

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

PRESIDENT PHILIP: 17

The regular Session of the 89th General Assembly will please 19
come to order. Will the Members please be at their desks, and 20
will our guests in the galleries please rise. Our prayer today 21
will be given by Pastor Ted Gall, Immanuel Lutheran Church, 22
Springfield, Illinois. Pastor Gall.

PASTOR TED GALL: 24

(Prayer by Pastor Ted Gall) 26

PRESIDENT PHILIP: 28

Will you please rise for the Pledge of Allegiance? Senator 30
Raica will lead us in the Pledge. 32

SENATOR RAICA: 34

(Pledge of Allegiance, led by Senator Raica) 36

PRESIDENT PHILIP: 38

We had a request from James Nelson and Peter Sturgis to 40
videotape today. Is leave granted? Leave is granted. Reading of 41
the Journal. Senator Butler.

SENATOR BUTLER: 43

Mr. President, I move that reading and approval of the 45
Journals of Wednesday, May 1st; Thursday, May 2nd; and Tuesday, 46
May 7th, in the year 1996, be postponed, pending arrival of the 48
printed Journal.

PRESIDENT PHILIP: 50

Senator Butler moves to postpone the reading and the approval 52
of the Journals, pending the arrival of the printed transcript. 54
There being no objection, so ordered. Committee Reports. 55

SECRETARY HARRY: 57

Senator Rauschenberger, Chair of the Committee on 59
Appropriations, reports House Bills -- 2751, 3694, 3695, 3696 and 61
3698 Do Pass.

Senator Hawkinson, Chair of the Committee on Judiciary, 63
reports Senate Amendment 1 to House Bill 548 Be Adopted; Amendment 65

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

4 to House Bill 1249, Amendment 1 to House Bill 2621, Amendment 3 67
to House Bill 3451 and Amendment 2 to House Bill 3617 all Be
Adopted. 68

Senator Karpel, Chair of the Committee on Executive, reports 70
Senate Bill 1783 - the Motion to Concur with House Amendment 1 Be 72
Adopted; House Joint Resolution 106 Be Adopted; and Senate Joint 73
Resolution 92 Be Adopted, as Amended.

PRESIDENT PHILIP: 75

...have your attention, please. I'm going to turn the Podium 77
over to Senator Fawell, for the purpose of an introduction. 78
Senator Fawell.

SENATOR FAWELL: 80

Thank you very much. I think this is an introduction you all 82
would be interested in. This is a constituent of mine, Tracy 83
Hayes, who is Miss Illinois, and she is a senior in -- 84
specializing in media communications at Wheaton College. Tracy 85
was the fourth runner-up of the Miss America Pageant last 86
September, and she has spent this year advocating her platform 87
issue, which is juvenile crime prevention. This past week Tracy 88
has been on a school tour in southern Illinois, speaking to 89
students about the importance of education, college and setting 90
career goals. Please welcome Miss Illinois 1995, my constituent,
Tracy Hayes.

MISS TRACY HAYES: 92

(Remarks by Miss Tracy Hayes, Miss Illinois 1995) 95

PRESIDING OFFICER: (SENATOR DONAHUE) 97

Messages from the House. 99

SECRETARY HARRY: 101

Message from the House by Mr. McLennand, Clerk. 103

Mr. President - I am directed to inform the Senate that 105
the House of Representatives has concurred with the Senate in the 106
passage of a bill of the following title, to wit: 107

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senate Bill 1673, with House Amendment No. 1. 109

We have like Messages on Senate Bill 681, with House Amendment 111
1; Senate Bill 1342, with Amendment 1; Senate Bill 1381, with 112
Amendment 1; Senate Bill 1414, with Amendment 1; Senate Bill 1470, 113
with Amendment 2; Senate Bill 1513, with Amendment 1; and Senate
Bill 1543, with Amendment 1. 114

All passed the House, as amended, May 7th, 1996. 116

Message from the House by Mr. McLennand, Clerk. 118

Mr. President - I am directed to inform the Senate that 120
the House of Representatives has adopted the following joint 121
resolution, in the adoption of which I am instructed to ask the 122
concurrence of the Senate, to wit:

House Joint Resolution 102. 124

Adopted by the House, May 7th, 1996. 126

PRESIDING OFFICER: (SENATOR DONAHUE) 128

...Geo-Karis, for what purpose do you seek recognition? 130

SENATOR GEO-KARIS: 132

Madam President, a point of personal privilege. 134

PRESIDING OFFICER: (SENATOR DONAHUE) 136

Please state your point. 138

SENATOR GEO-KARIS: 140

Madam President and Ladies and Gentlemen of the Senate, I'm 142
delighted that I have three of my constituents here today; namely, 144
Priscilla Humay - H-U-M-A-Y - Duffy - D-U-F-F-Y from Gurnee; 146
Christine Walsh Angelos - A-N-G-E-L-O-S - of Gurnee; and Debrah 147
Lewis, from Zion, Illinois. I'm delighted to have them here and 148
would like you to -- to have us welcome them here. 150

PRESIDING OFFICER: (SENATOR DONAHUE) 152

Will you please rise and be recognized. Welcome by the Senate. 154
Resolutions.

SECRETARY HARRY: 156

Senate Resolution 205, offered by Senator Trotter. 158

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

It's substantive, Madam President. 159

PRESIDING OFFICER: (SENATOR DONAHUE) 161

On the bottom of page 7 is the Order of 2nd -- House Bills 2nd 163
Reading. We will be going there immediately. First up will be 164
Senator Madigan, Senator O'Malley, Senator Cronin. On the bottom 166
of page 7. Senator Madigan, on House Bill 322. Out of the 167
record. Senator O'Malley, on House Bill 431. Senator O'Malley? 168
Out of the record. Senator Cronin. Roll -- read the bill, Mr. 170
Secretary.

SECRETARY HARRY: 172

House Bill 545. 174

(Secretary reads title of bill) 176

2nd Reading of the bill. The Committee on Education adopted 178
Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE) 180

Have there been any Floor amendments approved for 182
consideration?

SECRETARY HARRY: 184

No further amendments reported. 186

PRESIDING OFFICER: (SENATOR DONAHUE) 188

3rd Reading. Senator Cronin, on House Bill 548. Read the 190
bill, Mr. Secretary.

SECRETARY HARRY: 192

House Bill 548. 194

(Secretary reads title of bill) 196

2nd Reading of the bill. No committee amendments. 198

PRESIDING OFFICER: (SENATOR DONAHUE) 200

Have there been any Floor amendments approved for 202
consideration?

SECRETARY HARRY: 204

Amendment No. 1, offered by Senator Cronin. 206

PRESIDING OFFICER: (SENATOR DONAHUE) 208

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Cronin, on Amendment No. 1. 211

SENATOR CRONIN: 213

Hi. Thank you, Madam President. The bill restricts the 215
requirement for GED classes to a specific class of criminals in 216
DOC. It isn't as broad-sweeping as it was before. It has the 217
support of Department of Corrections, and I ask for your favorable 218
consideration.

PRESIDING OFFICER: (SENATOR DONAHUE) 220

Is there any discussion? Senator del Valle. 222

SENATOR DEL VALLE: 224

Thank you, Madam President. Senator Cronin, you just 226
indicated that you've amended the part of the bill regarding the 228
GED class requirement, to limit it to a smaller group. How -- how 229
large of a group are we talking about now? How many individuals 230
currently would fall into this category?

PRESIDING OFFICER: (SENATOR DONAHUE) 232

Senator Cronin. 234

SENATOR CRONIN: 236

We've restricted it to about two hundred current inmates, or 238
residents, of DOC. Previously it was all those that would be 239
given a sentence of probation, supervision. So that would have 240
been a much larger population. We're -- we're fulfilling the -- 242
the intent, but we're trying to do it in a more financially 243
feasible way.

PRESIDING OFFICER: (SENATOR DONAHUE) 245

Senator del Valle. 247

SENATOR DEL VALLE: 249

Well, we'll -- we'll talk more about it when the bill is on 251
3rd Reading, but I'd like to know the number of individuals that 252
would have been affected if we hadn't amended the bill, so that we 253
can debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE) 255

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Further discussion? Senator Shaw. Further discussion? 257
Further discussion? Senator Cronin, to close.

SENATOR CRONIN: 259
I just ask for your favorable consideration. Look forward to 261
the debate on 3rd Reading. 262

PRESIDING OFFICER: (SENATOR DONAHUE) 264
Senator Cronin moves the adoption of Amendment No. 1 to House 266
Bill 548. Those in favor will say Aye. Opposed, Nay. The Ayes 268
have it, and the amendment is adopted. Are there further 269
amendments approved for consideration?

SECRETARY HARRY: 271
No further amendments reported. 273

PRESIDING OFFICER: (SENATOR DONAHUE) 275
3rd Reading. Senator Cronin, on House Bill 885. Just a 277
second, Senator Cronin. We're going to go back -- with leave, 279
we're going back to pick up Senator O'Malley and move his bill to 281
the Order of 3rd Reading. Senator O'Malley, on House Bill 431.
Read the bill, Mr. Secretary. 282

SECRETARY HARRY: 284
House Bill 431. 286
(Secretary reads title of bill) 288

2nd Reading of the bill. The Committee on Revenue adopted 290
Amendments 1, 2, 4 and 5.

PRESIDING OFFICER: (SENATOR DONAHUE) 292
Have there been any Floor amendments approved for 294
consideration?

SECRETARY HARRY: 296
No further amendments reported. 298

PRESIDING OFFICER: (SENATOR DONAHUE) 300
3rd Reading. Now, Senator Cronin, on House Bill 885. Read 302
the bill, Mr. Secretary.

SECRETARY HARRY: 304

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

House Bill 885.	306
(Secretary reads title of bill)	308
2nd Reading of the bill. No committee or Floor amendments.	310
PRESIDING OFFICER: (SENATOR DONAHUE)	312
3rd Reading. Senator Philip, on House Bill 2206. Senator Philip, on House Bill 2206? Senator Philip? Want to roll it? Read the bill, Mr. Secretary.	314
SECRETARY HARRY:	318
House Bill 2206.	320
(Secretary reads title of bill)	322
2nd Reading of the bill. The Committee on Executive adopted Amendment No. 1.	324
PRESIDING OFFICER: (SENATOR DONAHUE)	326
Have there been any Floor amendments approved for consideration?	328
SECRETARY HARRY:	330
No further amendments reported.	332
PRESIDING OFFICER: (SENATOR DONAHUE)	334
3rd Reading. Senator Cronin, on House Bill 2230. Read the bill, Mr. Secretary.	336
SECRETARY HARRY:	338
House Bill 2230.	340
(Secretary reads title of bill)	342
2nd Reading of the bill. The Committee on Education adopted Amendment No. 1.	344
PRESIDING OFFICER: (SENATOR DONAHUE)	346
Have there been any Floor amendments approved for consideration?	348
SECRETARY HARRY:	350
No further amendments reported.	352
PRESIDING OFFICER: (SENATOR DONAHUE)	354
3rd Reading. Senator Weaver, on House Bill 2515. Out of the	356

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

record. Senator Cronin, on House Bill 2593. Read the bill, Mr. Secretary.

SECRETARY HARRY: 358

House Bill 2593. 360

(Secretary reads title of bill) 362

2nd Reading of the bill. No committee or Floor amendments. 364

PRESIDING OFFICER: (SENATOR DONAHUE) 366

3rd Reading. Senator Klemm, on House Bill 2695. Read the bill, Mr. Secretary. 368

SECRETARY HARRY: 370

House Bill 2695. 372

(Secretary reads title of bill) 374

2nd Reading of the bill. No committee or Floor amendments. 376

PRESIDING OFFICER: (SENATOR DONAHUE) 378

3rd Reading. Senator Woodyard, on House Bill 2703. Senator Woodyard? House Bill... Read the bill, Mr. Secretary. 381

SECRETARY HARRY: 383

House Bill 2703. 385

(Secretary reads title of bill) 387

2nd Reading of the bill. No committee or Floor amendments. 389

PRESIDING OFFICER: (SENATOR DONAHUE) 391

3rd Reading. Senator Walsh, on House Bill 2794. Read the bill, Mr. Secretary. 393

SECRETARY HARRY: 396

House Bill 2794. 398

(Secretary reads title of bill) 400

2nd Reading of the bill. No committee or Floor amendments. 402

PRESIDING OFFICER: (SENATOR DONAHUE) 404

3rd Reading. Senator Walsh, on 2860. Read the bill, Mr. Secretary. 406

SECRETARY HARRY: 408

House Bill 2860. 410

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

(Secretary reads title of bill) 412

2nd Reading of the bill. No committee or Floor amendments. 414

PRESIDING OFFICER: (SENATOR DONAHUE) 416

3rd Reading. Senator Madigan, on House Bill 2927. Out of the 418
record. Senator Klemm, on House Bill 3041. Read the bill, Mr.
Secretary.

SECRETARY HARRY: 420

House Bill 3041. 422

(Secretary reads title of bill) 424

2nd Reading of the bill. The Committee on Local Government and 426
Elections adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE) 428

Have there been any Floor amendments approved for 430
consideration?

SECRETARY HARRY: 432

No further amendments reported. 434

PRESIDING OFFICER: (SENATOR DONAHUE) 436

3rd Reading. Senator Dillard, on House Bill 3048. Read the 438
bill, Mr. Secretary.

SECRETARY HARRY: 440

House Bill 3048. 442

(Secretary reads title of bill) 444

2nd Reading of the bill. The Committee on Judiciary adopted 446
Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE) 448

Have there been any Floor amendments approved for 450
consideration?

SECRETARY HARRY: 452

No further amendments reported. 454

PRESIDING OFFICER: (SENATOR DONAHUE) 456

3rd Reading. Senator Butler, on House Bill 3128. Out of the 458
record. Senator Walsh, on House Bill 3166. Read the bill, Mr. 459

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Secretary.

SECRETARY HARRY: 461
House Bill 3166. 463
(Secretary reads title of bill) 465
2nd Reading of the bill. No committee or Floor amendments. 467
PRESIDING OFFICER: (SENATOR DONAHUE) 469
3rd Reading. Senator Maitland, on House Bill 3167. Read the 471
bill, Mr. Secretary. 472
SECRETARY HARRY: 474
House Bill 3167. 476
(Secretary reads title of bill) 478
2nd Reading of the bill. No committee or Floor amendments. 480
PRESIDING OFFICER: (SENATOR DONAHUE) 482
3rd Reading. Senator Dudycz, on House Bill 3349. Out of the 484
record. Senator Philip, on House Bill 3380. Senator Philip, on 486
House Bill 3380. ...the record. Senator Parker, on House Bill
3426. Out of the record. Senator Klemm, on House Bill 3436. 487
Read the bill, Mr. Secretary. 488
SECRETARY HARRY: 490
House Bill 3436. 492
(Secretary reads title of bill) 494
2nd Reading of the bill. The Committee on Transportation adopted 496
Amendments 1 and 2. 497
PRESIDING OFFICER: (SENATOR DONAHUE) 499
Have there been any Floor amendments approved for 501
consideration?
SECRETARY HARRY: 503
No further amendments reported. 505
PRESIDING OFFICER: (SENATOR DONAHUE) 507
3rd Reading. Senator Parker, on House Bill -- 3520. House 509
Bill 3520. Out of the record. Senator Mahar, on Senate -- House 510
Bill - sorry - House Bill 3548. Read the bill, Mr. Secretary.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SECRETARY HARRY:	512
House Bill 3548.	514
(Secretary reads title of bill)	516
2nd Reading of the bill. No committee or Floor amendments.	518
PRESIDING OFFICER: (SENATOR DONAHUE)	520
3rd Reading. Senator Sieben, on House Bill 3658. Read the	522
bill, Mr. Secretary.	
SECRETARY HARRY:	524
House Bill 3658.	526
(Secretary reads title of bill)	528
2nd Reading of the bill. No committee or Floor amendments.	530
PRESIDING OFFICER: (SENATOR DONAHUE)	532
3rd Reading. Senator Dillard, on House Bill 3662. Read the	534
bill, Mr. Secretary.	535
SECRETARY HARRY:	537
House Bill 3662.	539
(Secretary reads title of bill)	541
2nd Reading of the bill. The Committee on State Government	543
Operations adopted Amendment No. 1.	544
PRESIDING OFFICER: (SENATOR DONAHUE)	546
Have there been any Floor amendments approved for	548
consideration?	
SECRETARY HARRY:	550
No further amendments reported.	552
PRESIDING OFFICER: (SENATOR DONAHUE)	554
3rd Reading. Senator Woodyard, for what purpose do you seek	556
recognition?	
SENATOR WOODYARD:	558
Yes, thank you, Madam President. For the purpose of an	560
announcement. I want the record to show that Senator Madigan is	561
absent today due to illness.	
PRESIDING OFFICER: (SENATOR DONAHUE)	563

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

The record will so reflect. Now, the intent of the Chair is to go to House Bills 3rd Reading. House Bills 3rd Reading. It's on the middle of page 3 on your Calendar. ...Rauschenberger, Senator Karpziel, Senator Dudycz, first up. House Bills 3rd Reading. Senator Woodyard, your light's still on. You want to take your light off? Thank you. On the Order of 3rd Reading is House Bill 22. Senator Rauschenberger. House Bill 22. Out of the record. Senator Karpziel. Senator Karpziel, on House Bill 24. Out of the record. Senator Dudycz, on House Bill 1115 {sic}. Senator Dudycz, on 115. Senator Hawkinson, on House Bill 346. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 346.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. House Bill 346, unamended in the Senate, creates a new classification of public employees - courthouse security personnel. Because of an Attorney General's opinion, we're finding that about twenty-five of our counties, unless we pass this law, would no longer be able to use the security personnel, the jail personnel, that they use for courthouse security, transferring and -- and watching prisoners during their pending court appearances and the like. And this bill will allow those employees to continue to do what they've been doing with regard to prisoners. It would grandfather in current employees for two years and set up a mechanism for training through the police training board. It also provides a weapons exception for these employees, as well as other correctional officers. In addition, on another subject matter,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

the bill allows a plaintiff in an administrative review action to 605
obtain service on the agency if they have already served the 606
agency head or to refile against an employee acting in his
official capacity if they have already served the agency. Without 607
this change, we're finding them -- some cases are being dismissed 608
because all necessary parties have not been named and served. And 609
finally, it amends the court services fee to permit the county 611
board to assess the fee for traffic, conservation, and ordinance 612
cases in which defendants do not appear in court but only pay the
fine. I'd be happy to try and answer any questions. Passed out 613
of committee on the Agreed Bill List and passed unanimously in the 614
House.

PRESIDING OFFICER: (SENATOR DONAHUE) 616

Is there any discussion? Is there any discussion? Seeing 619
none, the question is, shall House Bill 346 pass. Those in favor
will vote Aye. Opposed, Nay. The voting is open. Have all voted 621
who wish? Have all voted who wish? Have all voted who wish? 622
Take the record. On that question, there are 53 Ayes, no Nays, 624
none voting Present. House Bill 346, having received the required 625
constitutional majority, is declared passed. Senator
Rauschenberger, on House Bill 456. Out of the record. Senator 626
DeAngelis, on House Bill 527. Senator DeAngelis? Out of the 628
record. Senator Hawkinson, on House Bill 739. Read the bill, Mr.
Secretary.

SECRETARY HARRY: 630

House Bill 739. 632

(Secretary reads title of bill) 634

3rd Reading of the bill. 636

PRESIDING OFFICER: (SENATOR DONAHUE) 638

Senator Hawkinson. 640

SENATOR HAWKINSON: 642

Thank you, Madam... No, I want to pass this bill. Sorry. 644

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

PRESIDING OFFICER: (SENATOR DONAHUE) 646

Out of the record. Senator Cronin, on House Bill 995. Out of 648
the record. Senator Cronin, on House Bill 999. Out of the
record. Senator Bomke, on House Bill 1056. Read the bill, Mr. 649
Secretary.

SECRETARY HARRY: 651

House Bill 1056. 653

(Secretary reads title of bill) 655

3rd Reading of the bill. 657

PRESIDING OFFICER: (SENATOR DONAHUE) 659

Senator Bomke. 661

SENATOR BOMKE: 663

Thank you, Madam President. This bill is identical to Senate 665
Bill 1811 that we passed about a month ago, and it simply defines 666
the boundaries between public-owned utilities and investor-owned 667
utilities.

PRESIDING OFFICER: (SENATOR DONAHUE) 669

Is there any discussion? Any discussion? Seeing none, the 671
question is, shall House Bill 1056 pass. Those in favor will vote 672
Aye. Opposed, Nay. The voting is open. Have all voted who wish? 673
Have all voted who wish? Have all voted who wish? Take the 674
record. On that question, there are 54 Ayes, no Nays, none voting 675
Present. House Bill 1056, having received the required 676
constitutional majority, is declared passed. Senator Hawkinson, 677
do you wish to return House Bill 1249 to the Order of 2nd Reading 679
for the purposes of an amendment? Senator Hawkinson seeks leave 681
of the Body to return House Bill 1249 to the Order of 2nd Reading
for the purposes of an amendment. Hearing no objection, leave is 683
granted. On the Order of 2nd Reading is House Bill 1249. Mr. 684
Secretary, are there any Floor amendments approved for 685
consideration?

SECRETARY HARRY: 687

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Amendment No. 4, offered by Senator Hawkinson. 690

PRESIDING OFFICER: (SENATOR DONAHUE) 692

Senator Hawkinson, on Amendment No. 4. 694

SENATOR HAWKINSON: 696

Thank you, Madam President. This amendment was approved on 698
our Agreed Bill List this morning, recommended Be Approved for 699
Consideration in Judiciary Committee. It does two things. First, 700
it reconciles the technical differences between two earlier 702
amendments dealing with the topic of psychotropic medication and
appeals, and it also sets up a procedure to address the backlog of 703
cases that the Appellate Defender has. And this would allow the 704
Appellate Defender to bid these cases on a competitive basis to 705
private counsel up to a rate of forty dollars an hour with a 706
maximum of two thousand dollars. The bidding would be done through 707
the Office of the Appellate Defender and is needed to address a
tremendous backlog of cases. I would ask for the adoption of 708
Amendment No. 4.

PRESIDING OFFICER: (SENATOR DONAHUE) 710

Is there any discussion? Any discussion? Seeing none, all 712
those in favor, say Aye. Opposed, Nay. The Ayes have it, and the 713
amendment is adopted. Are there any further amendments approved 714
for consideration?

SECRETARY HARRY: 716

No further amendments reported, Madam President. 718

PRESIDING OFFICER: (SENATOR DONAHUE) 720

3rd Reading. Senator Luechtefeld, on House Bill 1645. Read 722
the bill, Mr. Secretary. ...of the record. I skipped a bill 723
here. I apologize. House Bill 1290. Senator Burzynski. Read 724
the bill, Mr. Secretary.

SECRETARY HARRY: 726

House Bill 1290. 728

(Secretary reads title of bill) 730

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

3rd Reading of the bill. 732

PRESIDING OFFICER: (SENATOR DONAHUE) 734

 Senator Burzynski. 736

SENATOR BURZYNSKI: 738

 Thank you, Madam President. This repeals the Article creating 740
the Office of Public Counsel. Basically, we've not funded the 741
Office of Public Counsel since 1994, and their oversight 742
procedures are already being done by the Commerce Commission and 743
the Attorney General.

PRESIDING OFFICER: (SENATOR DONAHUE) 745

 Is there any discussion? Any discussion? Seeing none, the 747
question is... Senator Palmer, do you seek recognition? 748

SENATOR PALMER: 750

 Thank you, Madam President. A question of the sponsor. 752

PRESIDING OFFICER: (SENATOR DONAHUE) 754

 Indicates he'll yield, Senator Palmer. 756

SENATOR PALMER: 758

 Senator, why is CUB opposed to this legislation? 760

PRESIDING OFFICER: (SENATOR DONAHUE) 762

 Senator Burzynski. 764

SENATOR BURZYNSKI: 766

 You know, to be quite honest, I don't know, because they have 768
not come to speak to me about it. 769

PRESIDING OFFICER: (SENATOR DONAHUE) 771

 Senator Palmer. 773

SENATOR PALMER: 775

 What is the legislative intent of this piece of legislation? 777
Does it affect rates, or public access, or oversight at all? 778

PRESIDING OFFICER: (SENATOR DONAHUE) 780

 Senator Burzynski. 782

SENATOR BURZYNSKI: 784

 There is -- there is no provision within this bill that would 786

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

affect rates or the rate-making process at all, as far as I know. 787
As I've already indicated, oversight does exist relative to the 788
Commerce Commission and the Attorney General's Office because they 789
each have their consumer services division. So, I don't believe 790
that -- that there's anything there except a duplication of 791
services, and also, there's an agency that we haven't funded since 792
1994.

PRESIDING OFFICER: (SENATOR DONAHUE) 794

Further discussion? Further discussion? Senator Welch. 796

SENATOR WELCH: 798

Thank you, Madam President. This is a bill that is going to 800
eliminate the only office that exists that protects consumers of 802
utility services. I think that covers about everybody in the 803
State. To vote to eliminate the Office of Public Counsel is a 804
vote to take away one of the protections we have against increases
at the Illinois Commerce Commission for these utility companies. 805
To be recorded Aye on this bill would be to say that you don't 806
think that consumers should be protected, because right now they 807
are not being protected by any government-funded agency before the 808
Commerce Commission. And it seems to me that utility rates are 809
not going down. They keep going up. This is definitely a bill 810
that will be portrayed in the future as one that was against
consumers. So, I know consumers don't have a lot of impact down 811
here, they don't have a lot of pull, but there's also businesses 812
that pay for utilities, there's also corporations that pay utility 813
bills. Everybody pays utility bills. We're not even funding 814
this. What -- what is the point of eliminating it? It's not
costing us any money. Let's leave it on the books, and when it 815
comes to the point where we need to fund it and get it going 816
again, we can do so. Just to eliminate it for no particular 817
reason doesn't help clean up the Statute books very much. It's a 818
waste of effort to do so, and it's a slap in the face of the 819

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

consuming public and the voters to do that. I would urge a No
vote. 820

PRESIDING OFFICER: (SENATOR DONAHUE) 822

Further discussion? Senator Hendon. 824

SENATOR HENDON: 826

Thank you very much, Madam President. Will the sponsor yield
for a question? 828

PRESIDING OFFICER: (SENATOR DONAHUE) 830

Indicates he'll yield, Senator Hendon. 832

SENATOR HENDON: 834

Senator, why... Well, let me -- let me rephrase that. Don't
you feel that if you had a case, yourself, wouldn't you want an
independent attorney to represent you separate from the person
that has to make the decision? 836
837
838

PRESIDING OFFICER: (SENATOR DONAHUE) 840

Senator Burzynski. 842

SENATOR BURZYNSKI: 844

Well, I think that there are safeguards in place to do some of
that, Senator. 846

PRESIDING OFFICER: (SENATOR DONAHUE) 848

Senator Hendon. 850

SENATOR HENDON: 852

My question is, my dear friend: If you, personally, were going
to court, wouldn't you want an attorney that is separate from the
judge or the jury that's going to make the decision in your case? 854
855
856

PRESIDING OFFICER: (SENATOR DONAHUE) 858

Senator Burzynski. 860

SENATOR BURZYNSKI: 862

Well, as has just been pointed out to me and as I pointed out
earlier as well, the Attorney General does have a consumer
services division which would act in that capacity, Senator. 864
865
866

PRESIDING OFFICER: (SENATOR DONAHUE) 868

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Hendon. 871

SENATOR HENDON: 873

Now, while -- while we have an outstanding Attorney General, 875
and I have no problems with him whatsoever, he is busy. The 876
Attorney General's Office has a large area of responsibility. 877
This particular office is there just to -- as I understand and I 878
read it, to protect the public, to give the average citizen from 879
any of our district a representative, a person with legal 880
knowledge, to help them in a case where they have a problem with 881
the utilities. Why would we eliminate the only independent office 882
that we have right now when... We haven't funded it. So it's not 883
like it's bankrupting the State or anything like this. Is this 884
office causing a strain on the -- on the fiscal stability of the 885
State of Illinois? 886

PRESIDING OFFICER: (SENATOR DONAHUE) 887

Senator Burzynski. 889

SENATOR BURZYNSKI: 891

Not at all, Senator. 893

PRESIDING OFFICER: (SENATOR DONAHUE) 895

Senator Hendon. 897

SENATOR HENDON: 899

Well, I'll close by saying, since it's not causing any 901
financial problems for the State, since it is the only independent 902
office that protects the consumer, I would urge a No vote on this 903
bill, because it's a -- it's clearly a bad bill, an anticonsumer 904
bill, and we should not be in the business here in this Senate of 905
doing such a thing.

PRESIDING OFFICER: (SENATOR DONAHUE) 907

Further discussion? Senator Fawell. 909

SENATOR FAWELL: 911

Will the sponsor yield for a question? 913

PRESIDING OFFICER: (SENATOR DONAHUE) 915

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Indicates he'll yield, Senator Fawell. 915

SENATOR FAWELL: 917

According to our analysis, the Commerce Commission and the 919
Attorney General each have a consumer service division. Is that 920
true? 920

PRESIDING OFFICER: (SENATOR DONAHUE) 922

Senator Burzynski. 924

SENATOR BURZYNSKI: 926

That's true, as well as CUB also fights many of these rate 928
cases. 928

PRESIDING OFFICER: (SENATOR DONAHUE) 930

Senator Fawell. 932

SENATOR FAWELL: 934

So you've got several attorneys, actually, that can be tapped 936
into. Is that true? 937

PRESIDING OFFICER: (SENATOR DONAHUE) 939

Senator Burzynski. 941

SENATOR BURZYNSKI: 943

That is correct. 945

PRESIDING OFFICER: (SENATOR DONAHUE) 947

Senator Fawell. 949

SENATOR FAWELL: 951

Well, to the bill: If we've got all these attorneys running 953
around doing this work, I don't know why we need to add another 954
one to the pile. I think this is a good bill. It's long overdue, 955
and I think we all ought to be on board. 956

PRESIDING OFFICER: (SENATOR DONAHUE) 958

Further discussion? Further discussion? Seeing none, Senator 960
Burzynski, to close. 961

SENATOR BURZYNSKI: 963

I think the merits of the legislation have been thoroughly 965
discussed. I would simply indicate that we don't need another 966

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

agency to duplicate services, and I would ask for a favorable roll call. 967

PRESIDING OFFICER: (SENATOR DONAHUE) 969

The question is, shall House Bill 1290 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 19 Ayes, 36 Nays, none voting Present. House Bill 1290, having not received the required constitutional majority, is declared failed. Senator Luechtefeld, on House Bill 1645. Read the bill, Mr. Secretary. 971 972 973 974 975

SECRETARY HARRY: 977

House Bill 1645. 979

(Secretary reads title of bill) 981

3rd Reading of the bill. 983

PRESIDING OFFICER: (SENATOR DONAHUE) 985

Senator Luechtefeld. 987

SENATOR LUECHTEFELD: 989

Madam President and Members of the -- of the Senate, House Bill 1645 provides that the homestead improvement exemption also applies to rebuilding of residential structures on homestead property following a catastrophic event. Under current law, a homestead improvement exemption of up to thirty thousand dollars per year may be taken if a proposed increase in assessed valuation is attributable solely to the new improvement of the existing structure. I would ask for a favorable vote on this issue. 991 992 993 994 995 996 997

PRESIDING OFFICER: (SENATOR DONAHUE) 999

Is there any discussion? Senator Palmer. 1001

SENATOR PALMER: 1003

Thank you, Madam President. Question of the sponsor. 1005

PRESIDING OFFICER: (SENATOR DONAHUE) 1007

Indicates he'll yield, Senator Palmer. 1009

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR PALMER: 1011

Senator, was -- as I recall, was there not an understanding in 1013
the Revenue Committee that you would work with the Cook County 1014
Assessor's Office to straighten out the administrative and 1015
logistical problems that that Office has with your bill? 1017

PRESIDING OFFICER: (SENATOR DONAHUE) 1019

Senator Luechtefeld. 1021

SENATOR LUECHTEFELD: 1023

Yes, Senator, there was, and we have really worked at that, 1025
you know, with a couple of other Senators on the other side of the 1026
aisle, plus with the -- with the group from Cook County, and we 1027
were not able to come up with any language that would be suitable 1028
to our side.

PRESIDING OFFICER: (SENATOR DONAHUE) 1030

Senator Palmer. 1032

SENATOR PALMER: 1034

Well, Senator, given that there are still some very serious 1036
concerns, I think that it would be appropriate to take this bill 1037
out for right now and not act on it. As I understand, there were 1038
several options offered to speak to the concerns, and for example, 1039
there was one offering to establish a separate Section for Cook 1040
County only that was not acceptable and I'd like to know why. And 1041
for those on this side of the aisle, so that you understand what 1042
we're talking about, there's no opposition to what Senator 1043
Luechtefeld is trying to do. The question here is how the 1044
exemption can be administered fairly and uniformly, and how the 1045
information about the loss of a home can be communicated to the 1045
Cook County Assessor in such a way that we will know that, in 1046
fact, the home has been destroyed. And I'm not sure why this 1046
should be a problem in working this out. 1047

PRESIDING OFFICER: (SENATOR DONAHUE) 1049

Further discussion? Senator Berman. 1051

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR BERMAN: 1053

Thank you, Madam President. Ladies and Gentlemen of the Senate, Senator Luechtefeld and myself and others have tried to put together language that has been requested by the Assessor of Cook County. As you are very well aware, when we have this kind of a bill, as it impacts or could impact in Cook County, we're talking about a potential monstrous-type of paperwork undertaking. As we speak, the Assessor's staff is preparing a suggested amendment to this bill. This bill has not been amended in the Senate. We have no problems with the purpose of the bill, but the Assessor's Office does have a problem with how it can be processed in Cook County and -- and requirements for the taxpayer to provide certain proof of the catastrophe that gave rise to the destruction to allow this exemption to take place. So I want to renew the request of Senator Palmer to the sponsor. Take this out of the record today. We will have an amendment for you that does not attack the purpose of the bill. It just makes it workable in Cook County, and we can get the amendment adopted and move this bill probably tomorrow or certainly by Tuesday. And we are not bumping up against any deadline, but it'll make it workable in Cook. Otherwise, we've got ourselves a real headache as to how it's going to be processed. So, Senator, I -- I would respectfully ask that it be taken out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE) 1075

Further discussion? Senator Peterson. 1077

SENATOR PETERSON: 1079

Question of the sponsor. 1081

PRESIDING OFFICER: (SENATOR DONAHUE) 1083

Indicates he'll yield, Senator Peterson. 1085

SENATOR PETERSON: 1087

Senator Luechtefeld, are any other county assessors or any other supervisor of assessments, have they contacted you in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

opposition to this bill? 1091

PRESIDING OFFICER: (SENATOR DONAHUE) 1093

Senator Luechtefeld. 1095

SENATOR LUECHTEFELD: 1097

No, they have not. 1099

PRESIDING OFFICER: (SENATOR DONAHUE) 1101

Senator Peterson. 1103

SENATOR PETERSON: 1105

So we only have Cook County, and all the other hundred and one 1107
counties feel that they can handle this legislation without any 1108
problem.

PRESIDING OFFICER: (SENATOR DONAHUE) 1110

Senator Luechtefeld. 1112

SENATOR LUECHTEFELD: 1114

Well, I -- I certainly have not checked with all the other 1116
hundred and one counties, but -- and I do understand that Cook 1117
County, with the massive amount of -- of people that they have, it 1118
becomes more difficult. But this particular law simply codifies 1119
present law. And that -- you know, they have a procedure in place 1121
at the present time to deal with the exemptions, and I think this
-- this will simply handle that. 1122

PRESIDING OFFICER: (SENATOR DONAHUE) 1124

Further discussion? Senator DeAngelis. Out of the record -- 1126
or, I mean... I'm sorry, Senator Luechtefeld. Is there any 1128
further discussion? Senator Hendon.

SENATOR HENDON: 1130

Thank you, Madam President. Will the sponsor yield for 1132
question?

PRESIDING OFFICER: (SENATOR DONAHUE) 1134

Indicates he'll yield, Senator Hendon. 1136

SENATOR HENDON: 1138

Senator Luechtefeld, this is -- just gives a person the 1140

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

opportunity - and correct me if I'm wrong - who has lost their 1141
home because of a catastrophe to have an opportunity to rebuild 1142
that -- that home without the burden of the taxes being put on 1143
those people at that time. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE) 1145

Senator Luechtefeld. 1147

SENATOR LUECHTEFELD: 1149

Yes, Senator. 1151

PRESIDING OFFICER: (SENATOR DONAHUE) 1153

Senator Hendon. 1155

SENATOR HENDON: 1157

And even though the Assessor from Cook County is opposed to 1159
this, there are already laws on the books that will take care of 1160
someone who commits fraud in trying to collect the claim that they 1161
really don't have coming. Is that correct? 1162

PRESIDING OFFICER: (SENATOR DONAHUE) 1164

Senator Luechtefeld. 1166

SENATOR LUECHTEFELD: 1168

Yes, Senator. 1170

PRESIDING OFFICER: (SENATOR DONAHUE) 1172

Senator Hendon. 1174

SENATOR HENDON: 1176

Well, in conclusion, I just say to all of my colleagues that 1178
this is a good bill. It's a progressive bill. We should give the 1179
taxpayers of this State relief any time they have a catastrophe or 1180
a disaster like this, and I can't understand why there is any 1181
opposition. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE) 1183

Further discussion? Senator Geo-Karis. 1185

SENATOR GEO-KARIS: 1187

Will the sponsor yield for a question? 1189

PRESIDING OFFICER: (SENATOR DONAHUE) 1191

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Indicates he'll yield, Senator Geo-Karis. 1193

SENATOR GEO-KARIS: 1195

Do I understand that your bill provides that the homestead 1197
improvement exemption would apply to rebuilding of residential 1198
structures on homestead property following a catastrophic event? 1199

PRESIDING OFFICER: (SENATOR DONAHUE) 1201

Senator Luechtefeld. 1203

SENATOR LUECHTEFELD: 1205

It only applies to homestead and property. 1207

PRESIDING OFFICER: (SENATOR DONAHUE) 1209

Senator Geo-Karis. 1211

SENATOR GEO-KARIS: 1213

Madam President and Ladies and Gentlemen of the Senate, my 1215
area was hit by a tornado. There were many people whose homes 1216
were absolutely riddled down; that was their homestead. I think 1217
this is a very good bill, and I certainly think we should provide 1218
for emergencies like that and I support this bill wholeheartedly. 1219

PRESIDING OFFICER: (SENATOR DONAHUE) 1221

Further discussion? Senator Welch. 1223

SENATOR WELCH: 1225

I have a question of the sponsor. 1227

PRESIDING OFFICER: (SENATOR DONAHUE) 1229

Indicates he'll yield, Senator Welch. 1231

SENATOR WELCH: 1233

Senator Luechtefeld, if I own a hundred-thousand-dollar home 1235
and it gets hit by a tornado, and I rebuild it with a 1236
hundred-thousand-dollar home and my assessment is the same, do I 1237
get any benefit at all from this law?

PRESIDING OFFICER: (SENATOR DONAHUE) 1239

Senator Luechtefeld. 1241

SENATOR LUECHTEFELD: 1243

No, you do not. Only if -- only if you increase it to -- 1245

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

thirty thousand. You'll have a thirty-thousand-dollar extra 1246
exemption.

PRESIDING OFFICER: (SENATOR DONAHUE) 1248

Senator Welch. 1250

SENATOR WELCH: 1252

So -- so these areas that have homes destroyed by tornadoes or 1255
whatever, if they rebuild, because of the zoning requirement, a 1256
similar square-foot house, a similar size, more than likely it's 1257
going to be assessed the same value as the one that was knocked
down; it's only newer. Isn't that correct? 1258

PRESIDING OFFICER: (SENATOR DONAHUE) 1260

Senator Luechtefeld. 1262

SENATOR LUECHTEFELD: 1264

I understand that's correct, yes. 1266

PRESIDING OFFICER: (SENATOR DONAHUE) 1268

Further discussion? Senator Welch. 1270

SENATOR WELCH: 1272

Well, then, I don't think this bill does any harm to anybody. 1274

I -- I would urge an Aye vote. 1275

PRESIDING OFFICER: (SENATOR DONAHUE) 1277

Any discussion? Further discussion? Seeing none, Senator 1279
Luechtefeld, to close. 1280

SENATOR LUECHTEFELD: 1282

Yes. I would ask for a favorable vote on this issue. 1284

PRESIDING OFFICER: (SENATOR DONAHUE) 1286

Question is, shall House Bill 1645 pass. Those in favor will 1288
vote Aye. Opposed, Nay. The voting is open. Have all voted who 1290
wish? Have all voted who wish? Have all voted who wish? Have
all voted who wish? Take the record. On that question, there are
48 Ayes, 1 Nay, 2 voting Present. House Bill 1645, having 1291
received the required constitutional majority, is declared passed.
Senator Cronin, on House Bill 1684. Senator Cronin? Out of the 1292

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

record. Senator Burzynski, on House Bill 1798. Read the bill,
Mr. Secretary.

SECRETARY HARRY: 1294

House Bill 1798. 1296

(Secretary reads title of bill) 1298

3rd Reading of the bill. 1300

PRESIDING OFFICER: (SENATOR DONAHUE) 1302

Senator Burzynski. 1304

SENATOR BURZYNSKI: 1306

Thank you, Madam President, Ladies and Gentlemen of the 1308
Senate. Basically, this deletes language in the Illinois 1310
Pesticide Act which provides for a model program and replaces it 1311
by implementing a statewide voluntary program for the collection 1312
and proper disposal of unwanted ag pesticides from Illinois
farmers. I know of no opposition to this bill. 1313

PRESIDING OFFICER: (SENATOR DONAHUE) 1315

Is there any discussion? Any discussion? Seeing none, the 1317
question is, shall House Bill 1798 pass. Those in favor will vote 1318
Aye. Opposed, Nay. The voting is open. Have all voted who wish? 1319
Have all voted who wish? Have all voted who wish? Take the 1320
record. On that question, there are 56 Ayes, no Nays, none voting 1321
Present. House Bill 1798, having received the required 1322
constitutional majority, is declared passed. Senator Walsh, on
House Bill 2250. Out of the record. Senator Mahar, on House Bill 1323
2294. Senator Cronin, on House Bill 2338. Out of the record.
Senator DeLeo, on House Bill 2516. Read the bill, Mr. Secretary.

SECRETARY HARRY: 1325

House Bill 2516. 1327

(Secretary reads title of bill) 1329

3rd Reading of the bill. 1331

PRESIDING OFFICER: (SENATOR DONAHUE) 1333

Senator DeLeo. 1335

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR DeLEO: 1337

Thank you, Madam President, Members of the General Assembly. 1339
2516 is a bill that simply states that in Chicago if a landlord is 1341
determined to have violated a provision establishing construction
or maintenance standards of a building containing rental housing 1342
units, the court may offer the owner an option: instead of a 1343
fine, attending a program designated to encourage the owner's 1344
compliance. The thrust of this bill is to permit Chicago to offer 1345
landlords compliance programs for persons who offer sleeping 1346
rooms. As you know, we had a tragic fire in Chicago last year
with a SRO - a sleeping room only - occupancy building, and there 1347
was many deaths and many injuries. This would have landlords go 1348
to a program that would explain to them construction, plumbing, 1349
heating, fire prevention, sanitation and other safety violations 1350
in this class, instead of levying a fine. I'd ask for a favorable 1351
roll call on 2516.

PRESIDING OFFICER: (SENATOR DONAHUE) 1353

Is there any discussion? Is there any discussion? Seeing 1355
none, the question is, shall House Bill 2516 pass. Those in favor 1356
will vote Aye. Opposed, Nay. The voting is open. Have all voted 1358
who wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, there are 55 Ayes, 1 Nay, none 1359
voting Present. House Bill 2516, having received the required 1360
constitutional majority, is declared passed. Senator Bomke, on 1361
House Bill 2524. Senator Hawkinson, on House Bill 2529. Read the 1362
bill, Mr. Secretary. Out of the record. Senator Rauschenberger, 1363
on House Bill 2571. Read the bill, Mr. Secretary. 1364

SECRETARY HARRY: 1366

House Bill 2571. 1368

(Secretary reads title of bill) 1370

3rd Reading of the bill. 1372

PRESIDING OFFICER: (SENATOR DONAHUE) 1374

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Rauschenberger. 1376

SENATOR RAUSCHENBERGER: 1378

Thank you, Mr. {sic} President, Ladies and Gentlemen of the 1380
Senate. House Bill 2571 cures a defect that the courts found in 1383
the ICC's authority to allow utilities to enter into bilateral 1384
contracts. It's a bill that I think is going to have a major 1385
impact on continuing the effort toward deregulation of the
electric utilities. It's a bill that passed out of committee with 1386
bipartisan support. I urge its favorable adoption. 1387

PRESIDING OFFICER: (SENATOR DONAHUE) 1389

Is there any discussion? Senator Palmer. 1391

SENATOR PALMER: 1393

Thank you, Madam President. A question of the sponsor. 1395

PRESIDING OFFICER: (SENATOR DONAHUE) 1397

Indicates he'll yield, Senator Palmer. 1399

SENATOR PALMER: 1401

Senator, I wish I shared your optimism about this, but you and 1403
I talked before, and isn't it a fact that the current utility 1404
bills are the highest in this region, if not in the country, 1405
already?

PRESIDING OFFICER: (SENATOR DONAHUE) 1407

Senator Rauschenberger. 1409

SENATOR RAUSCHENBERGER: 1411

Illinois residents of northern Illinois that are served by 1413
Commonwealth Edison pay, I think, the second-highest large utility 1414
rate in the nation.

PRESIDING OFFICER: (SENATOR DONAHUE) 1416

Senator Palmer. 1418

SENATOR PALMER: 1420

And isn't it also a fact that part of the reason for that is 1422
for decisions that were made twenty years ago about building 1424
nuclear plants that they were advised not to build and therefore 1425

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

that increase has been passed down to the consumer?

PRESIDING OFFICER: (SENATOR DONAHUE) 1427

Senator Rauschenberger. 1429

SENATOR RAUSCHENBERGER: 1431

Senator Palmer, I think many people would agree that 1433
Commonwealth Edison overconstructed capacity, and it is very, very 1434
true that that excess capacity, that's clear today, is being paid 1435
for by the ratepayers. You're -- to -- to the best of my 1437
knowledge, you're correct.

PRESIDING OFFICER: (SENATOR DONAHUE) 1439

Senator Palmer. 1441

SENATOR PALMER: 1443

Last question: Will this bill, in any way, alleviate the high 1445
rates for residential and for small business consumers of 1446
electricity? Will it do anything to work on their behalf? 1447

PRESIDING OFFICER: (SENATOR DONAHUE) 1449

Senator Rauschenberger. 1451

SENATOR RAUSCHENBERGER: 1453

Senator, the bill itself would not change the rates that 1455
consumers or small businesses or anyone else pays on a current 1456
rate structure. What I think it does do, though, is it helps move 1457
Commonwealth Edison and our other utilities the next step that's 1458
necessary for the deregulation task force to help prepare them for 1459
deregulation of the entire industry and lower rates for everyone,
I think, by the year 2000. 1460

PRESIDING OFFICER: (SENATOR DONAHUE) 1462

Further discussion? Senator Clayborne. 1464

SENATOR CLAYBORNE: 1466

Thank you, Madam President. I rise in support of this bill. 1468
Being from downstate and trying to further encourage economic 1469
development, I believe this bill goes a long way to that effort to 1470
allow utilities to be competitive and to make sure that the costs 1471

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

are not passed on to the consumer. This is a bill that will hopefully help continue to bring business interests to downstate so that we can provide job opportunities and growth for the residents in -- in southern Illinois. I urge a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE) 1472

Is there any further discussion? Further discussion? Seeing none, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER: 1473
1481

I'd appreciate a favorable roll call. 1483

PRESIDING OFFICER: (SENATOR DONAHUE) 1485

The question is, shall House Bill 2571 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 43 Ayes, 11 Nays, none voting Present. House Bill 2571, having received the required constitutional majority, is declared passed. Senator Watson, on House Bill 2596. Out of the record. Senator Maitland, on House Bill 2616. Out of the record. Senator Hawkinson. Senator Hawkinson seeks leave of the Body to return House Bill 2621 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2621. Read the bill, Mr. Secretary. Have there been any Floor amendments approved for consideration?

SECRETARY HARRY: 1489
1494
1496

Amendment No. 1, offered by Senator Hawkinson. 1498

PRESIDING OFFICER: (SENATOR DONAHUE) 1500

Senator Hawkinson, on Amendment No. 1. 1502

SENATOR HAWKINSON: 1504

Thank you, Madam President. Amendment No. 1 was approved for consideration by the Judiciary Committee this morning on the -- the Agreed List. What it does is it removes Section 7 of the bill

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

{sic} (Act) which provides additional civil penalties for violations of the Counterfeit Trademark Act. It was felt by the Bar Association, and I think agreed by the House sponsor, that these civil penalties already exist in the Deceptive Act and in the Consumer Fraud Act, and that we did not need to create a separate civil penalty Act in this new Counterfeit Trademark Act. So, we would ask for the approval of Floor Amendment No. 1, which removes Section 7 from the bill {sic}.

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Hawkinson, on House Bill 2651. Out of the record. Senator Karpziel, on House Bill 2664. Out of the record. Senator Syverson, on House Bill 2691. Out of the record. Senator Parker, on House Bill 2697. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2697.

(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. House Bill 2697 amends the Illinois Credit Union Act {sic}. It does three things. It increases the penalty from a Class A misdemeanor to a Class 3 felony for engaging in the business of transmitting money without a license. It gives DFI

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

the power to issue a cease and desist order without an administrative hearing to a firm which DFI believes to be engaged in title insurance transactions without a license. And it creates a new Adverse Claims to Deposit Accounts Act, protecting banks under certain circumstances from adverse claims levied against deposit accounts by persons who have loaned money to depositors. It passed the House 107 to nothing and was passed unanimously in committee. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 2697 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 48 Ayes, 1 Nay, 5 voting Present. House Bill 2697, having received the required constitutional majority, is declared passed. Senator Syverson, on House Bill 2702. Senator Syverson, 2702? Out of the record. Senator Raica, on House Bill 2725. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2725.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President. House Bill 2725 amends the Environmental Protection Agency {sic} Act. It authorizes the Illinois EPA to grant transfer station authorization. It has been approved by the county board and by the local people, and I would just ask for its adoption, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Demuzio.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR DEMUZIO: 1599

...very much. As I understand this, this would be an exemption to the siting process that was passed years ago, that would allow for a -- no public hearings and, for some reason or another, whatever else that the public could be commanded to -- or given the opportunity to do. Why are we doing this, and is this a departure from the previous practices?

PRESIDING OFFICER: (SENATOR DONAHUE) 1607

Senator Raica. 1609

SENATOR RAICA: 1611

Well, thank you, Senator Demuzio. That's a very good question. This facility has been functioning since 1972 and was functioning until 1993. They assumed, when the new owners took possession of the facility, that they were grandfathered in. They were instructed that they were grandfathered in, only to find out that they weren't. At that time, they were functioning as a transfer station, and they did have local approval from the -- for zoning. The residents support it, the county board supports it, in addition to the local municipality. And that's the reason why we're attempting to do this today. It passed out of the House on a very good roll call, and I would hope that it would do the same in this Body.

PRESIDING OFFICER: (SENATOR DONAHUE) 1624

Senator Demuzio. 1626

SENATOR DEMUZIO: 1628

So -- so that I understand it, then there was this company that was operating this facility prior to, then sold the facility to the new owners. And the new owners had the understanding that because of the purchase that they were grandfathered in and therefore the permits would just simply be transferred into their names, and therefore they would not have to go back through the siting process again. This is then to grandfather them in from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

their permit -- from the -- from the previous owners, and this 1637
would not require a public hearing, the county to make approval of 1638
the new permit and EPA to be involved in the issuance. Is that 1639
right?

PRESIDING OFFICER: (SENATOR DONAHUE) 1641

Senator Raica. 1643

SENATOR RAICA: 1645

If they -- Senator Demuzio, my understanding on this concept 1647
was that they were informed that they would not have to go through 1649
the permit process since they had been functioning since 1972. In 1650
1993, when this came up, it wasn't that big of an issue. There 1652
were two landfills that were in that community that were -- that 1653
were functioning. Since then, one has closed, and they figure
within the next two years the other one's going to close, which 1654
means that county will have nothing and that's why the urgency to 1655
pass this legislation is before us today. 1656

PRESIDING OFFICER: (SENATOR DONAHUE) 1658

Senator Demuzio. 1660

SENATOR DEMUZIO: 1662

Well, I would rise in opposition. I think the siting law that 1664
was put into effect, the siting process, in allowing and involving 1665
the public back into the process of siting, would be circumvented 1666
by the passage of this law. And this would certainly just be a 1667
signal to all of the other individuals who wanted to try to bypass 1668
the siting question to come directly to the Legislature. So, I
would rise in opposition. 1669

PRESIDING OFFICER: (SENATOR DONAHUE) 1671

Further discussion? Senator Palmer. 1673

SENATOR PALMER: 1675

Thank you, Madam President. A question of the sponsor. 1677

PRESIDING OFFICER: (SENATOR DONAHUE) 1679

Indicates he'll yield, Senator Palmer. 1681

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR PALMER: 1683

Senator Raica, wasn't this operation denied a permit in 1994? 1685
Aren't they in the process of appealing that denial? 1686

PRESIDING OFFICER: (SENATOR DONAHUE) 1688

Senator Raica. 1690

SENATOR RAICA: 1692

Senator Palmer, I guess they were denied only -- let me see 1694
where I have that here. They were -- they thought they were 1695
exempted, but they were not. Since that would take over a year, 1696
they are requesting for -- Illinois EPA to be grandfathered in. 1697
And I guess -- my understanding is, that's what they were denied. 1698
They, in good faith, when they purchased this facility, thought
that -- that they were already grandfathered in prior to 1700
purchasing this -- this property, and this has been functioning 1701
since 1972 and was first closed in 1993. So they were functioning 1702
for over twenty years.

PRESIDING OFFICER: (SENATOR DONAHUE) 1704

Further discussion? Senator Welch. 1706

SENATOR WELCH: 1708

Thank you, Madam President. It seems to me that the whole 1710
purpose of the passage of Senate Bill 172 was to allow public 1712
input into the siting of landfills, transfer stations, or anything 1714
else dealing with garbage in local communities. It looks to me 1715
that what we have here is one company purchased another landfill
and now says that we want to take advantage of their existence 1716
prior to the passage of Senate Bill 172 in 1980. Well, if that's 1717
the case, you could -- you could continually transfer these 1718
landfills among individual companies without ever having any 1719
public input. And I -- I think that the public is entitled to
have a say as to whether this transfer station should be allowed 1720
or not. So I think that the precedent of having specific 1721
exemptions to siting of landfills is the wrong way to go. I think 1722

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Raica has a -- has been known to be supportive of the 1724
environment throughout his career, but I -- I just think that this
is not a good idea, to start making individual exemptions. 1726

PRESIDING OFFICER: (SENATOR DONAHUE) 1728

Further discussion? Senator Geo-Karis. 1730

SENATOR GEO-KARIS: 1732

Madam President and Ladies and Gentlemen of the Senate, I was 1734
a cosponsor, along with Senator Demuzio, of Senate Bill 172, and I 1736
think it's a good bill - still on the books. However, in this 1738
case, there is two provisions that have to be met. One is that 1739
the municipal -- of six -- four, rather. One, that the site has
local zoning approval and, two, that the municipal waste transfer 1740
-- transfer station was in existence on or before January 1, 1979, 1742
and was in continuous operations from that date to January 1, 1743
1993. But another key provision is that the operator can 1744
demonstrate -- has to demonstrate that the county board or the
municipal governing body does not object to resumption of the 1745
operation of the station. Therefore, I think it has enough 1746
safeguards in the bill and I think it's a good bill under the 1747
circumstances. And with those safeguards, I certainly urge a -- a 1748
favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE) 1750

Further discussion? Senator Lauzen. 1752

SENATOR LAUZEN: 1754

Thank -- thank you, Madam President. Just a quick question 1756
for the sponsor. Is this an exception to the site hearing 1759
process, and if it is, why don't these folks go through and have a 1760
hearing?

PRESIDING OFFICER: (SENATOR DONAHUE) 1762

Senator Raica. 1764

SENATOR RAICA: 1766

Senator Lauzen, this facility, as I stated, has been 1768

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

functioning since '72. When the law passed in 1981, they were 1769
allowed to function until 1993. They're -- they had, at that 1770
time, everyone's authorization. And since this is a -- not a 1771
landfill - this is a transfer station - they had a -- trash
compactor that they used to transfer the waste into this site out 1772
of this site. It's -- it was not a landfill. They're not really 1774
bypassing the -- the siting, per se. In good faith, when they 1775
entered into -- into this agreement, they assumed that they were 1776
grandfathered in, and that's why this was purchased to -- to -- to
it originally. The county has no objection to it. The locals -- 1777
there was a -- a newspaper article in which they -- the local 1778
people were not opposed to it. It would actually benefit them, 1779
for the mere fact it has been functioning for that long period of 1780
a time. It has been there. It is there. They have had no
problem with it. They're -- the reason of the urgency is because 1781
of the fact that their one landfill, as I stated, is going -- has 1782
closed and another one, they assume, is going to close in two 1783
years, and they have asked this Body to attempt to -- to get this 1784
approved because, in good faith, when they entered that agreement, 1785
they thought that they were going to be grandfathered...

PRESIDING OFFICER: (SENATOR DONAHUE) 1787

Senator Lauzen. Go next door to Senator... Okay. Stand at 1789
ease for a minute, Ladies and Gentlemen. This one works. Senator 1792
Demuzio, I'm afraid your mike won't work. That's why we're on 1793
hold right now. I can't -- I can't put your mike on, sir, because
it won't work. That's why we're in a hold. So, forgive me. 1794
...Mahar seeks leave of the Body for Richard G. Hesslau to take 1795
some videotape of the Senate Floor. Is leave granted? Leave is 1796
granted. Again, I will state, we're in kind of a hold here. Our 1797
microphones aren't working. We're working on that. And the voting 1798
system. We can't vote. ...Carroll, for what purpose do you seek 1799
recognition?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR CARROLL: 1801

Thank you, Madam President. I just realized that 1803
inadvertently, before the damage to the system, that the record 1805
had shown that I had voted No on -- on House Bill 1645. I had 1807
intended to vote Yes, and I would like the record to so reflect.

PRESIDING OFFICER: (SENATOR DONAHUE) 1809

The record will so reflect. ...right. I think we're back on 1811
track here. We're on House Bill 2725, sponsored by Senator Raica. 1812
Senator Walsh.

SENATOR WALSH: 1814

Thank you, Madam President. Would the sponsor yield for... 1816

PRESIDING OFFICER: (SENATOR DONAHUE) 1818

Indicates he'll yield, Senator Walsh. 1820

SENATOR WALSH: 1822

Senator Raica, could -- could you tell me where in Westmont 1824
this is located?

PRESIDING OFFICER: (SENATOR DONAHUE) 1826

Senator Raica. 1828

SENATOR RAICA: 1830

Thank you. Hello? It's in Westmont on the DuPage County 1832
side, Senator Walsh.

PRESIDING OFFICER: (SENATOR DONAHUE) 1834

Senator Walsh. 1836

SENATOR WALSH: 1838

What part of Westmont is in any other county? But, no, I'm -- 1840
I'm curious. Is -- this is a transfer station? 1842

PRESIDING OFFICER: (SENATOR DONAHUE) 1844

Senator Raica. 1846

SENATOR RAICA: 1848

Yes. 1850

PRESIDING OFFICER: (SENATOR DONAHUE) 1852

Senator Walsh. 1854

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR WALSH: 1856

There is -- there is support from the locals, the mayor and so forth for this transfer station? 1858

PRESIDING OFFICER: (SENATOR DONAHUE) 1861

Senator Raica. 1863

SENATOR RAICA: 1865

Yes. 1867

PRESIDING OFFICER: (SENATOR DONAHUE) 1869

Senator Walsh. 1871

SENATOR WALSH: 1873

And one last question, Senator Raica. I appreciate you taking the time to answer these. Was it -- was this transfer station in operation and put out of business by the passage of House Bill 1594? 1875

PRESIDING OFFICER: (SENATOR DONAHUE) 1879

Senator Raica. 1881

SENATOR RAICA: 1883

No. They were affected by -- I think it was Senate Bill 172 in 1981, although they were allowed to function till about 1983... 1885

PRESIDING OFFICER: (SENATOR DONAHUE) 1888

Senator Walsh. Oh. 1890

SENATOR WALSH: 1892

Did -- did the passage of -- of House Bill 1594 have an effect on -- on the operation of this place? 1894

PRESIDING OFFICER: (SENATOR DONAHUE) 1897

Senator Raica. 1899

SENATOR RAICA: 1901

Not that I'm aware. 1903

PRESIDING OFFICER: (SENATOR DONAHUE) 1905

Senator Walsh. Senator Walsh. 1907

SENATOR WALSH: 1909

This -- I just wanted to point out that -- that this bill is 1911

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

-- 2725 is similar to a bill that we had earlier in the Session, 1912
House Bill 1089, which we passed legislation which had an 1913
unintended effect, and we've had to go back and -- to help people. 1915
And the unintended effect of this was we were putting someone out
of business, this company that Senator Raica is trying to help: 1916
Browning-Ferris. And the unintended effect of House Bill 1089 was 1917
putting a small businessman, the Flood Brothers, out of business. 1919
And I think we have to realize, occasionally, when we make 1920
mistakes and go back and -- and help these people, and I stand in
strong support of your bill. 1921

PRESIDING OFFICER: (SENATOR DONAHUE) 1923

Senator Dillard. 1925

SENATOR DILLARD: 1927

Thank you, Madam President, Ladies and Gentlemen of the 1929
Senate. I just want to point out to the Body that this particular 1931
transfer station is in my Senate district. It's one transfer 1932
station. It's been, essentially, in existence since when I was in 1933
high school, and the local municipality's mayor, as well as the 1934
county board in DuPage, stand in support of this bill as well. 1935
And it's one transfer station. It's in my district. It's been 1936
around for ages. And I certainly rise in -- in support of it. 1937

PRESIDING OFFICER: (SENATOR DONAHUE) 1939

Further discussion? Senator Karpziel. 1941

SENATOR KARPIEL: 1943

Well, thank you, Madam President. I just want to say that I 1945
find it a little bit ironic that Senator Raica is sponsoring this 1947
bill, since he voted No on House Bill 1089, which was a similar 1949
type occurrence, as Senator Walsh said. I think, though, that we 1951
all -- in this Body, we should realize that when we pass
legislation that affects businesses or people - whatever - that's 1952
-- that is already operating and in practice, that we should, in 1954
fact, exempt them or grandfather them in and let them continue 1955

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

operating. This one -- this business was put out of -- out of
business for awhile because of the passage of SB172, the siting 1956
bill. The Flood Brothers will shortly be out of business as well, 1957
because House Bill 1089 is held up in the House, somewhere in this 1959
Chamber -- I mean, these Chambers here, floating around in limbo. 1960
And I am supportive of this bill because I'm supportive of 1962
business getting into these kind of situations over legislation
that is passed by this -- this Assembly. But, very frankly, I 1963
think House Bill 1089 deserves to get a hearing over in the House 1965
as well.

PRESIDING OFFICER: (SENATOR DONAHUE) 1967

Further discussion? Senator Hendon. 1969

SENATOR HENDON: 1971

Thank you, Madam President. I think it's important that we 1973
point out the difference between this situation and the Flood 1974
Brothers, since this is brought up under discussion. Senator 1975
Dillard has said that this is in his district, and the Senator, 1977
from whose district this is in, is in support of it. I think that 1978
makes a tremendous difference, and I commend Senator Raica for his 1979
vote on 1089 because the Senator in which 1089 - the Flood 1980
Brothers - is located was vehemently opposed to that. And, 1982
therefore, because the Senator from this district is supportive of 1984
it, then I intend to vote Aye, and I believe that we all should 1985
sometimes - most times - look to the Senator whose district is
being affected by this legislation. If Senator Dillard was 1986
against this in his district, I would vote No. But Senator 1988
Dillard said he is for it, and I vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE) 1990

Further discussion? Further discussion? Seeing none, Senator 1992
Raica, to close. 1993

SENATOR RAICA: 1995

Thank you, Madam President. I would just ask for a favorable 1997

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

roll call.

PRESIDING OFFICER: (SENATOR DONAHUE) 1999

The question is, shall House Bill 2725 pass. Those in favor 2001
will vote Aye. Opposed, Nay. The voting is open. Have all voted 2002
who wish? Have all voted who wish? Have all voted who wish? 2003
Take the record. On that question, there are 48 Ayes, 5 Nays, 2005
none voting Present. House Bill 2725, having received the
required constitutional majority, is declared passed. Senator 2006
Watson, on House Bill 2737. Out of the record. Senator Mahar, on 2008
2747. Out of the record. Top of page 6 is House Bill 2836. 2009
Senator Burzynski. Read the bill, Mr. Secretary. 2010

SECRETARY HARRY: 2012

House Bill 2836. 2014

(Secretary reads title of bill) 2016

3rd Reading of the bill. 2018

PRESIDING OFFICER: (SENATOR DONAHUE) 2020

Senator Burzynski. 2022

SENATOR BURZYNSKI: 2024

Thank you, Madam President and Ladies and Gentlemen of the 2026
Senate. We began discussion on this bill last week relative to 2027
the tuition funds that were generated by State universities and 2028
the fees generated by State universities being transferred to the 2029
State for reallocation back to the individual institutions. There 2030
was a considerable amount of discussion the other day, some
concerns expressed relative to the oversight of universities and 2031
what we should do here in the State of Illinois. I guess I would 2032
submit to you that those concerns, while valid, certainly do not 2033
really accurately reflect everything that we do with oversight in 2034
the State of Illinois. These schools still have oversight by their 2035
own college boards, as well as by the State Board of Education, 2036
and still 2.7 billion dollars of funding that goes to higher
education is overseen by this Body. So, I would be more than happy 2037

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

to answer any questions that might come forward. 2038

PRESIDING OFFICER: (SENATOR DONAHUE) 2040

Is there any discussion? Senator Demuzio. 2042

SENATOR DEMUZIO: 2044

Well, thank you, Madam President. This is a tremendous 2046
departure from what we have done in the past here. It seems to me 2047
that it is a legislative prerogative of this Body in order to 2048
continue to appropriate the income funds. Is -- is it my 2049
understanding that the universities now would retain the income 2050
funds in their own account and then they would draw the interest, 2051
they would not spend the money until the Legislature gives 2052
approval? Is that what -- is that what we're -- we're talking
about in this bill now?

PRESIDING OFFICER: (SENATOR DONAHUE) 2054

Senator Burzynski. 2056

SENATOR BURZYNSKI: 2058

Senator, I'm not sure that they would be obligated to not 2060
spend the funds until legislative approval; however, they would 2062
keep the funds in a separate income fund account to be utilized 2063
much in the same way they are now.

PRESIDING OFFICER: (SENATOR DONAHUE) 2065

Senator Demuzio. 2067

SENATOR DEMUZIO: 2069

Well, I think this is a terrible practice. It just seems to 2071
me that that is a prerogative of the General Assembly. We ought 2072
not to give it away. It seems to me that the universities have -- 2073
you know, are usurping their power, at least in this particular 2075
area. The legislative appropriations process would be violated, 2076
and I would stand in opposition.

PRESIDING OFFICER: (SENATOR DONAHUE) 2078

Further discussion? Senator Collins. 2080

SENATOR COLLINS: 2082

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Question of the sponsor. The -- Senator, the interest drawn 2084
on -- assuming that you would do this, the interest drawn on this 2085
money, what -- what will -- will they add that to their budget or 2086
to next year's appropriation, or how would that be done? 2087
PRESIDING OFFICER: (SENATOR DONAHUE) 2089

Senator Burzynski. 2091

SENATOR BURZYNSKI: 2093

The interest that would be earned on the budgets would be kept 2096
locally, Senator. The university would use it in their income -- 2097
fund. They could utilize those funds to either reduce their cost 2099
to students, reduce their fees, or also to keep for next year's 2100
expenses.

PRESIDING OFFICER: (SENATOR DONAHUE) 2102

Senator Collins. 2104

SENATOR COLLINS: 2106

Senator, how much money -- if you would take their budget from 2108
last year and -- and segregate those funds and allow -- and take 2110
it out of the Treasurer -- State Treasurer, how much money could 2111
have possibly been earned - interest on that money - total amount 2112
of money?

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2114

Senator Burzynski. Senator Burzynski. 2116

SENATOR BURZYNSKI: 2118

Thank you. My understanding, Senator, is it's someplace 2120
between 2.9 and four million dollars of interest earned. 2121

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2123

Senator Palmer. I mean, Senator Collins. I'm sorry. 2125

SENATOR COLLINS: 2127

Senator, had they invested that money through the Treasurer, 2129
as -- as we often do now to generate more income, to motivate and 2130
stimulate and assist investments and those kinds of community 2132
development projects that hopefully create jobs, and -- and for 2133

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

the formation of capital at the community level to add more
revenue to the State Treasurer, don't you think that we would have 2134
-- get more benefit as a State out of that money by allowing the 2135
money to remain in the Treasury? 2136

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2138

Senator Burzynski. 2140

SENATOR BURZYNSKI: 2142

Well, Senator, I guess what -- what I would argue is the fact 2144
that these funds are collected locally. They are not State 2145
dollars, per se, when they come into our General Fund. And 2146
certainly I think that we should allow these universities to -- to 2147
-- or, to encourage these universities to use tuition funding to 2148
keep their expenses down to the students.

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2150

Senator Collins. 2152

SENATOR COLLINS: 2154

Well, I -- I just disagree with you. I think, like Senator 2156
Demuzio said, this is a very bad precedent. Supposing every other 2158
agency and institution decided that they want to come and keep 2159
their money, and then from there on we would have no State 2160
Treasury; we will have no money to invest to -- to generate new
revenue. It's -- it's a major part of generation of new revenue, 2161
the money that the Treasurer place in banks and invest and -- and 2162
-- and generate interest, new income, for the State. So I think 2163
it's a bad, bad idea.

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2165

Any further discussion? Senator Rauschenberger. 2167

SENATOR RAUSCHENBERGER: 2169

Thank you. Would the sponsor yield for a question? 2171

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2173

He indicates that he will. 2175

SENATOR RAUSCHENBERGER: 2177

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Burzynski, is -- is the Treasurer's Office in support 2179
or opposition to this bill? 2181

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2183

Senator Burzynski. 2185

SENATOR BURZYNSKI: 2187

They're not in support. 2189

SENATOR RAUSCHENBERGER: 2191

Is the Comptroller... Senator, is the Comptroller's Office in 2193
support or opposition? 2194

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2196

Senator Burzynski. 2198

SENATOR BURZYNSKI: 2200

They're not in support. 2202

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2204

Senator Rauschenberger. 2206

SENATOR RAUSCHENBERGER: 2208

Senator, is the Governor's Office and the Bureau of the Budget 2210
in support or opposition to this bill? 2211

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2213

Senator Burzynski. 2215

SENATOR BURZYNSKI: 2217

They're not in support. 2219

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2221

Senator Rauschenberger. 2223

SENATOR RAUSCHENBERGER: 2225

I certainly appreciate the sponsor's desire to deal with an 2227
institution in his district, and I certainly respect and admire 2228
the -- the kind of cross-purposes that some Members have with 2229
institutions of higher education in their district. But I'd like 2231
to point a couple things out. Tuition dollars paid to State 2232
school are State revenues. They don't belong to the University of
Illinois, or Illinois State University, or Southern Illinois 2233

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

University, or Eastern, or any other university. They're part of 2234
a State system. They are State-supported. They should be subject 2235
to State appropriation oversight. I have to question the motives 2236
of the universities. We are less than one year into a major 2237
management reorganization of the universities. We've eliminated
the intermediate boards. As I spoke to the sponsor before and 2238
have spoken to a number of the universities, they should prove two 2239
years of stewardship and get their house in order before they come 2240
and ask for this kind of authority. One has to look no further 2241
than some of the things that are happening in the higher education 2242
foundations and some of the concerns that have been raised about
the higher education pension administration. There should be 2243
appropriation oversight. I urge Members to carefully consider 2244
this bill and vote No.

PRESIDING OFFICER: (SENATOR GEO-KARIS) 2246

Any further discussion? Senator Carroll. 2248

SENATOR CARROLL: 2250

Thank you, Madam President, Members of the Senate. I just 2252
want to say I'm proud to say, I guess, that I'm joining the 2253
Treasurer, the Comptroller, the Governor, the Bureau of the 2254
Budget; that I am not in support either to the sponsor. And I 2255
think, very similar to the comments of the Chairman of
Appropriations, this is a three-million-dollar raid on General 2257
Revenue. It is taking three million dollars out of the State 2258
Treasury to add to these schools. These are -- these are State 2259
dollars. They should be in the State Treasury. If these
universities want it, let them go private. Then they don't have 2260
to be subject to State appropriations; they don't have to be in 2261
the State Treasury. Let them become private institutions and top 2262
-- stop taking the State subsidy that keeps their tuitions low 2263
because of other taxpayer dollars. It is not fair for them to try 2264
and steal another three million dollars out of the State Treasury

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

to the harm of all others, when, in fact, they've done very well. Their request for funding the last two years has been exactly what has been appropriated by the General Assembly and signed by the Governor. If they needed three million dollars more, they should have made the request straight up and not try to do it by back door. I think this is a terrible idea.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Maitland.

END OF TAPE

TAPE 2

SENATOR MAITLAND:

Thank you, Madam President, Members of the -- of the Senate. As a former Senate Appropriations Committee Chairman, I disagree with the present Senate Appropriations Committee Chairperson, and another former Appropriations Committee Chairperson, and the Governor, and the Comptroller, and the Treasurer. I rise in support -- I rise in support of -- of House Bill 2836. It's -- it's amazing to me how sometimes in this Chamber and this General Assembly we are in a mode of independence in giving flexibility to agencies of State government and universities and the like, and that, frankly, was one of the purports of the -- of the -- of the -- of the reorganization that we passed a couple of years ago. This gives the universities some flexibility. The Appropriations Committee will have oversight. The State will have oversight. These numbers aren't hidden. They're not hidden at all. They're there. We know what they have. The State subsidy that Howard -- Senator Carroll refers to is absolutely the -- the portion from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

the State that they get that adds to and supplements the tuition. And this simply gives the universities - the individual universities - the flexibility to have the dollars in place and to use them in a given fiscal year. That's the mode of the future, Ladies and Gentlemen. You ought to support House Bill 2836.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It would be very nice if we could hear the speakers when they speak. And I ask the indulgence of this great Body of Senators to give their attention to the speakers. I'd appreciate it. Further -- further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he will heed.

SENATOR PALMER:

Senator, is this primarily pass-through money? What I mean by that is that there is no real value gained. It comes from the local to the State, and then it turns around and goes back to the universities. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, Senator, that is correct. It is flow-through dollars. Really, you know, we've got a lot of discussion here about the fact that this is an appropriations issue when it really isn't. It's -- it's primarily a cash-flow issue for those universities.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

Since on my analysis all of the universities -- the major universities are in support of this, it would seem to me that there is some common need that this addresses. Could you tell me

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

about that, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, absolutely. In fact, this General Assembly has approved supplemental appropriations for Chicago State University at least twice that I can think of, because they were unable to access their local tuitions and fees - those funds being held by the State. So I think that's a prime example of the need to go ahead and pass this legislation, to give those universities flexibility within their current budgets.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

As I understand it, Senator, one example of flexibility would be that, in the -- in September or August when universities open their doors, it's often not known how many core sections they will need for such basic courses, for example, as biology, English and so forth. And they do not know really until the last minute how -- what their population is going to be - the student population. So I understand this allows them then to open more sections in order to meet that student need.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, Senator, that is correct. This will allow universities flexibility to meet the needs of their enrollment trends, as they -- as they approach their enrollments and as they look at their registrations.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Just to close, then. I stand in support of this legislation. I think that it does meet a need. And as Senator Maitland pointed out, I didn't support the move to give each of these universities autonomy, but since we've done it and we said that we wanted them to act on their own behalf, then it seems to me this is part of that action.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussions? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. The other day the president of one of the universities came to see me and asked me to support this bill, and I told him I couldn't because of the loss of three to four million dollars to the State budget. And his response was very interesting. He said that the universities had talked among themselves and they had agreed they'd be willing to give back the money the State would lose. They think they could make more money than we can here in the State of Illinois on their behalf. So it seems to me that a compromise could very easily be worked out here by changing the appropriations to the universities to make up for this lost three million dollars. Not once in the sponsor's speech has he mentioned that they want the three million dollars; it's the oversight issue. Well, it seems to me we'd be willing to give them the oversight, let us keep the money, and we'll have a happy medium. But until then, I think we should be voting No until there is some agreement as to how this is going to work out.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR SHAW:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator, how much money are we talking about -- how much money are we talking about not appropriating here with the ten universities that are involved? Do you -- can you tell us that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

The -- the estimate, Senator, are about four hundred million dollars. That would leave over -- approximately 2.7 billion dollars that would still be appropriated and handled by the State.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shaw.

SENATOR SHAW:

I have an analysis here. It said four hundred and forty-six million dollars. Now, how is this money -- where -- where does this money -- how do -- the university -- explain to us, how does the university get this amount of money -- excess amount of money? How does this come about?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

First of all, Senator, this is not excess funds. These are funds that are now brought into the State General Revenue funds and reappropriated by the Appropriations Committee and by the General Assembly. So they're not excess dollars. And we're not talking here about, I think, a control issue so much either, as we are about a cash-flow issue and how the universities can utilize their funds. Senator Welch mentioned the fact that -- that we'd not talked about the three or four million dollars worth of interest, that there would be the possibility of that coming back. We can simply address that through the Appropriations Committee yet this year. That is not a major problem. It's not a major concern. But, certainly, these are not excess funds. These are

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

funds that go back to the universities already. They are flow-through funds.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shaw.

SENATOR SHAW:

Just for your information, I don't have any problems with the -- with the funds going back to the university, but let's see if I'm correct. These are -- this money is derived from students' tuition, and that's what I mean in excess - either overcharging by the university, or you might want to call it something else. But there is four hundred and forty-six million dollars left from the fee increase that the universities last year -- or, year before that they increased the tuition. Is that what we're talking about here?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, Senator, I -- I'm a little bit confused, but let me try and clarify. We, as a -- as a Body, approve the tuition rates that are charged at our State universities. So I -- I'm not sure that I call those excess funds. If you're concerned that there will be little oversight relative to universities increasing tuition funds, I -- I would submit to you that -- that, through the appropriations process, we can deal with that issue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shaw.

SENATOR SHAW:

Just to the bill: This bill has been around as -- practically as long as I've been in the Legislature. When I was in the other Chamber, this bill has been around. And, certainly, I don't see any different now than I saw at that time when I was on Appropriation. If -- if we allow this money to -- the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

universities just to use this money as discretionary funds as they see fit - and that's what it amounts to here if it don't come through the appropriation process - we might as well go home and sit on our hands. There are other agencies that charge fees, too. Should they be allowed to do the same thing? That's the precedent that you are setting here by allowing the universities to do this. I think it's a -- it's a danger in this, in terms of the appropriation process. I would urge all of the Members that they should take a look at this, and certainly I'm not against the universities. I -- I want the universities to have the money, but I don't see any difference than them -- the money coming through the appropriation process, coming through this Body, and then going back to the university. But if we're not going to do that, certainly we should just go home and sit down and let the other agencies have their money, the fees that they generate in excess. You might not call it an excess, but it is an excess. And, certainly, I would urge a No vote on this -- on this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I rise in opposition to this bill. I want to ask Senator Burzynski, would he be willing to take it out of the record? Well, I -- I see he's indicating no, and I -- I just hate to see you have a bad day at the plate. But it appears that you're going to have that today, because there's bipartisan opposition to taking away our fiscal responsibility. Senator Shaw is absolutely correct, Ladies and Gentlemen of this Chamber. If we do this, we may as well just let every agency or every branch of our government that collects any kind of fees, or anything, just don't turn any money in to the Treasurer, don't let the Comptroller look at any of the books. Just -- let the departments and the different agencies get the money and do

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

whatever they want and tell us whatever they wish. I stand in strong opposition to this bill. And in support of the Chairman of Appropriations, he has every right to be appalled at this attempt to take money away from General Revenue funds. And I have a university in my district, but I will let them know that they, too, have to abide by the rules and this would set a terrible precedent. I urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Well, will the Senator yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR BUTLER:

Senator, as I understand it, and correct me, or help me to understand this, I guess is a better way of saying it, the funds that are -- come back from the university, are they redistributed back to them on a dollar-for-dollar basis?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Yes, Senator. Most -- most frequently they are. It's a dollar-for-dollar. However, that transaction takes place many months after the tuition funds and the fees are collected by the university.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler. Senator Butler.

SENATOR BUTLER:

I'm a little wary of that word "usually", or whatever temporary word you used in there. The second part of my question is, that money is -- goes into the common fund, so to speak, and it's redistributed to that university. Do we dictate how that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

money will be spent?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Only through -- only through the appropriations process that we have now, when we tell them what funds their -- their -- or, what budgets their funds may be spent in.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

I'm sorry. I worded that very poorly. What I'm asking is, is there a -- in the -- in the appropriation process, is there -- are there specific line items, for -- for example? What I'm -- what I'm getting at, do we now dictate where that money will be spent?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Can we have it a little bit more orderly? Thank you. Senator Burzynski.

SENATOR BURZYNSKI:

Senator, I believe that there are some designated funds that those dollars must be spent in.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Could Senator Rauschenberger clear that, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Would you repeat the question again, real quick? I'm sorry.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler, would you please repeat your question clearly?

SENATOR BUTLER:

The question is: When the money comes from the university back

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

to the State and before it's -- and when it's reappropriated, is it designated spending? That -- are those funds isolated in any way? Do we know what happens to that money?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, when -- when tuition's collected, it's -- it's collected by the Treasury, and then it's appropriated, or designated, by the -- the General Assembly to spending purposes at the universities. Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Butler, are you done, sir?

SENATOR BUTLER:

Thank you. I -- I think I have my answer. It goes into a -- a common pot, so to speak. So it's lost in the -- in the distribution. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank -- thank you, Madam President and other Members. You know, I don't want to belabor this, but I -- I don't want to make it seem that all-important, you know, this -- this stuff about they're appalled, or if we do this where we're headed with it, you know, the -- the "chicken little" theory that the sky is falling. I don't think it's that big of a thing that we're looking for here. There's 2.7 billion that's still going to be appropriated. We're talking about four hundred million dollars. We just did the whole reorganization. Let them take a look at this. We could always take it back. I know if you're part of Appropriations, and Senator Carroll and Senator Rauschenberger, there may be some thing that we don't want to give up anything that we're -- you know, if we open the door a little bit, why not this agency, why

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

not that agency, but we can look at this in six months or a year, see if they've acted responsibly. I think what they're asking here is very small. I understand we don't want to give up our -- our power, but we still get to overlook 2.7 billion dollars. So if you don't want to give them this little bit, don't give it to them. But let's not act like we're giving away the State of Illinois here and usurping our financial responsibility, because that's not in this bill. And I urge a vote -- a Yes vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Further discussion? Senator Viverito.

SENATOR VIVERITO:

Yes. Would the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will yield.

SENATOR VIVERITO:

I'm really concerned here where I see the opponents are the Comptroller, the Treasurer and the -- the Budget Bureau. Is there something there that I don't know about?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, Senator, I think that their concern centers around the three million dollars or so in interest earned, and not really the effect that this bill has or the policy direction that this bill goes. So, you know, I think those things can be addressed through Senator Rauschenberger's Appropriations Committee.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

The point being, when you, as a sponsor, do not have the cooperation of the people that are responsible for our monies, I would think that you would behoove yourself by listening to them,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

perhaps, and then coming back here with some kind of an agreement that would be more palatable to all of us. And I would vote No on this issue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Mr. Burzynski, to close.

SENATOR BURZYNSKI:

Thank you, Madam President. First of all, this bill has -- has generated a lot of discussion, and it's good discussion and I appreciate that on both sides of the issue, the pros and the cons. I think it's really important to point out that what we're trying to do here is really address a cash-flow situation that exists in many of our State universities. For those of you that are opposed to this bill, I understand that, but I would respectfully urge you to consider when one of the State universities, which might be -- which you might represent or be in your area, Chicago State University, comes to us for a supplemental appropriation, how appropriate that might be when we could have handled it legislatively through this bill. First of all, this bill does streamline the collection process. It really does. It takes care of -- provides for efficiencies for the universities, the Comptroller and the Treasurer's Office. It also allows universities to carry forward income fund balances, allowing for better long-term planning. For those of you who think that State still doesn't -- or, doesn't control them, yes, the State still controls a sizable portion of their allocations - about 2.7 billion dollars. I think that's important to point out. I think, also, that you have to understand that we have oversight of these universities currently through the General Assembly, through the Board of Higher Education, and also by the Audit Commission, which has taken a more proactive role now, as we have the individual governing systems for each university. I would emphasize, in my

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

opinion, these are not State dollars. These are funds that are -- that are contributed by local universities, and therefore, deserve a chance to have -- to stay there. I think it's very appropriate for us to point out it's a good bill. It allows more flexibility with our universities. I would ask and solicit an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 2836 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Had -- have all voted who wished? Have all voted who wished? Take the record. On that question, there are 30 voting Aye, 23 voting Nay, none voting Present. And this bill, having received the required constitutional majority, is declared duly passed. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam Chairperson. Could we see if they're all in their seats, and in the Chamber, and ask for a little verification?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Demuzio has requested a verification. Will all Senators be in their seat? The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Bomke, Bowles, Burzynski, Butler, Cronin, Cullerton, DeAngelis, DeLeo, Dillard, Donahue, Dunn, Farley, Geo-Karis, Hawkinson, Karpziel, Luechtefeld, Mahar, Maitland, Molaro, O'Daniel, Palmer, Peterson, Petka, Raica, Rea, Sieben, Walsh, Watson, Weaver and Woodyard.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Raica.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica. Is Senator Raica here? He's right there. All six feet of him. Who else, Senator Demuzio?

SENATOR DEMUZIO:

I don't want to verify anybody over here. So is anybody over there I should?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I don't think so.

SENATOR DEMUZIO:

What about Senator Walsh? Is he here?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He's standing up strong and tall. Are you done? Are you done, Senator Demuzio? Are you done? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. I -- I didn't -- what did you ask?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you done?

SENATOR DEMUZIO:

No. I was just looking to see all my friends, and I see some are for me and some aren't. And I just was curious as to -- no, I think that's it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On -- on that question, on a verified roll call, the Ayes are 30, the Nays are 23, and the -- this bill, having received the required constitutional majority, is declared duly passed. House Bill 2900. Senator Fitzgerald. We'll read some Committee Reports first. We'll read Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Education Committee - Senate Amendment No. 2 to House

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Bill 1684, Senate Amendment No. 2 to House Bill 2230, and Senate Amendment No. 1 to House Bill 3426; referred to Environment and Energy Committee - House {sic} Amendment No. 3 to House Bill 2515; referred to Local Government and Elections Committee - Senate Amendment No. 1 to House Bill 2695, and Senate Amendment No. 2 to House Bill 3041; Be Approved for Consideration - Senate Amendment No. 1 to House Bill 3670.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Ladies and Gentlemen of the Senate, we're going back to House Bill 2900. Senator Fitzgerald. Madam Secretary, will you read the bill?

ACTING SECRETARY HAWKER:

House Bill 2900.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2900 deals with the Senior Citizens Assessment Freeze Homestead Exemption, and it clarifies that if the applicant for the freeze dies, that his surviving spouse is eligible for the exemption, even if he or she is under sixty-five years of age but otherwise qualifies for the exemption. It clarifies that that surviving spouse will get the exemption for the taxable year preceding and the taxable year after the death of the spouse. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the voting is open. Those in favor, vote Aye. Those opposed will vote Aye. As I said, the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

wished? Madam Secretary, take the roll. On that question, there are 55 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared duly passed. House Bill 2916. Senator Raica. Senator Raica? Out of the record. House Bill 3050. Senator Maitland. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3050.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. House Bill 3050 is a bill that deals with the City of Streator. In 1987 they had entered into a consent decree with the IEPA to upgrade their -- their sewer project, and as a part of this design, as I understand it, they must -- they had to create a -- a first flush basin. And while it was under construction, severe flooding caused this basin to collapse into an abandoned coal mine that no one knew was there, and so they redesigned the project, and -- and in redesigning it, took on a little extra property and found out that they were not -- or did not hold clear title to all the property. To make matters worse, the property that they did not hold clear title to was in -- in bankruptcy. And so what this does is allow for an extension -- a six-month extension and -- and allow for a quick-take deed to allow this first flush basin sanitary system project to proceed. This bill had no opposition in the House. It came out of committee unanimously. I know of no opposition. This is a must-do situation for this city, and I would seek the Body's support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 3050 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 53 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 3057. Senator Klemm? Out of the record. House Bill 3141. Senator Dillard. Madam Secretary, will you please read the bill?

ACTING SECRETARY HAWKER:

House Bill 3141.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 3141 splits the DuPage County Board and our Forest Preserve District into two separate elected entities, and it reduces the size of our county board in the County of DuPage by the corresponding amount of the new forest preserve commissioners that would be elected. This is supported by our local DuPage County Board, and its Chairman, Mr. Gayle Franzen, and I believe there is a mandate back home for this. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Demuzio. Hearing none, the question is, shall House Bill 3141 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? On that question, take the record, Madam Secretary. There

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

are -- there are 45 {sic} (55) voting Aye; there are none voting No; there are none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Thank you, Madam President. On -- on House Bill 2900, I failed to push my button. I would like to have the record reflect that I would have voted Aye, had I been here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The record will be so noted, sir. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you very much, Madam President. I -- I rise on a point of personal privilege to -- to indicate that on House Bill 2697, I am reliably informed that I was shown as voting red, and I -- I, frankly, meant to vote green and I would like the record to so indicate my intent.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The -- the record will so be indicated. Thank you. House Bill 3161. Senator Rauschenberger? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger. Senator Rauschenberger. Try the next. It looks like our voices are out again. So if you'll stand at ease for a few seconds -- few minutes until we get the voices back. I imagine the storm might have something to do with it, because there is a bad one out there. Stand at ease for a few minutes till we correct the mechanics.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I think our electricity is back. And I think we were on House Bill 3161. Are we ready yet? Stand at ease for about another minute or two, please. The electrician's working.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Our electricity is back in order, so we're ready to proceed again. Senator Rauschenberger, you were beginning to expound on your bill, and that's 3161. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, President and Ladies and Gentlemen of the Senate. I -- I don't think I'd yet begun to expound, but I'll try to pick up where I might have left off. House Bill 3161 combines the good work that the Senate did in Senate Bill 1390 and Senate Bill 1391, both of which -- which passed out without any opposition in the Senate. It's a combination of two programs requested by the Environmental Protection Agency. Since both 1390 and 1391 are no longer alive in the House, it's incumbent upon us, hopefully, to move this bill. The bill has two provisions. The first provision creates statutory authority for the Department to enter into an emissions trading system and create a market for emissions

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

reductions, and the second part is the -- is a copy of the Federal XL Program, which allows property owners to enter into bilateral agreements, with the -- with the Environmental Protection Agency to provide cleanup that would be greater than normally required under the permit process. I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall -- oh, I'm so sorry. Senator Jacobs.

SENATOR JACOBS:

It's my fault, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You're right.

SENATOR JACOBS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger indicates he will.

SENATOR JACOBS:

Senator, if my neighbors and I buy one of these surplus agreements, can we burn leaves and preempt the local ordinances?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Jacobs, it depends on whether or not we've passed a mandates amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs. Any further discussion? Any further discussion? Hearing none, the question is, shall Senate -- House Bill 3161 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 52 voting Aye, none voting No, none voting Present, and this bill, having

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

received the required constitutional majority, is hereby declared passed. House Bill 3193. Senator Butler? I'm sorry. House Bill 3165. Senator Mahar. Madam Secretary, will you read the bill?

ACTING SECRETARY HAWKER:

House Bill 3165.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President, Members of the Senate. This bill gives the Department of Nuclear Safety the power to subpoena witnesses to attend and give testimony in administrative proceedings and -- or investigations and to subpoena the production of books, papers or records that are relevant or material to any such administrative proceedings or investigation. This is similar to what other agencies have. Committee Amendment No. 1 is agreed language between the Illinois State Medical Society and the Department of Nuclear Safety. It is a compromise which allows the Department to access the patient and patient records, but restricts access of the patient records after they are in the possession of the Department. There was no opposition in committee, and I'd ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 3165 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 55 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 3193. Senator

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Butler? Out of the record. House Bill 3199. Senator Walsh?
3199? Out of the record. House Bill 3204. Senator O'Malley?
Out of the record. House Bill 3282. Senator Peterson? Madam
Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President and Members of the Senate. House
Bill 3282 amends the Property Tax Code regarding homestead
improvement exemptions, and this does not apply to Cook County.
Under current law, homestead improvement exemption of up to thirty
thousand per year may be taken if a proposed increase in assessed
value is attributable solely to a new improvement of an existing
structure. The amount of the exemption is applicable for the next
four years or the next general assessment, whichever is later. If
an assessment is increased due to an improvement, House Bill 3282
requires the appropriate assessing official to either notify the
taxpayer that he or she may be eligible for the homestead
improvement exemption, or grant it automatically.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will heed it.

SENATOR WELCH:

Senator, how would the notice to the homeowner be made?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Peterson. Senator Peterson.

SENATOR PETERSON:

It could -- as far as I know, it could -- it just says, either notify a taxpayer -- it could be by mail or verbally. I don't believe in the language in the bill it specifies, but they can also do it automatically.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Thank you. I had a -- I had a bill just like this a few years ago, and the objection was raised that the cost of the notification was going to be a problem. What we had worked out was the -- a notice would be on your annual tax bill to the -- to the homeowner. So -- but -- but I think this is a great idea, and I support it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate -- shall -- shall House Bill 3282 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 53 voting Aye, none voting No, none voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. House Bill 3309. Out of the record. House Bill 3348. Out of the record. House Bill 3396. Senator Barkhausen? Out of the record. House Bill 3447. Senator Bomke. House Bill 3447? Senator Bomke. Are you ready? Madam Secretary, will you read the bill?

ACTING SECRETARY HAWKER:

House Bill 3447.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is a voluntary effort to get farmers to do the right thing and protect urban water supplies by establishing a grass strip of sixty-six feet wide along tributaries that feed urban reservoirs in order to filter the water as it leaves a farm field, thus keeping the soil and fertilizers or chemicals on the field and out of the water supply. In -- in an attempt to get farmers to voluntarily do this, their assessed evaluation {sic} would be reduced, and I'd be happy to answer any questions anyone might have.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Woodyard.

SENATOR WOODYARD:

Yes. Thank you, Madam President. Senator Bomke, I -- I certainly support this. I -- I tried to get a question answered this morning and I -- I really don't have an answer for it yet. But, as I understand it, in this bill, it can be a -- a minimum of sixty-six feet wide. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Woodyard.

SENATOR WOODYARD:

Yes. Okay. If it has a -- a minimum width of sixty-six feet, what is the maximum? And what I was trying to get at, could I put a forty-acre field next to a stream into this filter strip and still get a sixth off?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Bomke.

SENATOR BOMKE:

Senator, there is no maximum. Sixty-six feet is the width. That -- it cannot be any less than that, nor can it be more than that and get a tax credit.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. I rise in support of this legislation. I think it's probably one of the better pieces of legislation that came out of here for some times, and not only does it help the farmer, it helps all of our society. You know, as -- as Senator Bomke said, it -- it keeps silt out of our municipal water supplies, out of the road ditches. Also it -- it provides some habitat now -- it would provide habitat for upland game, like quail, and -- and pheasant, and rabbit, and things of this nature, since we've -- did away with all of the hedgerows. And as the federal farm program moves into -- as they phase it out over the next seven years, there'll be a lot of land taking -- put back into production, where we're farming from fencerow to fencerow, and -- and I think there'll be some fragile land. And if we can keep this silt out, it's going to help all of our society, and I would ask for everyone's support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 3447 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, please take the record. On that question, there are 54 voting Aye, none voting No, 1 voting Present, and this bill, having received the required constitutional majority, is hereby declared passed. Now, the next

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

bill is House Bill 3451. Senator Bomke, did you wish to bring that back for -- to 2nd Reading? Senator Bomke seeks leave of the Body to return House Bill 3451 to the Order of 2nd Reading for purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3451. Senator Bomke. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senators Bomke and Luechtefeld.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President. This amendment would allow for a voluntary intergovernment agreement between the Sheriff's Office, Cook County, Department of Corrections and Public Aid, to do a cross-reference and a monthly check to determine how many of those who are incarcerated are receiving a public aid check, in an attempt to get those off the public aid rolls that are incarcerated.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, all those in favor of this amendment, say Aye. All opposed, Nay. The Ayes have it in the opinion of the Chair. The amendment is adopted. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 3455. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3455.

(Secretary reads title of bill)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard, did you wish to recall this bill to 2nd Reading? Senate -- Senator Dillard seeks leave of the -- the Body to return House Bill 3455 for the purpose of tabling an amendment. Is that correct, Senator?

SENATOR DILLARD:

...Madam -- that is correct, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would you make your motion, please?

SENATOR DILLARD:

Having voted on the prevailing side, and also being the sponsor of Amendment No. 1 to House Bill 3455, I would move to table that amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR CULLERTON:

Senator, could you give us a little background as to what the amendment is about and why you're tabling it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard. Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, this amendment was for the Univen Refinery, which is in my particular Senate district, and they wanted the authority where they have an emergency police force or an emergency response team to also be able to eavesdrop. The amendment is -- it's not really controversial, but it may have problems in the House of Representatives across the rotunda. And I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

prefer to take it off so that the bill then will be clean on 3rd Reading, and we're able to pass an eavesdropping bill -- an agreed eavesdropping bill without any baggage on to Governor Edgar either later today or tomorrow. I just want to take this off. It's for an emergency response unit. That's all it is.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, since it deals with an eavesdropping bill -- as I understand, your eavesdropping bill was -- was a -- an attempt to modify the bill that we had passed last year, which I had - if you don't mind me saying - predicted was unconstitutional because it involved more than a single subject, and which was found to be unconstitutional by a judge yesterday. Now, had we known that that law was going to be unconstitutional, we might have had a different attitude in dealing with the interested witnesses and lobbyists, et cetera, with regard to the eavesdropping bill. So I was curious as to whether or not it was your intent to go to a conference committee with an eavesdropping bill in light of the fact that now we have none. There is no eavesdropping law that's operative in the State of Illinois. And to do -- to go to a conference committee on your bill you'd need to have an amendment. So that's why I was just curious. Is it your intention to just try to take this amendment off, pass the eavesdropping bill, which we approved out of committee, even though that there's no eavesdropping law on the books? So that's why I wanted to ask your -- your comment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard.

SENATOR DILLARD:

Senator Cullerton, if the Body so desires or concurs, it's my intent to strip this amendment off, and then pass this bill on 3rd

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Reading as it came over from the House within the next twenty-four hours. But, Senator Cullerton, there is a Senate bill in the House also dealing with the topic of eavesdropping where we can work on other amendments. Obviously, your input is sought, and we can take that Senate bill in the House, make some minor refinements. But with the opinion in the Circuit Court of Cook County yesterday, there are a number of us that feel it's incumbent that we pass a more scaled-down version down to Governor Edgar's desk, have him, hopefully, approve this so that we do have an eavesdropping law of some kind with respect to marketing on the books.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Cullerton? Senator Rea, further discussion?

SENATOR REA:

Thank you. Point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR REA:

I have a graduate student here from Denmark who is visiting the United States and Illinois. He'll be spending a couple months here, and I would like for you to all give him a great welcome to Illinois. His name is...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome to Illinois, from Denmark. Senator Dillard, do you restate your motion again to reconsider the vote? The...

SENATOR DILLARD:

I wish to table House amendment -- or, excuse me, Senate Amendment 1 to House Bill 3455.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. We are voting on the motion to reconsider. All those in favor, please signify by saying Aye. All opposed. In

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

the opinion of the Chair, the Ayes have it. And now to the motion that this bill -- this amendment be tabled. Senator Dillard. All those in favor, say Aye. All opposed, Nay. The Ayes have it, and the -- this amendment is tabled. Any -- any further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 3510. Senator Parker? Madam Secretary, will you read House Bill 3510?

ACTING SECRETARY HAWKER:

House Bill 3510.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the audience. House Bill 3510 amends the Unified -- I'm sorry. Of the Senate, pardon me. House Bill 3510 amends the Unified Code of Corrections to permit a sentencing court to terminate the sentence of an alien offender early if the federal government is prepared to deport the offender and a judge does not feel that deportation would deprecate the seriousness of the offense. This bill does the same as Senate Bill 1746, which passed out of the Senate earlier this Session. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 3510 be passed. And those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 50 voting Aye, none voting No, 3 voting

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 3532. Senator Maitland? Out of the record. House Bill 3546. Senator DeAngelis. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3546.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. House Bill 3546 allows an income tax deduction for unreimbursed home health care costs for those people who are over sixty-five years of age. There's two qualifications. One, the home care has to be delivered by a licensed service; and secondly, it has to be prescribed by a licensed practical nurse or a medical doctor. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Weaver.

SENATOR WEAVER:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, Senator Weaver.

SENATOR WEAVER:

In the gallery right behind me are a group of students - eighth-grade students - from Arcola. I'd like the Senate to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We welcome you here. Thank you for coming to Springfield. Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The sponsor will yield.

SENATOR CULLERTON:

Yes. Senator DeAngelis, is that your fan club up there? The analysis that I have in my computer says that there is no fiscal impact estimated since there has not been a determination of how the deduction would be utilized. Do you have any -- any information as to how this would be utilized and -- and what the cost would be to the State?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

No, Senator Cullerton. But let me just tell you that, you know, in business, there are costs that are costs; some are investments. Hopefully, by the use of home health services, you keep people out of nursing homes and other more expensive facilities.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator? Senator Cullerton.

SENATOR CULLERTON:

Yes. Is there any means test applied to who can utilize this deduction, or could anyone of any income level be able to utilize themselves of the deduction?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

That's a good question, but there is no means test.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Cullerton? Any further discussion?
Senator Raica.

SENATOR RAICA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR RAICA:

I rarely stand up and question anything Senator Weaver has to say, but apparently there's something wrong with this picture, but if we are going to say this is the graduating class -- eighth-grade class, I would like to mention that I would like to congratulate Mrs. Philip, who is part of that graduating eighth-grade class.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Well we certainly congratulate all of you. Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President. Would the sponsor yield for a couple of quick questions?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I think he will.

SENATOR RAUSCHENBERGER:

Senator, is this deduction analogous to the -- the -- the health care insurance deduction that -- that was moved last year when we had the kind of broad-based discussion that Illinois has a flat tax, very simple, with very few deductions and very few credits? Is this roughly the same type of thing?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, we are not altering the tax structure. Yes, in terms of deductions, this is a deduction against your income.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

So, at the same time, again, that the federal government -- our federal -- our federal colleagues are looking at simplification, we're headed down the road of -- of creating deductions and exemptions and credits to a simple flat tax that we have in Illinois?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Rauschenberger, if you're accustomed to paying taxes, and I'm sure you are, you will find out there's quite a few lines after line thirty-two that this can be applied to. There's a lot of space.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

So, did -- we did kind of open a door when we decided that health premiums, perhaps, were deductible and for the -- correct me if I'm wrong, but if, for example, I were to spend a thousand dollars on -- on maintaining myself at home in health services that somehow were to be qualified, that the tax deduction I would get would have a value to me of thirty dollars. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thirty-five dollars, I believe.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Would you -- thirty or thirty-five? Would you -- wouldn't it be thirty dollars with a three-percent tax rate?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR DeANGELIS:

Okay. It's thirty -- thirty bucks.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In -- in closing, I just -- I guess I would caution Members that, again, we're kind of headed down a path here of complicating a flat-rate, simple income tax. Last year we talked about the dangers of allowing health insurance to be deductible, and now we're -- kind of have an undefined group of health services, which may or may not qualify. And the last thing is, keep in mind we do not have an IRS in the State of Illinois; we do not have the capability to do the same kind of auditing the feds do. So when you have complex and not well-defined deductions, you kind of put your Tax Code and your revenue sources at risk. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Any further discussion? Hearing none, do you wish to close, Senator DeAngelis?

SENATOR DeANGELIS:

Well, normally I would not respond to that, but, Senator Rauschenberger, there are qualifications. If you were listening to what I was saying, there had to be two qualifications. And then I don't know what you mean by "complicating" the system. In fact, this morning as I was listening to the radio, the federal government is, at this point, as we speak, voting on a bill that would allow eighty-percent deduction for people who are insuring themselves. Okay? If you're saying complicating means we're not following the federal form, I would agree with you; we're not doing this. But I have to tell you, look at the upside. This would keep people out of facilities that normally will be deductible, and hopefully we keep them in home health care, which is less expensive.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you closing? Are you done?

SENATOR DeANGELIS:

Yes. I...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further... The question is, shall House Bill 3546 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all those who wish to vote voted? Have -- all those in favor will vote Aye. Those opposed will vote Nay. Take the record, Madam Secretary. On that question, there are 53 voting Aye, 2 voting No, none voting zero -- none voting Present, rather. And this -- this bill, having received the required constitutional majority, is hereby declared passed. House Bill 3549. Senator Molaro, for what purpose do you rise, sir?

SENATOR MOLARO:

A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would you state your point of personal privilege, Senator Molaro?

SENATOR MOLARO:

In our illustrious Body today, coming up from Chicago to testify and be part of our process later in Appropriations, is the Clerk of the Circuit Court of Cook County, Aurelia Pucinski.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome, Ms. Pucinski. Aurelia Pucinski. House Bill 3549. Senator Sieben? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3549.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

SENATOR SIEBEN:

Thank you, Madam President and Ladies and Gentlemen of the -- of the Senate. This bill amends the Illinois Lottery Law, and adds some provisions to deal with people who handle fraudulent or false tickets. It also makes some changes regarding the use of the funds; would allow for the transfer of the excess interest fund into the Lottery Fund, which would benefit directly the Common School Fund. Know of no opposition, and I move for the passage of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? The question is, shall House Bill 3549 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 56 voting Aye, none voting No, and none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 3617. Senator Raica, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Raica seeks leave of the Body to return House Bill 3617 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3617. Will you read -- are there any amendments on the Floor?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will you state the amendment, Senator Raica?

SENATOR RAICA:

I will, Madam President. Amendment No. 2 deletes the word "distribution" and adds the word "care". That's all it does. I would just ask for its adoption.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. Is there any further discussion? Hearing none, all those in favor of this amendment, please signify by saying Aye. All opposed, say No. The opinion of the Chair, the Ayes have it. The amendment is adopted. Are there further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate -- House Bill 3625. Senator Fawell? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3625.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. House Bill 3625 is an agreed bill between the State Chamber of Commerce and the IEA {sic} (IEPA). We passed an identical bill over to the House on a 55 to nothing vote. It basically -- what it does is it helps promote mutually agreed resolutions without resorting to litigation when there is a contaminated site. Does not hinder the Attorney General or the State's attorneys from instigating their own enforcement action independent of the IEA {sic} (IEPA), but it is a bill which, hopefully, will stop a lot of litigation. I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 3625 pass. All those in favor, vote Aye. All those opposed will vote Nay. The voting is open.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 57 voting Aye, none voting No, and none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. Senator Philip will now take the microphone.

PRESIDENT PHILIP:

If I could have your attention for one minute, and I'd like to introduce fifty-four lovely, charming, sweet, debonair, suave ladies from the greatest Republican county in America, including my lovely wife, Nancy Louise, and the President of the DuPage County Women's Federation, the largest federation in the State of Illinois, Joan Salvato. So if they would please rise and be recognized by the Senate. And if this is the eighth-grade graduation class, we are in serious trouble. Going to the bottom of page 7. Senate Bill -- House Bill 3637. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3637.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This legislation directs the Department of Revenue to include a statement of the appeal options available to taxpayers, either by law or Department rule, for each penalty for late payment, failure to file a tax return on or before the due date of filing, and failure to file correct information returns. That's all it does, and I'd ask for the passage of the bill.

PRESIDENT PHILIP:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Any further discussion? Any further discussion? If not, Senator Sieben, to close. All right. The question is, shall House Bill 3637 pass. Those in favor of it will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. House Bill 3637, having received the required constitutional majority, is declared passed. ...Bill -- House Bill, excuse me, 3670. Senator Fitzgerald, do you wish this bill to return to 2nd Reading for the purposes of amendment? Senator Fitzgerald seeks leave of the Body to return House Bill 3670 to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading, House Bill 3670. Senator Fitzgerald. Read the amendment, Madam Secretary.

ACTING SECRETARY HAWKER:

Amendment No. 1 to House Bill 3670, offered by Senator Bomke.

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The amendment is in response to the Cook County Circuit Court's holding that P.A. 89-428 is unconstitutional, and although we feel that the Appellate Court will reverse the Circuit Court's decision and hold the Act -- and determine that the Act is constitutional, it's important to offer this legislation to protect our children. The legislation is -- is the same. The pedophile stuff's the same that was contained in Senate Bill 721, including Sex Offender Community Notification Law; allowing for public access to names, addresses, conviction information of persons registered under the Sex Offender Registration Act for sex offenses committed against a child under eighteen, including registration of sex offenders; adds kidnapping and unlawful

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

restraint of a person under eighteen by someone other than a parent to the list of offenses for which registration is required. It includes all the pedophile and child criminal offenses that was contained in Senate Bill 721. Thank you.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

He indicates he will. Senator Cullerton.

SENATOR CULLERTON:

Senator, this bill did not go -- this amendment did not go to the Judiciary Committee, and it's a hundred -- hundred and eighty pages long. Is this amendment identical to the bill -- to that portion of the bill that we passed earlier this year that the judge found to be unconstitutional?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Senator, that -- this portion of the bill is identical. That's correct.

PRESIDENT PHILIP:

Senator Berman. I thought you had concluded. Senator Cullerton.

SENATOR CULLERTON:

Yes. I wanted to see if the sponsor would yield to another question.

PRESIDENT PHILIP:

He indicates he will. Senator Cullerton.

SENATOR CULLERTON:

Senator, I spoke against that bill, specifically because of the problem with the single-subject issue, which was -- as I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

indicated earlier, the -- the judge agreed with the argument. So perhaps we should be careful when we -- when we vote on this bill again, to make sure that there are no other constitutional issues. And -- and I have a question for you. This -- does this amendment apply retroactively to sex offenders who have already been released?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Senator, the initial legislation did not, and does not, take effect until June 1st.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

No. I don't think -- maybe I didn't make it clear. I'm not talking about the -- the effective date of the bill. I'm saying that once the bill becomes effective, does it apply to sexual offenders who have already been released, or is it prospective only?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Why doesn't this thing ever go out when you want it to? Senator, yes, it would be retroactive to those individuals.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, would you like to, as the sponsor of the bill, indicate on the record whether or not you -- you think there's a -- why you don't think there's a constitutional problem? Ex post facto laws that we're passing to -- in other words, someone has already been sentenced, someone has already been released, they've served their

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

sentence. We are telling them that now they have to go and -- and, in effect, register themselves. I can understand if we're going to pass this prospectively, we tell people up front, "If you get charged with this offense, found guilty and released, you have to do this." But what about those people who have already been out, been released? They've been out for ten years, fifteen years, twenty years. They haven't done anything wrong. I'm afraid that you might have a constitutional problem, and I just wanted to know if you want to jeopardize the whole bill with this -- with this Section.

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Thank you. We feel that this is not punishment. It's just merely asking them to -- requiring them to -- to register, therefore not unconstitutional.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you. I have a question of the sponsor.

PRESIDENT PHILIP:

Indicates he'll yield. Senator Berman.

SENATOR BERMAN:

In glancing at this hundred and -- hundred-and-eighty-page amendment, I don't see that it repeals the language that we adopted when we passed the bill that was ruled on in court yesterday or the day before. Is -- is there a repeal of the previous language in this amendment?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Senator, I'm told that LRB indicates that does not have to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

happen.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDENT PHILIP:

State your point.

SENATOR WOODYARD:

In the gallery, to the rear, is St. Paul's School from Danville, Illinois, and one of the young students up there, and I hope I'm not making -- getting you mixed up with the class up here again, is the -- the cousin of Jo Johnson, one of our staff members, by the name of Mark Matayo.

PRESIDENT PHILIP:

Would they please rise and be recognized by the Senate?

Senator Berman.

SENATOR BERMAN:

Thank you. I -- I wasn't finished, but let me -- if Senator Bomke and staff would look at this. I am told that the reason LRB didn't include a repealer of the previous language was on the presumption that if the Judge Jaffe opinion is sustained by the Supreme Court, that would void the previous bill. However -- however, if the Supreme Court doesn't affirm the Jaffe decision, or the Jaffe decision isn't appealed, we've got -- and the Governor signs this, you've got two different Statutes on the books. Would you address that? Why should we have two different Statutes on the books?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I'm told that this happens all the time, and LRB will correct it with an advisory {sic}.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

PRESIDENT PHILIP:

Senator Petka. Senator Petka. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I'm sorry. I was just trying to understand the response. Let me suggest -- let me suggest, and you make the decision, but I'm -- I'm being sincere. I'm not trying to pull your chain on this. I think -- you know, this has been produced overnight, literally. We're going to -- we're going to be here tomorrow. I would suggest that you take a second look, because we ought to repeal the bill we passed. That's why you want to move this one, and I think that that should be added in -- in other language. To repeal a bill is not LRB's function, and if the other case doesn't move or is overturned, you're going to have two different Sections. Now that's -- that's just my respectful suggestion that -- if you want to amend it today, but I really think that you ought to take out the language that was adopted by the bill that was ruled on in court the other day.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Let me inquire of the sponsor, if I might. Senator, I understand what we're doing with this. I'm a little bit concerned also with the issue that Senator Philip has spent a great deal of time on, and -- and one which I support, and that is the LUST Fund. Now, I know that that was part of the other part of the bill that was declared to be unconstitutional because of the subject matter, but do you intend to do anything with the LUST Fund? I mean, there are like fifteen hundred and thirty-six of those individuals that are on this list, and a number of them have been bankrupted and -- and been waiting for their reimbursement. Do you have an amendment also on some other bill that you intend to rectify that particular part of the problem that was ruled

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

unconstitutional, as well?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Senator, I -- that's another subject. However, I -- I concur that is very important, and I understand there is a shell bill in the House that we're attempting to add that particular issue to.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm satisfied with that answer, that the -- and the Gentleman indicates that he'll -- you know, I guess, sponsor the bill when it comes over here to rectify that other part of the problem, because that's a serious problem, as well.

PRESIDENT PHILIP:

Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor, and I apologize if someone else -- if you've answered these questions, because I...

PRESIDENT PHILIP:

He indicates he will yield.

SENATOR COLLINS:

I'm concerned here about confidentiality of -- of minors -- of children, and I'm looking at -- you're talking about children under -- I mean thirteen- and fourteen-year-olds, and even now we have ten-year-olds committing all kinds of crimes. This information -- who -- how will the confidentiality be protected once this information is given to the -- the schools and to all of these -- I mean, what will protect the -- the child, or have this confidentiality somehow we've been giving immunity -- granting immunity or totally against confidentiality in these cases?

PRESIDENT PHILIP:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Bomke.

SENATOR BOMKE:

Senator, this has all been previously debated and acted on by this Body, and overwhelmingly support. The language has not changed. But I would ask, what line and page are you referring to, please?

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

At this point, I mean, I just saw this amendment, and apparently we just -- it's something new that just got -- came out. So I'm not referring to anything, except a staff analysis and what I've heard here from the debate on the Floor, some questions. I'm concerned about what is going to happen to those young children, and whether or not we can do more damage and penalize them, or setting them aside for the rest of their lives once that they have paid for their crimes, and hopefully, we've rehabilitated them once they are incarcerated for whatever offense that they had committed. And are you saying that somehow this amendment allows them to, you know, to -- to report these kids? Does it continue to follow them the rest of their life wherever they go?

PRESIDENT PHILIP:

Senator Bomke.

SENATOR BOMKE:

Senator, this has all been debated. This -- this legislation is no different than it was when we acted on it in November. It's identical. There's nothing different than what we've already acted on.

PRESIDENT PHILIP:

Any further discussion? If not, all those in favor of Amendment No. 1 to House Bill 3670, indicate by saying Aye. Those

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

opposed, Nay. Ayes have it. The amendment is adopted. Are there any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement.

PRESIDENT PHILIP:

Make your announcement.

SENATOR CRONIN:

The -- the Senate Education Committee shall meet in Room 400, immediately upon adjournment. Room 400.

PRESIDENT PHILIP:

Page 10 of today's Calendar, on the Order of Secretary's Desk, Resolutions. Senate Resolution 202. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Resolution 202, offered by Senator Donahue.

There were no committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

Senator Donahue.

SENATOR DONAHUE:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Resolution 202 deals with a situation that is taking place in my district in the County of Cass, in the City of Beardstown. And it deals with Land O' Lakes, a hog confinement that is being located there. Recently, in the construction of their hog lagoon, they struck groundwater, and we have a great deal of concern about the close proximity of the lagoon to the water table. And we are urging the Attorney General to look into this situation and take action to slow the process down or stop

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Land O' Lakes from locating in Cass County, and I would urge the adoption of this resolution.

PRESIDENT PHILIP:

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

SENATOR DONAHUE:

Favorable roll call, please.

PRESIDENT PHILIP:

All right. Senator Donahue's moved the adoption of Senate Resolution 202. Those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The resolution is adopted. Now, I'd like to make two announcements before we come to a close. And on the Secretary's Desk, on the Order of Concurrences, are Senate bills that have come back amended. I hope that everybody would remember to file their motions so we can take those up tomorrow or the first part of next week. Also, evidently there's going to be some maintenance done on our top -- laptop computers. I wish you would leave them here this evening. Please don't take them out of the building. They're going to be working on them. Resolutions.

SECRETARY HARRY:

Senate Resolution 206, offered by Senator Jones and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 207, offered by Senators Donahue and Maitland.

And Senate Joint Resolution 105, offered by Senator Rauschenberger.

They're both substantive.

PRESIDENT PHILIP:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

103rd Legislative Day

May 8, 1996

Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

For a purpose of an announcement.

PRESIDENT PHILIP:

State your announcement.

SENATOR FAWELL:

The Senate Transportation Committee will meet immediately after adjournment in A-1. We have about four amendments. We should get out of there pretty quickly if get over there. Thank you.

PRESIDENT PHILIP:

Senator Mahar, for what purpose do you rise?

SENATOR MAHAR:

Thank you, Mr. President. For the purpose of an announcement. The Senate Environment and Energy Committee will be meeting on the Senate Floor at 3:30.

PRESIDENT PHILIP:

Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. For purposes of an announcement. The Senate -- the Senate Subcommittee on Bills and Amendments scheduled to meet at 1 o'clock will meet immediately following Session here today, and the Appropriations Subcommittee on Revenues will follow us at 4 o'clock in Room 212.

PRESIDENT PHILIP:

Is there any further business to come before the Senate? If not, Senator Mahar moves the Senate stand adjourned till 9 a.m., Thursday, May 9th.

MAY 08, 1996

HB-0346	THIRD READING	PAGE	12
HB-0431	SECOND READING	PAGE	6
HB-0545	SECOND READING	PAGE	4
HB-0548	SECOND READING	PAGE	4
HB-0739	THIRD READING	PAGE	13
HB-0739	OUT OF RECORD	PAGE	14
HB-0885	SECOND READING	PAGE	6
HB-1056	THIRD READING	PAGE	14
HB-1249	RECALLED	PAGE	14
HB-1290	THIRD READING	PAGE	15
HB-1645	THIRD READING	PAGE	21
HB-1645	OTHER	PAGE	40
HB-1798	THIRD READING	PAGE	28
HB-2206	SECOND READING	PAGE	7
HB-2230	SECOND READING	PAGE	7
HB-2516	THIRD READING	PAGE	28
HB-2571	THIRD READING	PAGE	29
HB-2593	SECOND READING	PAGE	8
HB-2621	RECALLED	PAGE	32
HB-2695	SECOND READING	PAGE	8
HB-2697	THIRD READING	PAGE	33
HB-2697	OTHER	PAGE	67
HB-2703	SECOND READING	PAGE	8
HB-2725	THIRD READING	PAGE	34
HB-2794	SECOND READING	PAGE	8
HB-2836	THIRD READING	PAGE	44
HB-2860	SECOND READING	PAGE	8
HB-2900	THIRD READING	PAGE	64
HB-2900	OTHER	PAGE	67
HB-3041	SECOND READING	PAGE	9
HB-3048	SECOND READING	PAGE	9
HB-3050	THIRD READING	PAGE	65
HB-3141	THIRD READING	PAGE	66
HB-3161	THIRD READING	PAGE	67
HB-3165	THIRD READING	PAGE	70
HB-3166	SECOND READING	PAGE	9
HB-3167	SECOND READING	PAGE	10
HB-3282	THIRD READING	PAGE	71
HB-3436	SECOND READING	PAGE	10
HB-3447	THIRD READING	PAGE	72
HB-3451	RECALLED	PAGE	75
HB-3455	RECALLED	PAGE	75
HB-3510	THIRD READING	PAGE	79
HB-3546	THIRD READING	PAGE	80
HB-3548	SECOND READING	PAGE	10
HB-3549	THIRD READING	PAGE	85
HB-3617	RECALLED	PAGE	86
HB-3625	THIRD READING	PAGE	87
HB-3637	THIRD READING	PAGE	88
HB-3658	SECOND READING	PAGE	11
HB-3662	SECOND READING	PAGE	11
HB-3670	RECALLED	PAGE	89
SR-0202	ADOPTED	PAGE	97
SR-0205	RESOLUTION OFFERED	PAGE	3
SR-0206	RESOLUTION OFFERED	PAGE	98
SR-0207	RESOLUTION OFFERED	PAGE	98
HJR-0102	RESOLUTION OFFERED	PAGE	3
SJR-0105	RESOLUTION OFFERED	PAGE	98

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-PASTOR TED GALL	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1

REPORT: TIFLDAY
PAGE: 002

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

96/10/07
13:44:24

MAY 08, 1996

SUBJECT MATTER

JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
INTRODUCTION OF GUEST-SENATOR FAWELL	PAGE	2
GUEST SPEAKER-MISS IL 1995 TRACY HAYES	PAGE	2
MESSAGES FROM THE HOUSE	PAGE	2
COMMITTEE REPORTS	PAGE	63
SENATE STANDS AT EASE	PAGE	68
SENATE RECONVENES	PAGE	68
SENATE STANDS AT EASE	PAGE	68
SENATE RECONVENES	PAGE	68
ADJOURNMENT	PAGE	99