

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

121st Legislative Day

January 6, 1997

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks. Will our guests in the galleries please rise. Our prayer today will be given by Senator Adeline Jay Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

Senator Sieben. Pledge of Allegiance.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, December 3rd; Wednesday, December 4th; and Thursday, December 5th, 1996.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journals just read. There being no objections, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 3 to a bill of the following title, to wit:

Senate Bill 164.

I am further directed to inform the Senate that the House of

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Representatives requests a First -- First Committee of Conference.  
Action taken by the House, December 5th, 1996.

Message from the House by Mr. McLennand, 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 326, along with House Amendments 1 and 4.

Passed the House, as amended, December 5th, 1996.

We have a like Message on Senate Bill 729 with House Amendments 2, 3, 4, 5, 9 and 10.

Passed the House, as amended, January 6th, 1997.

...have a like Message on Senate Bill 522, with House Amendments 1 and 6.

Passed the House, as amended, January 6th, 1997.

Message from the House by Mr. McLennand, 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 -- or, 1263, with House Amendments 1 and 4.

Passed the House, as amended, December 5th, 1996.

We have a like Message. Senate Bill 1463, with House Amendments 1 and 2.

Passed the House, as amended, December 5th, 1996, by a three-fifths vote.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 3168, 3724 {sic} (3734) and 3769.

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All passed the House, December 5th, 1996.

Message from the House by Mr. McLennand, Clerk.

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

House Joint Resolution 143.

Adopted by the House, December 5th, 1996. It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar. Without objection, the Senate accedes to the request of the House for a conference committee on Senate Bill 164 just read by the Secretary. Is leave granted? Leave is granted. Resolutions.

SECRETARY HARRY:

Senate Resolution 272, offered by Senator Clayborne and all Members.

Senate Resolution 273, by Senator O'Malley and all Members.

Senate Resolution 274, by Senator Parker and all Members.

Senate Resolution 275, Senator Hawkinson and all Members, as is Senate Resolution 276.

Senate Resolution 277, offered by Senator Severns and all Members.

And Senate Resolution 278, offered by Senator Demuzio. They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar. Messages.

SECRETARY HARRY:

A Message for the Governor by Deno Perdiou, Director of Legislative Affairs, dated December 20th, 1996.

Mr. President - The Governor directs me to lay before the Senate the following Message:

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To the Honorable Members of the Senate, 89th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

Submitted by Governor Jim Edgar.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Joint Resolution 117 Be Adopted.

And Senator Karpel, Chair of the Committee on Executive, reports Senate Resolution 252 Be Adopted.

PRESIDING OFFICER: (SENATOR DeANGELIS)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 3734, offered by Senator Walsh.

(Secretary reads title of bill)

And House Bill 3769, offered by Senator Parker.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Revenue - a Motion to Concur with House Amendments 2, 3, 4, 5, 9 and 10 to Senate Bill 729; and Be Approved for Consideration - Senate Bills 21 and 761, House Bills 207, 995, 999, 2595, 2735 and 3695, and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1463, plus Conference Committee Report No. 1 to House Bill 2918.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Will all Members please come to the Floor? Will all Members please come to the Floor? Will all Members please come to the Floor? On Supplemental No. 1 - Supplemental Calendar No. 1 - on the Order of Conference Committee Reports is House Bill 2918. Senator Peterson, do you wish that called? Read the Report, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on House Bill 2918, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Chair recognizes Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Conference Committee Report No. 1 on House Bill 2918 would allow the Pollution Control Board to readopt, basically, effectively extend its emergency livestock waste management rules adopted on October 31st, 1996, until such time as permanent rules are adopted in May of '97. There's a small window there that there wouldn't be any rules applicable if we don't pass this bill. So we want some rules in place, and this legislation would do that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? The question is, shall the Senate adopt the Conference Committee Report on House Bill 2918. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 2918, and the bill, having received the required constitutional majority, shall be declared passed. On Supplemental Calendar No. 1, under the Secretary's Desk, Concurrence, is Senate Bill 1463. Senator

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Rauschenberger, do you wish the bill called? Read -- read -- read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1463.

Filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I seek Senate concurrence in the adoption of -- of House Amendments 1 and 2 to Senate Bill 1463. Senate Bill 1463 was a bill we passed with overwhelming numbers in March of 1996. Seems like ages ago. The bill said that any home rule municipality, or any municipality, that -- or local government that had not implemented a real estate transfer tax could not do so without a referendum of the citizens that lived in that municipality or level of government. It also said that any municipality -- or level of government that had a real estate transfer tax could not increase it without a referendum. It passed overwhelmingly in the Senate. In the House, the Illinois Municipal League, Northwest Municipal Conference and a number of other people apparently worked diligently for more than eight months in -- in suggesting corrections and changes. These two amendments represent action taken to meet the concerns of municipal advocates. Although it does not fully meet their concerns, I think the only thing that would completely meet the concerns of some municipal advocates would be no bill at all. But inasmuch as real estate transfer taxes is not an appropriate way to raise revenues, since it -- it does not broadly raise revenue - it actually is kind of arbitrary and capricious in its methods - I urge us to adopt these two amendments and send this bill on to the Governor.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Would sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR TROTTER:

Senator Rauschenberger, what was the -- the real pressing need for us to do this at this time?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, some communities have implemented real estate transfer taxes in amounts that I think would stagger you. One community, as I understand it, implemented -- yeah, one -- one community implemented a seven-dollar-per-thousand increase to a level of ten dollars per thousand on real estate transfer. The right to transfer real estate is a common-law right that goes back to the days of the Magna Carta. We've had municipal abuses, even some concerns that some municipalities were using it as a way of preventing some migration into their communities to kind of preserve the character they currently have. So it was abuses out in the communities, I think, that triggered action on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Yes. Senator Rauschenberger, so at this time, these communities when they implement this tax, or at least when they pass the bill for these taxes, do they, in fact, have to implement them at the time that the -- the law is passed itself?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well -- well, currently, there's no reason -- under current law, there's no reason for any municipality to pass an ordinance, or in the case of Cook County, for them to pass an ordinance, unless they intended to collect the revenues. And to the best of our knowledge, everybody that's currently passed a real estate transfer tax ordinance is raising revenue with it. The question comes, some people are trying to do what they did with the balloon levy in the days of tax caps, which is pass an ordinance, raise the tax, and say we're going to come back and collect it later only if we need it. Well, we all know in -- the inevitability of -- of issues like that. But, they could, I think, still pass an ordinance if they -- if they worked real quickly over the next few days.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Yes. Wouldn't it be more feasible that they would be trying to raise these taxes as a consequence of the unfunded mandates that this Legislative Body puts on them? For -- for instance, we already put a cap on property taxes. So this would seem as the -- the only avenue in which they can actually address those -- those problems that this Body has put on them, especially with the -- us getting tough on crime. So wouldn't this be the only route that they would have at this time?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, Senator Trotter, I guess I'd remind you that we provide ten percent of all of the income tax raised by the State of Illinois and distribute that to municipalities and local



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governments throughout the State. We take twenty percent of all the sales tax collections in the State of Illinois and distribute that to municipalities. Municipalities also have the right to tax real estate. They have the right to tax transactions that take place in telecommunications. They have the right to implement their own sales taxes. They have the right to tax gasoline. There's no reason for them to use an arbitrary method like a real estate transfer tax, where one neighbor might -- might live in a house for twenty years and not pay any taxes at all and someone who moves into your community and moves out in three years would pay the tax twice. It's just not a good way to raise general revenue. It's an inappropriate means, and frankly, I'm surprised at the -- at the level of discourse and -- and how hard the municipalities are working to try to prevent what I think is a very reasonable method, which is a referendum.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Well, I'm certainly not going to belabor this. I mean, there -- there's several other questions. However, with each increase in the criminal penalty for a crime, it adds to the county's cost of prosecution, in terms of detention, prosecutors, court security and records. As penalties increase, common sense and supporting data clearly suggests that pleas go down and trials and related litigation costs go up. For instance, a Class X felony costs about twelve thousand more on the average per person than a Class 3 felony. For this in -- in a county the size of Cook - you're talking about eighty-seven thousand people - we're talking about dollars tremendously going up. In the past four years alone, the -- the public safety budget for the County of Cook has gone from four hundred and thirteen million to seven hundred and seventy-nine million. I don't think the -- the raising of these

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taxes is a frivolous thing done on these taxing bodies. It is, again, an answer to what we've been doing down here and that is performing and also putting before these municipalities a unfunded mandate. And I believe that if we're going to continue to do this, we, as this -- as a Body, we should do as most people do: Put our money where our mouth is, or do as others do: Let's keep our noses out of other folks' business. This is not the way that this Legislative Body is supposed to be handled. We are not the only Legislative Body in this State. Those individuals who represent the counties and the municipalities are also elected by their constituents. We need to allow them to have the right to raise taxes to fund those goods and services that are important to their various communities. I believe this is a wrong thought-out attitude, or an attitude towards legislation, and we should not vote for it at this particular time.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, much as I like my prior speaker, I disagree with him, because when you allow the imposition of taxes because you want to sell your property, I think that's horrible to begin with. We already have one like it for the county and for the State. Now, as Senator Rauschenberger says, we already pay back into the municipalities part of our taxes, and I think it's wrong not to have a referendum. I feel that the imposition of -- or, increase of a real estate transfer tax without the prior approval of the -- of the voters is wrong. I think it's like a sin tax. It -- it's wrong if there's no referendum. All this bill does is allow a referendum. Let the will of the people decide. If they need more money for their particular municipality, they can do it by voting for the referendum. They'll know what their needs are. But I

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don't feel we should penalize people just like that, at -- in horrible amounts, because they own property, then they want to sell it, and they get taxed more. I think it's unconscionable, and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise in strong support of Senate Bill 1463. As a former city council member and a Senator representing a major home rule community in this State, I believe very strongly that if we're going to impose an additional tax on the consumers that we represent, they ought to at least have the right to a public hearing. This bill will assure, as amended, that home rule units require and conduct a public hearing before this tax referendum is imposed. If you're for a front-door referendum in imposing taxes, you're for this bill. If you believe that it should go through the back door without a public hearing, no public input, and a tax to be snuck through in the middle of the night, then you're probably opposed to this bill. I hope it receives overwhelming support on both sides of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. A question of the Chair: How many votes does it -- does this bill take?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Three-fifths, Senator Shaw. It's a preemption of home rule. Senator Butler.

SENATOR BUTLER:

Thank -- thank you, Mr. President. I guess my only comment is to admit some confusion over this, not particularly this bill, but

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my confusion is over what is the real meaning of home rule, and what are we going to allow, and what are we going to disallow. Because it seems to me, slowly but surely, we're just eroding home rule to the point where it may become just a -- just a -- just a shell of what I think the Legislature intended it to be. I'm concerned about home rule. It seems to me that we ought to be giving the municipalities, in particular, some credit for being fairly good legislators and considerate of their own people. So I guess this is not in the form of a question, Senator Rauschenberger, but if you'd care to respond, where are we going to the -- with -- with home rule in view of something like this -- I consider it being an erosion of the power given municipalities over many, many years under many, many conditions?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger, to respond.

SENATOR RAUSCHENBERGER:

Senator Butler, I'd call to your attention that in the 1970 Constitutional Convention, the idea of home rule was an experimental effort. It was an effort to give local governments more authority. It's an effort, though, that was designed in the Constitution to be controlled by the Legislature. Any time that -- that it was felt that municipal governments or local governments went too far, the Constitution provided for the Legislatures to override them with supermajorities in both Chambers. We're talking about a situation where, yes, we're acting to interdict home rule powers. We've found an area, a situation, that was certainly -- it should be made clear to any resident of Cook County, if you saw Board Chairman Stroger's proposal to increase the tax a hundred and fifty -- no -- fifteen hundred percent, that this is an area that the General Assembly needs to act to limit home rule powers.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR JONES:

Yes. Senator Rauschenberger, in reading news accounts of the transfer tax, now does this transfer tax increase the property tax?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The real estate transfer tax is a separate tax base from the property tax, so it is not related.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Well, then, I'm glad you cleared that particular point up, because reading news accounts of the proposal in Cook County, there are many persons who thought the -- the County Board was trying to increase their property taxes, which was not the case. But, again, I -- I fall back on to what Senator Trotter has to say, as well as many others. You're talking about home rule units of government. And we pass on many, many mandates to these local home rules of government. Even though -- I know you talk about the sales tax and the income tax, but that amount does not, in any manner, make up for the mandates that we constantly impose on local units of government. I don't think we should be here trying to dictate to local units of government, especially those home rule powers that were given them, how and when they should raise the necessary revenue. So I rise in opposition to the bill, because what we are doing, as Senator Butler pointed out, you are

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constantly eroding the powers that we have given local units of government and it makes them -- it make -- make it almost impossible for them to get the necessary revenue they need to -- to run their units of government. So for that reason, and that reason alone, I rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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

SENATOR RAUSCHENBERGER:

Well, I certainly appreciate the spirited, thoughtful debate, again, on -- on this bill, but I guess I'd make five quick points. Number one is, I think municipal governments across the State of Illinois protest too much. It -- it's kind of curious to me that we're talking about home rule units, which have multiple ways to tax their residents already, and many of them take advantage of a great deal -- great number of those ways. I -- I'm not sure I understand why they -- they've stuck their feet in the sand here to try to pick a fight about a real estate property transfer tax. Second point is, the normal constitutional appeal to local government being out of control is to the Legislature. So although, Senator Jones, I generally respect all of your points in debate, I -- I think you're absolutely wrong. This is exactly the time for the General Assembly to involve itself. When local governments act in ways that are not responsible or that are out of control, we're the natural constitutional appeal. As to what the whole point of home rule is, and for some downstaters who might not have a lot of home rule communities, home rule is an experimental form, which came out of the 1970 Constitutional Convention, which was designed to be controlled by the Legislature. We're acting tonight to control excesses by local government. We're not taking away a single municipality's transfer tax. If they have one, they get to keep it. We're not

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precluding any of them from having one in the future. We're requiring them to have a referendum to seek consensus -- to seek consensus of the -- the citizens they purport to represent to raise their taxes. That's not an unreasonable thing. The bill's been changed to address the concerns of municipalities. Fourth point, when you talk about appropriate tax bases, property taxes are across the board. They -- they're broad-based taxes. When you talk about utility taxes or telecommunications taxes, those are user fees, which are broad-based, again, and which people can avoid by choosing not to avoid {sic} it. When you talk about business licenses, those are activities that you seek special permission from a municipality. Those are the main municipal sources of revenue, besides the fact that we provide close to half of municipal revenue in the State through our already generous distributive shares. This is -- this is an arbitrary and capricious way to raise revenue. It only affects people who transfer real estate, which is a basic property right in America. It's not the right way to raise general revenue. The original property transfer taxes were only designed to be paperwork taxes. Municipalities had begun to turn them into revenue horses. That's inappropriate and it's wrong. There is no revenue crisis in municipalities anywhere in the State of Illinois. They don't need real estate transfer taxes. The right to own property unfettered, free from government intervention, is -- is a fundamental American right. We need to pass this bill and send it on to the Governor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1463. Those in favor will vote Aye. The opposed will vote Nay. The voting is now 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, 3 voting Nay, 2 voting Present, and the Senate

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does concur in House Amendments No. 1 and 2 to House -- Senate Bill 1463, having received the required constitutional majority, is passed. Senator Cullerton. Supplemental Calendar No. 1. On Secretary's Desk, Concurrence, is Senate Bill 761. Do you wish that called, Senator Maitland? Read the bill -- read the motion. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. It will be my intent to move to nonconcur with House Amendments 1 and 3 to Senate Bill 761. This was a bill that passed out of this Chamber in the spring and went to the House and -- and went through committee and was amended with a component dealing with MERS for county clerks and -- and -- and recorders, and there was concern about what kind of records were going to be kept locally with respect to land -- land transfers. This bill -- the amendment would have -- would have changed that dramatically, after a lot of work this summer with the county clerks, the banking community and others, and recorders of deeds. We will subsequently, Mr. -- Mr. President, be offering a resolution that will cause us to monitor the electronic transferring. So therefore, Mr. President, I would move to nonconcur with House Amendments 1 and 3 to Senate Bill 761.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland moves to nonconcur in House Amendments 1 and 3 to Senate Bill 761. Those in favor, say Aye. Opposed, say No. The motion carries, and the Secretary shall so inform the House. On Supplemental Calendar No. 1, on the Order of House Bills 3rd Reading, is Senate Bill -- is House Bill 2595. Senator Lauzen, do you wish the bill called? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2595.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. House Bill 2595 is a potential vehicle for any agreement in the House on unemployment insurance. I would like to ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR HENDON:

Senator Lauzen, my dear friend, do you have any idea what might be in this compromise coming out of the House and how it will affect the average worker who is trying to get their worker's compensation?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

None -- none of that -- none of those -- none of those -- none of those conclusions have been reached, and so at this point, I don't know. There are some things that have been put out by the -- I've recently reviewed an AFL-CIO position paper on some of the things that are talked about. We've talked about some of the general issues for years. If it does go forward in the House, there will be a -- a committee hearing, and then we'll have the debate there and then on the Senate Floor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

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SENATOR HENDON:

Thank you, Mr. Chairman. One -- one final question: Can you share with us the position of the AFL-CIO on HB2595?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I can just -- I can just tell you that from my review of their position paper, I would term it being inaccurate.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I -- that would have been my final question, but "inaccurate" doesn't quite answer what -- what I'm saying. Inaccurate -- maybe you're correct. As far as inaccurate, I -- I disagree, but they are opposed to the bill and you're saying that that position is an inaccurate position. Is that correct? Thank you. Thank you very...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. To the sponsor. Would he yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR GARCIA:

Thank you. Senator Lauzen, in the bill that you are now moving, will we see anything different than what we dealt with in the earlier part of the Session?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Currently, House Bill 2595 contains just a change in an immediate effective date, and I believe that the language that

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would be agreed to over in the House would be inserted into -- into the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I'd just like to inform everyone that all the Members on this side of the aisle voted No on this bill in committee, and therefore would urge a similar vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins. Senator Jones. Any further discussion? If not, the question is, shall House Bill 2595 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 25 Nays, 1 voting Present, and House Bill 2595, having received the required constitutional majority, is declared passed. Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, I notice that there were thirty people recorded in the affirmative. I'd like to see whether or not they're all here. And therefore, I would request a verification.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Motion is in order. Senator Demuzio has requested a verification. Will all Senators be in their seats? The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Bomke, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Karpziel, Klemm, Lauzen, Luechtefeld, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Raica, Rauschenberger, Syverson, Walsh, Watson, Weaver, Woodyard and Mr. President.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Does Senator Demuzio question the presence of any Member?

SENATOR DEMUZIO:

Senator Walsh.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Walsh is in his seat.

SENATOR DEMUZIO:

Senator Cronin.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin. Senator Cronin. Senator Cronin. Is Senator Cronin in the Chamber? If not, Madam Secretary, strike his name. Senator Demuzio question any more?

SENATOR DEMUZIO:

No.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On a -- on a verified roll call, the Ayes are 29, the Nays are 25, and -- we have taken the record. And having failed to receive the required constitutional majority, House Bill 2595 is declared lost. Senator Lauzen.

SENATOR LAUZEN:

Mr. President, I request Postponed Consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen requests Postponed Consideration. For what reason does Senator Demuzio seek recognition?

SENATOR DEMUZIO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR DEMUZIO:

Are you okay up there? Are you getting a little old, or you're getting a little slower, aren't you?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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I just want to relish my last days. On your desks you should have Supplemental Calendar No. 2. And on that order of business, on Concurrence, is Senate Bill 326. Senator Syverson, you wish the motion called? Read the motion, Madam Secretary. Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. I move that the Senate nonconcur in House Amendments 1 and 2 {sic} (4) to Senate Bill 326.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson has moved to nonconcur on Senate Bill 826 -- 326. All those in favor, signify by saying Aye. Opposed, No. The motion carries. The Secretary shall so inform the House. House Bill 2735. On a motion to non-recede on House Bill 2735, Senator Klemm? Read the motion, Madam Secretary. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. I'd like to move that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 2735. I humbly request that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm has moved that the Senate refuse to recede from House Bill 2735 with Senate Amendment No. 1, and that a conference committee be appointed. All those in favor, signify by saying Aye. Opposed, Nay. Motion carries, and the Secretary shall so inform the House. For the benefit of the Membership, we are awaiting, shortly, the arrival of Supplemental Calendar No. 3. Do not leave the area. ...your desk is Supplemental Calendar No. 3. And on that Calendar is Secretary's Desk, Resolution. Senate Resolution 252. Senator Klemm. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Resolution 252.

There are no Floor or committee amendments reported.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Resolution 252, which passed the Senate Executive Committee unanimously, resolves that we urge the U.S. Congress to delegate to the states a level of jurisdiction over the construction and operation of crude oil pipelines so that the states may properly have a role in establishing standards of safety, and location and operation of pipelines in accordance with the needs of its citizens. As some of you may know that some of the pipelines that have been going through Illinois and some that are being proposed will environmentally impact some areas that are sensitive for the groundwater aquifers and drinking water supply for the citizens. And since the ability of the State of Illinois to protect its environment and its citizens is, of course, of paramount importance to all of us and currently no Illinois authority has the ability to regulate the installation or operation or location of some of these, that we're asking Congress to at least consider giving Illinois and the other states a level of jurisdiction over that so that we can play a positive role in the location of properly placing crude oil pipelines only. And I ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, Senator Klemm moves the adoption of Senate Resolution 252. Those in favor will vote Aye. Opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. The resolution is adopted. Senate Joint Resolution 117. Senator Maitland, do you wish that called? Read the resolution, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Joint Resolution 117.

No amendments reported.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Joint Resolution 117 is the resolution I referred to a few moments ago with respect to the Mortgage Electronic Registration System. This represents the compromise that was made between the county clerks, recorders, county boards on one side and the bankers and trust title companies and others on the other side. The secondary mortgage market is very important to us in Illinois. We understand some of the concerns that the -- the county boards and the recorders and clerks had. We believe this resolution calls for a very close monitoring of the recording of -- of -- of those documents in -- in the counties. I believe it is a worthy compromise, and I would seek, Mr. President, support of Senate Joint Resolution 117.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, Senator Maitland moves the adoption of Senate Joint Resolution 117. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. The -- and the resolution is adopted. ...Supplemental Calendar No. 3 is Consideration Postponed. House Bill 2595. Senator Lauzen, do you wish that called? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2595.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. This is the potential vehicle bill for any agreement over in the House on UI. And I believe that we have our Senators on the Floor. I'd request an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR CULLERTON:

Sir, you use the term "agreement". Who would the agreement be between? The House and the Senate? Republicans in the House and the Senate? The business community and other business community Members in the House and the Senate? The Governor, the business community, Chamber of Commerce and the Republicans in the House and the Senate? Which agreement, potentially, could this be for?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I believe that the -- the people who are going to be working on this over in the House, whatever that group is, that's who'd be putting together their -- their thoughts.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, you know, we're going to have an inauguration in a couple days over in the House. Are you going to -- is that who you anticipate this agreement being made with? The people who are



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going to be in charge of the House in two days, less than forty-eight hours, perhaps? Is that -- I mean, is there any particular rush to have an agreement since we've been around for two years and haven't had an agreement? Or couldn't we just agree to -- amongst ourselves, just agree right now to just wait until two days and reintroduce this bill in an agreeable way?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. I understand the point that you're making, Senator. You know that these issues have been talked about for years. As I mentioned before in the discussion that we had, there's -- there are position papers out. There are people, you know, talking about the issue. So, you know, we'll have the debate in committee and then on the Floor. These are issues that have been here for years.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR HENDON:

Senator Lauzen, and I'm not saying this to stroke you or nothing, but on the way down here we passed you on the highway, and I commented to my friend, Senator Trotter, who I was riding with, that whether people agree with you or not, you are one of the most sincere Senators in this Chamber. And I believe that. I'll always believe that. But for the life of me, I just can't figure out what's the big rush with you on this particular bill, and you know we can disagree sometimes, and I just disagree with you on this bill. I don't understand the rush, but I have to ask

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you a question. Will people, the average worker, will this bill make it harder for them to get their unemployment or easier for them to get their unemployment?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I think that it'll improve the situation for working people in Illinois.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

Now, Senator, I just said you were one of the most sincere people in this Chamber. I would truly appreciate a direct answer. I know you -- you are -- are an honest Senator. Is it going to make -- is it going to be harder? Because I think that every Member of this Body, Republicans, Democrats as well, need to know what they're saying to the worker. Are we saying to the worker -- with a Yes vote up there, say to the workers of Illinois that it's going to be harder for them to get their unemployment compensation? That's a yes or a no.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen.

SENATOR LAUZEN:

I sincerely believe, and I've worked on this issue for the past year, and before that time, for the last twenty years of my life, in serving small business owners, to give -- and again, I don't want to go into a debate that if it's not called over in the House, we're going to be wasting a whole lot of good people's time in a debate tonight, but I sincerely believe that it's going to be -- that the trust fund will be better for people to get their benefits through the negotiations that are going on. But as far as what those details are at this point, I'd say we should save

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that debate for if it comes up.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hendon.

SENATOR HENDON:

...President, this will be my final words on this issue. Clearly -- and I want everyone to -- to understand what you're voting for. Clearly, this is going to say to people that it's going to be harder for you to get your unemployment compensation. That's what this bill does. So each of you that's voting for it are saying to your constituents who work every day trying to make a living, sacrificing their bodies, their time and everything -- and I'm a small business owner as well. I have my own talk show. So I understand small businesses have some problems. But I'm not going to say to the constituents -- to my constituents that I'm going to make it harder for them to get revenue that is due to them through unemployment insurance. Now, all of us in this Body were not always Senators. We did not always have these -- what some people would consider a cushy position. I've worked in a factory. I've -- I've -- I've worked in hard labor, and if you have it coming, I believe that people have a right to their unemployment insurance. Why wait until later to kill it? I don't trust the House. Perhaps, you all have been here longer than me, you have better wisdom than I, but I don't trust the House. I believe, here in the Senate, we are the upper Chamber. And the reason they call us the upper Chamber, we are expected to be held to a higher standard, higher integrity and to come out with more logical bills. I believe we should vote No and kill this bill now, and not trust the House.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Well, Rickey just stole my words, but I think, Senator, if I

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might, it seems to me that we're putting a lot of trust into the House, which we have not really put that much trust in the House over the period of this Session, and I think there's a lot of good reason why we haven't. And we fully understand this is a vehicle bill, and that if we knew a little bit more about what was going to be in it, it might even be easier to swallow. There's a lot of things that we hear are coming around about this bill that is going to make things a lot harder for the people to collect their unemployment compensation. There's some discussion, as I understand it. And I understand that we're talking about here just a vehicle bill, but I have to agree with my good friend, Senator Hendon, that by putting it over to the House, we are putting not only labor, but we're putting the entire system, in my estimation, into jeopardy. The -- some of the things that we've heard over here that are -- are going to be put in it, as an example, means that they could just by -- by cause if you're on unemployment or if you're -- if you want to lay someone off, you can say, "Well, they're accident prone", or whatever the case may be, and be able to get rid of them without even giving them unemployment, even if they're locked out. And that's a little scary, as well as some of the issue -- other issues we're looking at. And again, to give them the opportunity to -- we're buying a pig in a poke here. And I think it's been the other side of the aisle that has been pretty adamant in -- in their concerns about not giving things to the House to give them the alternative to -- to bring us back something that we don't know whether we're going to agree with or not. You made the comment about having a lot of debate on this bill or on the issue until we know what's in the bill, but I think that whenever we see what's in the bill, now we're -- we're basically stuck with it, because we have given them the vehicle upon which they could place their piece of legislation, which I think is not really in the best interests of

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this Body.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Would the sponsor -- well, a comment on the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR GARCIA:

Thank you. I just want to remind the Members on the Floor that nothing has changed since the last vote, that we've gotten very little, if any, new useful information, and that given it's the last two days of the 89th Assembly, that we should vote against this bill because it is not adhering to the established agreed bill process. And I would therefore urge a No vote on the part of all Democrats and Republicans of goodwill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very -- thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senator, one thing that I, in fact, can do is count to thirty, as you can. The question is whether or not you can keep them together during the period of time in which the action takes place. I want to simply agree with some of the previous speakers that have spoken on this issue. You know, this has been a very hot topic now around here, since 1974. And I think we have all agreed now that we ought not to get back into the posture of doing anything with workmen's comp and unemployment comp without the agreed bill process. I know you're very meticulous when it comes to -- to the business and the issues that you are very much interested in, but I must tell you that you've had two years now to bring about a compromise, an agreed bill

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process bill before this Body. And so here we are now with less than forty-eight hours and you're still attempting to try to get some workmen's comp or unemployment comp or whatever other agreements that you wish to -- think that you're going to attempt to make on that side of the aisle by sending this vehicle over to the House. Well, Senator, let me just tell you, I think this smacks of just sheer, raw political politics, and it ought not to take place during this period of time. Therefore, I would urge everyone to vote No on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very much, Mr. President. I certainly respect the previous speakers' experience and also their opinions. I think it is remarkable, and I know that for the last four years of listening to debate, that when people refer back to 1974, that was just talked about, that was the last case where, you know, the agreed bill process wasn't observed. A lot of the problems that we have in these systems, in my opinion, are -- are due to changes made at that time. But I don't see how anyone can make a judgment on the content of this bill, which, as the experienced Members of the opposite side of the aisle have pointed out, is merely a vehicle bill. To make a judgment that anyone is going to be better off or worse off on a bill that, at this point, says that -- what this does is it changes an immediate effective date on a bill, to me, it's remarkable, then, to make a judgment on the content. This issue will be debated. If it comes out on a committee -- conference committee, it'll be debated in committee and on the Senate Floor. I am eager to address the concerns that have been raised. I hope that we have a chance to do that. I'll look forward for that opportunity, but right now it's a matter of putting a potential vehicle over into the House, and I request a

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Yes vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 2595 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 voting Nay, and 1 voting Present. House Bill 2595, having received the required constitutional majority, is declared passed. What reason does Senator Donahue seek recognition? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

That motion is in order. We do have one thing we would like to announce and that is the time we come in tomorrow. Senator Welch.

SENATOR WELCH:

Mr. President, I would move we adjourn.

PRESIDING OFFICER: (SENATOR DeANGELIS)

We're going to do that very shortly. If there's no further business to come -- Senator Demuzio.

SENATOR DEMUZIO:

Just inquiry. It's my understanding you're going to go to a caucus. We're not -- we're, in -- in effect, finished for the evening. Is that correct? I mean, there's going to not be anymore business taking place tonight, and if so, what time do we return in the morning?

PRESIDING OFFICER: (SENATOR DeANGELIS)

If you will just bear with us, I was going to finish that sentence, which had all the answers to your questions in it. Yes, Senator Demuzio.

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SENATOR DEMUZIO:

As I must reiterate what I said a few minutes ago, I guess you're slowing down, because I -- I thought you had really ended that sentence. Otherwise, I wouldn't have -- have butted in. So let me apologize and afford you the opportunity to take your time and make the remaining part of your sentence or whatever you wish to say.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you. If there's no further business, Senator Watson moves that the Senate stand adjourned until 9 a.m. - 9 a.m. - Tuesday, January 7th, 1997.



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