

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks and will our guests in the galleries please rise. Our prayer today will be given by the Reverend Rita Nafzinger, Wesley United Methodist Church, Springfield, Illinois. Reverend Nafzinger.

THE REVEREND RITA NAFZINGER:

(Prayer by the Reverend Rita Nafzinger)

PRESIDENT PHILIP:

We'll have the Pledge of Allegiance from Senator Sieben. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Mr. Secretary, Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, November 1st; Thursday, November 2nd; and Friday, November 3rd, 1995.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

A Message from the Secretary of State.

To the Honorable Members of the Senate, 89th General Assembly - I have nominated and appointed the following named person to the office enumerated below and respectfully ask

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

concurrence in and confirmation of this appointment by your honorable Body:

Commissioner of the Merit Commission for the Office of Secretary of State.

Respectfully, George H. Ryan, Secretary of State. Dated November 7th, 1995.

Another Message from the Secretary of State.

To the Honorable Members of the Senate, 89th General Assembly - I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your honorable Body.

Respectfully, George H. Ryan, Secretary of State. Dated November 7th, 1995.

PRESIDENT PHILIP:

Senator Burzynski, for what purpose do you arise?

SENATOR BURZYNSKI:

Mr. President, I move to suspend Senate Rule 10-1(b) in order to allow the Senate Executive Appointments Committee to consider in today's posted meeting the Message just read by the Secretary.

PRESIDENT PHILIP:

All those in favor, signify by saying Aye. Those opposed, Nay. The motion is -- carries. Senator Shadid, for what purpose do you arise?

SENATOR SHADID:

Mr. President, I rise as a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

I'm pleased to have joining us today, in the Senate Gallery right behind me, one of my constituents, Kathleen Logsdon, from Peoria Heights, and also Anne Bertel, from Paris, France - not to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

be confused with Paris, Illinois. I'd like to have us welcome them.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate. Resolutions.

SECRETARY HARRY:

Senate Resolution 119, offered by Senator Shaw and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Joint -- or Senate Resolution 120, offered by Senator Watson.

And Senate Resolution 121, offered by Senator Jacobs.

Along with Senate Joint Resolution 69, offered by Senator Berman.

They're all substantive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Introduction of Bills, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1239, offered by Senators Cronin and Philip.

(Secretary reads title of bill)

And Senate Bill 1240, also offered by Senators Cronin and Philip.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

SECRETARY HARRY:

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Amendment 3 to House Bill 965 Be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Adopted.

And Senator Karpel, Chair of the Committee on Executive, reports House Joint Resolution 38 Be Adopted, as Amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Could we have a little less convivial conversation? It's the intent of the Chair to go to page 4 of today's Calendar. Page 4 of today's Calendar is the Order of Motions in Writing, Accept Specific Recommendations for Change. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1070, in manner and form as follows:

Amendment to House Bill 1070

in Acceptance of Governor's Recommendations

Offered by Senator Petka.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We need your undivided attention. There's a motion in writing to accept special <sic> recommendation for change on House Bill 1070. Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. The Governor, in his -- when he amendatorily vetoed this legislation, added a technical correction which permitted a municipality to -- in addition to collecting land, also to collect moneys and enforce an annexation agreement. There were questions that were raised when this bill was presented a couple of weeks ago. Those people who had questions have had them satisfactorily answered. I would move for acceptance of the amendatory veto.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka has moved to accept the specific recommendations of the Governor as to House Bill 1070. Any discussion? Any -- any discussion? Hearing none, the question is, shall the Senate

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

accept the specific recommendations of the Governor as to House Bill 1070, in the manner and form just stated by Senator Petka. Those in favor, vote Aye. Those opposed, vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Madam Secretary, take the record. On this question, there are 54 Yeas, none voting No, 1 voting Present. And the specific recommendations of the Governor as to House Bill 1070, having been received -- having received the required constitutional majority vote of the Senators elected, are hereby declared accepted. House Bill 1202, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1202, in manner and form as follows:

Amendment to House Bill 1202

in Acceptance of Governor's Recommendations

Offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Woodyard. Just a moment, Senator Woodyard. Ladies and Gentlemen of the Senate, I wonder if I could appeal to you to give us a little bit more of your attention. We're passing bills here that are important to the State of Illinois and to the people of Illinois. May I please have your attention. Senator Woodyard. Senator Woodyard wants the bill out of the record. House Bill 1267. Senator Dunn -- Donahue. I'm sorry. Senator Donahue. House Bill 1267. Out of the record? Did you want this out of the record or are you ready to proceed? Out of the record. Senate Bill -- I mean, House Bill 2465. Senator Watson. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2465, in manner and form as follows:

Amendment to House Bill 2465

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

in Acceptance of Governor's Recommendations
Offered by Senator Watson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This is the Welfare Reform Task Force that passed this General Assembly. The Task Force will be appointed by Legislative Leaders and the Governor. The Governor amendatorily vetoed this, asking for more public membership, and he also wants to appoint the chairman. He is increasing the membership from three to six members of the public, appointment by the Governor, and he also asks for the appointment of the chairman. Be glad to answer any questions; otherwise, I would appreciate the support of the Body.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson has moved to accept the specific recommendations of the Governor as to House Bill 2465. Is there any discussion? Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

I'm sorry, Madam President. I could hear on this side. I couldn't hear on the other side. If Senator Watson would please, again, indicate for the record the recommendations that the Governor is making. I thought I also heard him say something to the effect that the Governor wishes to make the appointment himself to the Task Force. Perhaps you might spend a moment and run us back through that again, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

May we please give Senator Watson your attention, to respond.
Senator Watson.

SENATOR WATSON:

Yes. Thank you. The Governor wishes to appoint the chairman of the Task Force and he wants to increase his appointments from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

three to six members.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, in a situation where the Legislature creates the task force, it -- is it -- is this precedent, whereby the Governor wishes to accept -- wishes to appoint the chairperson?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

No. This is not unusual at all.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, did the Governor indicate to you why he wanted to have the sole authority and prerogative of appointing the chairman to this particular Task Force? And do we know...(microphone cutoff)...rationale is behind his wanting to do this?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, the Governor just felt that there should be a chairman appointed, and he felt that he should be the one making that appointment, which I have no problem with.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess it's usual, ordinary and customary to have a chairman, but in this particular instance he wanted one and then he wanted also to have some authority over the direction that the Task Force would take. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Senator Watson.

SENATOR WATSON:

Well, I would assume that would be the case. Yes. He's asking for an additional number of members to be appointed by the Governor and he's asking to appoint the chairman. That's the third time I think I've said it, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Then, how many members do the Senate President, the Speaker, and the Minority Leaders now appoint, versus the number of appointments that is commanded by the Governor in his amendatory veto?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. The President of the Senate has two; the Speaker of the House has two; and the Minority Leader in each respective Chamber has one.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you finished, Senator Demuzio? Senator Demuzio.

SENATOR DEMUZIO:

We -- we in a hurry, going somewhere? How many appointments does that give the Governor now?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

The original bill called for three and now we're going to increase that to six.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Welch. Senator Welch, any further discussion?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

SENATOR WELCH:

Yes. I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR WELCH:

Senator Watson, I thought that the Governor had a welfare reform...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Can we have your attention, please? Senator Watson is -- is willing to yield to your question. Go ahead, please.

SENATOR WELCH:

Am I -- thank you. Senator Watson, I was under the impression the Governor already had a welfare reform proposal and he sent a request for waivers in to the federal government. Is this going to be a redundant committee, or is this going to do something different than what the Governor has already labeled "welfare reform"?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. You're quite correct. We did have several pieces of legislation that passed here that did ultimately go to Washington and we did get waivers on. There's still some Medicaid issues that remain. But this is a -- an entity by which I think we need to -- ongoing dialogue on what we want to do in regard to Medicaid changes and -- and this -- or, Medicaid and welfare changes, and this is the approach we want to use - is to come up with a task force to -- to make those recommendations.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Thank you. So, the Governor is -- is getting -- is shying

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

away from his previous proposal? Is that -- is that what you're saying?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

No, not at all. That has -- that previous legislation that passed and the legislation that's still before HCFA for review and hopeful waiver has nothing to do with his approach and his action on this particular piece of legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Is -- is this Task Force going to be focusing on putting people to work, as opposed to just getting them off the public dole? Is that going to be the purpose of this Task Force?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, as you recall, we -- part of the legislative reform and welfare reform that we passed here include the expiring of the program called Family with Children -- with Dependent Children Program <sic>. We expire that on January 1st, 1999. If we are going to - I believe - put in a responsible replacement, a task force such as this is necessary to come up with the recommendations.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch. Senator Berman.

SENATOR BERMAN:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR BERMAN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Could you tell me what the division was, assuming that the Speaker and the President appoint Republicans and the Governor appoints Republicans, before and after the amendatory veto? How many Republicans on this Task Force and how many Democrats, and how many Republicans and Democrats after the amendatory veto?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, the -- the Senate President appoints two, Speaker of the House appoints two, for a total of four. I would assume that both those individuals would appoint partisan individuals for a total of four.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

No. No. Let me finish. That's four from the Legislature before the amendatory veto. How many did the Governor have before the amendatory veto?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Three.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

All right. So that before the amendatory veto there were seven Republicans and two Democrats. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

No, that's not correct, Senator. There will be four Republicans, two appointed by the Senate President, two appointed

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

by the Speaker of the House. Those of us who have witnessed some of the appointments by the Second Floor recognize the fact that there's no guarantee what political persuasion they may be.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Berman.

SENATOR BERMAN:

All right. Let me -- let me state it again. Assuming hypothetically - a rash hypothetical - that the people that the Governor appoints are Republicans. Okay? Just -- Let's use that rash hypothetical for just a minute. Before and after, I'd like a comparison so I know what I'm voting on from a partisan point of view. What were the number of Republicans before the amendatory veto? How many -- and what was the number of Democrats before the amendatory veto? After the amendatory veto, how many Republicans and how many Democrats?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Assuming that each -- President of the Senate and the Speaker of the House each appoint two Republicans, that's a total of four. The Governor then had three appointments and that will go to six. No guarantee, obviously, or no requirement that they have to be of any partisan nature. And reflecting again on -- on his involvement in such things in the past, I would suggest he will -- he will appoint the best people possible, regardless of partisan politics.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman, can you come to a close?

SENATOR BERMAN:

And -- and under both, before the amendatory veto and after, the Minority Leader in each House has one appointment. Is that correct?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

All right. On -- on the issue, Ladies and Gentlemen of the Senate: I think that before the amendatory veto we had a Task Force that hypothetically - and I don't think it's too rash of a hypothetical - would have had seven Republicans and two Democrats, based upon who was appointing these people. We are now going to have ten Republicans and two Democrats. And even if the Governor is bipartisan, you have anything but a fairly representative commission -- Task Force as a result of this. I would just suggest that we don't need a Task Force; you don't need all of this. Decide this in your own caucus and save the taxpayers a lot of money. I'd suggest everybody on this side of the aisle at least vote No.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR WATSON:

Well, first of all, Madam President, I just -- just for your own information, one of the individuals that I've worked closely with from my district on the issue of welfare reform is a gentleman by the name of Larry Williams. Larry Williams comes from Marion County, and Larry Williams is a Democrat. And Larry Williams, from Frank Watson, has been -- I have recommended that Larry Williams be appointed to this Task Force - a Democrat. This is not a partisan issue. So we have to do the responsible thing, Madam President. We passed legislation which was granted by the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

federal government, a waiver to totally do away with the program of AFDC by January 1st, 1999. For us to replace that with, I think, a workable solution and one that will solve the problem of welfare reform and welfare-to-work concept, a task force such as this is vitally important. The Governor concurs with that. The Governor has asked for more consideration. I agree with the Governor, and I hope you will also. And I ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson has moved to accept the specific recommendations of House Bill 2465. The question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2465, in the manner and form just stated by Senator Watson. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 28 Ayes, 15 Nays and 11 voting Present. And this motion fails. Senator Donahue, were you ready to go to House Bill 1267?

SENATOR DONAHUE:

Yes -- yes, Madam President. I would appreciate that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. Madam Secretary, will you read House Bill 1267?

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1267, in manner and form as follows:

Amendment to House Bill 1267

in Acceptance of Governor's Recommendations

Offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Donahue has moved to accept the specific recommendations of the Governor as to House Bill 1267. Any discussion? Any discussion? Any discussion? Hearing none, the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1267, in the manner and form just stated by Senator Donahue. Those in favor will vote Aye. Those in favor -- opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 voting Aye, none voting No, none voting Present. The specific recommendations of the Governor as to House Bill 1267, having received the required constitutional majority of the vote of the Senators elected, are hereby declared accepted. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR PHILIP:

Senator Klemm is not here today. He's had pneumonia. I've been led to believe he's going to be out of the hospital sometime today. He's hoping. And so I'd like to have the record indicate that. And secondly, Senator Cronin is home ill today and hopefully will be here tomorrow. I'd wish the record to indicate that. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The record will so reflect. Thank you, Senator. On the middle of page 4 of today's Calendar is the Order of Motions in Writing to Override Specific Recommendations for Change. Madam Secretary, call House Bill 1149. Will you read the motion?

ACTING SECRETARY HAWKER:

I move -- I move that House Bill 1149 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Offered by Senator Hawkinson.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. House Bill 1149, which is cosponsored in the Senate by Senators Karpziel, Maitland, Jacobs and Shadid and myself, was a bill which tried to provide equity between Illinois sellers of natural gas and -- and non-Illinois sellers of natural gas. Right now if an Illinois customer purchases that gas in Illinois, that school district or that business has to pay a tax. If they -- if they purchase their gas from a non-Illinois seller however, they are exempt from the tax. House Bill 1149 tried to correct that inequity by providing that if a customer who's now getting the exemption from an out-of-state seller switches and buys from an Illinois seller, they will not be subject to the tax. The Governor, in his amendatory veto, switched this a hundred and eighty degrees and instead of providing a continued exemption from the tax, provided for a new tax and would have taxed those out-of-state purchasers based on a use tax basis. The sponsors of the bill didn't feel that we wanted to impose a new tax on Illinois school districts and Illinois businesses, so the House two weeks ago overrode the amendatory veto by a vote, I believe, of 112 to 1. This bill initially passed in the Senate 55 Ayes, no Nays and 3 votes Present. And I would move that House Bill 1149 do pass, the specific recommendations of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are there -- is there any discussion? Any discussion? Senator -- Senator Hawkinson has moved that House Bill 1149 pass, the specific recommendations of the Governor to the contrary notwithstanding. Any discussion? Senator Fawell. Discussion? Senator Lauzen.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

SENATOR LAUZEN:

Thank you, Madam President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR LAUZEN:

My impression is that the situation if -- if -- if this veto is not overridden, that the -- it's -- it's going to be the original bill that passes. Is that right?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

No -- no, Senator. The House has already overridden the veto. So if we fail to override the amendatory changes, the bill itself will die.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

The -- the action that you want us to take, is that going to create a situation where the large gas purchasers are going to be next to the small gas purchasers, but because the larger ones went out and bought gas out of State, that they'll have a five-percent sales tax competitive advantage in their sales tax? I mean, won't this create -- won't -- if the original bill stands, won't the large buyers of natural gas have a five-percent competitive advantage given by this series of -- legislation?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

They do now under existing law. If they have gone out of State, they have the -- the advantage of being free from -- from the tax. This would say that if they switch back and buy from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Illinois companies, their tax situation won't change. But right now there's -- that inequity exists right now.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

However, I think -- let's see, I -- I point out that there's also the additional expenses of going out of State to purchase that -- that gas. And if I'm not mistaken - and I'd ask you for your opinion - the reason why the Governor has amendatorily vetoed this is to put the large and the small buyers of natural gas on the same level playing field. Now, I realize that the approach that he took was to raise the tax on one, but doesn't that -- if we sustain the veto, won't that make it a level playing field that will make all of us miserable? And it would be my intention to follow up with a bill that would take the tax so that it's applied evenly across the entire. But wouldn't it have that effect if we sustain the veto? Won't it be a level playing field?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

No. And the reason is because the House has already taken the action to override, and I -- I could be wrong. For it to happen, we would have to accept his changes and the House would have to accept them as well, and I don't see that happening.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

One final question. Is it your understanding that the intention of the veto, irrespective of what occurred in the House, is to put back in place even taxation of the large buyers and the small buyers?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Senator Hawkinson.

SENATOR HAWKINSON:

The effect of it would be to make it even by raising taxes on school districts or -- or businesses. That is correct. It would be even, but it'd be a tax increase. And that had absolutely no support in the House and I would hope it has little in the Senate as well.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR PALMER:

Senator Hawkinson, I understood what you were saying about the technicalities of the House and the Senate. But I just wanted to ask a basic question, because the argument that I am getting is that this is passed on to the consumer. Is there any significant difference right now with the price - the cost to the consumer - of gas companies going outside Illinois to purchase? The argument is that if you -- if you buy it outside Illinois, it's cheaper to the consumer. Is that true? I don't see any significant difference in the cost to the consumer.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

The consumers I think we're talking about are the school districts, the businesses who are buying out of State. I don't think you or I or -- or other homeowners are getting any break or -- or bearing any costs because of this. But what's happening is that some of our school districts, some of our manufacturing plants and other businesses are buying outside of Illinois instead

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

of inside of Illinois because they can take advantage of this tax break that is presently in the law, and so there's a disincentive to buy from Illinois companies at the present time. If we override the changes, those customers can buy from Illinois sellers, as well from out-of-state sellers, without suffering that disincentive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

Is there any winner in this when it comes to realizing some savings or some break - tax break?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

The -- the winners will be the large buyers and, indirectly, the Illinois sellers of natural gas, because they will be able to get the same price by buying in State that they can now get going out of State.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR FAWELL:

Right now are the consumers that are using the out-of-state gas, do they include such things as the University of Illinois, Cook County Hospital, the Catholic Church - Chicago Diocese, McDonald's? Are those all out-of-state consumers that under the override would now start buying Illinois gas?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

SENATOR HAWKINSON:

I don't know the answer to that, Senator. I think you may have even mentioned that in the original debate this spring on the bill, but I don't know that as a fact.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

This bill originally came through years ago through the Local Government Committee, because our former Senator Dawn Clark Netsch couldn't get it through her own Revenue Committee the way the Governor wrote it. The override is a good idea. Unless you want to have the -- the Catholic Church come down on you - and I don't happen to be Catholic - or the Cook County Hospital, or the University of Illinois, or the John Deere Company, or McDonald's Company, or several other companies come down on you, I would suggest you vote for the override.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You're welcome.

SENATOR WELCH:

Senator Hawkinson, how much money are -- is the State currently losing because of the existing ability to buy gas at the wellhead?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

I -- I don't know the answer to that, Senator. The -- the sheet that I had originally by the proponents indicated that presently thirty-five to forty percent of natural gas used in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Illinois is purchased from an out-of-state source. But I don't know how that translates into dollars.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

Senator Hawkinson, does this apply to everybody who is buying gas out of State - gas at the wellhead - as of March 1, '95, or is it limited to businesses?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

No. I believe it's anybody who had contractually obligated on or before March 1st, 1995.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Senator Hawkinson, have you looked into the possibility that this is unconstitutional as being a bill that's designed specifically for a group of individuals who are in a category by themselves? It seems to me there's some question as to why those who were fortunate enough before March 1st of this year to buy gas out of State suddenly get a tax break, and the company next door, or us individual consumers, have to continue to paying the tax. It doesn't seem like a fair delineation between the groups.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

The Governor suggested that in his suggested amendatory veto. I have not obtained an opinion on that, but again it's a matter of who you're comparing, too. The comparison you just made, I suggest, is not the valid one, because these folks are now getting the same tax break, only they're doing it by buying from

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

out-of-state, non-Illinois suppliers. They will continue, if they purchase from Illinois suppliers, to get the same tax break they're getting now. So I don't think it's unconstitutional. I don't think it's giving any tax break they're not giving now. It is, however, putting the Illinois suppliers on an equal footing with their competitors out of State, and that's the intention.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Currently, if you buy gas from Oklahoma or Texas - if you buy it at the wellhead - you have to pay a transportation fee to bring it to Illinois, is my understanding. Is that transportation, using a -- a gas pipeline to Illinois, is that taxed? Does the State make any revenue from that? Do you know?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

I don't know the answer to that question, Senator. I'm sure there are some costs, as indicated by Senator Lauzen, to buying out of State. And to the degree that it is more expensive for other -- other non-tax reasons, this would be an additional advantage to Illinois suppliers.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you done, Senator Welch? Good. Senator -- Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I just stand in strong support of the attempt to override. I think it puts us on an even playing field, something that I think that we have to be very cognizant of. And I ask the Members of this side of the aisle to vote Aye.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Any further discussion? Any further discussion? Hearing none, Senator -- the question is, shall House Bill 1149 pass, the specific recommendations of the Governor to the contrary withstanding <sic>. 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 Yeas, none -- 4 Nays, none voting Present. And the -- this bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Agriculture and Conservation Committee - Senate Amendment No. 5 to House Bill 965; referred to the Education Committee - Senate Bills 1239 and 1240; the following bills are, pursuant to Senate Rule 3-9(b), exempt from the automatic re-referral provision of that rule - Senate Bills 1239 and 1240; Be Approved for Consideration - Conference Committee Report No. 1 to Senate Bill 721, and House Bill 2251.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

...going to go to page 2 of today's Calendar on the Order of House Bills 3rd Reading. Senator Maitland, on House Bill 820? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 820.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Well, thank you very much, Madam President and Members of the Senate. House Bill 820, as amended in the Senate, expands the Student Assistance Commission's authority to originate student loans so that the Commission's loan activities no longer are restricted only to -- to federally reinsured student loans. The legislation would allow ISAC to design and market alternative or supplemental student loan programs for postsecondary students. Alternative or supplemental student loans typically are for students, many enrolled in graduate schools, who need loan assistance beyond the amounts available through the traditional federal student loan programs authorized by Congress. There is a phenomenon taking place right now, as most of you know, where -- where the availability of federal student loans are -- are being reduced dramatically, and this give -- gives ISAC a chance to move into the secondary market in Illinois, utilize Illinois banks, and provide for loans to students who qualify - and they are responsible for these loans - and actually gain access to -- for more students to entrance into -- into college. I would be happy, Madam President, to respond to any questions the Body might have; otherwise would seek support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Questions of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR BERMAN:

Are Illinois taxpayers, in any way, adversely affected by the provisions of this legislation?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

No, Senator Berman. The source of revenue is refinancing of ISAC revenue bonds. State law already specifies that ISAC revenue bonds do not constitute debt of the State of Illinois. There is no full faith and credit of the State behind these ISAC bonds.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

If the Illinois taxpayers aren't at risk, who will be at risk?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Senator Berman, as with any revenue bond, the purchasers of the bonds undertake a certain degree of risk in exchange for a designated rate of return on their investment. Investment investors are at risk, frankly, not the State of Illinois.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I wanted those questions and answers to be a part of the record. I think it's important that with the answers that Senator Maitland has given us and with what we see may be happening in Washington, that we give the Illinois Student Assistance Commission as much flexibility as possible to provide resources for our young people to enter higher education opportunities, and I stand in support of House Bill 820.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman -- I mean, Senator Palmer. Sorry.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he will yield.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

SENATOR PALMER:

Senator Maitland, I'm just curious why the part of the bill - the original bill - was removed that would have allowed female minority applicants to use money left over that male minority applicants did not use for scholarships.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Senator Palmer, I don't -- I don't know for sure. I know this is an ISAC initiative. There is some need and necessity to move this bill in this form this fall so that it can become a part of the financing mechanisms in the student loan portfolios for the coming year. And exactly what all that reason was, I don't know. It was done before I got the bill here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

Yes. Thank you, again. I'm concerned that that's not part of the bill, but at the same time, I certainly support this effort. Having worked with graduate students, I know how very important it is; that you often come to the end of your money before you come to the end of your schooling. And I think this is extremely important, that that flexibility be allowed to ISAC. But I certainly would hope that the -- this other part, we'll revisit that because it certainly makes sense to me.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you. Senator Palmer just closed. The last sentence said exactly what I wanted to say. However, Senator, I don't think that we should forget about the original intent of this legislation, and I think that's what has happened here. The

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

original -- which I am the original sponsor of the bill and I worked with the Governor's Office and for some amendments, and as a matter of fact, I did sponsor, when we expanded it to include women and other minorities. But the original intent, Senator, was to provide for -- to ensure that there were some role models in the African-American communities, because what had happened, so many of the families have been headed by female-headed households and then when the students go into schools, they find themselves, again, never having a very positive male role model because of a very serious shortage of African-American male teachers in the school system. So I -- I hope that we will come back and look at that, because it -- it was far more than just providing for scholarships to -- to increase teachers. It was specifically designed that it would serve a twofold purpose and that we would have the -- the strong male role models in the schools due to the absence of those in the home. So I would just hope we would do -- come back and visit that -- revisit it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR MAITLAND:

Thank you, Madam President. I respect the two speakers and their areas of concern, and we will revisit that. And I -- I pledge that to you. Madam President, I would seek a positive vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 820 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? Take the record, Madam Secretary. On that question, there are 56 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

is hereby declared duly passed. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR FITZGERALD:

Yes. Madam President, I wanted to state for the record that on House Bill 1149, I intended to vote for the veto override and I mistakenly pressed a button against it. So I just wanted to correct the record. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The record will so note. House Bill 854. Senator Sieben. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 854.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. This legislation has been amended and it no longer deals with the GED testing of -- for age seventeen-year-olds. We did add Amendment No. 3 and No. 4 in the Education Committee. And Amendment No. 3 deletes the previous provision that you see stated on the -- the tote board up there. The two provisions in the bill now: the first of which deals with validating the Bureau Valley School District that the voters approved for consolidation last November; the second provision adds some technical cleanup language to deal with ballot forms in the election of at-large school board members. I know of no opposition to this bill and I would ask for an Aye vote.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 854 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. 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. That bill having received three-fifths majority. House Bill 1461. Senator Watson? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1461.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This legislation has absolutely nothing to do with what's up on the board. It -- the amendment struck everything after the enacting clause and added three provisions. The first provision was a provision which involves TIF districts in Cook County and allows those -- those local units of government impacted by the TIF district legislation, that once that district is dissolved, that property then -- that property value will then become part of the assessed valuation. This is just a glitch, from what I understand, in regard to the Sears campus in Hoffman Estates. And this bill has passed several times, but unfortunately has not met -- met the Governor's desk at this point. Second provision involves language coming from the Department of Revenue, and it changes language to comply with the current law which is -- allows a taxpayer that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

needs to respond to the Department without penalty thirty days instead of twenty-one days. So this puts it in compliance with current law. The last provision comes to us from those of us who represent the Metro East area and involves a sales tax provision of the Metro East Mass Transit District. They are allowed to impose a .25 sales tax rate on sales within the Mass Transit District. By referendum, the Board allowed that increase to go to .75. That increase has had a negative impact obviously, or could very well have a negative impact on the sale of automobiles in that area - large ticket items. This legislation allows the exemption of titled property from that higher rate, thus impacting positively the -- the new car and used car sales that take place in that particular district. This would then allow the Mass Transit District to impose a twenty-dollar fee - transfer fee - to be collected by the Mass Transit District to help offset the revenue that's lost due to this provision. The Department of Revenue has no problem with this. We've met -- those of us, again, who represent the Metro East area met with the new car dealers, the Mayor of Belleville, the Mass Transit District, the president of the Saint Clair County Board and others to discuss this, and this is the agreement we've come up with.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

I'd just like to make a statement, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR CLAYBORNE:

And that is that this was a bipartisan effort that was worked out by all of the legislators in that area, in the Mass Transit District, as well as for the benefit of the automobile dealers, to make sure that the Light Rail expansion continue.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Raica. Senator Raica.

SENATOR RAICA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR RAICA:

Senator Watson, is there a bill in Rules currently that -- it's a House bill that would allow car dealerships within Cook County to have the State of Illinois collect fees versus fees collected by Cook County? And the concern about that is that they would be losing money from Cook County and that money would be going to DuPage County. And if we're doing this for the people in your community or the car dealerships, why wouldn't we be doing this for the car dealerships in Cook County? My understanding is that -- I mean, I think what's fair is fair, and I would hate to see the car dealerships in Cook County not be able to have their bill heard, and we're attempting to assist the car dealerships within your county.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, first of all, the tax, I guess, was imposed by a home rule unit, which we are not a home rule unit. And that is a use tax that you have in your area. Our area is not a use tax. What happens is, if I, living in Greenville, go into the Belleville area to buy a car, I will pay that tax. That is the -- that is the retail occupational tax. A use tax I would not have to pay. And that's the -- that's the issue that you're referring to. This is totally different. This is -- the whole issue in this area is totally different than those districts that are imposed in a -- what would be considered a home rule area. Now, as far as where

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

that legislation is, Senator, I really -- I don't know.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica. Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. First of all, you know, I recognize the value of the bipartisan cooperation that produced this bill and I certainly respect the sponsor. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will yield.

SENATOR LAUZEN:

The first question would be: Didn't the car dealers -- weren't they part -- didn't they participate in the referendum that took place to increase the taxes to pay for the Metro East Mass Transit District in the first place?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

I -- I honestly don't know at what level of participation they were involved. I -- I would assume they were, but I don't have any idea.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Okay. I would agree with you, of course, that they were part of the process to pass a referendum or to defeat a referendum in their area. In this case, the decision of all the people in that area was that they should have the increased tax. Do you anticipate providing any tax relief from sales taxes for other large-ticket retailers, people like the jewelers or the furniture store sales people?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Senator Watson.

SENATOR WATSON:

Well, those -- those people have not asked for relief at this point, and the reason we made it titled was it -- it was easily identified. We can identify titled sales much easier than we can those sales that would not require a title. So that's the reason we did this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Right now I won't ask for a reply of, if the jewelry and other large retailers come by asking for relief from what the voters passed, whether you would support that and sponsor that also. But when we give relief -- when we let the car dealers off the hook, will the expenses of the Metro East Mass Transit District decrease? Will the expenses decrease?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

I have no idea what the expenses might be, Senator, but I think you're probably referring to the income, to the revenues, and I obviously... No? The expenses? No. They -- no. It won't -- they won't be impacted.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

The expenses of the -- if the expenses remain the same, if the cost of that Mass Transit System is the same amount and you have the -- fewer people paying tax, who's going to make up the difference of paying for the rest of the expenses, if not the rest of the taxpayers in that district?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Senator Watson.

SENATOR WATSON:

Well, the issue will not have to be met for at least another two years. That's the -- the beauty of what we're doing here, is that the revenue that's going to be collected over the next two years will be accumulated to ultimately bring about the -- the Mass Transit District we -- the Light Rail that we hope to have clear -- to go out to Scott Air Force Base. So we're not impacting anything negatively as far as the operations or the construction or the maintenance of a -- the current facility. The impact could be felt in the out-years, but we're hoping, and everybody concurred, that it was important to maintain the viability of the current sales tax being collected by the new and used car dealers, that that was critically important to the viability of the future of the Mass Transit tax and the -- its revenues. So everybody agreed that maybe we should give a little bit here, in hopes of making it a stable revenue source for the future.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen, are you finished, sir?

SENATOR LAUZEN:

No. No, actually, my question is: When we let the car dealers off the hook in paying this tax, who is going to make up the shortfall when the expenses stay the same?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, we have a situation by which the -- the needed revenue will not be needed for an additional two years. During that time we're hoping, and we think, that the viability -- the economic viability of the Scott Air Force area -- the -- the joint-use airport that's being developed now -- will be a positive impact on

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

the revenues that's coming from sales tax, and as a result of that, will be able to more than offset what we're -- what we might lose here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Okay. I would just -- I would just rise in opposition to this measure. I think the answer to who is going to take up the slack when the expenses remain the same and you take certain people, the car dealers, out, that means that the rest of the taxpayers in that district are going to have to pay for the expense of what's being purchased in the East -- Metro East Mass Transit area. I think that it's important that we don't poke holes in the base and that when a referendum is passed, as bad as tax increases are, that everybody has to pay equally. I would be opposed to this. I'll vote in opposition to the measure.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR WATSON:

All right. Well, thank you, Madam President. And I'll just refer my remarks, I guess, to the -- what we would consider to be the most questioned item, and that was the third item of the -- or, third amendment of the legislation, or third provision. This was a -- a bipartisan effort by Senator Clayborne, Senator Bowles and myself, and the Representatives that represent the Metro East area. What's happening is, this sales tax, on an average, could impact about two-hundred- to two-hundred-and-fifty-dollar sale per car. What that does, of course -- and there's an awful lot of the people out there - the buying public - who shop for a new car sale. We think that those people who would be imposed with this tax could very well go across the street, in some cases, to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

purchase a car to be able to save that two hundred to two hundred and fifty dollars. The difference from what Senator Raica was talking about is the -- the situation in our area is that this is a use tax and a retail occupational tax. In other words, if I live outside the district - in most cases - if I live outside the district, to go in and purchase an automobile, I could be exempt from the taxes being imposed in that particular district because I don't live in it. And that's rightfully so. In this particular case, that's not the situation. And we're just trying to correct that and to make the, hopeful, automobile industry and retail automobile sales in the Metro East area a viable economic entity for us for a long time. So I would appreciate the support and ask for your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1461 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 53 voting Aye, 3 voting No, none voting Present. And this bill, having received the required three-fifths constitutional majority, is hereby declared passed. ...you will look at your Supplemental Calendar No. 1 - it has been distributed - relative to Conference Committee Reports, on that Calendar there is Senate Bill 721. Madam Secretary, do you have -- on file a conference committee report on Senate Bill 721?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 721.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Chair recognizes Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President. I would ask that my peers vote Present on 721, as there are some problems with this -- with this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

particular bill, so that it can be sent back to conference committee. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any discussion? Any discussion? Senator Welch.

SENATOR WELCH:

Well, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR WELCH:

Well, I'd like to know what the problems are. What are the problems with this conference committee report that we should vote it down? I mean, this is a bill that gets tough on crime; I'm not sure I want to be recorded as not being tough on crime.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

Well, there are some concerns that still need to be worked out. We will have a better crime bill for you after the hearing tomorrow.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Senator, we've heard that for years. It'll be better when it comes back. Sometimes it doesn't come back. Sometimes it comes back and it's worse. I'd like to know specifically what is in this bill. What is it that we're voting against?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

...Madam President. As I indicated to you, the concerns will be worked out tomorrow in a hearing. You're welcome to join us in the hearing if you have a true concern. Thank you.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch, are you done?

SENATOR WELCH:

Well, I asked a very simple question: What is in the bill? I don't care what the committee does tomorrow. I may not want it to go to committee; I may want to vote Yes on this. You know, what I've got here is one of the provisions says that a school -- requires the expulsion of a school student who brings a weapon to school. You want me to vote against that? I'm...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

We're not asking you to vote against it, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch, are you done? Go ahead, Senator Welch.

SENATOR WELCH:

Senator Bomke, when you vote Present, you're not voting for the bill. You're either for it or you're against it. You vote Present, you don't have an opinion. That's almost like voting No. It also allows serious habitual offenders -- the Comprehensive Action Program, authorized by current law, to organize in Cook County. Now we're supposed to throw that out the window, too? It allows juveniles to be taken into custody on a potential automatic transfer offense to be held beyond a thirty-six-hour limit. What you want us to do is vote down a bill that gets tough on crime, on the hope that a committee may come up with a better bill. Well, I -- I think you've got to give us some better reasons than that, Senator.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Are you done, Senator Welch? Senator Welch -- Senator Cullerton. I'm sorry.

SENATOR CULLERTON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Yes. Would -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It would be very much appreciated if we would give each speaker the courtesy of being heard, Ladies and Gentlemen of this astute Body. Senator Cullerton.

SENATOR CULLERTON:

Thank you. Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR CULLERTON:

Senator, is this your first bill?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

Yes, it is, for the second time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Now, I don't think I've ever experienced this, where a Senator or a State Representative - and I was over in the House for twelve years - usually - and I can assure you, based on my seventeen years of experience - usually when someone has a first bill, in almost ninety-nine percent of the time, they ask people to vote for the bill. And if I understand what you're trying to do here is you're trying to have us not vote for your bill. In fact, I -- I suspect even you, yourself, would not be voting for the bill. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

Thank you. I will be voting Present, like I hope everyone

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

else does. Your concerns are well-taken - pardon me - but there are just some technical concerns that need to be worked out. It'll be a better bill after tomorrow. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, I think it's probably a wise choice. It's obvious from the questions that Senator Welch asked that, Senator Bomke, you probably don't know much about what's actually in this bill, and -- and therefore it probably does make good sense to not vote for it, even though it is your first bill. But maybe what we should do is not count this as your first bill, because the same bill number, I take it, is going to come back on a conference committee and then we can have a debate when you want us to vote Yes, and then we can ask you questions about what's in it and you'll be prepared then, I -- I would assume.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you finished? Thank you, Senator Cullerton. Senator Demuzio.

SENATOR DEMUZIO:

Well, for all of the reasons that have been raised by my colleagues, but I -- I'm wondering why they afforded you the opportunity, Senator, as -- as your first bill, to be caught in this posture. Usually you let somebody else do that, and when the thing gets loaded up and you bring it back and they give it to you and then you take off with it. But here's the problem -- and I understand that this is the vehicle bill for a new version of the LUST Fund and also for the Klingler bill that's over in the House and the Governor's crime package. Is that -- is that -- is that all coming on this bill when it goes back?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

SENATOR BOMKE:

Well, Senator, we're still working out on what will be in the next conference committee.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm afraid that -- perhaps we -- we ought to vote Aye on this thing and get it passed out of here, because I'm afraid you're going to have a germaneness question tomorrow if all of those items that I just mentioned that you claim you're working out are going to be on this bill because not all those are going to be germane to Senate Bill 721. So I suspect for all of the foregoing reasons, I suspect that we ought to be voting Aye on this bill, not -- not Present or not No.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Senator -- would the Senator yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he will yield.

SENATOR JACOBS:

Well, it appears to me that somewhere along the line that -- that you're asking those of us in this Body to -- to not be tough on crime. What guarantee do we have that whenever this bill comes back, every provision that is -- that's in this bill currently is going to be in the bill when it comes back? What guarantee do we have of that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

You have my Republican word.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Senator Jacobs.

SENATOR JACOBS:

Under those circumstances then, I would probably urge everyone on this side of the aisle to vote Aye for this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs, did I hear you correctly? Any further discussion? Any further discussion? Senator Bomke, to close.

SENATOR BOMKE:

Thank you. As I indicated earlier, your concerns are well taken. I'd only -- I thought that I would hear from more Democrats. I know there are more over on the other side of the aisle. But tomorrow's bill will be a better bill than the one that you have in front of you today. And I would ask again that you vote Present.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 721. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. On -- on -- take the record, Mr. Secretary. On that question, there are 15 voting Aye, 2 voting Nay and 35 voting Present. And this bill -- having failed to receive the required constitutional majority, this conference committee report is not adopted, and the Secretary shall so inform the House. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

House Joint Resolution 46.

Adopted by the House, November 3rd, 1995. It's substantive.

Message from the House by Mr. McLennand, Clerk.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change which are attached to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 544.

Adopted by the House, November 3rd, 1995.

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

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

House Bill 2517.

Passed the House, November 3rd, 1995.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Mahar has filed a motion with respect to House Bill 544.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there -- Senator Woodyard. Mr. Secretary, the Chair requests that these motions -- this motion be printed on the Calendar. So ordered. Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President. For the purposes of an announcement. You ready for that yet?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Proceed with your announcement.

SENATOR WOODYARD:

All right. To the Members of the Senate Ag-Conservation Committee, if you'll notice on your desks, there has just recently came out of Rules Committee an amendment that we had scheduled a

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

-- a committee hearing on at 2:30 in the afternoon in A-1 in the Stratton Building. It deals with snow geese. It won't take very long. So I would encourage every Member in -- on the Senate Ag-Conservation Committee, be in A-1 at 2:30, and we'll get you out real quick.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

If we can have your attention, please. Senator Woodyard was making a very important announcement and no one could hear it. Could we please have your attention? Senator Woodyard has said that his Senate Agriculture Committee is going to meet at 2:30 today in Room A-1 of the Stratton Building to consider some legislation. Is that correct, Senator Woodyard? And those of you who are interested in it and those of you on the committee, please be there. Resolutions.

SECRETARY HARRY:

Senate Resolution 122, offered by Senators Carroll, Berman and others.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1241, offered by Senators Jacobs, Farley and others.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

For a matter of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, please.

SENATOR FAWELL:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

I -- I just want to remind the Transportation Committee that we will meet at 2 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell says the Transportation Committee will meet at 2 o'clock in Room 400. The House... This concludes our business. For the purpose of the paperwork, the House will stand in recess. I'm sorry. The Senate will stand in recess. And tomorrow we will be in Session at 10 a.m. I repeat: Tomorrow we will be in Session, 10 a.m. We will stand in recess until the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

SECRETARY HARRY:

...come to order in perfunctory Session. On the Order of Committee Reports:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: Referred to the Committee on Education - Senate Amendment 2 to Senate Joint Resolution 60; and referred to the Committee on Environment and Energy - the motion to concur with House Amendment 2 to Senate Bill 598.

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Amendment 5 to House Bill 965 Be Approved for Consideration.

And Senator Fawell, Chair of the Committee on Transportation, reports House Bill 1124 Do Pass, as Amended.

On the Order of Messages from the House, Mr. McLennand, Clerk.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

64th Legislative Day

November 14, 1995

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 2349.

I am further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of the following amendment:

Senate Amendment 2 to House Bill 2349.

Action taken by the House, November 3rd, 1995.

There being no further business to come before the Senate, pursuant to the Order of the Chair, the Senate will stand adjourned until 10 o'clock tomorrow morning.

NOVEMBER 14, 1995

HB-0544	MOTION FILED	PAGE	44
HB-0820	THIRD READING	PAGE	24
HB-0854	THIRD READING	PAGE	29
HB-1070	VETO ACTION	PAGE	4
HB-1149	VETO ACTION	PAGE	15
HB-1149	OTHER	PAGE	29
HB-1202	VETO ACTION	PAGE	5
HB-1202	OUT OF RECORD	PAGE	5
HB-1267	VETO ACTION	PAGE	14
HB-1461	THIRD READING	PAGE	30
HB-2465	VETO ACTION	PAGE	5
SB-0721	CONFERENCE	PAGE	37
SB-1239	FIRST READING	PAGE	3
SB-1240	FIRST READING	PAGE	3
SB-1241	FIRST READING	PAGE	45
SR-0119	RESOLUTION OFFERED	PAGE	3
SR-0120	RESOLUTION OFFERED	PAGE	3
SR-0121	RESOLUTION OFFERED	PAGE	3
SR-0122	RESOLUTION OFFERED	PAGE	45
HJR-0046	RESOLUTION OFFERED	PAGE	43
SJR-0069	RESOLUTION OFFERED	PAGE	3

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-THE REVEREND RITA NAFZINGER	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS-APPROVED	PAGE	1
MESSAGES FROM THE SECRETARY OF STATE	PAGE	1
COMMITTEE REPORTS	PAGE	3
COMMITTEE REPORTS	PAGE	24
MESSAGES FROM THE HOUSE	PAGE	43
SENATE STANDS IN RECESS	PAGE	46
SENATE RECONVENES	PAGE	46
COMMITTEE REPORTS	PAGE	46
MESSAGES FROM THE HOUSE	PAGE	46
ADJOURNMENT	PAGE	47