

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

25th Legislative Day

March 9, 1995

PRESIDENT PHILIP:

...(microphone cutoff)...Session of the 89th 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 Dr. Kenneth Dunn, First Baptist Church, Ashland, Illinois. Dr. Dunn.

DR. KENNETH DUNN:

(Prayer given by Dr. Kenneth Dunn)

PRESIDENT PHILIP:

Will you please rise for the Pledge of Allegiance. Senator Petka.

SENATOR PETKA:

(Pledge of Allegiance, led by Senator Petka)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, March -- or, excuse me, March 1st; Thursday, March 2nd; Friday, March 3rd; Tuesday, March 7th; and Wednesday, March 8th, in the year 1995, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

You've heard the motion. All in favor, signify by saying Aye. The Ayes have it. Committee Reports.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Bills 424 and 453 Do Pass; and Senate Bills 301 and 442 Do Pass, as Amended.

Senator Karpziel, Chair of the Committee on Executive, reports Senate Bills 298, 542, 573, 587 and 615 Do Pass; and Senate Bills 417 and 567 Do Pass, as Amended.

Senator Raica, Chair of the Committee on Public Health and

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Welfare, reports Senate Bills 167, 176, 362 and 452 Do Pass; Senate Bills 293, 409 and 420 Do Pass, as Amended; Senate Joint Resolutions 10 and 20 Be Adopted; and Senate Amendment 3 to Senate Bill 159 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bills 232, 275, 327 and 598 Do Pass, as Amended.

Senator Hawkinson, Chair of the Committee on Judiciary, reports House Bill 204 Do Pass.

And Senator Peterson, Chair of the Committee on Revenue, reports Senate Bill 249, 345, 370, 371, 566 and 604 Do Pass; and Senate Bills 92, 107, 108, 215, 267, 446 and 528 Do Pass, as Amended.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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 572, 652 and 653.

Passed the House, March 8th, 1995.

PRESIDENT PHILIP:

On page 2 of today's Calendar on the Order of Senate Bills 2nd Reading, the Members are advised to move their bills. Senate Bill 62. Senator Klemm. Take it out of the record. Senate Bill 76. Senator Peterson. Take it out of the record. Senate Bill 100. Senator Raica. Take it out of the record. Senate Bill 112. Senator Woodyard. Take it out of the record. Senate Bill -- take it out of the record. Senate Bill -- take it out of the record. Senate Bill 157. Senator Geo-Karis. Read the bill, Mr.

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Secretary.

SECRETARY HARRY:

Senate Bill 157.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted Amendment No. 1.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 192. Senator Hasara. Take it out of the record. Senate Bill 264. Senator Fawell. Read the bill.

SECRETARY HARRY:

Senate Bill 264.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 271. Senator Cullerton. Senator Cullerton. Take it out of the record. Senate Bill 363. Senator Syverson. Read the bill.

SECRETARY HARRY:

Senate Bill 363.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 366. Senator Petka. Senator Petka. Take it out of the record. Senate Bill 390. Senator Walsh. Senator Walsh. Read the bill.

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SECRETARY HARRY:

Senate Bill 390.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 405. Senator Klemm. Read the bill.

SECRETARY HARRY:

Senate Bill 405.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 425. Senator Geo-Karis. Read the bill.

SECRETARY HARRY:

Senate Bill 425.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 426. Senator Walsh. Read the bill.

SECRETARY HARRY:

Senate Bill 426.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 432. Senator DeAngelis. Take it out of the record. Senate Bill 444. Senator Peterson. Take it out of the record. Senate Bill 455. Senator Sieben. Senator Sieben. Take it out of the record. Senate Bill 472. Senator

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Peterson. Take it out of the record. Senate Bill 476. Senator Sieben Senator Sieben. Take it out of the record. Senate Bill 477. Senator Karpziel. Senator Karpziel. Take it out of the record. Senate Bill 429 <sic>. Senator Klemm. Read the bill.

SECRETARY HARRY:

Senate Bill 529.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 535. Senator Petka. Senator Petka. 535. Senator Petka. Read the bill.

SECRETARY HARRY:

Senate Bill 535.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 625. Senator O'Malley. Senator O'Malley. Read the bill.

SECRETARY HARRY:

Senate Bill 625.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.

PRESIDENT PHILIP:

Have there been any other Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading.

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PRESIDING OFFICER: (SENATOR DONAHUE)

On page 3 of your Calendar is Senate Bills 3rd Reading. We'll be going from the beginning to the end if possible. And so on page 3 is Senate Bill 20. Senator Weaver. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 20.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. Senate Bill 20 amends the General Assembly Compensation Act by stipulating that starting on May the 31st, 1995, Members of the General Assembly shall not receive any per diem for Session days held after the last day of May of each calendar year, except for Special Sessions called either by the Governor or the Presiding Officers, or for Veto Session days. Committee Amendment No. 1 also adds an effective -- immediate effective date. Floor Amendment No. 2 clarifies that prohibition on per diem after the last day in May of each year applies to attendance at Sessions and does not affect the non-Session per diem. If there are any questions, I'll be happy to answer them.

PRESIDING OFFICER: (SENATOR DONAHUE)

If we could have all your attention. We are on 3rd Reading. This is final passage from the Senate. If we could have your attention. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. First let me say to the sponsor: Thank you, for adding the amendment, which I think makes the bill a little better. And -- and let me just state that I fully understand what the Senator

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is trying to do, and I'll probably end up voting...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs, just a second. Can we please have your attention. Take your conferences off the Floor and show a little courtesy to the Members in the debate. Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. And -- and I think that I'll probably end up voting for this thing. I -- I think we have really degraded ourselves though, Senator, when we have to get ourselves in a position to where we feel the necessity to use retribution in order to insure that we get out of here by the end of May. I think that's the wrong way to do this. It's a popular vote, I'm sure. I think we should self -- set self-imposed restrictions to insure that we get out of here by the end of May. I know I want to be out of here the end of May. I haven't had a summer now for about nine months <sic>, and many of you have not had a summer for a lot longer than that, but I think it's -- it just -- I have a little concern - is all I'm trying to say - that we are having to do something, by law, that we should be willing to sit down and do on our own without any necessity of legislation. And I just wanted to say that, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. I -- I just want to thank Senator Weaver for introducing this bill first offered by Senator Stern and I a year or two ago. It was a good idea then. It's a good idea now, and I hope that this side and that side will put the Yes votes on it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Madam President and Ladies and Gentlemen of the Senate, I think this is an excellent idea, because if we can't get the people's business done by May -- the end of May, then we have no business being here, and we shouldn't be paid for any extra days after May 31st. I think the taxpayers are entitled for a good accounting, and this is the way to start. And I appreciate the comments of my colleague on the other side and I certainly think that we should all get on this bill to show our good faith to the voters of Illinois. I certainly speak in favor of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. Just to echo the previous speaker and other colleagues who have supported this legislation. Comment was made about the self-imposed deadline. We have a self-imposed deadline called the Illinois Constitution. That's May 31st. We are to have our business completed by the 31st of May. Now, the taxpayers shouldn't be held accountable for that. That should be held -- we should be held accountable. The General Assembly of the State of Illinois should be held accountable if we can't get our business done in a timely fashion. Therefore, this type of approach and procedure, I think, is -- is something that definitely need to -- to be adopted. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. I rise in opposition to this bill, because just on the basic principle. I can understand the persons on the other side of the aisle voting for it. But when you have thirty votes, you can do anything that you want to do. We -- if we decided we wanted to get out of here by May 31st and we do not have thirty votes, so we'll be penalizing ourselves

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on this side of the aisle. You have thirty-three votes on that side of the aisle. If -- if the Senate President and you decide that you want to go past the 31st, there is nothing on -- we can do about it on this side of the aisle. So I urge the Members on this side of the aisle to oppose this bill. Now, if you have some persons on the other side of the aisle who, in their infinite wisdom, see fit to come to the right side of the aisle - and come over on this side to carry out their responsibility - then we may vote for it. But it's very foolish to vote for something that you have no control, as it relate to the outcome; you have no control, as it relate to how long we're going to be in Session. So, therefore, you can vote for it if you so desire, but Senator Philip may decide to punish the Members on this side of the aisle and keep us here past May 31st, and there's nothing we can do about it. So the best thing for the Members on this side is to vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- or, further discussion? If not, Senator Weaver, to close.

SENATOR WEAVER:

Thank you, Madam President. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 20 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 14 Nays, none voting Present. Senate Bill 20, having required -- received the required constitutional majority, is declared passed. Senator Butler, on Senate Bill 21. Senator Woodyard, on Senate Bill 43. Senator Mahar, on Senate Bill 48. Senator Maitland. Senate Bill 50. Senator Watson.

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Senate Bill 52. Senator -- yes. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 52.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This district would allow -- or, this particular legislation would allow school districts to transport up to fifteen students, by the use of a van, to and from interscholastic and school-sponsored activities. The reason for the legislation is right now if, in fact, they want to haul fifteen students to a speech contest or to a golf event or whatever, they would be required to take a school bus. School buses, obviously, are quite costly to operate. They're costly to purchase and this -- the significant cost savings that would be realized by the districts could very well be utilized in other areas, obviously. The -- this is only for taking them from the school to another school. They would not be driving by somebody's home and picking them up, of course. And that's one of the safety features of a bus, is the fact that you have the stop lights and all on the bus. So we're not going spot-to-spot to pick people up. They would be leaving from the school and going to some activity somewhere else, and coming back to the school. And that would be the type of activity that would be approved by this type of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator Watson, to close.

SENATOR WATSON:

Appreciate your favorable vote.

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PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 52 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. Senate Bill 52, having received the required constitutional majority, is declared passed. Senator Klemm, on Senate Bill 63. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 63.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 63 amends the Local Government and Governmental Employees Tort Immunity Act to provide that a local public entity or public employees acting in the scope of his or her employment is not liable for the provisions of information by computer or other electronic transmissions. We have -- in current law, immunity is granted when providing information either orally, or in written form, or in book form, or in library form, for people that just hand the books out over the counter or do the business such as that. And with the advent of the fax machine and the computers, we wanted to at least add that immunity for those electronic transmissions. Not too dissimilar from the oral or writing. So this really gives them that protection. This current law still makes them liable for willful or wanton misconduct. So I think we've got that covered, and I do ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

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question is, shall Senate Bill 63 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, and none voting Present. Senate Bill 63, having received the required constitutional majority, is declared passed. Senator Klemm, on Senate Bill 67. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 67.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Senate Bill 67 allows townships -- township boards at their annual meeting, or special meetings, by referendum, to be able to transfer and donate surplus property to nonprofit organizations. Now, the town boards certainly can require that they have a purpose for what the nonprofit organization would use that property for, and that they could have a reversion clause into that contract to revert back to the township in case the nonprofit organization doesn't use that property any longer. What's happened is that we have a situation that was called to my attention where we have an old town hall that has not been used and it has historical value in our county and in the State of Illinois. The township has not used it. They'd like to donate it to the historical society, but because a current law caused all kinds of problems for them to do that without the funds. This would allow them to do it with voter approval. So I think it's a good bill. It's got the safeguards that we want. It still preserves some of the heritage and the items that we like to preserve in Illinois. So I do ask for your

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support on Senate Bill 67.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield. Senator Palmer.

SENATOR PALMER:

Thank you. Senator Klemm, in our analysis there are a number of red flags about protections and questions about whether -- why this is, for example, only at the special town meeting, whether there are safeguards to require an extraordinary majority, other kinds of issues that it's indicated were in a prior bill of yours that had a two-step process, whereas this has one step. Could you just give me some remarks on whether you have any opposition to this bill, or whether there are safeguards in it for passing this on?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you. What we did -- this is similar to what we did last year, but what we wanted to do is not have it at a regular board meeting. We thought it was important enough to have it either at a special town meeting or at an annual meeting that the town board has to publish and put the notice in so that the voters can be there to be a participant of it. We put the safeguards in there, and I think that wasn't, perhaps, that clear in the committee. They thought they could do it at any time, and I didn't want that, at any monthly meeting. This is an important measure. There is another House bill that allows only ten thousand for property and that would be maybe for some articles that could be done at any time at a -- at a township meeting. This is limited. Only at the

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special meetings where they have the public notice, where the public's involved, it can be taken care of at that time, and it has to be by resolution also. So I think we've put the safeguards that you and the committee had wanted to.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Yes. Let me make my question more specific. According to the information that I have here, do the electors vote on transferring this property to the -- to a nonprofit organization? Because if not what I'm showing here is that the board of trustees, in fact, cannot act at this special meeting. It is the electors who act to make this decision, because it is a special meeting.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, my interpretation would be that the town board would have to, by resolution, also make that action.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Yes. But according to the language it says, "a township board of trustees may by resolution authorize the donation of surplus public real estate" and so forth. It doesn't say the electors themselves. And it's at the annual town meeting.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

By what we're doing is allowing them to do this at the annual or special meeting for this purpose. You may be correct that they couldn't do it without this authorization. This would allow them to do that.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

I'm sorry to keep belaboring this, but according to law -- and maybe I'm just not interpreting this correctly, but according to law the board of trustees cannot take such action. It can only be taken by the electors, not by the board of trustees itself.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, that would be true, but we're changing the law, Senator, and that would allow them to do what we're asking them to do.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Senator Klemm, to close.

SENATOR KLEMM:

Well, thank you, Madam President. What we're trying to do is -- is allow the town board, at the annual or special meeting, to be able to transfer this property. Right now, under current law, they can't do it, and that's one of the reasons we have the problem. So I think what Senator Palmer is saying is -- is correct, but what we're trying to do is allow them to do that under these special, narrow definitions, and I do ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 67 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 3 Nays, and 2 voting Present. Senate Bill 67, having received the required constitutional majority, is declared passed. Senator Raica, on Senate Bill 68. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 68.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 68: The EPA is required to deny a permit application for a municipal waste incinerator if the Agency finds that the permit application is in noncompliance. Also, any party seeking a construction or development permit for a new municipal waste incinerator or waste-to-energy facility would not be able to receive any limitation of liability from the State of Illinois connected with response or remedial work to be done at the proposed site for the incinerator facility. It's my understanding that there was no opposition and the bill passed out of committee eight to zero. And I just ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Raica, does this eliminate the incentives to build an incinerator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Senator Welch, my understanding is no.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Any other discussion? Any further discussion? Senator Raica, to close.

SENATOR RAICA:

Just ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 68 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nays -- 1 Nay, none voting Present. On Senate Bill 68, having received the required constitutional majority, is declared passed. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you very much, Madam President. On a point of personal privilege, if I might. In the gallery to the rear of the President's Podium is the eighth-grade middle school class from Olympia in -- in my district, and their -- their instructor, Mr. Davis. I'd like for them to stand and be recognized by the Chamber, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will our guests please rise and be recognized. Senator del Valle, on Senate Bill 72. Read the bill, Madam <sic> Secretary.

SECRETARY HARRY:

Senate Bill 72.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DeLEO:

Thank you, Madam President. This bill does exactly what the Calendar states. It clarifies the statute to allow the use of

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clear plastic covers on license plates. There is no opposition to this bill. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 72 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, and none voting Present. Senate Bill 72, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 78. Senator Rauschenberger, on Senate Bill 78. Senator Fitzgerald, on Senate Bill 79. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 79.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Senate Bill 79 clarifies that the law that we passed a few years ago creating tenancies by the entireties in Illinois can also be used by the beneficial interest holders in an Illinois land trust. It's an important clarification to the existing law. It passed out of the Senate Judiciary Committee unanimously, and there are no known opponents to the bill. So I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 79 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 79, having received the required constitutional majority, is declared passed. Senator Raica, on Senate Bill 80. Senator Klemm. Senate Bill 82. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 82.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Senate Bill 82 allows conservation districts the same latitude as -- as forest preserve districts. When municipalities wish to annex land and a conservation district has a parcel that separates the land they wish to annex on the other side, current law requires them to have to annex the conservation district land, unlike with a forest preserve district they jump over that, annex the other side of it, but then they still allow the forest preserve district to have that property as forest preserve -- preserve district property and land. We've allowed, in -- in Senate Bill 82, for the conservation districts to have the same type of treatment where the municipalities who don't wish to take on the conservation district can still go to the other side without taking over the conservation district. We've excluded DuPage County, who did not want that included, and so I think we've covered everybody's questions. Both of the municipalities who support and helped draft the legislation and all the conservation districts in Illinois support it also. So I do ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

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question is, shall Senate Bill 82 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 82, having received the required constitutional majority, is declared passed. Senator Fawell, on Senate Bill 86. Senator Madigan, on Senate Bill 104. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 104.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senator 104, as amended, does -- does four things. First of all with regards to eligible State employees, it changes the definition in there -- in the definition of "eligible employees" so that in the event of an employee being totally disabled on a workman's comp case, and that workman's comp case has not been adjudicated but the temporary total disability payments have to be cut off before an award can be made, it allows the system to extend those payments until the adjudication is finalized. There is no cost to this, because if there is an adjudication, that workman's comp money then will go back to the system. The second thing that it does is that it coordinates, insofar as the -- as a result of Senate Bill 533, and the actuarial review that has to be done every five years with the State pension systems, it requires that the State employee in the Downstate Teacher Articles -- requires an actuarial review and puts that in statutory form. The third thing it does, as a result of the cap of eighty-five percent on

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the Judges' Retirement System, it opens up a window to allow those judges who so elect to do so, to start re-contributing, including all back payments and interest, as a result of the action that we took last year with regards to the Compensation Review Board. And the last matter that it does, it allows judges to base their pensions, if they have been on temporary assignment for four years or more in a higher-paying assignment and paying those contributions, it allows those pensions to be based on that; that is, puts that in sync with the other pension systems, and that's what Senate Bill 104, as amended, does. Ladies and Gentlemen, I'd be glad to answer any questions on Senate Bill 104, as amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a question for the sponsor. Senator...

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

What is the impact on the seventeen-billion-dollar unfunded liability of extending these -- any one of the four pieces of this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

To the State Employees and Teachers Retirement Articles of the Pension Code, there's no cost. To the change in the Judges' Retirement System, all we know from Illinois Economic and Fiscal, because we don't know who would participate in these actual -- you know, there's, I think, six judges at the most that could be involved in one -- one of those things. But if everybody participates and pays their contributions back, Economic and Fiscal says that the cost would be minimal if all participate.

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PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MADIGAN:

I would just ask for a favorable consideration on Senate Bill 104, as amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 104 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 4 Nays, none voting Present. Senate Bill 104, having received the required constitutional majority, is declared passed. Senator Jacobs, do you wish to have Senate Bill 118 returned to 2nd Reading for the purposes of amendment? Senator Jacobs seeks leave of the Body to return Senate Bill 118 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 118. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs, explain your amendment, please.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is just an amendment - it's technical in nature - that was recommended by Enrolling and Engrossing. So it's technical in nature. I ask for its support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the

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amendment is adopted. Are there any further Floor amendments for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dillard, on Senate Bill 124. Senator Woodyard, on Senate Bill 141. Senator Klemm, on Senate Bill 150. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 150.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Senate Bill 150 allows regional boards of school trustees to cancel regularly scheduled meetings if there is no business pending. Current law requires them to hold four meetings a year at the regional superintendent's office. They're held in July, October, January and April. But if there is no business that's -- petitions for them for de-annexations or splitting up districts, they don't feel they need the expense and the publication costs and all that to have a meeting. So what we did is allow them to cancel it, provided they have no business and provided they give the ten-day public notice, which is the time frame required under the Open Meetings Act. I don't believe there's any opposition. It's a good government bill, and I think we need its support on Senate Bill 150.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 150 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 150, having received the required constitutional majority, is declared passed. Senator Raica, do you wish to have Senate Bill 159 returned to the Order of 2nd Reading for the purposes of an amendment? Senator Raica seeks leave of the Body to return Senate Bill 159 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of Senate Bill 159 is Senate Bill -- on the Order of 2nd Reading is Senate Bill 159. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Amendment No. 3, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President. Senate Floor Amendment No. 3 clarifies that additional twenty-five dollars is a fee to be collected by circuit clerks. In addition, it standardizes the time frame from sixty days for the -- for the clerks to remit the twenty-five day <sic> to the treasurer. And finally, Senate Amendment No. 3 clarifies that anyone convicted or receiving an order of supervision for a DUI is to pay a total of thirty dollars, in five of the original traffic violation and twenty-five an additional fee. This is a trauma fund, a mechanism to fund the trauma centers, and I just ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other further Floor amendments for consideration?

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No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on Senate Bill 164. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 164.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. All this -- that this does, it requires the State Board of Education to pay the total amount of a thousand dollars a month that goes to the regional superintendents -- that's in one lump sum in the month of August. Does not increase the amount of dollars. It just changes -- rather than paying it over twelve months, they pay at one time, and they pay it in August. And that it the amount of dollars that are given to regional superintendents for administrative expenses, and it comes out to a thousand dollars per county.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 164 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 164, having received the required constitutional majority, is declared passed. Senator Syverson, on Senate Bill 168. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 168.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. Senate Bill 168 is a simple bill, which passed last year out of the Senate 52 to nothing. Just provides for administrative adjudication for county toll bridges. Passed unanimously out of committee. I know of no opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 168 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, and none voting Present. Senate Bill 168, having received the required constitutional majority, is declared passed. Senator Welch, on Senate Bill 177. Senator Burzynski, on Senate Bill 180. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 180.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. This amends the Counties Code. Adds the requirement that a recorder must be willfully malfeasant, rather than just malfeasant, before the recorder is liable for damages.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 180 pass. Those in favor will vote

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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 56 Ayes, no Nays, and none voting Present. Senate Bill 180, having received the required constitutional majority, is declared passed. Senator Rauschenberger. Senate Bill 182. Out of the record. Senator Watson, on Senate Bill 185. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 185.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, thank you, Madam President. I think most people realize what this legislation is all about, and if you don't, this is the one dealing with the optometrists and -- and ophthalmology. So just so you're aware of what we are debating, that's the two groups that seem to have -- have taken a different side on this issue. Senate Bill 185 is not anything new to this -- this Body. It's identical to the bill we introduced and we debated last year. There's two amendments that we put on. One changed the year from 1994 to 1995, to keep it current. And the other one dealt with some concerns that the Illinois Retail Merchants had about the legislation, and we addressed that and have taken away their concern and -- and objection. This would allow for optometrists -- certified optometrists to treat certain eye disorders with a very limited class of eye drops and nonsurgical procedures. This would involve in removing foreign bodies from the surface of the eye, but I want to -- I want to make sure and understand, and everybody understands, that surgery is not a part of this particular legislation. Unfortunately, some of the mail that

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you've been receiving and I've been receiving from some of those who have concerns about this legislation specifically call their opposition to the -- to the surgery procedures. And let me just address that, if you would, and I think that's an important issue and I know that I've been asked that many times by many of you. But on page 1 of the bill, line 13, it specifically says that the practice of optometry - this is the definition - would be without the use of surgery. So surgery is not an issue. Surgery -- nonsurgical treatment is mentioned in other places in the bill, so I -- the concern for surgery should not be an issue. What we're doing here is nothing more than what forty-one other states have. We have one of the finest colleges for optometry in this country, the Illinois College for Optometry, in Chicago. Unfortunately, those graduates, when they leave that school and they practice in Illinois, are limited - a practice that forty-one other states provides. Now, we're not trying to take over the profession. We, being optometrists, are not trying to take over the profession of ophthalmology. Let's make that perfectly clear. And the surgery is the main -- is a major issue and a major concern. Graduates of the College of Optometry receive four years of undergraduate school. In other words, you get a B.S. Degree in -- at a university, college - somewhere - you get accepted to the Illinois College of Optometry. You go four more years. Four more years of school. Another provision that I think is important, and a lot of questions have been asked: What about those people that are out there practicing now? Are we automatically going to allow them to now use therapeutic medication? And the answer to that is -- is no. There's provisions in this legislation that does not allow for any grandfathering. No one will be grandfathered under the provisions of this legislation. In most states there's considerable number of hours that are required, not only for the diagnostic drugs that are being used, and of course that's part of

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Illinois law now, but if we're going to extend it to therapeutics, an additional number of hours - considerable number of hours. So education, which seemed to be of major concern to most, and some, should not be, because we have one of the finest colleges and universities in this -- in this country located right in Chicago. If an optometrist goes on to a military base, they can practice, just as they can in forty-one other states, if that military base is located in Illinois. You step foot off that military base, and you no longer can practice, as their education would allow. Access, which I think is important. As I say, we're not trying to take over the profession of ophthalmology, but accessibility, I think, is important to -- to the rural area. We don't have ophthalmologists in a lot of rural communities. You don't have ophthalmologist accessibility, I think, in a lot of the major metropolitan areas without a lot of travel and expense involved in going to that particular individual ophthalmologist. We heard in committee that within forty-five minutes you can be to an ophthalmologist in this State. Well, that's probably true, but in five minutes in most rural areas, or ten minutes, you could be to an optometrist. And I think that's important, in the health care delivery that we're trying to provide the people of Illinois, is access. That's basically all I would like to say in my introductory remarks. I would be glad to answer questions, and look forward to our discussion. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President and Members of the Senate. Just a few weeks ago Governor Edgar presented his Budget Address to the General Assembly, and like in many other states, the news was not entirely good. For example, we face a 1.2 billion deficit in the Medicaid Program alone. Our State Treasurer has warned that these

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unpaid bills could hurt the State's credit rating and in the process, I might add, cost the taxpayers millions in higher interest rates on State bonds. This is a serious problem, and is one that we, as Members of the General Assembly, can no longer ignore, which brings me to my next point. In trying to fix Medicaid -- the Medicaid financing system, does it make any sense for us to pass legislation that will make the job more difficult? Should we pass bills that will cost the Medicaid system money, but which will do nothing to improve the care delivered to our State's poor people? I think not. Yet that is exactly what my friend, Senator Watson, wants to do. Optometrists claim they will save money. How? They're paid the same as physicians in Medicare. They're paid the same as physicians by private insurers. And they'll be paid the same under Public Aid. I ask my colleagues: When optometrists lobbied you on this bill, did any of them tell you that it has been a high priority for their trade groups, nationally and here, to achieve parity with ophthalmologists in their fees? If you had the same experience as me, you probably were told optometry fees will be lower. Well, that's hogwash. That's hypocrisy. They tell you their fees are lower while they have been working for years to make their fees the same. What else can't we trust about their lobbying? During this relentless debate, we have heard a lot about experience in other states, and let's take a look at some of those other states. A detailed review of federal Medicaid claims were made five -- over a five-year period from 1988 to 1992 by a highly respected consulting firm. Did it reveal the optometrists saved the federal government money when they were allowed to treat eye disease? No, it did not. In fact, payments to optometrists for office visits increased at twice the rate as for ophthalmologists, and test charges went up four times as fast. That is in states which already permitted optometrists to treat disease. If you look at

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the states that added treatment during these five years, the differences are even more dramatic. Office visit payments went up three times the rate of ophthalmologists and testing went up almost twenty times faster. Does anybody in this Chamber think our Medicaid system can endure these kinds of increases? Does anybody think the proponents and opponents on this issue were obviously from two different stories? One side, the opponents, have produced hard data to support their position. The optometrists merely want to trust them. Should we take the chance that trusting them would be okay, or should we defer approving this bill until we are certain it won't break the bank? Mr. President and my fellow colleagues, the voters made it clear in the last election they want a fiscally conservative State government. They don't want higher taxes and they still want vital State services. Legislation that does not -- does nothing to improve these State services, legislation the public has not asked for, but which in all likelihood will cost the health care system millions of dollars, does not strike me as being fiscally responsible. I urge the Senate not to pass Senate Bill 185. There is no rush. We can -- we can, and should, carefully examine the costs of this bill before we send it on. Please vote No. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Under your bill a licensed optometrist may apply to the Department of Public Regulations for certification to use diagnostic agencies -- Professional Regulations, I mean?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

They can already do that. That's in current law under -- for diagnostic. What we're impacting is therapeutic, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But under your bill he has to receive appropriate training and certification, is that correct? And to...(microphone cutoff)...competence in the use of such agents?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

That's correct. After the four years of education at the appropriate school of optometry if those people are already in the field - practicing optometrists - they will have to go back and get considerable number of hours of additional training and education. That's in this law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen, to the bill: At the present time, a licensed optometrist may apply to the Department of Professional Regulations for certification to use therapeutic agents if that optometrist has, one, received appropriate training and certification; two, demonstrated competence in the use of such agents; and three, already received a certificate to use diagnostic agents. Now, when our optometrists who are at Great Lakes Naval Base can go through all these things and do these things, and yet because they're on the base they can do it, but if they were to practice right in Lake County outside the base they

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couldn't do it, I don't think that's fair. I think this is a good bill. I might tell this Body that I represent ophthalmologists, as well as optometrists, as an attorney, and I can tell you right now that the ophthalmologists that I know feel that there may a very good working relationship between the optometrists and the ophthalmologists, because any conscientious optometrist knows that he's not going to do surgery. When there's surgery he thinks might be needed, he'll refer them to a good ophthalmologist. I think this bill is a good bill, and I don't think it's going to cost half as much as my preceding colleague said. I think we ought to it. I think it'd be -- if it's tried in forty-one states, and it's been successful, I don't know why we should -- we should have to eliminate it here. I speak in favor of the bill, and urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I stand in strong support of Senate Bill 185, and being on one of those border communities, Senator, to where they can practice in Illinois and in Iowa, as an example - in Iowa they can do things they can't do in Illinois, and I think that they should be on that even ground. I was a little dismayed, or a little shocked, to -- to think that if we pay the same for a service, whether it be to an optometrist or to an ophthalmologist, that our costs are going to go up. I -- I really don't quite get that relationship. But I think this is a good bill, and ask for your Aye -- support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of

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the Senate. I rise in opposition to this bill, and I just want to suggest to the Body here that really what is being asked for in this bill is that optometrists get the chance to practice medicine. There's a popular misconception among people that surgery is the only thing that really matters when defining what a medical doctor does. Ask a cardiologist what he thinks the practice of medicine is. Permitting optometrists -- optometrists to administer therapeutic drugs, I believe, is practicing medicine. Optometrists don't get the same kind of training as doctors. They don't go to medical school. A medical school requires fifty-two hundred hours of training. An optometry -- optometry school requires anywhere from nine to eighteen hundred hours, with no national standards. The optometrist training stops there. The MD then goes on to a one-year internship in medicine, not just diseases of the eye. The MD then goes on to do a three-year residency, and then many of them go on and study further in a fellowship. I just believe that this is a very, very dangerous precedent. I think optometrists provide a valuable service: examining the eye, prescribing corrective lenses, and dispensing of the lenses. They -- they can make a lucrative -- they can have a lucrative practice and a comfortable living. I respectfully ask that we draw the line and let ophthalmologists practice medicine and let optometrists do their craft, as they do so well. I rise in opposition. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

Well, thank you, Madam Chairman. I rise in strong support of this legislation, and like Senator Jacobs, I also represent a border district where optometrists in the communities I represent practice on both sides of the river. And for many years several of them have been able to perform these procedures and use these

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therapeutic drugs under their Iowa license, but when they return to Illinois, that they cannot do the same type of things that they're licensed to do in Iowa. I think the legislation is well-drafted. These people are highly professional. They've put into the legislation a very strong educational component that will make them extremely well qualified to -- to do the procedures they're seeking. And I think this legislation is long overdue and I would urge everyone to vote Aye.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR WATSON:

Well, thank you, Madam President. I appreciate the -- the debate and the discussion, and I want to make a few comments about some of those who have taken exception to this approach. First, in the area of health care costs, I think you ought to realize and recognize that the study that was done for that was done and funded by ophthalmology. And -- and really, quite frankly, some of what has been said about this legislation hasn't necessarily been, as I would concern -- would say, is totally factual by -- by those coming from the ophthalmology side, and that's unfortunate. And I hate to even say that, but that's -- that's a fact, and I -- let's just move on. The totals that were involved in the costs involve eyeglasses also, and we all know what the cost of -- of glasses are these days. They've -- they have -- certainly they've escalated. So those -- I think it -- as you can -- as statistics can be skewed and I think what you have found by this study is just that factor. These statistics aren't necessarily based in apples and apples. I think it's apples and oranges. I mean, anybody who goes to an optometrist who -- and you know, to say -- and those who -- of you who'll vote no - and I know there's going to be some of you that do that - I would hope that you'd go down

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to the school and just go for yourself and witness what goes on in a quality-education environment of the Illinois School of Optometry. They do -- they'll be more than glad to have you there. They've made a yeoman's effort to try to get everyone to come to the school to see what goes on, and I know that those of -- those of us who have gone, some have changed from No to Yes. Many have, because they realize that education shouldn't necessarily be the issue here, because they are getting quality education at the Illinois School of Optometry. The costs -- just for example right now, I go into an optometrist and they can diagnose my problem. They can't remove an obstacle, remember, out of my eye. They can't remove a subject, but they can diagnose. So they have that capability. Now in the area of costs, what happens then, is you will then be referred to an ophthalmologist to do the very thing that forty-one other states allow an optometrist to do: remove that body and treat. That's basically what this is. That's basically what this is all about. And from the opposition that we've heard, that seems to be the focus that -- that's coming in this direction. I really -- in committee those who testified -- and I resent, 'cause I'm a pharmacist. I'm part of the health care team out there trying to provide quality health care. I resent the fact that optometrists would not be considered professional. I really do. And that statement was made in committee. I know you've talked to the -- to the members of the Illinois Optometric Association. All of you, I hope, have and had an opportunity to meet them and get to know them. They're dedicated professionals. You think to tell me that if someone comes into their office and they're given a case in which they can't treat, that they won't have the professionalism to refer them to someone who can, like an ophthalmologist? These people work closely with ophthalmology in many, many instances. Access is something that I talked about

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earlier, and I know you all got one of these books from the Optometric Association, and I hope you had a chance to read it over. But it says on the front there, on this first page, it says, "What's wrong with this map?" And it's got Illinois white and, as you can see, everything surrounding Illinois is in a darker color. Well that means that every state surrounding Illinois has the -- an -- optometrist has the opportunity to do what he's trained to do -- he or she is trained to do and educated to do, in every state surrounding Illinois, except Illinois. We heard from Senator Jacobs and Sieben the situation that goes on, on the borders of our State. There's an old cliché around here -- but forty-one states allow -- we ought to be number forty-two, and I hope that happens today and we send this over to the House, and we become the forty-second state. But there's an old cliché -- it's an overused one, but it says that this is a legislative effort whose time has come. And believe me it has. And I would appreciate your Yes vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 185 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 18 Nays, 2 voting Present. Senate Bill 185, having received the required constitutional majority, is declared passed. Senator Trotter, on Senate Bill -- excuse me, Senator Trotter. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

For a verification of the roll call, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. That question is always in order. Ring the bell, Madam... Senator Fitzgerald has requested a verification. Will all Senators be in their seats, and the Secretary will read the

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affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Bowles, Burzynski, DeAngelis, del Valle, Demuzio, Donahue, Ralph Dunn, Fawell, Garcia, Geo-Karis, Hasara, Hawkinson, Jacobs, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Daniel, Palmer, Petka, Rauschenberger, Rea, Severns, Shadid, Sieben, Smith, Viverito, Walsh, Watson, Weaver, Welch and Woodyard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald, do you question the Member's presence? On a verified roll call, the Ayes are 34, the Nays are 18, 2 voting Present. Having -- Senate Bill 185, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President, having -- having voted on the prevailing side, I move to reconsider the vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Madam President, I move to lay the motion on the table.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis has moved -- Senator Hasara moves that Senate Bill -- that the motion to reconsider be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is tabled. Senator Trotter, on Senate Bill 203. Senator Cronin, on Senate Bill 205. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 205.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This bill simply amends the Municipal Code to provide that a municipality in Cook County, which elected to become a home rule community at the November 1994 election, may speed up the effective date of their new sales tax. Such municipalities may file their sales tax ordinance with the Department of Revenue by April 1st, instead of the current law, which says October 1st. This just gives them a chance to get the money in the door a little sooner. This passed unanimously out of committee. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 205 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, 1 voting Present. Senate Bill 205, having received the required constitutional majority, is declared passed. Senator Hawkinson. Senate Bill 214. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 214.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This bill proposes a solution to allow the cleanup of environmental spills on adjoining property. When someone spills and it spills over onto the adjoining property, there's no current legal mechanism for the ability to go

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on that property and clean it up if there's a dispute between the property owners. This would provide that when the adjoining property owner does not want you to come on the property, you may go into court and seek the right to go in to clean up the spill, and at the same time the court will assess damages, which would be caused by that entry, so that if you have to go in and there are crops or you tear up sod or there's some other damage, the court will order the person who is going to clean it up to pay those damages as part of the permission for going on to do the environmental cleanup. I'd be happy to answer any questions, and otherwise I move that Senate Bill 214, as amended, be approved.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 214 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. Senate Bill 214, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 225. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 225.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Senate Bill 225 looks to be a long, detailed bill, but actually it only does two things - that it amends the Environmental Health Practitioner Registration Act and the Naprapath Practice Act in order to bring those things into compliance with the

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administration and regulation of these two professions. This bill is at the request of the Department of Professional Regulation, and I would ask that -- I'd be happy to answer any questions, and otherwise would ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Mahar. Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 225 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 225, having received the required constitutional majority, is declared passed. Senator Thomas Dunn. Senator Mahar. Senate Bill 231. Senator Thomas Dunn, on 237. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 237.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. This bill would allow a hundred and thirty-nine thousand recreational vehicles and trailers to be ensigned the environmental license plate, and has a potential to raise three and a half million dollars for the Department of -- Conservation. Excuse me. We've already sold twenty-three thousand environmental plates that have already generated income. So I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 237 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 237, having received the required constitutional majority, is declared passed. Senator Lauzen, on Senate Bill 244. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 244.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 244 simply clarifies the exemption for all property owned by a township and operated as senior citizen housing under the Township Senior Citizens' Housing Act. This was passed out of committee, after discussion, by unanimous vote. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I apologize, Senator -- thank you, Madam President and Members of the Senate. I don't have my analysis in our book. If you could -- you say it clarifies. I wonder if you could just explain it a little bit better?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Sure. I'd be happy to. What we have is a circumstance in Geneva, Illinois that probably applies to many other districts around the State where we passed a referendum, got permission from the people of Geneva, to have the township construct and then operate a senior housing facility. When -- after they had passed

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their referendum, the lawyers found that the language -- I mean, it's -- I think that it's pretty clear, but I'm not a qualified attorney - that is says that they are exempt from property tax, as all government buildings are that belong to government. But what they've asked me to do is get that clarification that, yes, this does fall under that law. And so that's why I say that it's a clarification.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, has the -- has the assessor assessed the property, and is it being taxed?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

No, it's not. They're being thorough.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 244 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, none voting Present. Senate Bill 244, having received the required constitutional majority, is declared passed. Senator Shaw, for what purpose do you rise?

SENATOR SHAW:

Thank you, Madam President. I was off of the Floor when 185 passed, and I would like the record to show that if I'd been here, that I would have voted Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The electronic marvel will so indicate, Senator Shaw. Senator Maitland, on Senate Bill 253. Senator Maitland, on Senate Bill

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274. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senator 274.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. Senate Bill 274 affects two judicial districts in the State. In the 11th Judicial District it will create one extra judge to be elected at large after the next election, and should this bill pass, the individual would be appointed by the Supreme Court until the next election. Secondly, it affects the -- the judicial district -- 6th Judicial District in that it adds two circuit judges to that district. One of the additions must be a resident of and elected from Champaign County; the other judge shall be elected at large. Again, the extra judgeships will be filled by the Supreme Court appointment until they are filled by election in January of 1996. This is a case, in both districts, where -- where population is rising rapidly and a number of other circumstances have created a tremendous backlog and simply need additional judges. And I would seek your support of Senate Bill 274.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? The question is, shall Senate Bill 274 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. Senate Bill 274, having received the required constitutional majority, is declared passed. Senator Maitland, on -- or, Senator

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DeAngelis, on 282. Read the bill, Madam Secretary.

END OF TAPE

TAPE 2

ACTING SECRETARY HAWKER:

Senate Bill 282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Senate Bill 282, allows the Illinois International Port District the opportunity to apply for a license to sell liquor on its recently constructed two eighteen-hole golf courses. These golf courses were constructed upon an old landfill - waste site - with no taxpayer dollars. But as it is required under law, and many, many exceptions have been made, if you are, in fact, a unit of the State of Illinois, you must, in fact, apply for permission to sell liquor on the premises and then meet the ordinances of all other local authorities. Be happy to answer any questions. If not...

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 282 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 10 Nays, none voting Present. Senate Bill 282, having received

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the required constitutional majority, is declared passed. Senator Thomas Dunn on Senate Bill 285. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 285.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. This deals with the exemption given to the purchase of vehicles for charitable sales tax exemptions. Automobiles that were purchased or leased with a market value over twenty-five thousand dollars would not qualify for the exemption. Exempted would be the purchase of vans, and buses, and trucks, and hand-controlled vehicles designed for the operation by the disabled. So, I'm asking that we close this loophole for vehicles - personal vehicles - over twenty-five thousand, that they ought to pay a tax like everyone else.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 285 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 285, having received the required constitutional majority, is declared passed. Senator O'Daniel, on Senate Bill 288. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 288.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President and Members of the Senate. Senate Bill 288 eliminates the requirement that burial grounds owned by a not-for-profit organization is not be required to file an affidavit during January of -- of each year. Seems cemeteries by their nature never change the use of the property, and as a result of that, it seems like it's just an unnecessary requirement that they file an affidavit in January. I don't -- the Illinois Cemetery Association supports this, and I don't know of any opposition. If there's any questions, I'll attempt to answer them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 288 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, 2 voting Present. Senate Bill 288, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 292. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 292.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. This bill -- Senate Bill 292, is an amendment to the School Code and what it provides is nothing substantive -- what it does is -- this is a merely bill. My first merely bill. It simply goes through the statutes and anywhere the

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words "handicapped child" or "handicapped children" appears, those references are replaced with "child" or "children with disabilities". If there's any questions, I'd be pleased to answer them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator, of course, the -- the feds have passed a great number of laws, talking about disabilities and disabled people, and so on and so forth. By changing the statutes like that, does this require any more of the State to do more things that under the present law we do not have to do?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

My understanding, Senator Fawell, is that it will not make any difference in that respect. It's simply to tighten up the -- the Code so that the language is consistent throughout, so there be no confusion as to whether or not they're talking about the same subject throughout the Code.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, just a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 292 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 292, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 296. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 296.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 296 creates the Mental Health Research Fund, a checkoff form on our income tax form. Monies in the fund would be awarded as grants by the Department of Mental Health and Developmental Disabilities to organizations in Illinois for the purposes of research and treatment of mental illness. There has never been an income tax checkoff in Illinois for mental health research. A lot of money is allocated in our State budget for care of people with mental -- mental health disabilities; however, there isn't any money allocated in our thirty-three-billion-dollar budget for mental health research. It would be more than appropriate to allow the opportunity for private funds to be made available for research funds to help prevent mental illness. There is already a network of advocacy organizations in place statewide that will be able to work to help this fund obtain the hundred-thousand-dollar goal that they must reach. They include the National Alliance of Mentally Ill, who have chapters across the State; the National Health -- Mental Health Association, which has the Illinois Mental Health Association and Greater Chicago Mental Health Association; and the National Depressive and Manic

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Depressive Association, with headquarters in Chicago and chapters all over the State. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 296 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, and 1 voting Present. Senate Bill 296, having received the required constitutional majority, is declared passed. Senator Karpziel, on Senate Bill 364. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 364.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. Before I describe the bill, I would like to say that my cosponsors on this bill are Senator Walsh - not "Senator Vacancy 2" - Senator Walsh, Klemm and Fawell. Senate Bill 364 amends the Employee Commute Option Act. It prohibits the State of Illinois from enforcing any provisions of the Act until the USEPA publishes -- publishes a notice of proposed sanctions against the State for failure to implement the Act. This is in response to the USEPA's change in their -- their view regarding enforcement of this Act, which will cost Illinois employers, it is estimated, two hundred million dollars, annually. Officials from the USEPA have publicly stated that it is not EPA's intent to enforce against individual employers. And so, this -- this bill came into being because we feel that since the law will not be enforced, it doesn't make any sense to businesses to be

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stuck with developing plans that will never be used, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Welch.

SENATOR WELCH:

Senator Karpziel, with many federal requirements, if the State doesn't go along, there is a loss of federal dollars. Has the federal government threatened to punish the State of Illinois, if we do not continue to have in effect the Employee Commute Option bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

I have not heard that they have; neither has my staff.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. I just want everybody to know that I'm enjoying myself back here, and that -- that I'm back here. I just am getting a little bit sensitive, however. I did take a group last week up to the -- the podium up there, to show them the board and everything, and I looked on there and my name wasn't on there, and I was -- you know, it didn't hurt me too much. Then I'm sitting way back here, and I'm, you know, -- this isn't the worst place in the world. But the last two bills I was the cosponsor of, and in both places they put "Vacancy 2". Now, it's -- it's starting to -- it's starting to get to me. I -- I -- they never treated me like this over in the House, and I just want

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everyone to know that, so -- thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I take strong exception to the last remarks made by Senator Walsh. We'd be glad to accept you over here, Senator, but, you know, really, you should -- you should get your own bill, and come forward and talk on it, so we can then talk to you. So, you know, it might -- might be a two-way street to where you can get a little interplay here, if you get one of these with your name in a front place rather than a second place.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. We're on Senate Bill 364. Is there any further discussion? Further discussion? Senator Karpziel asks that we vote on the bill. The question is -- oh, to close. Senator Karpziel.

SENATOR KARPIEL:

My only close is, is that -- is that -- I would like to know, is Representative Terzich on the Floor? I think it would be nice if we all welcome Representative Terzich to our Chamber -- former Representative Terzich. It's nice to see him, and yes, I would just like an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 364 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 364, having received the required constitutional majority, is declared passed. Senator Sieben, do you wish to have Senate Bill 365 returned to the Order of 2nd Reading for the purposes of amendment? Senator Sieben seeks leave of the Body to return Senate Bill 365 to the

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Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading, is Senate Bill 365. Madam Secretary are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben, on Amendment No. 1.

SENATOR SIEBEN:

Yes, Amendment No. 1 is simply a -- a technical amendment to correct a drafting error.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Hearing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments for adoption?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Parker, on Senate Bill 383. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 383.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Just before I start on this bill, I'd like to just have -- be recorded that I would have voted on Bill 292, positive. I missed that vote. Senate Bill 383, amends the Highway Code and

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provides Lake, DuPage, McHenry, Will and Kane counties with more flexibility in the use of State motor fuel tax funds. The county highway departments manage many major roads, both inside and outside of municipal limits. Many miles of these roads are improved each year. In the more urbanized counties, over a hundred and fifty thousand in population, part of the use of these roads is by pedestrians, bus patrons, and car-van poolers. When these county highways are improved, the need does exist for the county to be able to provide service to these other road uses by the provisions of sidewalks, bus stops and benches, bike racks, and park-and-ride lots. Currently, the funds the county uses for road improvements are not available for funding these particular types of county highway improvements. This bill merely allows that they would be available to the county -- they would give them more flexibility in the use of highway funds to provide this added service to its citizens, and for projects it approves. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in committee we suggested that this might be a good idea to give all the counties flexibility, and -- and you indicated to me that your collar counties did not want to amend the bill to give us the same flexibility. We have some urban counties - Peoria County, Sangamon County and others - that -- that have mass transit and perhaps would like this flexibility. Did you find out a reason why the collar counties did not want to

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extend the same flexibility to the rest of us?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Yes, Senator, I did, because I thought it would be a good idea, also. Apparently, Lake County has worked with the other counties in the State on this issue, and it was the other counties in the State - some of them had reservations with -- with this bill, as far as having the flexibility themselves. So, I guess I would suggest that we could pass this for the counties that would like it up in the Lake County area, and if -- maybe there could be more discussion with the other counties in the State, and get it for the rest of the State later on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. My question was basically the same as Carl Hawkinson. I like the bill, if all the other counties could opt in if they desired too, 'cause it's a permissive bill. And I was prepared to vote for this, especially with that amendment on there. But I think now that it's just to a couple of counties, and our counties don't get that same opportunity, I would urge a -- a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. It was discussed, of course, in the Transportation Committee that -- that perhaps some of the other counties would -- would like to opt into this. My suggestion is we pass this bill, see how the -- the counties that presently have requested this bill do with this bill. Who knows? Maybe in another year, we might come back and ask you to repeal it. But

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this was requested by -- by Lake County. It is a particular bill that has been requested by -- by a particular county that she represents. It seems to me we -- we offer this courtesy to a lot of our Members when they -- when they have a -- a particular board or municipality that comes and asks them for a bill, and I would like to extend this courtesy to our newest Senator, and -- and I request you all vote Aye.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Miss -- Madam President. Senator Parker, would you have any objection to holding the bill, with the possibility of its being amended, to offer an opportunity for some of our larger counties downstate to have this same flexibility?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

I would not agree with that. There is a lot of congestion and traffic congestion, and particularly in these urbanized areas, where cars are having difficulty commuting as it is. We have a need for flexibility with those funds. I think it's important to remember that Lake County did approach other areas in the State. There were other counties in the State that did not want to do this. What I'm concerned about is, if we try and do it for all the State, then we would have objections to that. I would ask you to please do it for these areas and then I can -- I would be glad to cosponsor a bill for other areas who would like to do this later on or have it...(microphone cutoff)...the House.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs, for a second time.

SENATOR JACOBS:

Thank you, Madam President, and I apologize for raising --

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rising for a second time. I think it's about the first time I've done it, but I'm a little bit appalled, if I -- if I might add. The -- the comments are being made by the other side of the aisle, that this is the lady's prerogative because it's from her own district. And I agree with that prerogative, if that were the original intent. In committee, however, we did make a decided effort to include the other counties. For -- for -- for us to stand here and have the Senator tell us that the -- some of the other counties didn't want to get involved, even though it was the feeling of those legislators - those Senators - that we did want to get involved, that therefore, then, Lake County and -- and the other counties are going to take precedent, we're going to pass this bill, and -- and not revisit it. I -- I would -- I thought Senator Bowles had a -- a very good question and a very good resolve of this issue, and I also would urge that you hold this bill, bring it back to 2nd, allow us to amend it, and I'm -- I basically guarantee, you'd probably get a unanimous vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PARKER:

Thank you. I would like to hold this for a vote, and not hold it for not a vote. I think it's important now for the counties in the area that are very well urbanized. There is a lot of congestion. There is need for them to have the flexibility. The -- Marty Buehler, who is the head of the Department of Transportation in Lake County, did approach the other counties in the area. There was objection from the rural counties downstate. So, I would ask you, please, since this came from Lake County and the collar-county areas, to let them have the bill and their flexibility. I would be very happy to cosponsor, with Senator Jacobs, a bill at another time when there can be an agreement with

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other counties in the State who would like to have this opportunity. I ask you for a favorable vote, so they can move ahead with their needed planning.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill -- Senate Bill 383 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 26 Nays, 2 voting Present. Senate Bill 383, having not received the required constitutional majority, is declared failed. Postponed? Postponed Consideration. Senator DeAngelis, on Senate Bill 387. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 387.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. The three following bills are the product of the Audit Commission. As you know, we meet once a month, and at the -- sometime during that cycle we have a legislative meeting and submit to the General Assembly some of our findings. On Senate Bill 387, it abolishes the Secretary of State Merit Advisory Board, because it's basically not doing anything. It -- another thing it does, it eliminates the duplication of the reports on the distribution of motor fuel. They're given both to the Department of Agriculture and the Department of Revenue. Somebody expressed some concern on this. There will be an amendment in the House to ensure that the Department of Agriculture does get that information. And it establishes <sic>

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the Mental Health and Developmentally Disabled -- Disabilities Medical Review Board because that too is duplicative, and there are other agencies doing the same work. I'll be able -- I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is -- or is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 387 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 387, having received the required constitutional majority, is declared passed. Senate Bill 388. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 388.

PRESIDING OFFICER: (SENATOR DONAHUE)

Hold it. Out of the record. Senator DeAngelis, on 389. Do you want it called, Senator DeAngelis? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 389.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Senate Bill 389 is a product of the Legislative Audit Commission. However, I have to give some recognition to Senator Mahar, who discovered the same problem we found, and he has joined us as a hyphenated sponsor on this. Basically what this does, it allows the Auditor General to conduct

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an audit of the circuit clerks. Actually this bill, however, forms a committee on how to do it. We have found that the circuit clerks who hand out money on receipts to different units of government, basically there is no audit system in place. There's some discretion that's given out that results in some practices that maybe we need to refine. The clerks themselves have all agreed that some things have to be done because there are really no procedures or guidelines on how to collect this money and how to distribute it, and this bill essentially sets up that committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? The question is, shall Senate Bill 389 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 389, having received the required constitutional majority, is declared passed. Senator DeAngelis on 396. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 396.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I will find my bill here, we'll be okay. Can you temporarily just take that out of the record?

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record.

SENATOR DeANGELIS:

Oh, wait. Whoa -- whoa -- whoa.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis on Senate Bill...

SENATOR DeANGELIS:

Right now, when a person wishes to redeem their taxes, there is a question as to when they have successfully sent their check. This bill establishes a definition of what "due" is, and when, in fact, that check or other documents that are going to pay off that lien against their property, which will be recognized as a official postmark or a timely deposit.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 396 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 396, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 404. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 404.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senate Bill 404 incorporates the recommendations of the task force that studied the Illinois Emergency Management -- Illinois Emergency Management Agency and writes into statute two recommendations that require legislative action. Basically, this statute does two things. It requires each executive branch State agency to designate an existing staff member to serve as the agency's emergency coordinator and sets forth his duties therein.

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Additionally, it authorizes IEMA to expend money for emergencies, with the Governor's approval, without a declaration of emergency from the Governor. The amendment to the bill makes a technical change. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 404 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 404, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 454. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 454.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As part of the second half of my legislative agenda for this year, I have a repealer bill here, which repeals obsolete statutes. This particular repealer bill deals with statutes that the Department of Agriculture identified as obsolete and no longer functional. They include the Farm Produce Commission Merchant Act, the Fresh Fruit and Vegetable Marketing Act, and the Farm Products Inspection Act, the Agricultural Investment Disclosure Act <sic>, the Agricultural Land Ownership Act, and the Governor's Agricultural Heritage Award Program. These are all programs that have been superseded by U.S. Department of Agriculture action and they're duplicative. The Department is in support. The amendment

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to the bill adds an additional Act for repeal; it's the Apple and Peach Bill <sic>. The Apple and Peach Board, which was established under that portion of the bill, was abolished in 1993 and its assets have been turned over to the Illinois State Horticultural Society. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, several years ago, the Farm Bureau was very concerned about who was buying up farmland in the State of Illinois. And we passed a couple of laws concerning the foreign investment in the State of Illinois, to disclose who actually owned farms in Illinois, and the Land Ownership Act, I believe, was also on the same idea, the idea being that Illinois land was being purchased both by corporations and by foreigners and that families owning farms were decreasing because of this. Did the Farm Bureau appear in the -- in the Committee? Did they register opposition or support or do they -- do you know if they have any position whatsoever on this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That -- that provision in -- in the statute books was never funded. The Farm Bureau is aware of the repealer. They did not appear in committee to either register in support or -- or in opposition. I've had numerous conversations with them on other issues that I'm working with, and they have yet to mention it. I don't think they consider this a particular priority.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Yes. Thank you, Madam President, Members of the Senate. I just wanted to make a -- Senator Philip and his staff aware now that I'm -- I'm thinking about selling another tract of land. You know, a few years ago they -- we had this -- this Act and they accused me of selling land to foreign interests, and laundering money and things of this nature. You better be careful now, what you're doing. You won't be able to do that this if we eliminate this.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RAUSCHENBERGER:

I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 454 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take -- have all voted who wish? Take the record. On that question, there are 39 Ayes, 2 Nays, 9 voting Present. Senate Bill 454, having received the required constitutional majority, is declared passed. Senator Karpziel, on Senate Bill 461. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 461.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

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Thank you, Madam -- Madam President. Senator 461 removes the current statutory caps on the amount of money that can be appropriated to the Pollution Control Board in any given fiscal year from both the Permit Inspection -- Permit and Inspection Fund and the new Clean Air Act. The Board is not requesting any additional money from either of these funds for next year's appropriations. The decision whether or not to increase, decrease or hold level the Board's appropriations from these two funds in the future will rest wholly with the General Assembly through the normal budget appropriation process. This bill does not guarantee the Board any level of funding from either fund; rather, it simply places the Board on the same playing field as the other agencies that have access to this fund, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall 461 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, none voting Present. Senate Bill 461, having received the required constitutional majority, is declared passed. Senator Cullerton, for what purpose do you rise? Oh. Senator Maitland, on Senate Bill 465. Out of the record. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you. Before we get too far along, Senator Hall and Senator Collins are still absent due to illness, and Senator Trotter's not here today, on official business.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

I'd like permission of the Body to table Senate Joint

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Resolution 17.

PRESIDING OFFICER: (SENATOR DONAHUE)

That motion's always in order. Senator Rauschenberger moves to table Senate Joint Resolution 17. Is -- all those in favor, say Aye. Opposed, Nay. The Ayes have it. Motion is accepted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 34, offered by Senator Dudycz.

(Secretary reads SJR No. 34)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 34. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. So Senator Dudycz has moved to adopt Senate Joint Resolution 34. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Petka, for what purpose do you rise?

SENATOR PETKA:

Thank you, Madam -- thank you, Madam President. I would like to change the chief sponsor on Senate Resolution 34 -- or excuse me, 27, from Senator Petka to Senator Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President. I'd like withdraw that oral motion. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Education - Senate Bill

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1030, and Senate Amendment 2 to House Bill -- or to Senate Bill 141; referred to the Committee on Executive - Senate Joint Resolutions 27 and 33; referred to the Committee on Local Government and Elections - Senate Amendment 1 to Senate Bill 112.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further business to come before the Senate? Any further business? Pursuant to the adjournment resolution, the Senate stands adjourned until noon on Tuesday, March 14th. Senate stands adjourned.

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