you do? If we lock them up, we're going to have to teach them; we're going to have to do something with them. So I believe that something is going to be done, and I still think there's a lot of teeth in this bill. Take a look at it. We're doing a lot. I think we're sending the criminals a message. However, lastly I'll say this: I just hope that DOC looks long and hard about privatizing it. We are taking care of forty thousand inmates. And to say that we have to privatize taking care of a hundred ten- and fourteen-year-olds, I just don't think it makes sense. I think we have the wherewithal in State government. If we're going to be there from the beginning, when we arrest them, to what we're going to do with them when we go to court, and the State's going to run it all, now we're going to hand down a punishment and say, we're not -- we don't have the wherewithal to carry out the punishment or to carry out rehabilitation - that doesn't make sense. I don't like the privatization part of this bill. I think DOC can do it themselves, but the rest of the bill is terrific. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. This bill is a "feel good" bill. Make the people of this State feel good, feel like we've done something. We really haven't done anything. But it's a "feel good" bill. It's the kind of bill that you can run for re-election on, even though you haven't accomplished anything. Now, my friend, Senator Dudycz, said that our Leader on this side of the aisle had something to do with this bill. Well, you just

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

heard our Leader say he had nothing to do with this bill, and that's one of my problems. There are some good things in this bill; there are some bad things in this bill. If we had the opportunity to work together, this could have been a great bill. And some of you say, "Well, put your amendments in or your changes in, in January." Well, when I first got here, I tried to put some real smart-on-crime - not just tough-on-crime, but smart-on-crime - legislation through this Body. Couldn't even get them out of committee. Asked some of you for support; couldn't get it. One, on prostitution; arrest the trick, arrest the john. Some of you tough-on-crime people said to my face, "Arrest the john; it's unconstitutional. Arrest the trick, why you going to do that?" But you want to lock up the prostitute. That's wrong. That's not tough on crime. That's selectively being tough on crime. And I believe one reason that locking up the -- the tricks wasn't able to pass is 'cause there's a whole lot of men in this Chamber who look like the tricks and they have a problem with arresting themselves. Number two, I had a bill that says take the young people when they first get in trouble at the ages of eight and nine and ten and set up a Scared Straight Program. Now I did have support on that side of the aisle, as well as support on this side of the aisle, because you're correct: crime is nonpartisan. But yet, that bill failed in committee and it failed in Appropriations. I brought it up again last year and it continued to fail, because some of you believe you just build more jails and that's the solution. But that is not the solution. Some of our colleagues asked, "Is there anything in this bill about prevention at all?" The answer, "Nothing." Nothing. Nothing to stop our eight-year-olds and nine-year-olds and ten-year-olds from ending up in the penitentiary where they're costing us twenty-two thousand dollars a year. Absolutely nothing is in this bill. I tried to get a program. I tried. I had Republican support,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

because it's a nonpartisan issue; yet, we couldn't even get it out of committee, because people say, "Well, you know, that's a liberal idea." That's not a liberal idea. It's a conservative idea, because it's conservative when you want to cut cost of government. If you want to cut the cost of incarceration, stop some of the children from going to jail in the first place. So I'd like to see, those of you who are honest about this, that support the Scared Straight initiative when it comes up once again, so that maybe we can stop some of these eleven-year-olds from killing each other and throwing each other out of the windows and all of that kind of thing. My last problem with the bill is -- too many to even talk about. But here I am a victim of crime. The sponsor of this bill knows I'm a victim of crime, because as a matter of fact, he investigated a crime against me. So I know Walter knows that I know something about crime. I live with it every day. Three times this year my car was stolen; twice this year my house broken into, and once they shot through my window. So I understand. So I -- I understand "tough on crime". But, Ladies and Gentlemen of this Body, we have to start being "smart on crime". There is no intelligence in this bill. And -- and being smart on crime, is putting some prevention measures in this -- in this bill, and they're not in there. Lastly, you said that this bill is only going to cost the people of this State fifteen million dollars. Well if you believe that, I have the deed to the Sears Tower right here and you can pick it up from me right now for fifty dollars and I'll sell it to you. This is going to cost a lot of money. At least be honest. Tell the taxpayers of this State that they're looking at footing a bill of three or four hundred million dollars and then vote for it, because we know it's going to fly out of here. But at least tell the people of this State the truth: This is going to cost a lot of money. If they want it, fine, let's pay for it. Other than that, I see no reason

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

to support this bill, because it does not have anything to stop the children from going to jail in the first place.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Crime and people getting shot and everybody's supposed to be getting together, hopefully in unity, to attempt to pass a crime package, whether it be the Mayor's package, whether it be the Governor's package, Senator Dudycz's package, or Senator Jones' package. I think everybody's missing the focus on the kids getting killed that are outside this General Assembly, the kids back home in our districts, in all of our districts not just mine - Englewood district, Lawndale, Pilsen - people being thrown out of housing, public housing. But yet, we bring up the terms "jobs". Well, if -- if this is -- and someone has problems with jobs. Why don't we just forget something like this? I'd rather build a park or a gymnasium or maybe a YMCA. May that'll be more meaningful, as far -- as far as putting people to work. Then someone brought up the -- the term "meaningful legislation". I got a phone call yesterday from an emergency room at a hospital. A sixteen-year-old got shot. It was a trauma bypass to a suburban hospital; it was from the southeast side of Chicago. The individual was shot in the chest, had difficulty breathing, and as the nurses were cutting off his pants leg, his pants leg -- the cuff was rolled up. After they cut the pants leg out, a small gun dropped out of his pants cuff. When they asked him where he got the gun from, he said he just picked it up because someone dropped it. So we're talking about a sixteen-year-old who picked up a weapon, took time to stop, roll it up in his cuff and continue to run down the street. So I says, "Is there something unusual? Do you -- does this individual have any tattoos?" They says, "Yes,

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

he does." "And what does he have?" They says, "Well..." I says, "Take a look under his eye. Does he have a tattoo?" They says, "Yes." I says, "Is it a teardrop?" For those of you who don't know, there's two different teardrops someone has tattooed on their eye if there's a gang banger. One is a teardrop that is not colored in. That means that an individual's family member has been killed. Now, individual family member could be a gang affiliate or his personal family. They says, "Well, no, his teardrop is colored in." That means that the individual has retaliated against someone who has violated his family. So now you're looking at a sixteen-year-old who was shot in the chest - oh, incidentally, this is the second time he was shot; not the first time he went in the emergency room - who has a gun rolled up in his cuff, who has a colored in teardrop, or means he retaliated against someone already and killed someone, and you really think he's going to care if he kills you? Or a policeman? Or anyone else? If you do, you're all soft. Not soft physically; you're soft in the head, because he is going to kill you or a police officer, because he has killed a gang member who he knows - who he knows. And what do you do -- someone mentioned, "What do you do about the kid when he gets out of prison and he moves next door to you?" You know what the real question should be to every Member here: What are you doing back home to make sure the kid never has to get to prison? Not worried about what he does when he gets out. What are you doing back home to prevent him -- or try to keep him from getting in? And I have to bring up that term "meaningful legislation" again. You know, this bill deals with enhanced penalties, the minimum and maximum, on attempted murder, aggravated battery and aggravated discharge of a weapon, to a police officer, a paramedic or someone, as a firefighter, who's -- who's involved in -- in service to the community. Police getting killed. So if you want to put politics aside, how can you go home

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

and say you're for crime or against crime, when you came down here, you didn't vote on it because it wasn't strong enough? But we're going to pass a bill -- and -- and you all want to do a big gun package for the City of Chicago to take weapons off the street; they're illegal there now. They are illegal there now, and if you did that, it's not going to stop. Those kids are still going to get shot. They're still going to get shot. Put the strongest gun package together that you will. You can't have a gun in the City of Chicago. You cannot legally register one in the City of Chicago, so don't sit here and talk about a gun package, because they're outgunned now. We're losing the fight on gangs and crime and drugs every day - every day. It's time the General Assembly did their job, today, and passed this package, 'cause I won't go home today without voting on this, because, God forbid, a police officer gets shot tomorrow and I could have prevented it. And I could have put him away for a long time - the individual who shot him. But there's another step. It's not enough that we do our job today; we better pray the judges do their job, because it seems like some of them are not. Put politics aside and vote Aye on this bill, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. It seems like we've literally exhausted ourselves in connection with the pros and cons of this bill. For some of us this is actually a very easy vote. We will be sending a -- implementing basically what most of us in this General Assembly ran on during the last campaign or the last ones we ran in in 1992. But before we pat ourselves on the back, before we tell the people back home that the world is going to be a little safer tomorrow because of what we did, I would like to just flash a

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

caution sign, because in my opinion - and I think I do have a little bit of experience in this matter - we're treating, at this time, symptoms of the virus. If I may explain: Recently the State of Wisconsin commissioned a study of those who are incarcerated in the Juvenile Department of Corrections in the State of Wisconsin. And what they discovered was the following: that roughly one-eighth or thirteen percent of the kids who are there came from the traditional nuclear family - a mom and dad who are married; forty-five percent of the kids who are there came from a family in which the -- the kid who was incarcerated never knew who his father even was; and another roughly forty percent came from what we now refer to as broken homes. It seems to me that one of the things that we can do as a government is to encourage policies, literally for our own self-preservation, that keep the family unit together, whether that be a tax policy, whether that be legislation which encourages and promotes family stability. That would at least be a step. But the battle that we are fighting -- and some have referred to this as a cultural war, a battle for literally the survival of our civilization, and I don't mean to be melodramatic about it. When we see eleven-year-olds killing children, thirteen-year-old kids out there having babies, and seventeen-year-old kids in society dying from sexually transmitted diseases, we have to ask ourselves, "Why? What is going on here?" I've heard from Members of the other side of the aisle who say, "Well, what we really need to do is have more government programs. We need more money in certain selected areas." And I do think that there is a humane and reasoned purpose for that. But I think the battle goes actually very, very much deeper than that, and it may be that it is beyond the capacity of government to win that battle, because what we are talking about, my colleagues and Madam President, is a battle for people's hearts and minds, for their very being, for the choice of

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

free will. Those of you who may have had the benefit of an education in a private school, or a Catholic school, like myself, recognize what maybe I'm talking about. It's defined very clearly in the Book of Genesis - the forces of evil and good. And at the risk of sounding churchy, in my opinion, that that is the central core of the battle that we are fighting. Government has the -- in my opinion, the ability to promote what some would call "virtuous living". Dr. Bennett has a book on the -- on the book of virtues. But one of the things that government should not do is to continue to send false signals to our population. Let me give you one example: Twenty years ago we -- we embarked on an experiment in this State. We changed our prisons from the Department of Public Safety to the Department of Corrections. Prisons were never designed to correct anybody's behavior. They were designed to -- incapacitate people, to take away their ability to inflict serious harm on other people. And yet, we continue to labor under the delusion and the false hope that by merely placing people behind bars, that somehow and someday there's going to be a miraculous transformation of that person. There are some of us who believe that if a transformation comes, it is not going to come because of any correctional officer or any social worker or any psychologist talking to that person; it is going to come from a higher source. We refer to that higher source every single day that we assemble here - we start. Our founding fathers knew exactly who it was. It was that invisible hand that should govern in the affairs of man. And sad to say, that simply no longer is the case. For me to even -- to talk about that in a public forum like that, may very, very readily subject me to ridicule, scorn and contempt from some our brethren in the media and in the entertainment world. What we need, as a very basic start, is to take a look and focus on people who, in fact, have made -- made the transition. We should try to emulate American heroes in our entertainment -

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

people who live virtuously. We should not be having the entertainment media spilling out violence and pornography and sex that are consuming the minds of our kids and killing them and choking them off. And certainly, last but not least, I do think that we, as a Body, will be called upon sometime in the future to make some real tough votes, which we'll talk about how we possibly can do things to restore our family as a central -- as the core of American society; how we can do things which can root out some of the evils that I've just alluded to. It is my hope and my expectation that we will continue to have further crime packages, and this one is a very tough package. But we have to go beyond simply talking about attacking the symptoms, and in my opinion, when we get to that happy day, we will return to a society where people acted with some civility towards one another; where people were kind, courteous and considerate of others; where we had youth who pursued what has been referred to as the upward reach of -- in the heart of man, rather than the most base -- basilar instincts -- and instincts which appeal to the most degenerate of -- that are placed in a man. So without going further and sounding like a Sunday school preacher, I stand in support of this legislation, but with the caveat that a lot more needs to be done than simply legislating tougher and tougher bills. And with legislatures not only in this State, but throughout this nation, we can truly, truly hope for that day when we can restore the American vision of a good and wholesome society.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, to close.

SENATOR DUDYCZ:

Madam President, before I close, I would like to request a parliamentary inquiry of the Chair. How many votes would it take at this November date -- December 1st date?

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Thirty-six.

SENATOR DUDYCZ:

Thirty-six. Thank you. I feel compelled to respond to a few comments that were made by my colleagues on the other side of the aisle, especially those by my good friend, Senator del Valle, when he mentioned this was strictly politics. Where was I on November 8th? You want to talk strictly politics? If we wanted to be political, Senator, we could have waited one more month, five or six more weeks, and then come up with a Republican package, sponsored by a Republican in the Senate and the House and signed by a Republican Governor. We could have been political. We could have been strictly political and waited till next year. And there were some that suggested we should. But we decided, no, it's not -- we should not play politics with an issue that is as serious as the death and the injuries of our children, our brothers, our sisters, our fathers, and our mothers. You talk about your community, and your community, and your community, and your community, and "your" community. You know, I grew up in your community. My mother and father-in-law -- my mother-in-law and father-in-law lived in your community. I have relatives, Senator, that live in your community. Senator Hendon, you know my mother and father are your constituents. I grew up in your community. Your community is my community. We are one State. Why do we have to keep bringing politics into this? We could have and waited until January. We said, "No. We're not going to do that. We're -- it's too important." There are people -- I deal with people -- those of you who are in -- in law enforcement and fire services, and doctors and -- and doctors and nurses, you see these kids getting shot and killed every single day. You got to -- you got to -- you got to take a stand and put politics aside and do what's right. Senator Jones, I regret that -- that you didn't participate in this process. I have been told that -- that Gideon

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Baum, from your staff, was a contributor in this; Senator Dunn, was very, very integral, very important part of this package. The House, both sides were, as well as the Mayor's office from the City of Chicago, the Governor's office. I mean this -- if you ever saw a bipartisan package, this was it. This was not political, and I suggest that we shouldn't make it political. I -- I would just hope that we all vote for Conference Committee Report No. 1 on 1153, and start the road for -- for good government. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1153. 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, 4 Nays, 2 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1153, and the bill, having received the required three-fifths majority, is declared passed. Senate Bill 1232. Senator Hawkinson. Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1232.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Senate Bill 1232, in the Conference Committee Report, does two things. The first thing that it does is to reenact, recodify the child shield law. This is a result of the constitutional amendment sponsored by Senator Shadid and myself in the Senate, and approved by the voters in November. We are reenacting the child shield law pursuant to that approval of the constitutional referendum. Second thing that it does is to clarify our language regarding boot camps; that Class X

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

and other violent offenders, and those who have previously been convicted of those violent offenses and Class X offenses, are not eligible for boot camps. I would urge the adoption of Conference Committee Report to Senate Bill 1232, and be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson has moved the adoption of the First Conference Committee Report on Senate Bill 1232. Is there discussion? Is there discussion? Senator Shadid.

SENATOR SHADID:

Yes, Mr. President, thank you. I would just like to be in support of this, and support what Senator Hawkinson has talked about and ask my colleagues to support this. It's time that we took this kind of action. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson, to close? The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1232. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1232, and the bill is declared passed. Earlier the Body granted leave to Senator Donahue with respect to Senate Bill 1147. Okay, on -- on Secretary's Desk, Concurrence, is Senate Bill 1147. Read the bill, Mr. Secretary, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1, 2, 3, and 23 to Senate Bill 1147.

Filed by Senator Donahue.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. Conference Committee Report on Senate Bill -- no, it's not a -- it's a concurrence motion on Senate Bill 1147, deals with federal changes in the child support enforcement regulations that are required for all fifty states. We have passed this legislation twice during the regular Session, and the House actually held it hostage for a couple of reasons that were not related to the merits of the bill. But the impact to the State is if we don't pass this legislation, is that it will be a loss of approximately forty-five million dollars over a three-year period. I would simply ask that we concur in House Amendments 1, 2 and 3, and Amendment No. 23 to Senate Bill 1147.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue has moved concurrence with House Amendments 1, 2, 3 and 23 to Senate Bill 1147. Is there discussion? Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I join in with the sponsor for Senate Bill 1147. We had it in committee; it has been talked about; it's been voted on pro and con. And so I'm merely saying to my colleagues here on this side of the aisle that you join me in voting Yes for this piece of legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there further discussion? Further discussion? Senator Donahue to close.

SENATOR DONAHUE:

Ask just for concurrence. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendments 1, 2, 3

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

and 23 to House <sic> Bill 1147. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, 1 Member voting Present. The Senate does concur in House Amendments 1, 2, 3 and 23 to House <sic> Bill 1147, and the bill, having received the required three-fifths majority, is declared passed. Ladies and Gentlemen, on -- again on Secretary's Desk, Concurrence, is Senate Bill 1297. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 10 to Senate Bill 1297.

Filed by Senator Syverson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Mr. President, I'd like to refer this over to Senator Watson to comment on.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Senator Syverson, and this, again, is wide-load legislation. We want to make sure that we have a bill on the Governor's desk. This is identical to the bill we passed this morning dealing with the Department of Transportation, the State Police, Farm Bureau, Farmers Union and the the Farm Implement Dealers agreement on what will be the new provisions on traffic safety and having an escort if you have a wide load of over 14 foot 6 inches. The bill flew out this morning, and again, this is final action on this particular piece of legislation. And, this way we will definitely have a bill on the Governor's desk, and I

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

ask your -- for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Watson. Is there discussion? Is there discussion? Senator Syverson? Okay. Senator Syverson, you wish to close? All right. All right. All right. Ladies and Gentlemen, this is final action. The question is, shall the senate concur in House Amendments -- House Amendment No. 10 to Senate Bill 1297. Those in favor will vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendments 10 to Senate Bill 1297, and -- and the bill, having received the required three-fifths majority, is declared passed. Senator Fitzgerald, for what purpose do you arise, sir?

SENATOR FITZGERALD:

Point of personal privilege, Mr. Chairman.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR FITZGERALD:

Ladies and Gentlemen of the Senate, I'm not sure that many of you are aware of this, but for one of our esteemed colleagues who has spent ten years in the Senate, and before that, four years in the House, this is going to be her last day - she's now casting her last few votes in the State Senate - and that's my seatmate, Judy Baar Topinka, who will be sworn in as Treasurer on the 9th of January, and apparently she has to resign her seat in the Senate before we come back. And I just wanted to tell you a little story. You know, when I came in here a couple years ago, I was bottom on the seniority list. So, I had, I guess, the last pick of seats in the Chamber, and by the time they finally got the seating chart to me for me to pick my -- my spot, there was --

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

there was only one seat open, and it was right here, and I wondered why that was. And I thought: Does nobody like Judy? Well I found out, no, everybody likes her, but she smokes a lot. But I -- I got to tell you this: The best thing that ever happened to me was that I got to pick the seat right next to her. Judy, we love you. We're going to miss you, and we're happy for you, but the only regret we have is that we won't have you here anymore. She said she wanted to go out very quietly and she didn't want me to say anything, but I said, "Judy, I can't imagine you going out quietly, 'cause you certainly didn't come in quietly." But, everybody, let's have a standing ovation for Judy.

PRESIDING OFFICER: (SENATOR MAITLAND)

The Chair recognizes Senator Topinka.

SENATOR TOPINKA:

I almost made it out of here quietly until Senator Fitzgerald carried on, and it -- it has been really a wonderful ten years. I have to thank you all. You know, sometimes politicians take a bad rap. Yet when you look at the people in this Chamber, how much time, how much effort, how much -- how much real devotion they have to their constituents. And, no, we don't always agree, and you've heard some of the fights here today, and we've had some even worse. Yet, there's been a wonderful collegiality and a decency about the group, and I would hope that young people growing up would see that public service is a very noble profession when it's -- when it's handled very correctly. It's been swell, to all of you, to the staff, to Linda and to Jim, Esther in the phone booth, both of our staffs - the -- the Republican and the Democratic staffs - super people, to our colleagues both sides of the aisle, to the doormen who have always stood so faithfully with us, to Tracey who keeps the Pages in order and everything just works like a top, to Pate and to Emil

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

for their -- their leadership and friendship, to the times we spent together, and you -- you've been there in the good times and bad times, and there have been both. I've been happy here; I've be frustrated here. But, I'll tell you, they are probably the best and most wonderful experience that I will every have. I will miss you all, but I will be back because I'm a consistent and -- and, unfortunately, a meddler. So I would assume that you will probably see my fingerprints on various things that kind of happen around here. I'll try to be good. Pate told me I should not introduce too many bills, because he wants to go and leave early. So I will do that out of the Treasurer's Office. Thank you very much for a wonderful ten years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Topinka.

(Applause by the Illinois Senate)

PRESIDING OFFICER: (SENATOR MAITLAND)

Indeed, Senator, we wish you well. Senator Jones.

END OF TAPE

TAPE 3

SENATOR JONES:

Yeah. Thank you, Mr. President. I, too, like to wish Senator Topinka well in her new duties. I'm going to miss her -- I'm going to miss her really terribly, you know, because -- because she tried to keep me with her habit. And, Senator Fitzgerald, she

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

offered me that seat next to you many times. But the price I had to pay would have been too much. But -- but, Judy, I wish you well. I'm quite certain all Members on this side wish you well. I -- you -- you know we're good friends. We've traveled together. I know your son, your family. And we wish you well. Just make sure that our checks are on time. And don't -- and don't punish us if we vote against your bills. But -- but again, Judy, it's been wonderful working with you in this Chamber, and I'm quite certain you will do quite well as Treasurer of the State of Illinois. And again, with your leaving, perhaps I can quit smoking.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you very much, Senator Jones. Senator Raica.

SENATOR RAICA:

Just a point of personal privilege. I've been informed there's going to be a Local Government hearing immediately upon adjournment in Room 212.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Raica. Senator Watson.

SENATOR WATSON:

I don't believe, Mr. President, we will be adjourning. I think we will be recessing, and during that period of time, we will also have an Education Committee hearing in 212. So, I believe it will be a quick hearing, and we will be back to the Floor to do our final business.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Watson. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to bring you up to date where I think we -- we are. As you know, we're going to have the two committee hearings - Local Government, Education. Hopefully they'll be done shortly. We'll

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

be back here at 3:15. We'll have one or two bills to vote on, and hopefully we'll be gone and we'll be back here on January 10th, at noon, in case anything has fallen through the crack.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you very much, Senator Philip. Senator Demuzio.

SENATOR DEMUZIO:

Senator Philip, the schedule that you passed out indicated we were coming back on the 11th. Are you now saying we're coming back on the 10th?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Yeah. We -- we're -- we're coming back in the old General Assembly on the 10th. We get sworn in on the 11th. The 11th is the new General Assembly. That tentative schedule we passed out is for the new General Assembly, starting on the 11th.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you. Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President I just want to wish everybody a Merry Christmas.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you very much, Senator Hendon, but don't go away; we're not adjourning yet. Any further discussion? Further discussion? The Senate will stand in recess to call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Watson, Chair of the Committee on Education, reports Senate Bill 881, First Conference Committee Report, Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that 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 1124, with Senate Amendment No. 1.

Non-concurred in by the House, December 1st, 1994.

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 1233, with House Amendments 27 and 28.

Passed the House, as amended, December 1st, 1994, by a three-fifths vote.

We have a like Message on Senate Bill 1279, with House Amendment No. 5; and Senate Bill 1261, with House Amendment 16.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House, Mr. Secretary.

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

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

concurrence of the Senate, to wit:

House Joint Resolution 181.

(Secretary reads HJR No. 181)

Adopted by the House, December 1st, 1994.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I would move to suspend the appropriate rules for the immediate consideration of House Joint Resolution 181.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue has moved to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 181. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Donahue has moved for the adoption of House Joint Resolution 181. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. All right. Ladies and Gentlemen, on your desk is Supplemental Calendar No. 2. Conference Committee Reports. Senate Bill 881. Read the bill, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 881.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson. I -- I beg your pardon. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Thank you, Mr. Chairman. I move that we adopt Conference Committee Report No. 1 to Senate Bill 881.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley has moved the adoption of Conference Committee No. 2 <sic> (1) to Senate Bill 881. Is there any discussion? Any discussion? Senator Berman.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

SENATOR BERMAN:

Thank you. I -- I thought he went into too much detail. I wanted to clarify that. This bill succinctly addresses four very important items for Chicago school reform. It addresses a number of items for downstate schools that affect a number of our colleagues. Does not cost any State money. It's a bill that everyone could agree upon. The only problems were more of what wasn't included rather than what is included, and along those lines I will defer to my colleague, Senator del Valle. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The first draft of this Conference Committee Report included a provision regarding early childhood bilingual teacher certification; it was the content of Senate Bill 7. Senator O'Malley and Senator Watson, in conversations regarding my desire to leave that provision in the Conference Committee Report, indicated that they could not support the Conference Committee Report with that language included, but did commit to supporting a new bill that will be filed in the next Session, to do what we've been trying to do now for a couple of years and that -- and to do what has been supported by this Body on more than one occasion. And so I just want to, for the record, indicate that a commitment has been made and that I think their word is good. And we also have a commitment on the House side from Representative Cowlshaw that that support will be there. So I did want to mention that and thank Senator O'Malley and Senator Watson for agreeing to this, because I did not want this bill held up because there are a lot of important provisions in it that are important to several school districts. And I do want to point out one in particular - or I should say two - and that is that this

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

bill will help a couple of school districts raise their debt ceiling in order to be able to construct a couple of schools. Just a few weeks ago we held a -- an informal hearing in the City of Chicago with local school councils that are concerned about severe overcrowding in their schools, and there are over 71 schools in the City of Chicago that are severely overcrowded and numerous schools that have problems with lead paint and have other kinds of problems that need to be addressed; facilities need to be rehabilitated. So, I want to let the Members know that I have no problem supporting the construction of schools in school districts throughout the State, but that next year, as we deal with the problems of the Chicago public schools, that we not forget that there is a serious problem with overcrowding and that we do need to construct facilities and that we do need to rehabilitate buildings that are in dire need of renovation. There are life and safety issues involved here, and we will certainly be addressing those. So for the record again, I want to thank Senator O'Malley and Senator Watson for their commitment for next year and also hope that they will also support our efforts to deal with the facility needs of the City of Chicago. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

In -- in the spirit of trying to be brief, I really only have one comment, and -- and that is this, and it's in response to Senator del Valle: I appreciate your expression of -- of appreciation to Senators Watson and O'Malley, and I hope that we also have your expression of support - and -- and I'm not trying to put words in your mouth, but I know you're going to be this kind of person in the coming year - in that we will all work in a very bipartisan manner for the kids of Illinois and public education. With that, I'd request a -- an affirmative roll call.

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

December 1, 1994

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley has moved the adoption of Conference Committee Report to Senate Bill 881. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 881. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 881, and the bill, having received the required three-fifths majority, is declared passed. Committee Reports.

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Local Government and Elections, reports Senate Bill 1366, the First Conference Committee Report, Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just wanted to wish everybody a Merry Christmas and a happy, sober New Year's.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. Thank you, President Philip. Any further business to come before the Senate? If not, the Senate stands adjourned until January 10th, at the hour of noon. Have a happy holiday season, everybody.

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

DECEMBER 01, 1994

HB-0061 REFUSE TO RECEDE	PAGE	2
HB-0282 CONFERENCE	PAGE	2
HB-0457 RECALLED	PAGE	13
HB-0457 THIRD READING	PAGE	16
HB-1594 CONFERENCE	PAGE	4
HB-1594 CONFERENCE	PAGE	19
HB-1594 OUT OF RECORD	PAGE	6
SB-0251 SECOND READING	PAGE	39
SB-0881 CONFERENCE	PAGE	87
SB-1147 CONCURRENCE	PAGE	78
SB-1153 CONFERENCE	PAGE	44
SB-1211 CONCURRENCE	PAGE	42
SB-1232 CONFERENCE	PAGE	77
SB-1297 CONCURRENCE	PAGE	80
SB-1724 CONFERENCE	PAGE	7
SR-1896 ADOPTED	PAGE	17
SR-1926 ADOPTED	PAGE	20
SR-1987 RESOLUTION OFFERED	PAGE	1
SR-1988 RESOLUTION OFFERED	PAGE	1
SR-1989 RESOLUTION OFFERED	PAGE	2
SR-1990 RESOLUTION OFFERED	PAGE	2
SR-1991 RESOLUTION OFFERED	PAGE	42
SR-1992 RESOLUTION OFFERED	PAGE	42
SR-1993 RESOLUTION OFFERED	PAGE	42
SR-1994 RESOLUTION OFFERED	PAGE	42
HJR-0181 ADOPTED	PAGE	87
HJR-0181 RESOLUTION OFFERED	PAGE	87

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-THE REVEREND JEFF CHITWOOD	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	18
AT EASE	PAGE	40
SENATE RECONVENES	PAGE	40
COMMITTEE REPORTS	PAGE	40
RECESS	PAGE	40
SENATE RECONVENES	PAGE	40
COMMITTEE REPORTS	PAGE	40
MESSAGE FROM THE HOUSE	PAGE	41
RESOLUTIONS CONSENT CALENDAR-ADOPTED	PAGE	42
RECESS	PAGE	85
SENATE RECONVENES	PAGE	85
COMMITTEE REPORTS	PAGE	86
MESSAGES FROM THE HOUSE	PAGE	86
COMMITTEE REPORT	PAGE	90
ADJOURNMENT	PAGE	90