

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this -- this morning by the Reverend George A. Coates, St. Peter's A.M.E. Church, Decatur, Illinois. Reverend.

THE REVEREND GEORGE A. COATES:

(Prayer by the Reverend George A. Coates)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal. Senator Di Turi.

SENATOR DI TURI:

Mr. President, I move that the reading and approval of the Journals on Wednesday, May 13th; Thursday, May 14th; Tuesday, May 19th; and Wednesday, May 20th, in the year 1992, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Di Turi. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Message from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

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

House Bills 2677, 2833, 2834, 3563 and 3799.

Passed the House, May 20, 1992.

PRESIDENT ROCK:

Those bills will be shown on the Calendar 1st Reading. Resolutions.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

Senate Resolution 1293 offered by Senator Severns.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. With leave of the Body, we'll turn to page 22 on the Calendar. Page 22, Ladies and Gentlemen, and again, I would remind you that if, indeed, a House sponsor has asked you to assume responsibility for a House bill, please let the Secretary know. House Bills 1st Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill 854 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 1181 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 2645 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2667 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2679 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 2738 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2825 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 3107 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 3210 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 3257 offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 3278 offered by Senator Etheredge.

(Secretary reads title of bill)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

House Bill 3282 offered by Senator Carroll.

(Secretary reads title of bill)

House Bill 3347 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3395 offered by Senators Hall and Smith.

(Secretary reads title of bill)

House Bill 3408 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 3435 offered by Senator Macdonald.

(Secretary reads title of bill)

House Bill 3454 offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 3474 offered by Senator Etheredge.

(Secretary reads title of bill)

House Bill 3490 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3495 offered by Senators Jacobs and Vadalabene.

(Secretary reads title of bill)

House Bill 3735 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 3790 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3810 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3811 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3814 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3832 offered by Senator Palmer.

(Secretary reads title of bill)

House Bill 3856 offered by Senator Palmer.

(Secretary reads title of bill)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

House Bill 3878 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 3917 offered -- offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 3937 offered by Senators Maitland and Karpziel.

(Secretary reads title of bill)

House Bill 4057 offered by Senator Smith.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

We'll begin on the Order of Senate Bills 3rd Reading. A list of the proposed Recalls has been distributed. I would ask the Members to pay particular attention. We'll try to move through the list as quickly as possible, and then we will go to the Order of Senate Bills 3rd Reading and go right through the Calendar. Tomorrow is the deadline. With a little luck, tomorrow shouldn't be much of a day. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Thank you, Mr. President. Yesterday, I had a resolution, a congratulatory resolution, read in. It is necessary for that to be printed -- excuse me, by Enrolling and Engrossing today. I was wondering if we might go to the Order of the Consent Calendar for Senate Resolution 1292 and pass that, so we can move things along.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to immediately consider and adopt Senate Resolution 1292, a congratulatory resolution of some urgency. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Resolution 1292. 1292. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it, and the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

resolution is adopted. We'll begin on the Order of Recalls. If the sponsor wishes the bill recalled, I wish they would indicate, or so indicate. Wonderful. Wonderful. Communication to the President.

SECRETARY HAWKER:

Dear President Rock - I respectfully submit my resignation as Senate -- State Senator, effective May 21, 1992.

Sincerely, Jeremiah E. Joyce, State Senator.

PRESIDENT ROCK:

All right. That communication will be journalized. All right. Ladies and Gentlemen, on the Order of Senate Bills 3rd Reading, I'd direct your attention to page 3. Page 3 on the Calendar. 1510. 1557. Senator Luft. 1564. Senator Cullerton. Yes, no or maybe? Seeks leave of the Body to return 1564 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1564, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill, as it stands now, is a shell bill, amending the Representative Districts. And as discussed in the Executive Committee, I've filed an amendment which changes the legislative boundaries of my district, which would result in moving my house about three blocks - square blocks - in the City of Chicago back into my district. It's my intention to hopefully pass this bill to the House and have the House hold the bill until after the November elections. I would appreciate your support on adopting this amendment, and be happy to discuss it further on 3rd Reading.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Move...(machine cutoff)...

PRESIDENT ROCK:

All right. Senator Cullerton's moved the adoption of Amendment No. 1 to Senate Bill 1564. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hawkinson.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. In the redistricting map that was approved and we're operating under, an injustice was done in the City of Kewanee, Illinois - I believe inadvertently. But in that -- in that town and in one precinct in that town, the new map was drawn in such a way as to place one resident, Olivia Thorpe, by herself in the 93rd Legislative District, when everyone else in the precinct was placed in the 94th Legislative District. The Henry County State's Attorney, Larry Vandersnick, attempted to correct that by taking it to the Supreme Court, but was denied relief. I'd like to try and take this opportunity to correct that to preserve her right to a secret ballot, which has been lost by the fluke of the redistricting process. And so this amendment would place Block 508C back in the 94th Representative District, along with all the other residents of that precinct and would restore Olivia Thorpe's right to a secret ballot. And I would ask for the adoption of this amendment.

PRESIDENT ROCK:

Senator Hawkinson's moved the adoption of Amendment No. 2 to Senate Bill 1564. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 3 on the Calendar. 1510. With leave of the Body, Senator Berman will handle that for Senator Lechowicz, and Senator Berman seeks leave to return 1510 to the Order of 2nd Reading for purposes of an amendment. 1510, Madam Secretary. Senator Berman.

SENATOR BERMAN:

Thank you. Mr. President, the other day we adopted this amendment by a very close vote after a debate regarding the opportunity for lawyers to ask questions of prospective jurors. Upon review of the amendment and the Supreme Court rules, I've decided that the bill is better off without the amendment. So having voted on the prevailing side by which Amendment No. 1 was adopted, I now move to reconsider the vote by which that prevailed.

PRESIDENT ROCK:

Senator Berman has moved to reconsider the vote by which Amendment No. 1 to Senate Bill 1510 was adopted -- reconsider for the purpose of tabling. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Berman now moves to table Amendment No. 1 to Senate Bill 1510. Discussion? If not, all in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the amendment is tabled. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 5. 1588. Senator Carroll. 1620. Senator Karpziel. Senator Karpziel seeks leave of the Body - middle of page

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

5, Ladies and Gentlemen - to return Senate Bill 1620 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1620. Senator Karpziel.

SENATOR KARPIEL:

Thank you...(machine cutoff)... I just move to table Amendment No. 3 on Senate Bill 1620.

PRESIDENT ROCK:

Senator Karpziel, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 3 to Senate Bill 1620 was adopted, for the purpose of tabling. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Karpziel now moves to table Amendment No. 3 to Senate Bill 1620. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 3 is tabled. Are there further amendments, Madam Secretary?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1645. Senator Smith seeks leave of the Body to return Senate Bill 1645 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1645, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Smith, Collins and del Valle.

PRESIDENT ROCK:

Senator Smith, on Amendment No. 1.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 1645 - its present -- present -- deletes all. And the Department of Health may investigate the impact of violence and homicide on the public health and safety of Illinois residents, especially children, and, if warranted, declare violence and homicide as a public health epidemic. The Department of Public Health shall recommend anti-violence and homicide prevention programs to the General Assembly, and it adds an immediate effective date. I move for the adoption.

PRESIDENT ROCK:

Senator Smith's moved the adoption of Amendment No. 1 to Senate Bill 1645. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1652. Senator Maitland. 1662. Senator Jones is not here. 1665. Senator Jacobs seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1665, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jacobs.

PRESIDENT ROCK:

Senator Jacobs, on Amendment No. 2.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 permits the Quad City Regional Economic Development Authority to impose a sales tax in Rock Island County, subject to a frontdoor referendum, for the purpose of financing a joint development with Iowa for a U.S. Department of Defense Finance and Accounting Services Facility. And it does clean up

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

some - repeals duplicative Authority statutory provisions. I know of no known objection to this amendment. I will explain, on 3rd Reading, if there are some problems with the first amendment, but we'll get to that when that time comes.

PRESIDENT ROCK:

All right. The Gentleman moves to adopt Amendment No. 2 to Senate Bill 1665. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Direct your attention to page 36 on the Calendar, on the Order of Consideration Postponed. Senator Berman seeks leave of the Body to return Senate Bill 1681 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1681, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 2 changes the immediate effective date that's in this bill to an effective date of August 1, 1993. Move the adoption of Amendment No. 2.

PRESIDENT ROCK:

Senator Berman's moved the adoption of Amendment No. 2 to Senate Bill 1681. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 7 on the Calendar. Page 7. The question also, Ladies and Gentlemen -- the question was asked whether or not there would be additional Recalls. The answer to that is yes, bearing in mind, however, that tomorrow is indeed the deadline. We will get to Recalls again later this afternoon, if indeed there are additional requests. 1718. Senator Collins seeks leave of the Body -- we're back on page 7 on the Calendar. On the Order of Senate Bills 3rd Reading is Senate Bill 1718. Senator Collins seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1718, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Collins and Smith.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I move to table Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Collins, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 1718 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Collins now moves to table Amendment No. 1 to Senate Bill 1718. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Collins and Smith.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Senator Collins, on Amendment No. 2.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Amendment No. 2 guts the bill, because there -- we have some very serious negotiations and discussions going on with the Governor's Office and the Department of Public Aid. Both recognize the need to tighten up the existing regulations for the determination of eligibility under the Transitional Assistance Program, and I would move for its adoption. I would like for these bills to go to the House as shell bills, and we will continue that process, and hopefully, we can resolve the problems together before the end of this Session. I'd move its adoption.

PRESIDENT ROCK:

Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 1718. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1814. Senator Topinka seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1814, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka. I'm sorry.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this amendment would add a subacute care component to the models

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

already in the bill.

PRESIDENT ROCK:

Senator Topinka's moved the adoption of Amendment No. 3 to Senate Bill 1814. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1970. Senator Karpiel. 1970. Do you wish that recalled? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I would like -- I'm calling it back from 3rd Reading for an amendment by Senator Geo-Karis.

PRESIDENT ROCK:

All right. The Lady seeks leave of the Body to return 1970 - page 13 on the Calendar, Senate Bill 1970 - the Lady seeks leave to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1970. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Geo-Karis.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this amendment adds language to the bill that allows school districts to expel students for up to one hundred eighty school days. Court cases have held that districts may expel students for the remainder of a school year. This amendment would allow the period of expulsion to extend from one year into another, because if you have someone who's very bad, and it's -- say it's May 20th and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

he's expelled only for ten days -- and this would allow the period of expulsion to extend from one year into another, but in no case may the expulsion exceed a hundred and eighty school days. And this was at the request of our school districts in Lake County, and I ask for a favorable vote.

PRESIDENT ROCK:

Senator Geo-Karis has moved the adoption of Amendment No. 1 to Senate Bill 1970. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Madigan. 2141. Gentleman seeks leave of the Body -- page 18 - 18, Ladies and Gentlemen. The Gentleman seeks leave to return 2141 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2141, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offers -- by Senator Madigan.

PRESIDENT ROCK:

Senator Madigan, on Amendment No. 1.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 2141, as introduced, made a pilot project between the Joint Committee <sic> (Commission) on Accreditation, the Department of Public Health, and the nursing home industry permanent. That project is still ongoing. The purpose of the amendment is to make the pilot project -- or extend the pilot project three years, instead of permanent, and I would ask for its adoption.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Madigan moves the adoption of Amendment No. 1 to Senate Bill 2141. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2168. Senator Barkhausen. 2201. Senator Marovitz seeks leave of the Body to return 2201 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2201, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 <sic> (2) offered by Senator Brookins.

PRESIDENT ROCK:

You don't want to call it back. Withdraw the amendment. Further amendments?

SECRETARY HAWKER:

Amendment No. 1 <sic> (2) offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No. 1 <sic>.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This amendment embodies much of the discussion that -- that we've had with the -- the Illinois State Medical Society, the Illinois Hospital Association, health care providers, and we've been working on this for quite a while. Much of the language in this amendment comes right from the AMA - American Medical Association - and the -- and JAMA, the Journal of American Medical Association. The Act applies to licensed health care providers and all entities which dispense health care services in which they have an economic interest. The Act doesn't apply to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

physician-owned hospitals licensed before 1/1/92. The Illinois Health Facilities Planning Board -- at the request of the Medical Society, we put in language that says the Illinois Health Facilities Planning Board furnishes a waiver for entities because health care services are needed by the community, and alternative funding, besides investment by physicians and podiatrists, were sought and found unfeasible. Basically, that's the language of the AMA and requested by the Medical Society so that underserved and rural communities would not be adversely affected by this legislation. I would ask for the adoption of the amendment.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 1 <sic> to Senate Bill 2201. Discussion? If not, all in -- I'm sorry. Senator Brookins, on Amendment No. 1.

SENATOR BROOKINS:

No, Mr. President. I have a question on the amendment which I had placed on that bill, and I inadvertently was off the Floor at the time. And it was withdrawn, and I did not wish to withdraw that amendment.

PRESIDENT ROCK:

Well, it's still here. Then you can offer it as Amendment No. 2 <sic> (3).

SENATOR BROOKINS:

Thank you. Thank you.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 1 <sic> to Senate Bill 2201. Discussion? If not, all in favor, indicate by -- I'm sorry. Senator Demuzio.

SENATOR DEMUZIO:

Senator Marovitz, let me just ask you -- how does this -- does this apply to rural communities at all, or are they excluded, or is this just for major metropolitan areas? And if it applies to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

rural communities, what happens if I have a series of doctors that own a CAT scanner, for example? Are they going to be subjected to this?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

This Act applies Statewide. There is language in here so that rural and underserved communities can be exempted under the Act.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Do they have to apply to somebody to be exempted, or is this an automatic exemption?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No, they do have to apply to the Illinois Health Facilities Planning Board. And if there is a need shown -- this is -- this language comes right from the AMA - the American Medical Association. If -- if there is a need shown and no alternative financing can be provided, they will be granted an exemption. We are certainly not trying, in any way - and I'll make that very clear - to prevent any community - any community - throughout the State of Illinois from being served or serviced where there is no service or there is no funding for alternative methods.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Just one quick question, Mr. President. Will the sponsor yield?

PRESIDENT ROCK:

Indicates he will yield, Senator Jacobs.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR JACOBS:

Senator Marovitz, there's a bill before us on ambulatory hospitals and outpatients. Does this affect them in any way whatsoever? The reason I ask is, in your -- in your -- in your statement, you indicated that hospitals before 1/1 in '92, and I don't know how it would affect that provision of law.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

It does not affect them, because those are not the services covered under the legislation.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Sponsor indicates...

SENATOR RAICA:

Senator Marovitz...

PRESIDENT ROCK:

Wait a minute, wait a minute, wait a minute. Senator Marovitz, question being directed. Senator Raica.

SENATOR RAICA:

Senator Marovitz, a couple of times you referenced to the AMA. Does the Illinois State Medical Society have a position on your amendment or not?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The Illinois State Medical Society has the amendment. They are looking at the amendment. We have been working with them every day, every hour. So philosophically, we are in tune one hundred

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

percent. They're looking at the I's and the T's and other things. And as I've said to them - and I think I will make this representation - this process -- this bill is going to be around for another five weeks. I can pretty well guarantee that this bill will be back here and probably wind up in conference as discussions with the Medical Society continue. They want -- they want, philosophically, this problem taken care of, because they have been guided by the AMA, who said physician self-referral is a problem and needs to be taken care of.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I apologize. I was distracted when you were explaining your amendment. Would you just give me a brief synopsis of your amendment again, please?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Basically this is the -- this is the amendment and the bill which would prevent physician self-referral, where joint ventures are coming in from out of state, opening up these clinics -- joint -- and doctors are making substantial amounts of money at the cost of our health care consumer.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Marovitz, I think there's only maybe two hospitals in the State that are affected -- possibly affected. One of them happens to be here in Springfield. My understanding, from a conversation yesterday, was that the amendment is supposed to protect or take care of their problem and the people who do own that private-owned hospital can refer patients to the hospital and receive whatever lab, et cetera that needs to be within the hospital not be affected.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Senator Davidson, you are one hundred percent correct. That was a problem. That was -- that is corrected, has been corrected by language on page 2. Doctors Hospital here in Springfield has been taken care of, as well as Four Winds Hospital in Lemont. You are correct.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Follow-up question. This no way -- particularly in my own profession, most of them have an X-ray installation within their own private office, as does a number of the M.D.s through downstate Illinois. Does this affect any individual practitioner that has such facilities within their own office?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

This bill in no way affects any individual practitioner that has a facility like that in their own office.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Further discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 1 <sic> to Senate Bill 2201. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 2 <sic> (3) offered by Senator Brookins.

PRESIDENT ROCK:

Senator Brookins, on Amendment No. 2 <sic>.

SENATOR BROOKINS:

Thank you, Mr. President. Amendment No. 2 <sic> would prohibit the physicians from markup of prices for a clinical laboratory test done by a laboratory but billed by the physician. It would also -- it is not intended to prohibit a doctor from charging a reasonable handling fee, but would eliminate the common hundred percent or three hundred percent markup charged on bills to the patient or insurance company. In Illinois currently a disclosure Statute requires laboratory costs to -- disclosed on the bill, but this has little affect in restraining <sic> (restraining) markup charges. This proposed amendment is a noncontroversial way of dealing with the potentials of abuse. A physician would not oppose this amendment, as the American Medical Association states in their Principles of Medical Ethics. A physician should not charge a markup, commission, profit on services rendered by others. A markup is an excessive charge that exploits patients if it's -- is nothing more than a tack-on amount for service provided on account for the labor. The Federal Government has the same markup prohibit in Medicare charges, and I move for the adoption of the amendment.

PRESIDENT ROCK:

Senator Brookins has moved the adoption of Amendment No. 2 <sic> to Senate Bill 2201. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you very much, Mr. President. Two -- two reasons I rise. Number one, the -- the amendment is technically flawed. It refers to Section 35, and were that the case, there would be two Section 35s in the bill. Number two - and I particularly state this for my colleagues on the other side of the aisle - when I presented this amendment to the Illinois State Medical Society, they were unalterably opposed to this amendment - unalterably opposed to this amendment. This amendment has nothing to do with this bill. It has nothing to do with the subject matter in this legislation. And I'm not going to get involved in the substance of Senator Brookins' amendment, but the fact is, it has nothing to do with the -- with Senate Bill 2201 and the subject matter that is the purview of Senate Bill 2201. I have spoken to the -- the -- those behind this amendment, and told them there is a bill in the House that they could put this on and we'd have no problem with this. But at this time, to put this on this bill, (a) it's technically flawed, and (b) it has nothing to do with the subject matter. And the Medical Society has said they are unalterably opposed to this. Now if you want to make an attempt to kill the whole bill, which is trying to contain health care costs, putting an amendment like this on, which the Medical Society opposes, is a very good way to do it.

PRESIDENT ROCK:

Well, the Chair is not prepared to rule that it is technically flawed. The Chair will rule that it is in order. The question is the adoption of Amendment No. 2 <sic>. Is there any further discussion? Senator Brookins, you wish to close?

SENATOR BROOKINS:

I just think this is a fair way to do things; that if -- I know in my own business, if I have a death notice, I cannot tack on extra charges or et cetera. I should pass that onto the consumer or the person who is purchasing the -- the death notice.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

It is just a fair way to do business, any I think that any professional will agree to that. And I ask for a favorable vote.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 2 <sic> to Senate Bill 2201. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 9 Ayes and 34 Nays, none voting Present. Amendment No. 2 <sic> fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, if I can have your attention, we're going to move to page 3 on the Calendar - page 3 on the Calendar - and we're going to move right through the Calendar. And how quickly we move and how much we get done will determine the length of or the fate of tomorrow. So I would encourage you all -- our plan is to work until approximately six o'clock. Hopefully, we can finish earlier than that. On the Order of Senate Bills 3rd Reading, Senate Bill 1468. 1474. Senator Dudycz. On the Order of Senate Bills 3rd Reading is Senate Bill 1474. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1474.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 1474 amends the Property Tax Extension Limitation Act of last year, making it applicable to Cook County. It deletes the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

provisions of last year's Senate Bill 1378, which required all taxing districts in Cook County to base their 1992 tax levy, which would be due in 1993, to the equalized assessed valuation of the prior year. It also clarifies the intent of the bill with a technical amendment that taxes collected in 1993 apply to 1992 levies in Cook County. With these provisions, it makes identical the tax cap application to Cook County that the five Collar Counties currently are living under, and that is as follows: all non-home units - taxing districts of government in Cook County - would be limited in their ability to increase their property tax levy to either five percent or the Consumer Price Index, whichever is less, and any increase over the five percent or CPI would be subject to voter approval in a referendum.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I stand in support of this bill for a number of, I think very solid, reasons. First of all, if the Constitution indeed asks for standardization of taxation, this indeed brings us into compliance, which is as it should be. So that, indeed, tax caps, which have proven very favorable in the Collar Counties, and which indeed have been -- have been acknowledged by the clerks of those various counties as having reduced double-digit rises in -- in levies, to have gone down to single digit - indeed they have done what they've supposed to have done. They've slowed the growth of property taxes in those areas, which have been extremely hit by those property taxes - something which is also concurrent in suburban Cook County. We have held innumerable hearings on this, spent many hours. Thousands of people have commented, you know, in the Cook -- in suburban Cook County, both in northern central and southern suburban Cook County, that their property taxes are

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

literally displacing them. We have senior citizens on fixed incomes who are losing their homes and becoming homeless or having to -- to decide between food on their table or paying for their homes. We have had young couples who are trying to buy into the market who cannot buy homes because they cannot afford property taxes. This brings us into some kind of a rational way of doing business in suburban Cook County and adding us in with the Collar Counties, which is where we should be geographically, where we should be economically, where we should be in terms of high property taxes. I would really urge the support of this Body, so that once and for all we can clear up this issue and bring some equity to the system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Rock.

SENATOR ROCK:

Will you again reiterate: Does this apply to home rule units, specifically the City of Chicago and the County of Cook itself?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

No, Senator Rock. Unfortunately - although, I would have wished for the City of Chicago and the Cook County governments to be included - this does not include any home rule units. It makes tax caps identical in Cook County as it is in the -- currently in the five Collar Counties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Well, two observations then, as I rise in strong opposition to Senate Bill 1474. The units of local government within the County of Cook, specifically the school districts, the park districts, the library districts, all are served by elected - elected, popularly elected - boards. And it seems to me for us to sit down here in some wave of omnipotence and omniscience and say we know better than do you in the Village of Oak Park or the Oak Park Park District - it doesn't compute. We simply ought not do that. And I would also point out to my friends from Downstate Illinois that this fungus is growing. We conceded last July - on the 17th or 18th day - and afforded the Collar Counties - who were screaming for this apparently - the right to impose it upon themselves. There's no such scream in the County of Cook. And I dare say, if indeed the County of Cook is now, Downstate is tomorrow. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator -- all right. Senator Keats.

SENATOR KEATS:

The President was correct - the fungus is growing, but the fungus happens to be the growth of government that is, frankly, deteriorating the strength of this country and this State. Our problem is the growth of government at all levels. There are two items that every businessperson and virtually every resident will tell you is growing beyond their ability to pay: one is government; the other, frankly, is health care costs. We're attempting to do something about health care costs a little bit right now, but we need to deal with the growth of government. If America is to have money for the capital investment market we need -- and no State in America is more dependent upon capital investment than Illinois. We're a heavy manufacturing, heavy industry, exporting state. If we're to stay competitive in the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

world marketplace, we need to be sure that people have the money available to make the capital investments that are needed for our economy to continue growing. So to pretend that somehow limiting the growth of government at some level is a negative -- the fastest increasing cost is health care. The second fastest increasing cost to every person in America is government. It isn't just local. It isn't just State. Admittedly, the Federal Government is by far the worst. But the simple fact is, you cannot continue to sustain that kind of governmental growth. We no longer have room for qualitative decisions. Government quantitatively has taken so much money away from the private sector, we have no option but to try and slow down the growth of this fungus that is destroying the economic revitalization of America. I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? We now have additional lights. It is going to be a very long day. There are two hundred and twenty-six bills. Senator Collins. Senator Collins, you're on.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. Senator -- a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator, what fiscal impact will this bill have on the Chicago schools?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

According to the State Board of Education, Senator, it would have no effect.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

What do you mean it would have no effect? That's impossible, Senator. If you -- from -- from my estimates, it -- it is -- from what I've been told, it ranges somewhere from about thirty-five to forty million dollars. Now, Senator, to the bill: While I think all of us in this Chamber recognize the need for property tax relief - there's no doubt about it - the citizens, the property owners, and especially the homeowners - single-family dwellings - are paying too much of -- carrying too much of the burden in this State. And we need to come up with some ways by which to relieve that burden. But this is not the way. We're playing games here. At a time when we all recognize that the State of -- the Federal Government and the State of Illinois -- the Federal Government has not - the State of Illinois probably cannot - provide the kind of financial support to metropolitan areas, especially large, and small, units of government, to give them the assistance to provide needed programs and to keep up the infrastructure in those areas. And for us to be playing games here -- you know, this is just a political ploy in -- in reality. You know and I know that there's got to be some means at the local level for people to go about the business of carrying on, not adding new services and programs, but carrying on essential existing services and programs right now. And you know that we're talking about -- your Governor's talking about taking away the monies that we were giving them that they've already planned in their budget. And for us to be playing games here, putting on limitations -- and school districts - you know that most of them across -- some of them are on watch across this State and others, like the City of Chicago, has a tremendous budget deficit to be made up now, in order to keep those schools open. What kind of games are we playing here? If you really want

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

to give some relief, by George, let's pass an income tax increase here, and let's add to that property tax relief in this State - which we should do - and then we won't have to play these funny games anymore. Sure, everybody at the local level can reduce their taxes on property owners and would be glad to do so. But let us stop playing this game, and let's defeat this amendment, and then go on about the business of doing what we were elected to do, and that's taking care of the business of the people of this State. We should defeat this -- this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Berman.

SENATOR BERMAN:

What's the effective date of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Immediately upon being signed by the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

All right. To the bill, Mr. President: Ladies and Gentlemen, I suggest that this may be a good idea, but too quickly. And let me tell you why I suggest that. There will be, on the November ballot, a proposed Constitutional Amendment that would require the State to move forward in its obligation to fund our schools. The governmental bodies that will be most limited - because they are the largest taxing bodies subject to this bill - will be all of the school districts throughout the County of Cook. We aren't

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

going to be fair to the children if we pass this bill today, before we know that our voters are willing to commit the State, by their vote on November 3rd Constitutional Amendment, for the State to move forward with its commitment to adequately fund our schools. This bill, with an immediate effective date, puts the cart before the horse. I would suggest that the responsible vote today is either a No vote or a Present vote, with the explanation that we'll be happy to consider this bill next year, after we see what the mandate of the voters are, regarding adequate funding of our schools. Otherwise, we are hurting the children throughout the County of Cook. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Question, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Luft.

SENATOR LUFT:

Senator Dudycz, can you assure those of us Downstate - or, for that matter, anywhere else in the State - that if this measure is passed, that it will not affect the School Aid Formula and cost the Downstate school districts needed funds?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, just to answer your question, and to clarify my answer to Senator Collins earlier: According to the State Board of -- of Education, currently, with the prior year EAV, it does not affect the General School Aid Entitlement Formula, because the formula uses the certified EAV, which will be the actual 1992. And discontinuing prior year EAV in 1992 and applying tax caps does not affect the GSA entitlements also, because the formula uses the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

certified EAV, which will be the actual 1992 equalized assessed valuation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

You used a very important word - "currently." What happens tomorrow? You used the word "currently" when you said you believe that it doesn't have any effect. What happens tomorrow or next year or the year after? Would it have -- would it have -- all I'm asking is, does this - either today, next year, or the year after - have the potential of effectuating any change in the School Aid Formula, which would cost other school districts funds?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Well, Senator, we have been assured by the State Board of Education that it would not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Would you explain to me then why it doesn't? Because it's our -- a lot of people's understanding that when you reduce or inhibit the growth of assessed valuation that that would impact the School Aid Formula -- the way dollars are distributed through the School Aid Formula. Tell me why that...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

You're still on.

SENATOR LUFT:

I'd -- I'd just like to -- if you could give me a piece of the formula that guarantees us that that will not happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR DUDYCZ:

Well, Senator, I can just go by what the State Board of Education is telling us, and they have assured us that we are not touching the growth or the assessed valuation - just only the levy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Well, the growth and the assessed valuation affect the levy, and -- and all I -- I'm still not getting an answer. I don't care what the State Board of -- let's just let it go. I don't -- I think, for the purposes of those of us Downstate and in other school districts, if you are satisfied with the answer the Senator just gave me on why it would or would not impact your school districts, then I would vote for this. If you are not satisfied with his answer, I would assume that you should vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Dudycz may close.

SENATOR DUDYCZ:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this bill in no way would affect the Downstaters any more or less than the current legislation that imposed tax caps in the five Collar Counties. To -- to Senator Berman's assertion that a -- a Present vote may be the right vote, I -- I would interpret that, in this case, that a Present vote is identical to a No vote, so you're not fooling anybody there. Ladies and Gentlemen, property tax caps in the Collar Counties have been in effect for less than one year, yet their effectiveness is already being felt. One example is the DuPage County Clerk, who said that tax -- tax caps are working very well. Like Senator Topinka mentioned earlier, all the surrounding communities, the clerks from the five Collar Counties, they are saying that tax caps work. Ladies and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Gentlemen, DuPage, McHenry, Will, Kane, Lake Counties, the people, the taxpayers, the property owners of those counties are enjoying the relief the tax caps are providing. They need it; they deserve it; and they have it. And the overtaxed homeowners of Cook County are just as much in need. They need the property tax; they want the property tax. Let's listen to the homeowners of Cook County, Ladies and Gentlemen. Let's live -- let's give Cook County the property tax caps that they also deserve.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1474 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 26, none voting Present. Senate Bill 1474, having failed to receive the required constitutional majority, is declared lost. Senator Dudycz requests Postponed Consideration. Postponed Consideration. 1479. Senator Carroll. Madam Secretary, 1479.

SECRETARY HAWKER:

Senate Bill 1479.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What is before us today in Senate Bill 1479 we had explained yesterday on amendment. It is the recommendation of the Advisory Panel on Pharmaceutical Assistance, created by both the Senate and the House, that contained, as we identified yesterday, significant public members from all over the State, in terms of senior citizens, the various disabled groups, labor unions, pharmacists, pharmaceutical companies, the Retail Merchants and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

others. Basically what it said is it is time to eliminate the limitation on life-sustaining drugs that was imposed under Senate Bill 45 last year, thereby eliminating the cap. It deals with the issue of catastrophic coverage, meaning those who have had significantly over the eight hundred dollars in costs of prescription drugs for heart medicines, diabetic medicines and the severe cases of arthritis medicines. What we have done is said, in order to make some stability for seniors, there will be an entry fee. That entry fee will be divided between those below the poverty level at forty dollars, and above, at eighty dollars. There will be stability in having a monthly charge, a deductible: fifteen dollars for those below the poverty level; twenty-five dollars for those above. And if and when a person gets to over eight hundred dollars of State-paid expenses - which means about a thousand dollars of actual prescription drugs - then that person would pay twenty percent of the difference. This way, in fact, those of our fixed-income seniors, who are low-income and in need of these life-sustaining drugs, will have them available all year and with the security of knowing that they don't have to go broke the first couple months in order to have life-sustaining drugs. I would urge passage of Senate Bill 1479, and answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Carroll, I notice that you said that -- that those who are at the poverty level will pay a lesser fee. How many of those at the poverty level are not already on Medicaid or Medicare?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator -- I just want to remind the Membership, we started out with two hundred and twenty-six bills. We're down to two hundred and twenty-five. Senator Carroll.

SENATOR CARROLL:

Was that an admonition, Mr. President, and I will take it as such. Senator Fawell, those who are on some kind of public assistance or Medicaid or Medicare are usually the -- if they have pharmaceutical coverage elsewhere, they're not under this. According to the Department - according to the Department - one-third of the hundred and eight thousand people who are users of this program - or potential users of this program - are below six thousand nine hundred and ten dollars a year in income, but not that low as to be on some other form of assistance. So they claim about thirty-five thousand of the hundred and eight thousand would be under the poverty level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. A question of the sponsor, if he'll yield, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Carroll, as we dealt with the cost of this program yesterday, I think we -- we are at -- in the neighborhood of forty-seven million dollars at the seven-and-a-half-percent inflationary level. I'm wondering, in the -- in the Governor's proposal, there was an attempt to drop the -- the rent formula from thirty percent to twenty-five percent, and I notice that that's not in here. There's been no -- been no change. That is a nine-million-dollar figure. And I'm wondering if -- if you are accounting for that.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, not at all. This was only the Advisory Panel recommendation. The Advisory Panel never had before it that issue, as you know, and never discussed it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Does that not then skew the -- the cost of the program then? How can you ignore -- how can you ignore that -- that at the thirty-percent level it is nine million dollars more?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, it does not, Senator Maitland. They are two separate and distinct programs, and this is the Pharmaceutical Assistance. The other is the Tax Relief Program. You know, I assume you have a piece of legislation where you can pass the other program if you wish. But according to the Department of Revenue when they were before us, they said they were two separate and distinct programs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, isn't -- aren't they both appropriated in the same line item? Doesn't it take an additional appropriation to fund the program based on not making the change to twenty-five percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

They are on the same line, as they've always been, but they are two separate programs, and this does not deal -- pro or con,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

that issue. And I would suggest to you, Senator Maitland, if that is your concern, you have a vehicle that you can use to address that. This is not intended to eliminate that program or entice that program of -- of the other type of tax relief. This strictly deals with the Pharmaceutical Program. There is no hidden agenda or anything else. And, you know, you can reinstate that program. I'm sure you'd get a lot of support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

It is indeed an additional nine million dollars, and we have to address that. The second issue: we talked, Senator Carroll, as you'll recall, about eliminating the -- the eighty-dollar flat grant. Now that's still in there, and that -- that is a thirteen-million-dollar issue also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Again, that's the tax relief side of it, Senator Maitland. Deal with it as you see fit. The panel did not have before it tax relief; it had strictly the Pharmaceutical Program. We took the Department of Revenue's plan of requiring the people to pay the forty or eighty dollars. You know, it's the will of the Chamber and the Governor as to whether that tax relief disappears or not, but that was not addressed by this legislation one way or the other.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Maitland.

SENATOR MAITLAND:

Fact of the matter is, that's -- that's thirteen million dollars that impacts the benefactors of -- of this program. It is -- it is an eighty-dollar grant that they get - that they get.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

And we're not -- we can't ignore that. That's a fact of life. Let me -- let me -- let me shift gears and move to the generic issue, and we debated this issue somewhat yesterday. What -- what assurance do we have -- the only thing we have now on generic is -- is the rules and regulations as promulgated by the Department. What -- what -- what incentive is there - what incentive is there - for generics, with no copayment below eight hundred -- eight hundred dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I guess maybe my quote should be of Mary Ann Erickson, who we consider one of the experts in dealing with the industry and the field, who heads the McLean County - established under the late Supreme Court Justice - charitable functions, that the fact -- first of all, ninety-seven percent, according to the Department, are generic. Secondly, it's my understanding that they require, if generic's available, that the person pay the difference between generic and prescription. And thirdly, the incentive to the user not to go over the eight-hundred-dollar level and start paying the twenty percent. And everybody was comfortable, as I understood it, Senator Maitland, 'cause we had about three meetings of discussions of that. It's my understanding that, at least from all those who talked, that the Department, the Retail Merchants, the seniors, everybody else was comfortable that this would still encourage the usage of less-expensive drugs - in fact, even more so, because the user would then say to the doctors, "Hey, why am I starting to have to pay out of pocket? I don't want to have to do that."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator, from the very beginning, our goals and objectives have been the same -- the same. We were trying to deal with the catastrophic cases which were not addressed last year under the plan, and I guess the concern we have is other than -- other than the rules and regulations as to what is paid to the pharmacist, the only incentive to use generic drugs, up to eight hundred dollars, is the fact that -- that once they get over eight hundred, then we start out with -- with a small copayment. So people who don't use a lot of drugs, under the eight-hundred-dollar limit, have no incentive whatsoever - whatsoever - to use generic drugs. Now I don't know what the percentage is, but I question that, and I think that's -- that needs to be of concern. The -- the other point, and my final point, Senator, is simply the -- the budgetary impact of this issue. It is substantially above what we have budgeted, and because of that, the catastrophic nature of -- of the language, I think, in this proposal, is less of value than it is in some of the earlier proposals. And I would rise to -- to oppose the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, we have a number of Members who wish to speak. Senator Dudycz, for what purpose do you rise?
SENATOR DUDYCZ:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. State your point.

SENATOR DUDYCZ:

Ladies and Gentlemen, in the Senate gallery on the Republican side, we have some special guests this -- this morning. We have Mr. Bohdan Watral. He's the treasurer and the CEO of the Self-Reliance Ukrainian Federal Credit Union, from Chicago. And with him is a visitor -- visiting guest from Ukraine, Mr. Roman

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Tanas, and I would like to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Our guests in the gallery please rise. Welcome. All right. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. You know, you mentioned it a little bit earlier. You know, we're really making speedy progress here, and I guess I would just like to state that we discussed all these amendments yesterday. You know, as Everett Dirksen has said, there's been many an argument that has changed my mind; none that have changed our vote. Why in the hell don't we just get on with this process?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you. Just a couple of comments. I'm a -- a practicing pharmacist - still work in the drugstore - and I -- when this program was instituted last year, why there was an incredible amount of confusion among the public as to how this was going to ultimately revolve. And now, as people get to the eight hundred dollars, they -- you know, they didn't realize, back then, that there was this cap. And -- if you think that the public is going to understand what you're doing here, and is going to be concerned about that eight-hundred-dollar cap, and as a result they're going to go to the generic drug, Senator, I think -- I think you're totally wrong. They just -- they don't understand, and it's -- a letter from the Department of Revenue isn't going to make it any easier for them. The success of this program and the fact that you mentioned the ninety-seven-percent generic compliance is a result totally of the copay. Right now, they come in, they can pay five dollars for generic, ten dollars for brand name. Ninety-seven percent of the time, they use generic. That -- that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

saves them. That saves the State. It's a win-win situation. Now, you're eliminating the copay. Here comes Mrs. Jones. She brings in her prescription. She doesn't understand that she has to ask for generic, because she's not concerned. She doesn't realize there's an eight-hundred-dollar cap. She's not worried about that, because this is July, not April. They'll come in; they'll get the brand name. And that won't be done by any reason other than the fact that the prescription maybe says no generic equivalent can be used. So the pharmacist doesn't call the doctor. He doesn't take the time to call the doctor. He gives her the brand name. Lose-lose. Lady lose. Mrs. Jones lose, because her eight-hundred-dollar cap will be reached quicker. The taxpayer loses, because it's going to cost more for the program. I mean, the beauty of the whole system that we came up with last year and the success of it revolved - and still revolves - around the copay. And for us to eliminate that, at this particular time, is a big mistake, and we ought to defeat this legislation, frankly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I rise to, basically, explain my vote, because I'm probably going to vote in a way that is not tradition as to how I support issues, because I am not -- my vote does not reflect in any way my support for the merit of this bill. There's no doubt about it. This bill is what we ought to be doing. But I do have a real problem right now, because I stand today and my vote is in support of a group of people out there that are politically unempowered. These are the people that were turned off of General Assistance, Transitional Assistance; not the able-bodied people that most of you are talking about, not the category of these so-called lazy people

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

that don't want to work and not doing anything, but we're talking about sick people - people that were on maintenance drugs and people that are now ending up in hospitals because they are suffering from seizures, because they were diabetics, or because they had some other problems that was essential for them to have access and afford maintenance medication. And there is nothing happening around here at this point in time to address that issue for that category of population of people. And my problem and concern is that we ought to prioritize what we do. Yes, senior citizens need this relief. I've supported them over and over, and I will continue to support it. But what I'm talking about today is priorities. We ought to look to support those first in times of -- when we have to exercise fiscal restraint, those who can least afford and cannot get help any other way, who look to us for help. And until we can work out some agreements to deal with those sick people on maintenance drugs, I will not be supporting this bill. Therefore, I would vote Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Will the sponsor yield to a couple of questions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, as I read our analysis, there are two copayments -- or not copayments, I'm sorry, two buy-ins that are set up in this bill. One is an eighty-dollar buy-in, which is what everybody pays now, currently. The other one is a forty-dollar buy-in for those below the poverty level. What is the additional cost to fund a forty-dollar buy-in, rather than an eighty-dollar buy-in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Carroll.

SENATOR CARROLL:

My recall, Senator Schuneman, and forgive the vagueness of what's about to be my answer, but even when the Governor switched to a catastrophic coverage, he too suggested forty dollars for those below the poverty level - which, to correct something I said to Senator Fawell, is actually 6810 - and eighty dollars for those above. My recall was, I think, like a million- to two-million-dollar difference, but I'm not sure of that, because we stopped talking about that very early in the process when everybody was in agreement that there should be that difference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, as I understand it, about two-thirds of the people who participate are estimated to be below the poverty level. Is it the other way around? One-third are below the poverty level? But that difference between the forty-dollar buy-in and the eighty-dollar buy-in does have a cost, and I'd be interested in knowing what that cost is. The other thing that has a cost -- and you know, we're all interested in maintaining this program. I don't think this is a city versus rural program, nor is it -- is it a racial program. There are people throughout the State that take advantage of this. But if we want to be able to continue to afford this program, we should not -- Mr. -- Mr. President, could we have a little attention this morning?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes.

SENATOR SCHUNEMAN:

This is an important issue to all of us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator. I -- I think you're -- it's mostly on your side,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

but...

SENATOR SCHUNEMAN:

Well, that could be. That could be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...you're absolutely correct. Ladies and Gentlemen, please.

Senator Schuneman.

SENATOR SCHUNEMAN:

This -- this particular bill is important to every Member here, and if we want to maintain this program, we've got to control the cost. We should not approve a plan that tends to enrich the pharmaceutical companies - to enrich the pharmaceutical companies - at the expense of the recipients who need medication. The way you do that is to encourage the use of generic drugs. This bill does just the opposite. This bill tends to promote the use of whatever drug the doctor puts on the prescription, and the pharmacist will not question it, because there's no difference in the cost to the recipient. We shouldn't be doing this. This is a step in the wrong direction, and I urge that we reject this. Let the sponsor take the bill back, rework it, correct it so that it will not have runaway costs built into the system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If -- Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

He indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I think much of what you want to do here many of us support, but the argument that is carrying the day for me is the removal of the copay, which has seemed to work so well. It has, as you've indicated, resulted in ninety-seven percent use of generics. I think many of us agree that the cap is not working

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

and ought to be removed. My question is this, are you willing to take it back or to commit in the House to putting the copay back on to continue to encourage the use of generics?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Let me clarify the obvious confusion that is happening on this Floor. This was highly discussed over four or five meetings. One, the Governor's program of copay was absolute mass confusion for everybody, and all the Members agreed, all sides of the aisle, that that had to go by the wayside. Two, the senior must pay the difference between a generic equivalent and a prescription, if a generic -- or a prescribed drug, if a generic is available. That is the most effective control, entirely. That's why we decided to go, Senator Hawkinson, with the monthly charge - the monthly charge - for consistency, and that if the senior then had to -- had the choice of taking a prescription drug or a generic was available, they had to pay the difference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, Senator, I'm told there's no authority in the law for the Department to insist upon that difference being paid. Can you tell me where that authority is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Those were the Department's words at the hearing. I took their word for it. I don't think there was ever a question about that, 'cause that was discussed often as one of the accomplishments we wanted to have out of this. And so, you know, we can ask them for further clarification, but that was -- I don't

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

think that was ever in question, Senator Hawkinson, and the question was asked and answered several times.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Carroll may close.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me just say I think we've covered that issue that the senior has to pay the difference. Let me just make a few other brief points. This is not runaway costs. The Department of Revenue ran the numbers for us. There is the copay at the higher levels. We know the number of people. They've given us -- the Department did a good job giving us all these numbers of how many are using at each level of dollars. This year, for '92, we said there was about forty-seven million dollars available to help low-income, fixed-income seniors obtain life-sustaining drugs. This is not an open-ended program. This is not a program that goes with a laundry list of diseases for which seniors can get help. It's heart medicine. It's diabetic medicine - insulin. And it's the rheumatoid arthritic medicines. That's it. Just those three, because those were felt by the General Assembly and the Governor at the time to be life-sustaining medication for senior citizens. I believe we do have available - and should have available - the amount we're spending this year, after the horrors of Senate Bill 45 and the cap. We will spend no more without a cap than the Governor spent with a cap. And I finally refer you to AARP, who represents all of the seniors all over the State, analyzed all of the proposals - the Governor's and the various ones that we, the panel, looked at - and said this is the one that will truly work best. The same statement as all the other players in the field, from the Retail Merchants' side to, again, the charitable people, and I mention again Mary Ann Erickson, only because she was so wonderful in providing us practical information of how it happens

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

at the actual store, and with the elderly coming in. This is what will work, to let them have life-sustaining drugs, but live within our means. I would urge passage of Senate Bill 1479.

PRESIDENT ROCK:

Question is, shall Senate Bill 1479 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Take the record. On that question, there are 32 Ayes, 21 Nays, 3 voting Present. Senate Bill 1479, having received the required constitutional majority, is declared passed. 1483. Senator Carroll. Read the bill, Madam Secretary.

END OF TAPE

TAPE 2

SECRETARY HAWKER:

Senate Bill 1483.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. This is the annual awards bill, and I would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis. If not, the question is, shall Senate Bill 1483 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1483, having received the required constitutional majority, is declared passed. 1490. Senator -- I'm sorry. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR GEO-KARIS:

In the President's Gallery are two of our very good citizens from Lake County: Mr. John James McCaughey - M-C-A-U-G-H-E-Y, the President of the Warren-Newport Credit Union; and my other good friend, Fritz Kraus, from the Johns-Mandeville Credit Union. And we're very happy to welcome them here today.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Senator Topinka. 1490. Read the bill, Madam Secretary, please. 1490.

SECRETARY HAWKER:

Senate Bill 1490.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I'm hopeful that this bill will not take as much time as some of the others that have preceded it, and we can move along. This allows the Department of Revenue to adopt rules and regulations for payment of income tax by credit card. It's very similar to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

something that Congressman Rostenkowski has -- has under consideration federally. Eight states currently have this. It is permissive, so that it allows the Department of Revenue to use it when and if and how they are ready to use it, and it also carries the amendment that Senator Luft had suggested, so that in -- in -- at no time would the State pick up the service charge. There is no fiscal impact. The Department of Revenue supports it, and I don't know of anybody that's against it at this time.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1490 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1490, having received the required constitutional majority, is declared passed. 1510 was on the Recall. Senator Geo-Karis, for what purpose do you again arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, another point of personal privilege.

PRESIDENT ROCK:

State your point.

SENATOR GEO-KARIS:

In the gallery behind us are two of our constituents from Libertyville Township: our newly elected State Representative-to-be, Andrea Moore, and her good friend, her campaign manager, Carol Hannigan - from Libertyville. I'm very happy to have them here.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Top of page 4. 1511. Read the bill, Madam Secretary.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

Senate Bill 1511.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 1511 requires the State Superintendent of Education and the Department of Professional Regulation to file annual reports concerning complaints, investigations and disciplinary action taken against trade schools under their jurisdiction. This is part of the continuing effort to ensure that trade schools are not ripping off students, and that we have an informed consumer that can make decisions based on information that is obtainable through the Department of Professional Regulation and State Board of Education. I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1511 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1511, having received the required constitutional majority, is declared passed. 1518. Senator Luft. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1518.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR LUFT:

Thank you, Mr. President. Each year we put forth vehicle bills dealing with different taxes. This is the vehicle bill for the income tax, one I -- hope we will never use. But up until that time, I hope we can move it over to the House.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1518 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 12 Nays, none voting Present. Senate Bill 1518, having received the required constitutional majority, is declared passed. Senator Watson. 1520. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1520.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. We passed legislation, which took effect January 14th of last year, that required that bidders at a tax sale must register with the county treasurer ten business days prior to the sale. What this -- what would happen, and people would show up at the sale and not be able to bid because they didn't register. What we're doing here is just putting language into the law that would require that a statement be made in this advertisement that would say that the individuals should be registered with the -- with the county treasurer. There was an amendment put on by Senator Woodyard that had five provisions, and I'm going to defer to Senator Woodyard, if I could at this time,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

to explain the amendment.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This is the amendment that we did adopt yesterday. As far as I know, it's noncontroversial. The bill has basically become a -- a Department of Revenue administration bill. Be glad to go through these particular portions if you'd like. Other than that, I'd move for passage.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1520 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1520, having received the required constitutional majority, is declared passed. 1526 is on the Recall List. 1533. Senator Severns. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1533.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1533 is the agreed-upon bill that emerged from both the community cancer councils and now it's been agreed to by the Illinois Life Insurance Council. What it does, in essence, is provide that the insurance industry does not deny coverage to a cancer patient for the use of an FDA-approved off-label drug. What that says, in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

essence, is -- is at the time the FDA has approved the drug, if they list certain cancers as being the cancer of which that drug should be applied in, and later it's -- it's determined that that drug can be effective with another cancer, and it has been FDA-approved, that the insurance industry should not deny coverage to the cancer patient, just because it's not listed on the list. I know of no opposition now, and would appreciate a favorable vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1533 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1533, having received the required constitutional majority, is declared passed. If I can have your attention, Ladies and Gentlemen, WCIA-Channel 3 has requested permission to shoot some videotape. Without objection, leave is granted. 1541. Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1541.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1541 addresses a problem that both Cook County State's Attorney Jack O'Malley and Alderman Pat O'Connor agree needs to be addressed. It extends the safe school zone protections to silencers, machine guns and people who are trying to conceal their identity, such as carrying guns around with hoods. That's

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

basically what the bill does. I know of no opposition to the legislation, and I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1541 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1541, having received the required constitutional majority, is declared passed. Senator Maitland, 1546. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1546.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1546 adds five dollars to the insurance producer's license fee and provides that those funds go to Illinois State University's Center for Insurance and Finance. There are a multitude of insurance companies domiciled in Illinois who have made strong financial pledges and commitments to this continuing professional program for the insurance industry. Those -- those members of the industry had sought out Illinois State to put together this type of program. With the advice -- with the advice of the Independent Insurance Agents of Illinois, who stood neutral on this bill, we put a -- an eighteen-month sunset on the bill to make sure that the money that was being used to fund the Center for Continuing Insurance Education did not find itself in some other category in State Government. I committed to that, and --

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

and, therefore, they -- they withdrew their opposition to the bill. There have been some statements of misinformation about this bill, and I -- I regret that very much. It seems to me that the plan -- it seems to me that the plan is a classic example of -- of business and industry and education working together with a new partnership that's not -- that's not been apparent in the past. I would stand ready to answer any of your questions; otherwise, would appreciate your support.

PRESIDENT ROCK:

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Question of the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Macdonald.

SENATOR MACDONALD:

Is this fee on all insurance agents? Is this for just one university or are these programs in other universities, or is this -- will this be an assessment on insurance agents for just -- for just Southern Illinois? What? ISU, yeah.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, I'm not -- I'm not sure I understand your question. Let me think -- let me answer the way I -- I think I should. First of all, it is a five-dollar fee on all insurance agents in the State of Illinois. That money will go to, not Southern Illinois University, but will go to Illinois State University for their -- for their continuing professional program. This is known throughout the university system. The University of Illinois is well aware of this. They don't have a program like this. This is the only program of its kind in the State, and -- and therefore, it goes nowhere else.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I rise in strong opposition to this bill, and I guess it's only proper for me to admit at this point that I've got a five-dollar conflict of interest. But, believe me, it's not the five dollars. Just -- just a minute. I'll take care of that right here. What we're doing here is starting a -- a new tradition in taxation. And those of you who represent University of Illinois, Southern Illinois University, Northern, Western, all the rest of the schools in the State who have professors who want to start a program, pay attention - because this is your day of opportunity. What's happened now in Illinois State University is that a couple of companies domiciled in Bloomington, and a few other companies - that's true - have made contributions to the idea of establishing a School of Insurance in Bloomington. And I have no problem with that. That's a wonderful thing for them to do. However, you realize that we have thousands of insurance companies doing business in Illinois, and they're not taxed one cent for this school. What seeks to be done here is to tax the insurance agents who live all over the State, for the specific purpose of funding one program at one State university. Now if this idea catches on, I -- I've already suggested to Senator Maitland that I would prepare a bill taxing farmers to support the School of Agriculture at the University of Illinois. He said he'll support that bill. Others may not. But if you want to start an architectural school at Southern Illinois University, then tax the architects, who probably aren't going to use that school anyway. They're past the point, for the most part, of using the programs that the universities are going to have to train people. You can apply this to the medical field. You can apply it to -- to probably teachers

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

who are certified by the State. You know, there's no end to what we can do with this. Maybe better we not start it.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Yeah, thank you. Senator Maitland, who has control over this fund and who audits this fund?

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Senator, there is a -- there is an advisory -- not an advisory committee, a committee of individuals -- of individual companies who have the financial interest in -- in this fund and in the program. And there are a number of major companies involved here, including - including - the Director of the Department of Insurance for the State of Illinois, Stephen Selcke, also sits on that board. In addition to that, with the creation -- with the passage of this legislation, there will also be a board of insurance agents and producers who will also have say-so over how the funds are used and expended.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President, and to the bill: we have created here in the State of Illinois all kind of special little funds that we on the Appropriation Committee or we as Senators have no control over. And therefore, they spend them where and why and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

how they want to. We have just witnessed that in other agencies - and I will not go into naming those agencies that have spent these funds - and we have no control or no say-so over how they spend them, when they spend them, and who they spend them with. These are new forms and a new avenue of taxing citizens of the State of Illinois without calling them a tax. We are now calling them user fees. These are actual taxes. So in essence, what we would be doing is taxing a certain body of the State of Illinois. And therefore, I must oppose this legislation.

PRESIDENT ROCK:

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Every speaker that I've heard against this proposal has given me reasons to support it, and I'll tell you why. What better opportunity do you have, and what better movement should we have, than to move forward using public-private in the academic world? These are three groups together that are trying to provide a learning process - an incubator - for us to move forward. Now we have sat here and appropriated three million dollars to a consortium of the same type group of taxpayers' dollars. We have voted for engineering schools at Northern. We have had all types of projects that we've done. We're not even asking for tax dollars. We're asking for a five-dollar fee, which, by the way, I have a conflict because it costs me five dollars also on this bill. But we -- we are asking -- and I don't know whether Senator Maitland mentioned it or not - this sunsets in eighteen months. I think I'm correct on that. This is not ongoing. What we're doing is, as Senator Schuneman said, we're providing a day of opportunity, and we are starting a new tradition and/or continuing a tradition that if we haven't set in this Body, we should - and that's using the public, the private sector and the academic world to create movements forward. And I

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

think this bill does that, and I would hope we would support this. It doesn't cost the taxpayer anything.

PRESIDENT ROCK:

Further discussion? If not, Senator Maitland may close.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. It is unfortunate again that some of the comments made with respect to the bill, both here and earlier, simply, simply are not -- are not true. Again, the industry came to the University and asked them to consider something like this. It is new. Senator Luft says it's an incubator. It's the beginning of a new approach to a business and academic relationship. It's something that we ought to try. It's something that we ought to do. Insurance agents want and need continuing programs. Just the fact that there are -- there is one major -- two major companies in Bloomington and it happens to be Illinois State University is irrelevant. There is a list of insurance companies domiciled in this State who are a part of this and who have made a financial contribution. And let me close with one final comment: A -- a member of the Life Underwriters called me yesterday, had received a letter, or a phone call, from the organization that he's a part of. They are, by the way, the only -- the only opponent to this legislation. He resented the fact - he resented the fact - that he was not asked, and as far as he knew, board had not acted upon this kind of a decision. He supported it strongly, because he supported a continuing program. This is a new initiative, something that ought to be supported. I would appreciate your Yes vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1546 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 14 Ayes, 37

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Nays, 1 voting Present. Senate Bill 1546, having failed to receive the required constitutional majority, is declared lost. 1547. Senator Davidson. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1547.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, 1547 came from the Employees' Award Committee. We passed it out of here last year 59 to nothing. It didn't get called in the House. This has the possibility of bringing in twelve million additional dollars to the State of Illinois. I appreciate your favorable roll call.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1547 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. Senate Bill 1547, having received the required constitutional majority, is declared passed. Senator Fawell, on 1555. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1555.

(Secretary reads title of bill)

2nd -- pardon me. 3rd Reading of the bill.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. The amendment is actually the bill. We have been working very closely with the -- with the House Members

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

to try and get a -- a bill that everybody could agree on. If the Republicans at least will read the Statutes, they will tell basically what it does. It defines stalking. It defines exaggerated <sic> (aggravated) stalking. Stalking becomes a -- Class 4 felony. Aggravated stalking becomes a Class 3 felony. The defendant can be denied bail if, after a hearing, the court determines that the defendant poses a real and present danger to the physical safety of any person, and it is necessary to prevent fulfillment of that threat on which the charge is based. And if the defendant is convicted of the offense and is sentenced to the Department of Corrections, the court may order the Prisoner Review Board to consider, as a condition of supervised release upon completion of the sentence, that the defendant gets mental health counseling. I'll be happy to answer any questions. It is the stalking bill.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I received a letter from a lady in DuPage County whose ten-year-old daughter was molested repeatedly by a joker who finally got some probation, and he keeps stalking the child, comes around the house constantly, has the child in complete terror. I think this is a very good bill, and it's high time that we put -- go after these people who take it upon themselves to annoy and hurt other people with their rotten acts. And I certainly support this bill.

PRESIDENT ROCK:

Question is, shall Senate Bill 1555 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1555,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

having received the required constitutional majority, is declared passed. 1556. Senator Luft. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1556.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This bill is a shell bill to deal specifically with, at this point, mandates. There is no consensus on how we should, if we should, deal with mandates. I have suggested to the Minority Spokesman on Revenue that if this bill does come back with anything on it and/or winds up in a conference committee, that the text of that conference committee or amendment will be brought forth to the entire Revenue Committee for discussion.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

It'll probably come back saying it takes eighty percent of the Legislature to vote in order to pass anything.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 1556 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none -- 1 voting Present. Senate Bill 1556, having received the required constitutional majority, is declared passed. 57 is on the Recall. 64 is on the Recall. 1567. Senator Cullerton. Read the bill,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes. This is not a controversial bill now. It did have an amendment adopted in committee that dealt with motorcycle helmets. That amendment was tabled, and now the bill is as it was originally introduced. It just simply requires that the vehicle accident reports -- have an indication there as to whether or not someone was wearing a seat belt and, if so, -- and - I'm sorry - and whether or not they were seated in the front or the rear of the vehicle. Would be happy to answer any questions, and would indicate once again that we tabled the amendment that was the controversial amendment dealing with the motorcycle helmets. Be happy to answer any questions. Move for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

Indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Cullerton, do we have any kind of assurance that we won't see this bill back with the controversial amendment put on it in the House that was tabled here in the Senate?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Yeah, you have my assurance. If they were to put an amendment on this bill dealing with motorcycle helmets, I would table the bill, not call it in the Senate.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Question of the sponsor, please.

PRESIDENT ROCK:

He indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Senator, when was the amendment tabled? I must have missed that.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yesterday we -- I tabled the amendment that required motorcyclists to wear a helmet.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

I'm sorry, I must have been somewhere. I was not aware that that bill had been tabled. But let me just take this opportunity to say to the Senate and to the Members of the Senate here - I guess this will be my last Session here, and I'm kind of amazed that over eight years I have championed the cause of this motorcycle helmet, because I am convinced that it saves lives; it saves the State money. I'm -- I know that it is supported by every agency that has anything to do with disabled people or -- or people that are injured by accidents. I -- I'm kind of overwhelmed that my colleagues cannot see that this is a savings to the State. It is a savings of lives. And in the past, I have joked and said that I have a conflict of interest when I save

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

lives, because I am a funeral director by profession. And the first case that I ever handled was a friend of mine. And he was an insurance agent, and he rode a motorcycle and was killed on the Dan Ryan because he did not have on a helmet and his head hit the sidewalk - hit the pavement. And that killed him. Had he had a helmet, he would have lived. I also know that it was reported to me that over four hundred motorcycle riders and clubs converged in the district where I was running, and caused -- or contributed to the defeat -- my defeat. And that don't bother me so much. But what bothers me is that here a colleague tabled a bill without even consulting me or saying that he was going to table it. And that kind of -- that kind of -- that kind of smarts a little bit. Thank you for giving me the privilege of saying those few words.

PRESIDENT ROCK:

Further discussion? Senator Cullerton, you wish to close?

SENATOR CULLERTON:

Ask for a favorable vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1567 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 47 Ayes, 6 Nays, none voting Present. Senate Bill 1567, having received the required constitutional majority, is declared passed. 1570. Senator Davidson. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1570.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Mr. President and Members of the Senate, this is a bill that gives some good samaritan relief to those individuals under the Motor Vehicle -- Code or cause to give aid to someone that would be injured if they're involved in an accident. This has been amended, worked out with Senator Dunn and who's Chairman of the Judiciary Committee. And to my knowledge, there's no one in opposition to it. I'd appreciate a favorable roll call.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1570 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 1570, having received the required constitutional majority, is declared passed. Top of page 5. 1584. 1588 is on the Recall. 1590. Senator Sam. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1590.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President, Members of the Senate. 1590 -- Senate Bill 1590, as amended, requires any business which is located within the enterprise zone who has received tax credits for any other benefits, other -- then they have to notify the DCCA ninety days in advance of the end of any business operation connected with the enterprise zone. This has been worked out with business and with labor, and I would appreciate a favorable vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1590

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1590, having received the required constitutional majority, is declared passed. 1592. 1600. Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1600.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is a child accident prevention bill which says that if you keep a loaded firearm around where there are small children likely to gain access to that firearm, that you, as a responsible gun owner, have a responsibility to secure that weapon somewhere away from the small children, either with a trigger-lock mechanism or a combination lock or a lock and key. And if you don't, that a Class A misdemeanor -- you will be guilty of a Class A misdemeanor if there is a resulting shooting. When the bill was up, parents of a three-year-old -- excuse me, an eight-year-old little girl that was shot in the Chicago Public School System were down. She was at the Rehab Institute. Gun was taken from her father's home and shot off in the classroom, accidentally wounding this little girl in the back, and she was in the Rehab Institute. This last weekend, if you read the Chicago Tribune - and maybe it was in every paper across this State - this last weekend, a three-year-old little boy was shot -- shot himself and killed in his own home because a loaded gun was left around by the parents.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

I just wonder how -- how much longer this is going to have to occur and how many more times we're going to have to pick up the paper and read about these kids dying. It happened Sunday. We passed this bill 59 to nothing last time. I'm not saying this is going to be a panacea and going to solve all the problems. But if it saves a few kids' lives, isn't that worth the price? I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Raica.

SENATOR RAICA:

Just a question of the sponsor, Mr. President.

PRESIDENT ROCK:

Indicates he'll yield, Senator Raica.

SENATOR RAICA:

Bill, just two -- two questions, yes or no - real simple. I know you stated in your -- in your statement that where children -- if someone has no children, does there still have to be a lock on the gun in the home? That's the first question. Second question: Does this mean that police officers, or sworn officers -- they're also included in this, correct? They will also have to have the gun lock on?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The answer to the first question is if there are no children in the home, then the bill doesn't apply at all. And the answer to the second question is - and I talked to Terry Gainer, the Director of State Police - this is the policy that the State Police issue to all of their officers about leaving their loaded weapon around if there are kids around, and this does apply to everyone else.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Question is, shall Senate Bill 1600 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. 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 55 Ayes, no Nays, none voting Present. Senate Bill 1600, having received the required constitutional majority, is declared passed. 1603. Senator Carroll. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1603.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the metropolitan transit vehicle bill that I would like to keep moving, so I would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Watson.

SENATOR WATSON:

Yes, just to alert the Membership that this did pass out of committee on a partisan roll call, simply because it is a vehicle, and we have some concerns, and we'd just like to know a little bit about the proposal before -- before it's brought to us in a conference committee on June 30th. So thank you.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 1603 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 28 Nays, none voting Present. Senate Bill 1603, having failed to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

receive the required constitutional majority -- sponsor requests that further consideration of 1603 be postponed. So ordered. 1605. Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1605.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the human rights amendment, and basically - basically - this bill really adds two words to the Illinois Statutes and that is "sexual orientation." Presently, the -- you can petition for a grievance before the Human Rights Commission if there has been discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap. All this does is add sexual orientation. And all this bill does is tell you that if you have a grievance - if you have a grievance - you can go before the Human Rights Commission. That's all it says. The grievance still has to be proven; there still has to be evidence - substantial evidence, overwhelming evidence. But how can we say if we are sitting here that we are going to protect Caucasians, African-Americans, people of any particular religion, wherever you're from, but if you are a homosexual, we are not going to protect you. You -- that one group is not entitled to the same protection - at least the same right - to file a grievance. We're not saying that they have any special protections, but at least have the right to file a grievance. That's all this bill says, is that you have a right, like everybody else in Illinois, to go before the Department of Human Rights - the Human Rights Commission - and file a grievance.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

That's all this bill says. It's supported by bipartisan people. Jack O'Malley, the Cook County State's Attorney, supports this legislation. It's supported by AFSCME and the ADL, Catholic Advocates, the Chicago Catholic Women, Illinois NOW, the Illinois Women's Agenda, the League of Women Voters. There are certain localities in -- in our State, like Oak Park, where our President's from, and Evanston, that have ordinances that -- that gives protections. But this legislation says that every Illinois citizen at least has the right to file a grievance for discrimination in the workplace, in housing, before the Illinois Human Rights Commission, and that's all it says. Whether you view sexual orientation as a choice or not, discrimination of any sort is still repugnant to most Illinois citizens. As with religion, our choice of sexual orientation should not serve to -- to legitimize unequal treatment of the law for any citizen in Illinois. Some people say, "Well, isn't this covered elsewhere in Illinois law?" The answer is No. This legislation will add sexual orientation to the Section of the Human Rights Act which prohibit discrimination in employment, real estate transactions, credit and public accommodations. That's all this bill does. And anybody who tries to say it's much more than that - it is not. It allows people who have been discriminated on, on that basis, to at least go to the Human Rights Commission like every other Illinois citizen can do. Hiring the best possible employees based on their ability to do the job makes good business sense. Many corporations, such as AT&T, Anheuser-Busch, Bank of America, Bell & Howell, Firestone Tire and Rubber, GE, Inland Steel, Johnson & Johnson, Oscar Mayer, Sears Roebuck, have voluntarily established nondiscrimination policies. How can the Illinois Senate not do the same? And that's all this bill does.

PRESIDENT ROCK:

Discussion? Senator Donahue.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR DONAHUE:

Well, thank you, Mr. President. I think that the previous speaker or the sponsor of this legislation to say that it simply does one thing - I think he's incorrect. The words and the language that he uses are very broad - overly broad. And I think to say that it pertains strictly to homosexuals is not true. When you talk about sexual orientation, there are other things that come under those terms: pedophiles, voyeurs, transvestites, transsexuals. Those are all things that deal with sexual orientation. So when -- your definition is overly broad. And I would rise in opposition.

PRESIDENT ROCK:

Further discussion? Senator Di Turi.

SENATOR DI TURI:

Discrimination is a topic we have been hearing a lot about lately. It is something in this country we should fight hard for and end discrimination. We had a young lady testify in committee, and she had the courage, and she came up and said she was fired from her job in a warehouse because she is a lesbian. She is no different than you and me in this room. She is equal. Is she allowed to go in church? Yes. Is she allowed to walk in a grocery store? Yes. Is she allowed to go to a hospital for treatment? Yes. Is she allowed to vote in November and any other time? Yes. Treat her equal. Think out of your hearts to vote for this bill. That's what you have to do. We're in the Senate to help people and help our constituents and help our voters. Let's vote Yes on this.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. I -- I have some questions for the sponsor.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Marovitz, you know I -- I supported the hate crimes legislation, and that was based upon the -- the perceived feelings of the alleged offender and how he perceived his intended victim to be. Whether it -- whether that was a homosexual or -- or a heterosexual was irrelevant. The hate crimes dealt with a criminal act, and it was irrelevant to any of us here that the person who was going to be a victim of that crime -- whether they were perceived or not, whether they were in fact or not a homosexual, that was irrelevant. It was -- we dealt with the intent of the offender. To clarify one thing that you had mentioned, the -- the corporations that you said that -- have programs in support of human rights, the -- the gay rights amendment, I guess you want to call it - the Gay Rights Bill. I have received information. I checked with the representatives from General Motors, AT&T and IBM. Their representatives stated, yes, they do have certain types of protections, but they do not support this bill. And I guess -- how would you, Senator -- I have a problem with this sexual orientation, those two simple words that you mentioned. How would you define sexual orientation? Senator Donahue mentioned pedophile and some of the others, and that's a very, very strong -- they are sexual orientations, and that's something that none of us can really accept.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I'm -- that's a very good question, Senator Dudycz, and you asked the right question. How would I define it? I would define it by reading the bill, on line 24, page 4, and I would define it

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

just as the bill defines it: "'Sexual orientation' means male or female homosexuality, heterosexuality, or bisexuality by orientation or practice." There is no mention of pedophiles. Pedophile -- that's an illegal act in the State of Illinois. We are not in any way going to legitimize any illegal act. And the definition is right in the legislation, as tight as it could be. I am as abhorred by pedophiles as anybody could be, as I'm sure you are, as State's Attorney Jack O'Malley is, who supports this legislation. Nobody wants to do anything to help anybody like that, who is sick and a scourge on society. That's why this bill is drafted this way and there's a specific definition. And the people who bring up words like pedophile are only doing the kind of thing that polarizes our society and causes discrimination, because nobody is here - nobody is here - to protect or defend pedophiles. They ought to be put behind bars where they belong.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, I -- you know, I wish you could explain to me or convince me somehow that this would not establish a certain protection for homosexuals as a protected class of people, based upon their sexual lifestyles. And I -- I just -- I don't know whether you can add something out there, but for some reason you have not been able to convince me that -- that someone who is -- their sexual orientation -- who has different sexual orientation can be in the same class of a black person or of the other people who are protected now under the Human Rights Act. I don't know if I'm asking a question or just making a statement. But if...

PRESIDENT ROCK:

The Senator will have the opportunity to close. Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you, Mr. President. Well, I guess the whole argument is right there. When you say, I don't know why somebody with a different sexual orientation should have - and I'm quoting you - should have the same protection as a black person. Why not? I mean, why shouldn't they? They're human beings like you and I. Why shouldn't they have the same protection in terms of job discrimination, housing, employment? Why shouldn't they? That's all this bill says. This bill says you still have to prove, you have to go before the Human Rights Commission and prove, by substantial evidence, that there has been discrimination based on that reason. There's your intent, Senator Dudycz. Based upon that reason. Not just because you did a bad job, but because you were fired strictly because of your sexual orientation, or strictly because you were black, or strictly because you were Hispanic, or strictly because of your religion, or strictly because of your sexual orientation. You've got to prove that. There has to be intent. There has to be evidence. And when you say, why should somebody who's got a particular sexual orientation be treated the same as somebody who's black, I say "Why not?" And I solicit your Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1605 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Take the record. On that question, there are 25 Ayes, 26 Nays, 4 voting Present. Senate Bill 1605, having failed to receive the required majority, is declared lost. The sponsor requests that further consideration be postponed. 1607. Senator Vadalabene. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1607.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and Members of the Senate. Senate Bill 1607 is a vehicle bill for the field and track stadium to be constructed at SIU-Edwardsville. The committee of Mary Kane of SWIDA and Ralph Corte, the Chairman of the Committee, and DCCA are trying to work it out. I want to move the bill along, and I would appreciate it if we move it over to the House, where they can work it off.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you. I'd just like to ask Members on our side to support this legislation. There's negotiations going on now. We have an opportunity, possibly, to bring the Olympic Festival to -- to St. Louis. It is going to be in St. Louis. We have an opportunity to bring track and field to Illinois, so -- and SIU-Edwardsville. So there's a lot of negotiations going on, and I hope that this vehicle will ride on over to the House.

PRESIDENT ROCK:

Question is, shall Senate Bill 1607 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1607, having received the required constitutional majority, is declared passed. 1616. Senator Jacobs. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1616.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senate Bill 1616 merely creates the Recreational Trails Act of Illinois. It's done in -- in accordance with the Symms Act on the federal level. The Symms Act, as far as we were concerned, left some uncertainty as to whether or not we could use some of the four-wheel drives and et cetera on the -- the trailways. And of course, that's something in Illinois we did not want to do. So we have prohibited that. And I think that's only one of the areas we have covered in regards to -- to the Recreational Trails Bill, but it will allow some more money to come to the State. There is some feeling that this may not be necessary to even enact, because the federal law is so vague, but I think because of that vagueness, we need to at least make some attempt to -- to tighten it up so it conforms with what we want in Illinois. Be glad to answer any questions that may be available.

PRESIDENT ROCK:

Discussion on 1616? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT ROCK:

Indicates he will yield, Senator Rigney.

SENATOR RIGNEY:

Apparently under the Symms Act, in order to access this money, we do need to set up some kind of an Authority, and we do have to give approval for specific uses of this money, which this bill does. I maybe don't have a problem with that. Now I've heard some mixed reports here as to what shape the bill is in right now. Does your legislation provide for using any State money out of the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Motor Fuel Fund?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

For the portion of the -- the -- that that deals with the off-road vehicles, no. That is only the Symms Act. As far as the rest of the Act, under current law as it's written, it's all in the same ball game, as I understand it. I don't think that there is any extra dollars being attributed.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

I've got some staff advice that says that after three years you'll be accessing State money. Does that provide for that?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

I -- I have no indication of that. If you say that's the case, Senator, and you can point it out to me, I would have to accept that, but I am not aware of that. That's not the intent.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Maybe I have an old amendment or something here. Maybe something's been changed. But looking on page 7, Section (d), what -- can you tell me what the purpose of that is? That deals with motor fuel for off-highway.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you. That's the clarification that was requested by the Department of Revenue that, in effect, says that off -- off-road

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

vehicles do not pay motor fuel tax funds. So therefore, if they had applied for a -- a refund, that that monies could not be used for that. But that basically has been cleared up by saying that off-road vehicles -- excuse me, that the four-wheel drives are taken out of the picture. That was a clarification as requested by the Department of Revenue.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Well, is the Department of Revenue neutral on the bill now?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

It's my understanding the Department of Revenue is neutral. The Department of Conservation, as I understand it, still has a few minor problems, and I'm willing to work those out. This bill is only an attempt to help clarify what the Symms Act does, as far as I'm concerned.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Our staff analysis indicates that the Department of Conservation, the Farm Bureau, I believe it's the Illinois Environmental Council, and a group called Rails to Trails are all opposed to the bill. And to gather that group of people to agree on anything is sort of impressive. I congratulate you on that. But are they still all opposed to the bill?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Rails and Trails, as I understand it, is the author of two of these amendments. So I think that this pretty well cleared up

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

their concerns. But, yes, the Department of Conservation is still -- has some concerns. I have no qualms with that. We'll try to clean those up if we can. It's mecht nichts to me.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Well...(machine cutoff)...leaves the Illinois Environmental Council and the Farm Bureau. Maybe I should shorten debate and say, is there anyone for the bill?

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Karpziel.

SENATOR KARPIEL:

Senator Jacobs, I'm sorry - I don't have a copy of the bill. I hate that - that we don't have copies of bills handy. In the -- in our analysis, it does say that the Department - our Department of Conservation - is concerned - I guess it means about the federal -- the Symms Bill - about the use of the -- the all-terrain vehicles to be used -- that can be used on all our trails. Is that a part of the Act?

PRESIDENT ROCK:

Senator...

SENATOR KARPIEL:

I've been told only along the Fox River. Is that true?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Only where the riverboat is in the Fox River. No, that is not true. If we leave the Symms Bill as it is, four-wheel drive

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

vehicles are included as all-terrain vehicles, and are included then on the -- which means you could take a Blazer or anything else down these trails. The bill that we have and the amendment that we have put on precludes four-wheel drive. And that was part of the concern also of the Farm Bureau, and that doesn't take care of all their problems, but it alleviates the majority of the problems.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

But you still are going to allow motorized vehicles and, you know, like motor bikes and things?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

If we are going to access the money from the Symms Bill, whether we do nothing, that's still the case. And this bill does not alter the fact that off-road vehicles cannot use specified trails. Yes, they can. On those specified trails, only money that they can use is that portion which would be considered Symms' money portion.

PRESIDENT ROCK:

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in opposition to this bill. You know, all I can see it does is create a lot more paperwork, and I don't think there's any need for the thing. I think the bill ought to be defeated.

PRESIDENT ROCK:

Further discussion? If not, Senator Jacobs may close.

SENATOR JACOBS:

Thank you, Mr. President. We'll keep it short, because the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

only concern I have with this legislation is that if we do nothing, we will allow four-wheel vehicles to be on our -- on our trailways. So let your conscience be your guide.

PRESIDENT ROCK:

Question is, shall Senate Bill 1616 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 26 Ayes, 26 Nays, none voting Present. Senate Bill 1616, having failed to receive the required constitutional majority, is declared lost. 1620 was on the Recall. 1622. Senator Topinka. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1622.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this bill basically does two things. The first: it amends the Consent by Minors to Medical Procedures Act so indeed hospitals, physicians, other medical personnel could furnish medical care or counseling to minors if that minor is -- is homeless, does not show a regular nighttime resident, has come in for help, there's no identifiable way one can find parents or guardian at that point - the child needs help. It may not be emergency help, but the child needs help. This is modeled after something that Arizona has, which has worked very, very well. The second part of the -- of the bill would seek to create the Parents Too Soon Act, which is basically codifying the Parents Too Soon Program, which now resides under the jurisdiction of three agencies, all of whom who

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

are doing just a fine job. But there needs to be some structure so that one becomes the lead agency, and we have asked that the Illinois Department of Public Health be that lead agency, just to keep everything flowing forward. This is certainly no intent on my part to challenge the programs in Parents Too Soon or to seek any changes in those programs. And this is what the bill does, and I'd be happy to answer any questions.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1622 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1622, having received the required constitutional majority, is declared passed. 1625. Senator Geo-Karis. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1625.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill amends the Municipal Code to permit a municipality to abolish its working cash fund and -- and it may not create -- re-create such a fund for a period of ten years. And it's -- the language is taken from a similar prohibition in the Park District Code, and I ask for favorable consideration.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall Senate Bill 1625 pass. Those in favor, vote Aye. Opposed, vote

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Nay. And the voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 4 Nays, 2 voting Present. Senate Bill 1625, having received the required constitutional majority, is declared passed. 1637. Senator Demuzio. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1637.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Illinois Farm Development Authority Bill which would guarantee loans to soil and water conservation lenders to Illinois farmers. What we would be doing would be transferring five million dollars out of the Reserve Fund to the Treasurer's Office so they, in fact, can make some loans. And also putting back into the proposal increasing the -- the interest that the IFDA, Illinois Farm Development Authority, is authorized to utilize for essential financial analysis back to the University of Illinois in order for us to do additional research. I know of no known opposition, and I would ask for your support.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1637 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. Senate Bill 1637, having received the required constitutional majority, is declared passed. 1638. Senator Carroll. Read the bill, Madam Secretary, please.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

Senate Bill 1638.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1638 is an effort to clarify some of the eligibility requirements, comes out of the Comprehensive Health Insurance Plan coordinators for the State. And to say that basically the denial of a stop-loss policy is not the denial of insurance that would allow someone in, and that, secondly, if a person has and can demonstrate a history of a particular illness, they do not have to go through the useless act of asking for insurance and being denied before they can be eligible. I would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1638 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1638, having received the required constitutional majority, is declared passed. Top of page 6, Ladies and Gentlemen. 1640. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1640.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is -- comes to us as a result of an effort by the Illinois Federation of the Blind to assist in increasing the competency of teachers of Braille, for people who are -- whose sight is impaired. It does two things: it would require individuals seeking a certificate to teach blind students to successfully complete a Braille examination course before applying for their certificate; and it also would encourage publishers to supply computer disk versions of textbooks to the State Board of Education for Braille reproduction purposes. The teaching of Braille has fallen on hard times as a result of the availability of computers and the availability of just books being -- being able to be read orally, and it's -- it's something which blind students need to improve upon to help with their grammar and their -- their overall studies. So it's something which Illinois Federation of the Blind has brought to my attention. And I think it's supported by them, as well as the State Board of Education. Be happy to answer any questions and ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

The amendment that was put on appears to mandate that -- that no Downstate school district or the Chicago school district can use a textbook, unless the company supplies the computer disk for conversion to Braille. I'm -- have we looked into what the impact -- is this -- you know, I'd hate to pass the bill and find out that we have eliminated eighty-seven percent of the available choices to our education community for textbooks, and that the top seven manufacturers -- or printers in the country have ceased to do business in Illinois, thereby setting off some sort of, you know, crisis, a la the machine gun bill, so to speak. What's the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

impact here? Is this -- do ninety-five percent of the companies already do this? Are we -- you know, my basic question is, are we shooting ourselves in the foot?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you very much. A very legitimate question. I've been assured by the Illinois Federation of Blind that this, in effect, will probably end up saving money. What happens now is, if they purchase a book that doesn't have a computer disk version, they have to -- they hire somebody to manually go through the book and translate it into Braille. There is also a recent development of a clearinghouse - I think it's somewhere in Tennessee - a clearinghouse where all books that are available in Braille - there's different versions of how Braille can be printed - and this is a clearinghouse which -- that it's expected these books would be purchased through them. They'd be different manufacturers or publishers, but they can send it through the clearinghouse so that there's one version that is available. So that's what they tell me; it's not going to impose any financial burden on the school districts - actually would end up saving money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, getting back to my question: the -- my question is basically what percentage of the books supplied to the Chicago and Downstate schools - suburban schools - meet this requirement? What -- you know -- I -- you know -- my fear is that we're going to pass this bill and perhaps the Governor signs it, and six months later, somebody's going to say -- we're going to start getting calls from our school districts saying that sixty-five

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

percent of the books that we wanted to purchase for our children are no longer available in Illinois because of this law. It occurs to me, particularly on limited-use books, that, you know -- lab books and stuff for chemistry and biology courses -- that the cost implications of this might be such as to discourage companies from doing business in Illinois. And I -- in candor, your answer does not reassure me that -- that this is not a potential crisis in the making -- if you follow my logic.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, I'll try to give as best answer as I can, based on the information that was given to me in the committee. All of the publishers have no problem with this requirement. They have computer disk. And they -- the requirement is that they make it available when they sell the books. The -- apparently the problem has been that there were different versions of how Braille can be -- different versions of Braille, and that the clearinghouse is meant to make sure that there's only one -- one version. The publishers had no problem with it. The State Board of Education had no problem with it. And maybe there's something out there that I -- I -- more information that I could direct to you to help answer your question, but right now that's the best answer I can give - that it doesn't pose a problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Some of the school districts in my area, as part of history courses, use textbooks on the local history of Boone County, or McHenry County or, you know, Bridgeport, or wherever. It occurs to me that those type of publications, which are generally soft-cover kind of things, that the cost of going to Braille for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

those kind of people would be pretty tough. You know, I think we obviously want to encourage the book manufacturers of the major textbooks that are produced by the hundreds of thousands. I just think this may be a little sweeping. I think we may be about to shoot ourselves rather squarely in the foot. May I suggest to you - and I am personally sympathetic to what you're trying to do - that this all-inclusive language may be changed - and I'm prepared to see you do it in the House, if we have an agreement - to make sure we aren't just sweeping this sword much too broadly, and that perhaps the State Board of Education -- you know, we mandate that broadly used textbooks do it and that the State Board form a committee to review. You know, give them a little -- a little leeway. I mean, that's what we have all those people over in the golden palace to do, I guess. I don't know what else they do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR DUDYCZ:

Mr. President, Ladies and Gentlemen of the Senate, in the visitors' gallery on the Republican side we have some special guests from my district. And I would like the Senate to welcome the eighth-grade students from Our Savior Lutheran School and their teacher, Mrs. Ellen Jordan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Our guests in the gallery please rise. Welcome to Springfield. Further discussion? Senator Keats.

SENATOR KEATS:

Very briefly. Everybody in this Chamber says they're against

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

unfunded mandates, and we discuss it and offer constitutional amendments. This program -- and I have to say on behalf of Senator Cullerton - he's made an attempt to limit it. I mean -- in committee, we all brought it out of committee saying we ought to at least continue to talk about it. On paper, someone will say, it's not a mandate, but if you read the definition of this bill, it specifically says what the schools are going to have to do. It deals with the textbooks, what's going to be available. And if you do not think that your local school boards will come back to you and inform you that you have imposed a new cost on them - and I assure you they will blast you for doing it. I will mention, of course, they did not file in opposition to the bill here in Springfield. They'll just knock you about it at home. But the point is, this is what an unfunded mandate looks like. And if we don't care about unfunded mandates, run. It's okay. Doesn't make any difference. This is what an unfunded mandate looks like. If we think it's a great idea - and I'm not necessarily saying it's a bad idea - but if it's a good idea, maybe we ought to pay for it. But I think following yesterday's debate, I think we noticed - certainly the Senate President said - there's no new money; we're going to cut the budget another three hundred and fifty million dollars. Might be a good idea. But will you explain to me where we're going to fund this program? If we're going to cut the budget another three hundred and fifty million dollars, where this money's going to come from? Give it some thought.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Butler.

SENATOR BUTLER:

Yes, will the Senator yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Indicates he will yield. Senator Butler.

SENATOR BUTLER:

Thank you. Senator, perhaps it's a difficult thing for you to -- to try and quantify this, but could I have just one answer? Is there or is there not a mandated cost in this program? In other words, the cost of books without this provision versus the cost with the provision. Is there not an additional cost to the school districts?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

My understanding is -- is that there is no cost. In fact, they explained that this would save money. And the reason is simple. If you provide a book to be available to blind students, for them to read it in Braille, they have to hire somebody to translate it into Braille. Instead, there is a computer diskette that does that via the computer. And when they came to me with this bill, they said, "We ought to put a requirement that when -- when these school districts purchase these books, they get the computer diskette with it." Every publisher, from what I've been told, has the diskettes, and it actually, therefore, will have the result of saving money, rather than having the school districts have to hire someone to -- to translate it. That's my explanation. Now if I'm -- I will check with the Federation of the Blind in taking up Senator Schaffer's point. I will -- I will -- right after this bill -- if it does pass and goes to the House, I will contact the Federation for the Blind, and I will answer the -- specifically have them answer your question, Senator Schaffer, and Senator Keats. It's not my intention of -- of imposing a mandate that'll cost money in the schools. From what I was told from the Federation of the Blind, it does just the opposite.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

All right. Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Cullerton, what our analysis says is that the mandate -- the amendment mandates that no Downstate school board or Chicago local school council may purchase any textbook unless the publisher furnishes a computer diskette to the State Board for the purpose of establishing -- or publishing Braille textbooks. The problem I think that I see with this is you're saying if there isn't a computer disk, you can't buy the textbook. And if there's an English class, for instance, that decides that they want to read some classic, or they want to look at some books that, frankly, normally would not be considered a textbook, but in the instance -- you know, maybe they're going to read The Yearling. And if The Yearling doesn't have a computer disk, you can't buy it, because it would be considered a textbook in that particular class. And I have a real problem with that, because you're limiting the teachers then as to what books they can have. If it doesn't have a computer disk for Braille, they can't use it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Let me take the bill out of the record so I can get some answers to these questions that have been raised.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. I just want to point out to the Membership, we have now done twenty-four bills out of two hundred and twenty-six. And at this rate, we will be here tomorrow at midnight. All right. 1645 is on the Recall List.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

1649. Senator Dunn. Mr. Secretary, 1649, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1649.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This would give an income tax deduction to individual taxpayers who were the victims of financial fraud and would require that there was a conviction. It would also exclude from the deduction money recovered from insurance, civil action or restitution as ordered by the court.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 1649 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 6, none voting Present. Senate Bill 1649, having received the required constitutional majority, is declared passed. 1652 is on the Recall List. 1657. Senator Raica. -- I'm sorry. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

It was on the list but it wasn't recalled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

There's an amendment filed by Senator Keats. So you'll have to discuss that with him. It's on the Recall List. 1657, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1657.

(Secretary reads title of bill)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1657 was introduced at the request of the Associated Fire Fighters of Illinois. What it does is it would provide, if there's a conflict or duplication between a department or Public Health rule regarding drug testing and a provision in a collective bargaining agreement, the Department of Public Health rule would not apply to those persons covered by the collective bargaining agreement. It also makes a technical change, changing the word "automatic" to the word "automated," dealing with heart monitors. I know of no opposition, and ask for your favorable consideration. The Department has signed off on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall 1657 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1657, having received the required constitutional majority, is declared passed. With leave of the Body, we'll jump back to 1652. It's my understanding that Senator Maitland wishes to proceed with that bill. 1652, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1652.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you very much, Mr. President and Members of the Senate. And thank you for your courtesy. I apologize for the confusion. Senate Bill 1652 is a piece of legislation that's long overdue. Many of us, for some years, have been concerned about the abuses of life safety. The purport of Senate Bill 1652 is to tighten up those -- those abuses. I believe the bill is in -- in proper form now. There was controversy about the exemption in the property tax cap counties. We have resolved that. I stand ready to answer any questions you might have; otherwise, appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Is there an elimination of energy conservation as one of the purposes for life safety bonds from this amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

No, sir, Senator Welch, there is not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Thank you, Mr. President. Appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1652 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. Senate Bill 1652, having

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

received the required constitutional majority, is declared passed. Now 1661. Senator Jones. 62 is on the Recall. 65, on the Recall. 67. Senator Leverenz. 1667, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1667.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. Senate Bill 1667 deals with back wage claims, and it would allow CMS to go back to the agency for which the person was employed, to take the money from the personal services lines of the particular agency for which the individual worked. The bill is further amended to allow the establishment of a Personal <sic> (Personnel) Services Revolving Fund, which permits CMS, when they do personnel services for different agencies, for the agency to pay into the fund and to pay for that which they have received. Answer any questions you may have, and solicit your Aye vote to pass...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Weaver.

SENATOR WEAVER:

I was just wondering, are we now going to charge DOT, for example, for the examination of DOT -- future DOT employees, to give the exam and to interview and this and that? Aren't we appropriating money to CMS to conduct these services Statewide, and now we're coming back and saying that we're going to charge

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

the agency for that service? I think there's -- I think there's a lot of confusion in here, Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

If he would -- if the Gentleman would -- just nod your head. Was that a question? Currently, we do appropriate the money to CMS, but it is more legitimate to say that that which DOT requests or needs to be done is charged back to that agency, and the agency then pays its money into the Fund and costs are allocated where costs are incurred. That is exactly what this bill does.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Well, it seems to me that we give the responsibility to CMS to conduct these examinations for most all State agencies. That's a cost of doing business for the State, to provide examinations, et cetera. I think it's going to cause some confusion in every agency in developing a budget, not knowing what CMS -- or how many exams they may give, how many -- how many people they must hire to conduct these exams. The whole idea of this was to try to centralize personnel Statewide, but we find every agency has personnel officers by the dozens, and I think this is probably a step backwards towards centralization of personnel policies for the State of Illinois.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Leverenz may close.

SENATOR LEVERENZ:

First, I guess I should just address the -- the last statement of the last speaker, and I always enjoy his advice and learned insight into State Government. However, what this does is do the same as we do with automobiles, the same as we do for paper clips. If you buy a lot of paper clips, it's charged back to the agency. It provides greater insight for that Senator and everyone else to find out where costs are really incurred, rather than doing it by bulk. The Central Management Services agency itself asked for this, and I believe it is for good government in both cases. And I ask for your Aye vote to pass this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1667 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 16, 7 voting Present. Senate Bill 1667, having received the required constitutional majority, is declared passed. I inadvertently skipped over 1661. Mr. Secretary, with leave of the Body, we'll return to Senate Bill 1661. Is leave granted? Leave is granted. 1661, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1661.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Senate Bill 1661 amends the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Insurance Code and permits a policyholder to select and receive services from a licensed physician, hearing aid dispenser -- or hearing aid dispenser. The bill provides that the insured consumer of hearing aid services similar treatment that statutorily is granted to policyholders who seek optometric services. And what it would do is give the insured the decision as to whether or not they would like to have their hearing aid from a hearing aid dispenser or a -- or a -- a physician, a licensed physician. These hearing aid dispensers are licensed. It gives them the option. It saves money, because when you go directly to the dispenser to receive your hearing aid, it will cost less. You will not have the add-on costs that has been purported by the Life Insurance Council, that puts out erroneous information. But what it does is give the insured the choice to elect whether they want their services from a hearing aid dispenser who is licensed by the State. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in opposition to this bill, because what it does is take out of it the right of the audiologist from providing a hearing aid service. These people go to school. They're trained and they're licensed. Most of them hold master's degree. And we should not exclude them from practicing their trade. Therefore, this is, I feel, a bad precedent and a bad bill. And I rise in opposition to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. When the sponsor placed the amendment on this bill the other day, he mentioned that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

audiologists were not trained or allowed to do this. I would quote to the sponsor from State Statute that the practice of audiology may include, but shall not be limited to, the following - and one of those is training in the use of amplification, including hearing aids, of which the sponsor disputed that audiologists could do that. I would also point out to the Body that this bill is opposed by some crazy groups like the Illinois Life Insurance Council, the Management Association of Illinois, the Illinois State Medical Society, and finally, the Illinois Speech, Language and Hearing Association. Now if those folks don't know about audiologists in this bill, I don't know who would do, and I would urge opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jones may close.

SENATOR JONES:

Yeah. Thank you, Mr. President. In response to the two previous speakers and their erroneous information and erroneous statements: number one, what I stated earlier, they were taken out of the bill because they cannot fit or dispense hearing aids unless they are licensed under the Hearing Aid Consumer Protection Act. That is what I stated in my remarks when I put the amendment on. If they were licensed under -- under the Hearing Aid Consumer Protection Act, then they could fit and they could dispense hearing aids. This bill is supported by the Hearing Aid Society. That's where it comes from, and what it does to a consumer - if you go to them directly after you have been treated -- or diagnosed as needing a hearing aid, you can purchase it directly; therefore, the cost - the add-on cost - would not be there. So therefore, this is where the so-called Life Insurance Council is erroneous. It is not a mandate but is a consumer's-choice piece of legislation, and I urge a Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Question is, shall Senate Bill 1661 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 9, the Nays are 40, none voting Present. Senate Bill 1661, having failed to receive the required constitutional majority, is declared lost. Postponed? No. Senator Jones. It lost. All right. 1669. Senator DeAngelis. Mr. Secretary, 1669.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1669.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1669, as introduced...

PRESIDING OFFICER: (SENATOR DEMUZIO)

The board is correct.

SENATOR DeANGELIS:

...provided for a power of sale foreclosure on commercial properties. There was significant opposition from the Illinois State Bar Association on that issue, so I caused to have convened the affected interests on this particular issue, and at this time, they are still meeting. Subsequent to their meeting, I did strip the bill, so there is no reference to that particular issue in there. I would like the bill to be passed over to the House while they are still negotiating.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is that it? Question is -- discussion? If not, question is, shall Senate Bill 1669 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take --

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. Senate Bill 1669, having received the required constitutional majority, is declared passed. Senate Bill 1671, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1671.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Yes, a point of personal privilege, for I inadvertently hit the wrong switch on Senate Bill 1637. I would like the record to show that I were -- intended to vote it Aye, and I most certainly wouldn't want my colleagues to believe that I would vote against my distinct colleague or Senator Demuzio's bill, because I love him and I know he always does the right thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, try not to tell anybody all those other parts. Senator Maitland.

SENATOR MAITLAND:

Thank -- thank you, Mr. President, Members of the Senate. Senate Bill 1671, Mr. President, is a -- is a shell bill. Senator Carroll and I both introduced shell bills as a result of the work that we were doing on the Pharmaceutical Task Force. I would like this bill to -- to pass out of here. We are going to pass a pharmaceutical program of some kind this spring, and I'm sure it's going to have -- we don't know what's going to happen in the House yet. I'd like to move this vehicle over there and -- and be able to use it for that purpose. So I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1671

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1671, having received the required constitutional majority, is declared passed. Senate Bill 1685, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1685.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This is the bill that puts in place a new transportation reimbursement formula. About one year ago, the Governor asked the State Board of Education to review the system of financing pupil transportation, and to propose reforms that would address the issue of efficiency. This bill contains the State Board of Education's proposal to significantly reduce administrative costs and encourage cost-saving efficiencies within the transportation system. The current system began in 1969, and this year that system will expend some two hundred and twenty million dollars. It will do so, essentially, without regard to any kind of meaningful cost-containment and without regard to promoting efficiency. It neither encourages nor rewards district efficiencies. And because it fails to do so, we end up spending local tax revenues and State revenues on transportation costs that are not essential, and we expend both State and local tax revenues on transportation costs that might better be allocated to other educational needs. Let me give you a few examples. Special education is now reimbursed at eighty percent of cost. The State will pay eighty percent of whatever you're able to spend. Regular

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

and vocational transportation requires districts to pay a local effort, then the State pays a hundred percent of the cost above the local contribution. Quite simply, the more a district is willing and able to spend, the more the State is obligated to pay. We have districts that raise locally one hundred percent of the funds they need to pay for transportation, and still the formula generates State reimbursement for them. But not all of the problems with the current system are financial - many are administrative. And I think your local school districts could tell you that it is an absolute nightmare to try to separate all of these transportation costs and figure out the proper reimbursement. So what does it do? 1685 restructures the transportation reimbursement system. The new system would provide for a basic level of local support for meeting transportation costs. That's a level at which we would expect districts to pay a portion of their costs. Beyond that level, however, the State would reimburse districts at three levels or tiers. Tier one pays a hundred percent of all transportation costs up to the Statewide average cost per pupil of three hundred and ninety-two dollars. Tier two pays fifty percent of the costs of everything between the Statewide average and a hundred and fifty percent of the average. We would pay fifty cents on the dollar for costs between three hundred and ninety-two per pupil and five hundred and eighty-eight per pupil. And tier three pays twenty-five percent of the costs of everything over a hundred and fifty percent of the Statewide average or twenty-five percent of everything over five hundred and eighty-eight dollars per pupil. Basically, what it does is, it gives more money to those efficient school districts - two-thirds of your school districts will receive more money under this proposal. It will stop the administrative nightmare, and it will gradually help the other school districts, through a hold-harmless formula, to reach a system of cost-efficiency. I recommend its

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator, the portion of this bill that gives Chicago a new twenty-percent transportation tax levy without referendum - who requested that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

This is a proposal from the State Board of Education, and it has received the approval of the Chicago Board of Education.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Okay. But was it this -- proposal originated with the State Board or with the local board?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

With the State Board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Just -- just to inform the Members, at least on this side: This is a nonreferendum property tax for Chicago, and I would stand in opposition to it, and I would hope that, at least on this side, we would vote No.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I want to applaud Bob Leininger's attempts to restructure the transportation formula. The problem that I see here, from the point of view of Chicago only, is that Chicago is invited to impose a real estate tax, without referendum, to make up for a shift of 19.6 million dollars - almost twenty million dollars - away from State funding and shifting to real estate tax funding. That's the wrong way to go. Every one of you from Collar Counties supported the tax caps because you want to move away from real estate taxes and shift the burden to State taxes. If you vote for this bill, you're imposing upon Chicago the same thing you wanted to avoid for your Collar Counties. Now I'm not opposed to restructuring and encouraging efficient operation of school transportation, and there is a three-year hold-harmless in this bill - I want to recognize that. But I'm not sure that three years, with all the problems that we have in Chicago, is sufficient time to correct this, and three years passes very quickly. And I'm not in favor of nonreferendum property tax increases in Chicago, and I'm not in -- in favor of shifting school costs, whether it be transportation or of other -- or other things, from the State to property taxes. I want to do the opposite. Shift them from property taxes to the State's responsibility to fund the cost of education, including transportation. So I reluctantly stand in opposition to this bill at this time, based on the way that it presently is structured.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. Members of the Senate, I

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

rise in strong support of Senate Bill 1685, and -- and would remind the Body that repeatedly throughout this Session and previous Sessions we've talked about school districts and other districts becoming more efficient. And there have been a number of attempts over the years to put together a transportation formula that would recognize those school districts who performed a service and did it in an efficient way. This bill finally does that. It absolutely does it. It recognizes those school districts who are - not because of the money, but simply because they want to do it - are providing an efficient system. Why should the City be any different? It absolutely should not be any different. Right now, taxes for the funding of transportation in the City of Chicago comes from the Educational Fund. I mean, that's what's paying for transportation there. That's taking away money from boys' and girls' education. They need transportation as much as we do. Let their system - and let our system elsewhere in the State - operate and function as an efficient system where you are rewarded for doing something right and good, and penalized for not being as efficient as you ought to. That's what this is all about. There is a three-year hold-harmless. Plenty of time, I would suggest to you, to get your fiscal house in order and those school districts who find themselves as losers under this system. I think it can be done. This is good legislation, and it ought to be passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I think my question's been answered, but just for some of those who -- who may have the same question -- 'cause in my district it appeared that we were going to lose about half a million dollars, and I think we have a pretty efficient system. But I understand there is an amendment,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator, on this bill, that will take care of the special ed children and that's a good number of that cost. And then they have four years in order to be able to attempt to -- to get their efficiency in order. Is that correct? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg. All right. Further discussion? Senator Holmberg may close.

SENATOR HOLMBERG:

May I just take a minute to respond to Senator Berman's concerns before I close? The reason that the State Board of Ed is allowing Chicago to have a transportation tax is a matter of equity. It's the authorization. It's not an automatic tax, but it's the authorization to do whatever -- what -- the same as every other unit school district does in this State. They do not take the transportation money out of the Education Fund; they have a separate fund for that, and because of that, they seem to be able to run a very efficient transportation system. In other words, there isn't a whole pot of money in the Educational Fund that they can continually take from. And I think that's important for all of us to know that the Chicago schools will be able to keep those funds separate. That's important for the education of all those children. It is important, I think, to remember that the majority of our elementary districts do better under this formula; the majority of our high school districts do better under the new formula; and the majority of our unit districts do better under the new formula. That's two-thirds of our school districts. In the long run, Senate Bill 1685 encourages and rewards efficiency, and that translates directly into reduced operating costs, less tax revenues needed for transporting students, and a freeing up of scarce State revenues now being used for transportation reimbursement that will be available for our educational needs. I recommend a favorable roll call.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Question is, shall Senate Bill 1685 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 22, 2 voting Present. Senate Bill 1685, having received the required constitutional majority, is declared passed. Senate Bill 1695. Senator Rea. Mr. Secretary, 1695, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1695 amends the Downstate Public Transportation Act. It changes the definition of "participant" to include any local mass transit district organized under the Local Mass Transit District Act. This is clarifying legislation. It is also supported by the Department of Transportation. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1695 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1695, having received the required constitutional majority, is declared passed. 1700. On the Order of Senate Bills 3rd Reading, bottom of page 6, is Senate Bill 1700, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1700.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1700 is the Family Responsibility and Medical Leave Act. It's an issue that I suspect most of us, if not all of us, wish would go away. It's an issue that tugs at the heart of us, because we know, regardless of our position, that it's a policy with profound need and merit. I believe it's an issue that's going to be with us, in most states, until it is passed and implemented at the State or national levels. Contrary to what some would suggest, family leave affects all of us, not just the pregnant mother. Support for this bill comes from many areas. It's an issue that affects workers and families, senior citizens, the disabled, the terminally ill, men and women who care for aging or disabled parents or family members. It affects the seventeen percent of the population who are impacted by collective bargaining and the eighty-three percent of the population who are not. It's supported by groups such as AARP, the Catholic Conference, the Illinois Council of Churches, the League of Women Voters, to name a few. To date, eighteen states, including Illinois, which was the first State in 1983, have passed family leave policies for the public sector employees. Since our debate last year, the numbers of states with statewide policies on their books have grown from four to ten. Globally, one hundred and twenty-seven countries have provided similar protection for their workers. Among the industrialized nations are Japan, Germany, France, Canada, Italy and Sweden. And very importantly, to make this eminently practical policy more reasonable, we have added, through President Rock's amendment, a sunset provision of January 1st, 1998, so that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

we can give this needed policy a chance, to let families take care of their families in time of critical need, to take care of their families without -- with unpaid leave without the threat of losing their job. Out of all the bills we debate in this Chamber, I believe this is one - one that was carried long before I ever arrived in this Chamber - that could truly make a positive difference in the life of Illinois families. I would urge your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. This legislation, as we know, has been around for a long time, and I know that the debate that we're going to discuss today or talk about right now is not going to change any votes, but I think, in my estimation, this bill is exactly what is wrong with government today. Statistics show that ninety percent of the businesses in this State already have similar policies or are more than willing to work with their employees in situations like this. So what are we doing here today is that we're mandating to all businesses to get at a few. I might add that by doing this, that we actually affect -- and we actually, in effect, may reduce the benefits to some of the employees that they already have. It's simply not true that this is going to reduce costs, because actually it will increase costs to businesses. Documentation that they need to do to show that they're complying adds administrative costs. If they have to hire a temporary employee, their unemployment insurance may show a bad or a worse experience, so they're going to have a negatively impact there. In conclusion, when we desperately need businesses to be able to grow and expand to create jobs, this is not the time to be doing it. And I hope that we can have opposition, and I would ask Membership to vote No.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. There's further discussion. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Senate. I strongly urge that we support this bill. For once, let us think about the social costs to not supporting this bill. There is no evidence, and, in fact, the Family Work Institute Study in Minnesota, Wisconsin, Rhode Island, does not confirm the assertion that family leave is incompatible with successful business strategies. I don't know how many of you saw over the weekend a series of articles about our loss of business to Japan and to other companies. One of the bottom line factors was the fact that we have not settled into the social needs in this country. This is one of the main ways that we can make that happen. Women who are working in the work force - it is not a question of being an option of whether to stay home or whether to work. Women in this Body, you know exactly what I'm talking about. Let us take the progressive step that needs to be taken, support the women and the families in this country, and support the women and families in Illinois. Let us support this bill. Now is the time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. It seems to me that frequently when we talk about bills that affect business, we seem to think in terms of every business is General Motors, or every business is General Electric, when the truth of the matter is most of the job creation in this State and in this nation is small business. And imagine if you possibly, possibly can, a small business of fifty employees, which is the bottom layer of this bill. He may have two workers in data processing, and one of them decides, "I'm going to take a leave." Now what does that employer do? He can't

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

run a department on one -- with one person. He has to somehow struggle through. He has to somehow perhaps hire somebody, try to train them quickly, try to make them effective. If we're anxious to keep business in this State, let's think of the small businessman, not General Electric, not United States Steel - the little guy. There's also a tricky proposition in here that employers having fifty employees within two hundred miles. Remember, there are a lot of small establishments that have branch offices, and they might have three or four employees. Now what does he do if one of his employees decides to take a leave? My suggestion is we think small - think small business, and help these small business to stay in this State. My suggestion is that we vote No on this.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, one of the things that we have talked about so much in this General Assembly, in this Senate particularly, is the fact that we've mandated so many darn things that we've made it cost-prohibitive for many businesses and what-have-you. I concur with Senator Butler and Senator Donahue. I do not feel that we should mandate any more things, for heaven's sakes. We're trying to keep business in Illinois and bring more business in Illinois, and the small businesses of fifty employees, for heaven's sakes, would be hard hit and hard pressed. I have staff in my office. As you know, I run a law office. When my people are ill, they don't have to worry; or they need any time off, they get it. I think that's something that should be right between the employer and the employee. And you certainly have plenty of unions who have certain allowances that are made. But I don't think we should mandate. We have so darned many mandates, and yet, we're going

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

right into another one. And I say, let's vote down this bill, because now is not the time with this critical economy that we have, to take any chances of losing business and discouraging business from coming into Illinois.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I was in Texas a few years ago at a small business conference, and -- had a marvelous time. But -- but right -- right about that time, the first bill similar to this was passed by the State of Oregon, and I asked the sponsors of the bill, how did it work and did it -- did it help the women who, frankly, are going to be the main beneficiaries of this bill. And I think we all realize that. What I was told by the sponsors of the bill was that it didn't work. What was happening, in truth, in that state, was that the women who were single parents and the women who were of childbearing age all of a sudden were finding it almost impossible to even get a job, because the personnel department, for one reason or another, was rejecting them. The second thing they found out was that any business that was close to a fifty personnel mark was reducing their personnel to get underneath that fifty, and going into Kelly Girl-type operations. And in fact, what was happening, was that the main beneficiaries of this entire bill were the -- were the owners of the Kelly Girl-type operations. If you are a Kelly Girl - and I have been one during my lifetime - you will see that there are no benefits whatsoever. You are at the beck and call of the employer. You can work one day; you can work three days; you can work five days. There are -- there's no health insurance; there's no vacations. There's no benefits whatsoever. And in truth, what was happening was that a lot of the women were having to resort to this type of employment. This is a -- not a good idea. It's going to hurt the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

exact type women we're trying to help, and I think we should vote No.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. For those of you that have read the book, Why Americans Hate Politics, you will find that this is principally one of the reasons - primary reasons - as to why they hate politics, because they want -- the public wants this issue resolved for once and for all. Apparently, some of you people haven't been out on the campaign trail. Let me tell you, this is going to be an extraordinary election year this year. Going to have a third party candidate out there. The issue's going to be about values and families. We talked about this -- this past Session, but I can tell you that if you don't pass this bill this time, and if you're the deciding vote against this, I'll guarantee you, you are not going to be on the side of family values; you're not going to be on the side of people out there in your district who firmly believe that this is an issue whose time has long time passed. It ought to be a matter of Statute in Illinois. I think you ought to really seriously examine what you do on this particular bill, because if you don't pass this bill today, you will certainly find out in the election why Americans hate politics.

PRESIDENT ROCK:

Senator Severns, to close.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I won't pretend to try to go through the long list of questions and issues that were raised here today, because we have debated this issue before. But the concerns that have been raised on this Floor

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

today and in other states elsewhere, where the policies have passed, simply have not been realized with the states that have put the policies on their books. The Family and Work Institute found that eighty-nine percent of the employers said there was no increase in costs or no decrease in benefits. The GAO said that there would not be a cost to employers unless health benefits were added, which this policy does not. The Small Business Administration, in their recent report, indicated that small businesses, which aren't even included in this bill, would have a net gain in cost. I think the real debate is whether or not we're asking too much of the business community, or whether or not we're asking too much of families. I think to those who say that we're asking too much of the business community to adjust to this policy should really reconsider the position and consider that they've been asking too much of employees to make a decision between families and their jobs. I would urge an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1700 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? All voted who wish? Take the record. On that question, there are 30 Ayes, 27 Nays, none voting Present. Senate Bill 1700, having received the required constitutional majority, is declared passed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

I would request a verification of the roll call.

PRESIDENT ROCK:

That request is in order. Senator Donahue has requested a verification. Will the Senators please be in their seats. Madam Secretary, please -- or Mr. Secretary, please read the affirmative roll.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, del Valle, Demuzio, Di Turi, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.J. Joyce, Kelly, Leverenz, Luft, Marovitz, Munizzi, O'Daniel, Palmer, Raica, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

Senator Donahue, you question the presence of any Member?
Senator Donahue.

SENATOR DONAHUE:

Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz on the Floor? Senator Marovitz is in the phone booth, Senator Donahue.

SENATOR DONAHUE:

Senator Welch.

PRESIDENT ROCK:

Senator Welch? Senator Welch on the Floor? Senator Welch on the Floor? Strike his name.

SENATOR DONAHUE:

That's all, Mr. President. Thank you.

PRESIDENT ROCK:

Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

I was just curious as to how many votes this takes to -- to pass.

PRESIDENT ROCK:

30 votes are required. Senator Welch -- put Senator Welch back on the roll call. Senator Donahue, having questioned nobody further, the roll has been verified. There are 30 Ayes, 27 Nays, none voting Present. Senate Bill 1700 is declared passed. 1711.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Philip. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1711.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1711 would put an additional hundred-dollar fee on the second conviction of a DUI for the purposes of a DUI educational program. We already have a program in my county. It comes out of the general fund. My county board and other county board members think that people who create the problem ought to pay for part of it. Be happy to answer any questions and will ask for your support.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1711 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. Senate Bill 1711, having received the required constitutional majority, is declared passed. 1717. Senator Collins. That's on Recall. 1718 is on the Recall. 1722. Senator Carroll. Read the bill, Mr. Secretary, please. 1722.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1722.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Carroll.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Unfortunately, people at their greatest time of grief and grieving found themselves in an unfortunate situation, not only in the Greater Chicagoland Area recently, but around this State at various times. We had testimony, in fact, from a professor of psychiatry - specialist in this field - about the same dilemma that had happened a few years back in Belleville, as well. And what happens is, people who had bought cemetery plots, thinking they had the right to use them when a loved one passed away so that they could put them to their final rest and get on with their grieving, found that because of labor disputes or other reasons, they were denied that type of access. This legislation, as amended, would permit that access, even in the case of a labor dispute, requiring management to provide the necessary equipment, and if so denied, providing the family the right to lay their loved one to rest themselves. It provides for fines for violation against all parties who are violating. Gives the families immediate access to the court by way of injunctive relief, and requires in those cases that the people who stop them from having this access would also have to pay the court costs involved. I think this is something that is long past due, and would urge favorable support of Senate Bill 1722.

PRESIDENT ROCK:

The Gentleman has moved passage of 1722. Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Hudson.

SENATOR HUDSON:

Senator Carroll, when this -- when this bill was heard in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

committee, I think you indicated that you would make an attempt to talk with the people of the Cemetery Association, who were opposed to the measure at that time. Did you do that?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Hudson, there's one grouping of -- I think it's twenty-three of the roughly thousand cemeteries that had originally testified in opposition to the first version. Said this wasn't wonderful, but a little better. We have met with them on several occasions, including -- there was a meeting eight o'clock yesterday morning. They are not still comfortable with this, I can say with all honesty, but we have been talking to them and said we will continue to, as this bill winds through - assuming it does.

PRESIDENT ROCK:

Senator Hudson.

SENATOR HUDSON:

Thank you, Senator, for that. When you say they're not still comfortable, does that mean that they are opposed?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

I can't answer that. They were opposed to the first version. I think you'll recall, in committee they said this was obviously better than the first version. If I were -- I hate to cast what their thinking is, but I assume they want no legislation.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Carroll, along the same lines as Senator Hudson, I know when we passed this legislation, we had talked about all the parties involved sitting down to come to some agreement, be it the archdiocese, be it the cemetery, be it the funeral directors, and it is my understanding that this is still not an agreed bill. And so, the -- it's very difficult to hear. There's so much noise, Mr. President.

PRESIDENT ROCK:

Our visitors from the House will have to restrain themselves. Senator Jones.

SENATOR JONES:

So this bill in its current form, as relate to the cemeteries, the funeral directors and the labor person that'll be involved, is not an agreed bill at this point. Are -- are we still going to be sitting down discussing, to come to an agreement before we pass legislation?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Jones, as I think -- or at least tried to explain to Senator Hudson, meetings have been ongoing with all players in the room, as well as individual meetings, in an attempt to reach an accord. Hopefully, we can reach one before the end of the Session. I will, however, say to you that if not all parties agree, there may be an attempt later to pass something that maybe not all agree to. But at this stage, the commitment is to continue the discussions. I think there's one again scheduled for next week.

PRESIDENT ROCK:

Senator Jones.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR JONES:

Well, in response to that then, I trust that -- that those discussions will take place; however, the Cemetery Association is opposed to this current -- bill in its current form. And so if it passes out of here, I know you will keep your word that all parties sit down and negotiate, because there's some critical issues here and I do understand the problem as it relate to the Jewish community on -- on this. But if we sit down and work all those things out before -- okay?

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Karpziel.

SENATOR KARPIEL:

Senator Carroll, I just wonder, would you consider this a strikebreaker bill?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

No, I don't. Some may cast it that way, but I don't.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. To the speaker, please. I mean...

PRESIDENT ROCK:

That's a long way away. Thank you very much.

SENATOR BUTLER:

...the sponsor. That's a long way away.

PRESIDENT ROCK:

Right. Sponsor indicates he'll yield, Senator Butler.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR BUTLER:

Thank you. Senator, in our committee discussions on this bill, there were some doubts about the provision requiring the cemeteries to furnish equipment and personnel who may not be trained and who would have the liability should anything happen in the use of that equipment. Was that provision taken out, or is it still in here?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

No, Senator Butler, first of all, I don't think the Speaker ever yields. But aside from that -- thank you, Ted. The -- the original version, I think, was -- was the questions you were relating to. In this it says that management will provide the equipment and management personnel, so that they have the trained people who know how to run the equipment. That's the language in the bill. So that the management would operate their own equipment.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, on that last point, I think you're assuming that management, in every case, is -- is a large operation. I picture some of these cemeteries as being pretty small operations, and I'm not sure how they are to provide personnel if, in fact, their personnel is on strike. You expect them to go out and hire other people, or are you visualizing that there are enough -- enough owners that are going to run these machines themselves? I'm not

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

-- could you discuss how practical this is for a -- a small cemetery?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Yes. Senator Schuneman, it was my understanding - it was my understanding - that the management people were concerned about others running their equipment, claiming that they at least had some expertise in doing so, and that that's how they wanted to have it handled. Now I'm not saying that that's a hundred percent accurate, but that was my understanding. And what this provides is that if, in fact, they do not or cannot, then the people have the right to do it themselves.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you. The other concern I had had to do with the injunction. And apparently, according to our staff analysis, it imposes a thousand dollars a day for a violation of an order of injunctive relief. Are you envisioning that that injunction might run against both the owners and -- and the strikers?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Absolutely.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

And do you envision this bill as -- the effect of this bill, then, being -- say the strikers will not allow anybody into the cemetery, that an injunction would then, in fact, prohibit them from their activities, to allow employees to come in and do this

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

work?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

It would be my opinion that if the striking employees were the ones at fault, the injunction would lie against them, and that people could then go in.

PRESIDENT ROCK:

All right. Senator DeAngelis, for what purpose do you arise, sir?

SENATOR DeANGELIS:

On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, please.

SENATOR DeANGELIS:

In the gallery to our left are the students from Garfield Elementary School in my district, led by their teacher, Mrs. Stanislawski. I'd like for them to stand and be recognized.

PRESIDENT ROCK:

Will our guests from Garfield please stand and be recognized. Welcome to Springfield. Further discussion? Further discussion? Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this bill, and I'll let you know that the Illinois Funeral Directors Association, the Cook County Funeral Home Owners' Association, and the Illinois Select Funeral Association are in support of this and understand it. And to one of the questions that was asked by Senator Schuneman, I think: If there is not enough management there, I'm sure - and I'll tell you that funeral directors will assist them and aid them in fulfilling this task. And it will alleviate and bring relief to families. So I am in support of this bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Senator Carroll, to close.

SENATOR CARROLL:

Favorable roll call, please.

PRESIDENT ROCK:

Question is, shall Senate Bill 1722 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 49 Ayes, 5 Nays, 2 voting Present. Senate Bill 1722, having received the required constitutional majority, is declared passed. 1727, 28 and 29 will be on the Recall. 1730. Senator Demuzio. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1730.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Take it out of the record. I have an amendment for it.

PRESIDENT ROCK:

1731. Senator Cullerton, with leave of the Body, will handle that for Senator Lechowicz. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1731.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Lechowicz's bill. It's identical to a bill last year which we had, Senate Bill 1497, which passed 42 to 11. This makes the due process mandates reimbursable by the State to local governments. The local government need not continue a mandate if the General Assembly does not make the necessary appropriations. It would allow local government to rely on a finding by the Auditor General that the General Assembly has not made the necessary appropriations, and it is prospective only. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he would yield. Senator Fawell.

SENATOR FAWELL:

Senator Cullerton, you are an attorney and, of course, the due process is basically what attorneys do. Would you please tell me, or could you enumerate some of the costs in the due process that we presently do not pay for and will have to as a State if this bill is passed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, first of all, it is Senator Lechowicz's bill, and I don't have, you know, all of his intent in -- in my mind at this time, but I can just tell you from reading the bill, the key here is that it applies to any new legislation. So it's not retroactive. It's only prospective. If we pass a new law that imposes a mandate on local government, then we have to file the appropriation and pass the appropriation; otherwise, they won't

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

have to comply with it. So, due process mandates could be anything that deals with the administration of justice, notification and conduct of public hearings, procedures for administrative and judicial review of actions taken by local governing bodies, and protection of the public from malfeasance, misfeasance or nonfeasance by local government officials. That's what the State Mandates Act defines a due process mandate as now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

All right. So if we give you -- if we give Chicago, say, three or four new judges and, therefore, you have to build a new court, or we pass some new criminal laws that are going to necessitate new jails, would all those costs involved -- be involved in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, of course, as you know, the judges' salaries are paid for by the State now. So if you're talking about if we create two or three new judgeships, if they were to go out and build -- they're not going to build a courtroom for just two or three judges. So it'd be difficult to answer that question. I don't think that it would -- your example is such that it would lead to any additional costs. With regard to passing new criminal Statutes that would require more people to go to jail, again, if they end up going to the State penitentiary, it's not a local cost anyway. If someone is charged with an offense, which is a new criminal offense, of which I can't imagine us even -- I think all criminal activity is already outlawed. I can't think of any new criminal offenses. But if there was one and they were assigned to the county jail awaiting trial, I imagine they could -- it could

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

be argued that we should reimburse them for that expense. That's possible. Just...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? I'm sorry. I beg your pardon.

SENATOR CULLERTON:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

To the bill: I had the opportunity to talk to the Chief Justice of the Supreme Court. Frankly, he's not happy about this bill. He feels that indeed what we are trying to do with this bill is to pass the costs on the entire justice system, except for those -- and I gather there's an amendment now that makes it prospective, which it did not in the -- Local Government. But even so, we are basically passing on the cost of the justice system. We are talking about State's attorneys; we are talking about courtrooms; we are talking about bailiffs; we are talking about clerks; we are talking about court reporters; we are talking about the sheriffs' department; we are talking about jails. It is seven-eighths of each county's budget right now. And that will slowly be transferred to the State. This is not a good idea. The Supreme Court doesn't think it's a good idea. Certainly as an attorney, you would like to be interested in what the Supreme Court says, and I think this is a bad idea and ought to be voted down.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica, for what purpose do you arise?

SENATOR RAICA:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

State your point, sir.

SENATOR RAICA:

Thank you, Mr. President. In the visitors' gallery on the Republican side, we have my home parish, the graduating class of 1992 of St. Rene Parish, with their teacher, Mrs. Lew. And in addition, one of the students is celebrating her fourteenth birthday today - Amy Collins. So I would just like the Senate to recognize the graduating class of St. Rene for 1992.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery, St. Rene, would please rise and be recognized by the Senate. Welcome to Springfield. All right. Further -- further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates that he would. Senator Geo-Karis.

SENATOR GEO-KARIS:

My analysis says, under your bill, that the failure of the General Assembly to appropriate funds shall relieve the local government of the obligation to implement or continue any due process mandate. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, that's correct.

SENATOR GEO-KARIS:

Well, follow-up question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

If -- how can -- don't you think that your bill is -- is really unconstitutional? Because you're saying that they don't

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

have to follow due process just because they don't have the money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, certainly I hope it's not unconstitutional. And it's not my bill; it's Senator Lechowicz's bill, and I'm sure he is positive it's not unconstitutional. And it passed 42 to 11 last year. So I think that's the best answer I can give. If -- this is very similar to the intent of Senator Watson's Constitutional Amendment. If we pass a bill which causes a mandate - it's only prospective only - we have to pay for it; otherwise, it's -- it's -- doesn't have the effect of law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the bill, and let me tell you why. Just a couple of hours ago, Ladies and Gentlemen - I believe the roll call was unanimous - we created a new crime of stalking. Unless we attach an appropriation to that bill, that vote was meaningless - as I read this bill - because you will have to pass -- spend more money to prosecute stalkers that you didn't have to do before we passed that. And I think that there's a nice message with all these anti-mandate bills. But when you get down to specifics, they're very hard to comply with, and we're painting ourselves into a corner. That, to me, just doesn't make sense. If you want to appropriate money for the needs of local government, let's do it. Don't tie it to every bill. Two hours ago, we unanimously passed a bill that would mean nothing because we don't have an appropriation. I don't think this makes good legislative sense.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rock.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like only to have the record reflect that Senator Lechowicz is not with us due to the fact that he is hospitalized, but were he here, I would tell him this is still a terrible bill. I intend to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor. Question of the pseudo-sponsor, please. Question. We're defining this again. We are fairly certain, from our analysis and what you've said, that what this says is if we pass it and fund it, they have to do it; if we pass it and don't fund it, they don't have to do it. That's all you're really saying. What's the problem?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator -- oh, Senator Cullerton may close.

SENATOR CULLERTON:

On behalf of Senator Lechowicz, who's on his back up in a hospital in Chicago, please vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill -- Senate Bill 1731 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 19, the Nays are 31, 2 voting Present. Senate Bill 1731, having failed to receive the required constitutional majority, is declared lost. 1733. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1733.

(Secretary reads title of bill)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1733 is the annual appropriation for the ordinary, contingent and distributive expenses of the State Comptroller in the total amount of roughly forty-four million three hundred and eighty-one thousand dollars. The bill has been amended downward. I think it's safe to say that the Comptroller's increase is approximately four percent, which is not outrageous, and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1733 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1733, having received the required constitutional majority, is declared passed. Senate Bill 1739, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1739.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. Senate Bill 1739 would require businesses which sell or lease police, fire fighter or security guard uniforms to seek identification from their customers and a letter from the employer that the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

uniform or uniforms are being used for official business. Currently, anyone can walk in off the street and purchase a police or a fire uniform. They do not have to identify themselves <sic>. All they have to do, if they wish, is pay cash for it. This would prevent that type of activity from happening, and it would prevent a potential or a future gang or anyone else from utilizing police or safety uniforms for illegal purposes. There was an amendment which deleted insignias from the provisions, and also those who rent costumes for special occasions. Other than that, I would appreciate your support, and answer any questions you might have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR HAWKINSON:

Senator, we've discussed this briefly before. I just want to verify on the record that this is not intended to place any new duties on the manufacturer when there's a sale of uniforms to cities or other municipality -- other governmental bodies, for the purchase; that this isn't intended to put any new paperwork, duties or anything upon governmental bodies or the manufacturers in sales to governmental bodies.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

No, this is not intended in any way to constrain the normal business procedures, especially with those who sell uniforms to any of the local municipalities or other units of government. This would not -- and not my intention for this legislation to do

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

anything to stop that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- Senator Topinka.

SENATOR TOPINKA:

A question of the sponsor, if I may. There are other ways to get access to these type of uniforms. Does your legislation, in any way, touch on or seek to touch on resale shops, or things like the Salvation Army, or Goodwill or any of these other places where these kind of second -- secondary uniforms might appear and therefore be put up for sale?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

I've been advised it applies to any that are in the business of selling, renting or leasing uniforms. So it would cover all areas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

I think that might be somewhat problematic with some of the charitable organizations that get involved, because they really have good intentions and they take kind of unmarked bags where people just dump things. Would you consider possibly an amendment in the House? I mean, I have no problem with what you're doing, but something that might cover them so we don't get maybe at the wrong people on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes. I'm not trying to rush this legislation through, and be glad to work with you and any of our House colleagues that might have some other -- and the business community as well, because

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

this is just -- the intention is -- is good and certainly we've got some time to work on it. So, yes, I will be glad to accept or consider some amendatory changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Kelly, am I correct to assume that you removed the portion that included patches? The reason I ask is because a lot of the collectors exchange patches throughout the country, and they just write letters to -- to law enforcement and they just collect them for their walls.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes. On insignias, initially it was some intent to make some changes on the insignias so that -- there was some individuals that came before the committee that had a problem with the insignias. And I'm not sure. I had intended that this not be covered under this -- under this. But as I read it, it looks like it would be -- insignias would be -- you'd still need a letter or something to -- to show the legitimacy of the purchase.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Well, last week, Senator, I received a brochure in the mail to my legislative district office, and in it they were advertising badges and various different publications. And some of those badges that they were advertising had the names of city and it said police officer or detective, and it very much could be misinterpreted, as somebody could purchase it and use it for unlawful reasons. Would this bill cover those? This is a Louisiana firm that mailed the -- the booklet to me. Would this

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

cover any -- any solicitations or purchases going through the mail?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

No, Senator, it would not cover mail purchases. That would have to be done separately, or at a later stage. It does not cover that. In the House, yeah.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Kelly may close.

SENATOR KELLY:

Appreciate your support. Senate Bill 1739, as amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1739 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 1, 1 voting Present. Senate Bill 1739, having received the required constitutional majority, is declared passed. That was the fortieth bill we passed today. We now have a hundred and eighty-six more to go. Senate Bill 1741. Senator Dunn. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1741.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would enhance the penalty, or I should properly say, increase the penalty for neighborhood drug sales and solicitation. The first offense would be a Class 4

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

felony, punishable by one to three years in the penitentiary. And the second offense would be three to seven years, a Class 2 felony. These are probationable, if the judge decides that the offense merits it. It defines a neighborhood as a area that is a contiguous square block of at least sixty percent residential homes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1741 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1741, having received the required constitutional majority, is declared passed. Senate Bill 1743, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1743.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1743 has -- the subject matter deals with a -- what is defined as a permanent resident of a hotel. Today, if you are leasing or renting a room in a hotel over thirty days as an individual or corporate entity, you only pay the tax the first thirty days, and you do not have to pay the hotel/motel tax after that. What this bill does is to say that you don't have to be in the same room, because the airline industry, specifically in Chicago, who has hundreds, if not thousands, of people coming in and out, lease and rent rooms, but because there's so many people coming in and out, they can't use the same room because the maids haven't made up the room and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

they're not cleaned up yet. So what we simply do in this bill is just let apply to the same as a permanent resident in the same room, we allow them to use any room.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 1743 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1743, having received the required constitutional majority, is declared passed. Page 8, top of the page, 1747. Senate Bills 3rd Reading, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1747.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This -- Senate Bill 1747 is strictly a retaliatory bill. The purpose of the bill is to require nonresident contractors to post bond to ensure the payment of taxes and unemployment insurance taxes. Presently, the State of Iowa, who two years ago charged a bond for every time we went over there - we asked them to change it. They did change it to one blanket bond for Illinois contractors to fifty thousand. And we don't have any similar provision. So what we're saying is we'd like to have you remove that altogether. If you don't, we're going to install ours. It has a reciprocal arrangement, and we'd like not to do these things, but we've done them before in the past. And I know of no known opposition to this. Just ask for approval.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1747 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1747, having received the required constitutional majority, is declared passed. Senate Bill 1750. On the Order of Senate Bills 3rd Reading, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1750.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Senate Bill 1750 is a companion bill to Senator Welch's 2177 that deals with the Groundwater Protection Act and the implementation of the monitoring system on fertilizer plants. And the component in this particular bill is basically agreed to by a large group of people from the Environmental Council through EPA through the industry. It extends the time of implementation by ten months to the -- to October 1st, 1993, and our intent is to move these bills over to the House, where the committee will continue to work on them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 1750 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, none voting Present. Senate Bill 1750, having received the required

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 1766, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a bill that directs the Illinois Commerce Commission to study rate structures for electric service that is going to provide incentives for the conservation and energy efficiency by way of rules and regulations promulgated by the Commerce Commission. In addition, the bill also encourages the use of natural gas as a -- as a fuel for automobiles in a pilot project near the Chicago and suburban areas. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? If not, then the question is, shall Senate Bill 1766 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54 -- I'm sorry, 56, the Nays are none, none voting Present. Senate Bill 1766, having received the required constitutional majority, is declared passed. 1768 is on the Recall List. Senate Bill 1773. Senator Dunn. On the Order of Senate Bills 3rd Reading, Senate Bill 1773, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1773.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill amends the Voluntary Payroll Deduction Act, and makes a number of changes which were agreed to by all of the major charities, the Lieutenant Governor's Office, CMS, United Way, the Comptroller. It establishes a current practice of putting the percentage of fund raising on the brochure rather than on the payroll card - deduction card - and requires each participating group to pay its share of the campaign costs. It expands the rule-making provision so that -- to include the Code of Campaign Conduct, the handling of cash contributions, an advisory committee on allocation of expenses in the campaign structure. I know of no opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, then the question is, shall Senate Bill 1773 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, 1 voting Present. Senate Bill 1773, having received the required constitutional majority, is declared passed. Senate Bill 1779. On the Order of 3rd Reading, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1779.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This legislation establishes the Illinois Adopt-A-Highway Program for municipalities only.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Forty-seven other states have similar programs, and the sections of roadway to be adopted are outlined in the bill to include municipal rights-of-way and State rights-of-way within a municipality's corporate boundaries. The American Federation of Labor has removed their opposition with the adoption of the Floor Amendment No. 1. I know of no opposition to this legislation at this time, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1779 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1779, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 1783, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1783.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 1783 is another cost-saving type bill, and it seeks to try and get some control over the printing that goes on in the State of Illinois. This would give -- all agencies that do do printing would have to be responsible to the Department of Central Management Services, who would become the supervisor of whether or not these met their criteria, which would be established by rule. CMS is in support. Just as an example: at this point, with all the annual reports that we get, we have at

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

least one which showed up at eleven dollars and fourteen cents per copy. CMS, on the other hand, spent roughly forty-three cents per copy on its last annual report. I think you can see just from those that I hold up over here, we've done lovely presentations of our annual reports, which most of us rarely read. We are not IBM or GM; we do not need to do this. And I would ask your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, then the question is, shall Senate Bill 1783 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1783, having received the required constitutional majority, is declared passed. Senate Bill 1787. On the Order of Senate Bills 3rd Reading, 1787, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1787.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1787, as amended, now has become a shell bill, and the -- we have the agreed process in motion on unemployment insurance. It's my hope that something will be worked out during this Session, and I would like to move this bill forward for those negotiations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, then the question is, shall Senate Bill 1787 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

question, the Ayes are 45, the Nays are none, 11 voting Present. Senate Bill 1787, having received the required constitutional majority, is declared passed. Senate Bill 1789. Senator Dudycz. On the Order of Senate Bills 3rd Reading is Senate Bill 1789, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1789.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1789 would place a three-year Statute of Limitations on bringing a charge of unreasonable use of force against a police officer before the Police Board. And I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, then the question is, shall Senate Bill 1789 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1789, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 1796, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1796.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Under the Department of Revenue's interpretation of the current statutory definition, mortgage companies, commercial loan companies, credit card companies and large loan companies are not classified as financial organizations. They now would be. This bill, in answer to the Department of Revenue's concern, has -- has made some major changes. We have deleted the option for a person to elect whether to be designated a financial organization if that person owns or is owned by another person so designated. So it removes merely the criticism that the Department leveled, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, then the question is, shall Senate Bill 1796 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 1796, having received the required constitutional majority, is declared passed. 1814 is on the Recall List. Senate Bill 1816, on the Order of Senate Bills 3rd Reading, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1816.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill we've seen before in a slightly different version. It increases the income eligibility threshold for participation in the Senior Citizens Real Estate Tax Deferral Program from fourteen thousand to twenty thousand dollars. We had this bill last year, but at a larger increase from fourteen thousand to thirty thousand. Even so, it passed with total bipartisan support unanimously, I believe, or maybe one or two dissenting votes. It passed unanimously in the House, was vetoed by the Governor, and it lost an attempted override by just one vote. This level the AARP feels would be a more reasonable level to ask the Governor to accept. It would increase the number of people eligible by just a few thousand, and I think is a more realistic approach to helping a group of people on a fixed income who really need some relief from their property taxes. For those of you who need to be reminded of what it does, it basically sets up a revolving loan fund where you -- the State lends people the money to continue paying their real estate taxes when they can no longer afford to do so, at the very end of life. It's for those people who end up having paid for their houses, and they are now house-rich and income-poor. It helps to keep neighborhoods intact. It was the number one thing brought up at the Revenue hearings a year ago that would help to make property taxes tolerable. I think my office has perhaps received more calls on this particular bill over the last two years than any other issue that we've had before us. It's the one group of people we most need to help, and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rigney.

SENATOR RIGNEY:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Rigney.

SENATOR RIGNEY:

Is the Department of Revenue still opposed to the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

I understand that they are.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, I point out to you here, again, looking at priorities and so forth. I'm not sure it's necessary to pay the taxes for people in that fourteen-thousand-dollar to twenty-thousand-dollar range. Now admittedly, it's better than what it was last year, when we were paying up to thirty thousand, but if we -- you know, with limited funds around here, I'm not sure that we're really attacking a problem that is necessary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, then Senator Holmberg may close.

SENATOR HOLMBERG:

This particular bill, which would allow the citizens who've worked very, very hard to set aside everything they have into their home and suddenly find that they are no longer able to stay in their home, to stay in their home for a -- those extra few years of life. The Department of Revenue says that the average use of this is just for one thousand dollars and -- one thousand and seventy-two dollars. That's that extra little bit that somebody who is eighty years old and wants to live out their life in their home for one or two or three more years needs. I think

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

it is the most minimal thing that we can do for our senior citizens, to lend them that money, which they will then pay back when they sell their house or they die. Only a few hundred people take advantage of it, but it is that lifeline support that they dearly need. Let's support this bill and give them the tax break that they really need.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1816 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. Senate Bill 1816, having received the required constitutional majority -- I'm sorry. 1816, having received the required constitutional majority, is declared passed. Senate Bill 1818. Senator Holmberg. Senate Bills 3rd Reading, Senate Bill 1818, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1818.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 1818, as amended, creates the Child Care Act for State Universities, and authorizes State universities to contract for child care services for their employees. The bill was amended at the request of the minority spokesman and the Board of Higher Education to change the responsibility for promulgating rules from the Board of Higher Education to the four public university governing boards. I know of no opposition to this bill, and I would appreciate your support.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Question. Question. Question of the sponsor. First, is this a mandated cost that we are not funding? I'm not sure. That's the question. I'm honestly not sure. Is this a mandated cost we're not funding?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR KEATS:

Are we mandating this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute. Senator Holmberg.

SENATOR HOLMBERG:

No, Senator Keats, this merely sets up who is responsible for assessing whether there are child care facilities on a campus.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Who pays?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

There's no cost. It's -- the governing boards of the various universities are responsible for assessing whether or not you need a child care facility - in other words, whether a study needs to be taken, whether you need one. There is no money in here. There is no cost. There's no building taking place. Up until now, State Government has had to perform that role, and we really sort of left out the universities. We do it for all -- you know, all the other departments, to see whether there's a need when we build a new building. But we've never, ever had anyone in charge of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

assessing it for the State universities, and this bill sets up a procedure where the Board of Governors of each university has that responsibility.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I must not be asking the question clearly. Since there's no pressure on them to find that they don't need one, it's very easy to find that they do need one. Who then pays for that day care facility? Is it the taxpayers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

The -- the users of that facility. The users of the service would pay for the child care.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

So the State employees. So this would be similar to what a private sector employee would have. What I'm saying is if we're subsidizing - and I'm not saying that's a bad thing - but I'm saying it is something we're giving to governmental employees that private sector employees don't have. I'm just trying to make sure we're not setting up a protected class at the expense of people who don't have these facilities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

No, we are not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you, Mr. Speaker. I too urge that we pass this bill. It's not a mandatory thing. It's a study. We did this for our State employees a couple of years ago, and this just kind of extends it onto the universities. The -- Chairman Holmberg is right; that we passed the bill out of committee, and I'd urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

If there are no further questions, I'd recommend an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

I'm sorry. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion?

SENATOR SCHUNEMAN:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR SCHUNEMAN:

Senator, judging from your reaction - or your responses - to Senator Keats, I'm not sure I understand exactly what this does. You indicated that there was no cost to the State, but our staff analysis indicates that this deals with the mandate that State universities provide on-site child care services if the university is going to construct a building. Now you're not suggesting that the employees are going to pay the cost of building day care facilities, are you?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

There are no initial costs to this. This -- this particular bill just calls for a study. Perhaps down the line, if the university determines that there is a need, there would have to be some facility rented or built, and the recipients would need to pay for that.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Is the law already in place that -- that mandates child care facilities or -- or -- really, what are we doing with this bill? I don't think -- I don't think there's complete understanding on the Floor of exactly what the bill does. If it only requires them to study it, that's one thing. But if there's some kind of mandate that -- that new university facilities pass some test, then obviously that's going to be a cost of construction on the State of Illinois.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

If I could repeat, and I think Senator Dunn has mentioned that as well, that two years ago we passed a law that applies to the rest of State Government that a study needs to be made, and when a new facility is built that we have to assess the child care needs. It was not clear how the university Section of that law should be handled. This puts language into it, which means that, you know, CMS or somebody else does not have to handle it. Each individual university makes its own assessment.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

She indicates she'll yield.

SENATOR BUTLER:

I'm sorry. I -- I may be the only one in this Chamber who is still a little vague on this. For purposes of legislative intent, there is nothing in this bill that requires the State, in any way, shape or form, to provide facilities or to pay for any part of the service. The study will be paid for by whom? By the university?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

Yes.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Butler.

SENATOR BUTLER:

There is no intention in this bill whatsoever to go beyond that study. No facility requirement, no nothing. Correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

That is not the immediate purpose of this bill. As I said before, perhaps down the line, a number of years later, there might be a need for a facility, and then there would be costs involved. But there is nothing in this bill that creates the need to expend any money at this time.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

The more we go, I guess, the more confused I become. If they're already under the bill, if statutorily they are already under the bill, or assume that they are, what in the world is the need for a study to see if they need it? Isn't that something that they just ought to do? Why -- why are we legislating a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

study?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

Because it wasn't getting done at the university level. We were doing it at the agency level, but the universities -- just not gotten around to doing the study. They didn't -- you know, we did not have clarity in the law as to who was responsible for it at the university level. This gives that clarity.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Well, just to comment: does that mean that every piece of legislation that we pass around here now we're going to have to have a study to see if we truly need the legislation? That's what it seems to me this legislation purports to do.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Holmberg, to close.

SENATOR HOLMBERG:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1818 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 36 Ayes, 18 Nays, 2 voting Present. Having received the required constitutional majority, Senate Bill 1818 is declared passed. Senate Bill 1827. Senator Marovitz. Read the bill. Senator Marovitz.

SENATOR MAROVITZ:

In hopes that this will set a precedent on the Floor, I will not call 1827 and 1830.

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you very much. On top of page 9, Senate Bill -- no, middle of the page, Senate Bill -- no, I'm sorry. Senate Bill 1840. Senator Rock. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1840.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1840 appropriates sixty-two million dollars in General Revenue funds, two and a half million in federal funds, and a half a million dollars from the Illinois Math and Science Academy Income Fund to the Board of Higher Education for its ordinary, contingent and distributive expenses. This bill includes the two million dollars for the ordinary and contingent expenses of the Board of Higher Ed, eleven and a half million dollars for the operations of the Illinois Math and Science Academy, and the remainder, some fifty-one million dollars, is for the institutional grant programs that are administered by the Board of Higher Ed. As amended, the bill reduces the appropriation to the Governor's allocated level, which translates into a 3.1 percent reduction from the FY'93 Board of Higher Ed recommendation, and is six percent less than the Fiscal Year 1992 estimated expenditure. This is at the Governor's level. I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1840 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

are 56 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1840 is declared passed. Senator Butler, for what purpose do you... Senator -- Senate Bill 1841. Senator Weaver. Read the bill.

SECRETARY HAWKER:

Senate Bill 1841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. This is the annual appropriation to the U of I in the amount of six hundred and ninety-six million eight hundred and seventy-one thousand dollars. It's a reduction of thirty-seven million six hundred and thirty-six thousand from the introduced level, and I'd move approval.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1841 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1841 is declared passed. Senate Bill 1842. Senator Vadalabene. Senator -- read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1484 -- pardon me, 1842.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Vadalabene.

SENATOR VADALABENE:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Yes, thank you, Mr. President and Members of the Senate. This is a Fiscal 1993 appropriation for SIU. If -- this is at the Governor's budget level, and I request a vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1842 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, Madam Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1842 is declared passed. Senate Bill 1843. Senator Maitland. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1843.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. Senate Bill 1843 does appropriate the funds to the Board of Regents for the ordinary and contingent expenses for FY'93. At its current level, it is two hundred forty million dollars twenty-six thousand. It is twelve thousand six hundred and sixty thousand below the introduced level.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1843 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1843 is declared passed. Senate Bill 1844. Senator Carroll. Read the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

Senate Bill 1844.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Why, thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1844 is the ordinary and contingent expenses of the Board of Governors, appropriating some 146.8 million in General Revenue funds and 69.6 million in University Income funds for the operation of their system. This is at the Governor's level, is some five percent under the way it was originally introduced, and 1.2 percent less than Fiscal '92 estimated expenditures. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1844 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1844 is declared passed. Senate Bill 1845. Senator Severns. Read the bill.

SECRETARY HAWKER:

Senate Bill 1845.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. Senate Bill 1845 appropriates 221.9 million dollars in General Revenue

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

funds and 2.5 million State Community College Contract and Grant funds to the Illinois Community College Board. As amended, this bill is at the Governor's level, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1845 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1845 is declared passed. Senate Bill 1846. Senator Severns. Read the bill.

SECRETARY HAWKER:

Senate Bill 1846.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. Senate Bill 1846 is the annual rate bill which contains the funding formula for the distribution of the community college grants. As amended, this bill reduces small college funding grants and creates a college funding loss floor, where no district receives less than ninety percent of the FY'92 spending authority. I would urge its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1846 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1846 is declared passed.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 1847. Senator Etheredge. Read the bill.

SECRETARY HAWKER:

Senate Bill 1847.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Madam President. This is the OCE for the Illinois Student Assistance Commission. It is now in the amount of three hundred and ninety-three million five hundred and eighteen thousand nine hundred dollars. And this bill, like the others, is at the Governor's level. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1847 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1847 is declared passed. Senate Bill 1848. Senator Etheredge. Read the bill.

SECRETARY HAWKER:

Senate Bill 1848.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Madam President. This is the bill that ultimately will be used to set the maximum award levels for ISAC. Right now it is in the form of a vehicle bill. I would ask for a favorable roll call.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1848 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1848 is declared passed. Senate Bill 1849. Senator Weaver. Read the bill.

SECRETARY HAWKER:

Senate Bill 1849.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. This is the annual appropriation to the State Universities Retirement System in the amount of ninety million five hundred and thirty-two thousand. This is at the Governor's level.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1849 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1849 is declared passed. Senate Bill 1850. Senator Weaver. Read the bill.

SECRETARY HAWKER:

Senate Bill 1850.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. This is the annual appropriation to the State Universities Civil Service System in the amount of eight hundred and seventy-two thousand one hundred dollars, at the Governor's level.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1850 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1850 is declared passed. Top of page 10, Senate Bill 1860. Senator Severns. Read the bill.

SECRETARY HAWKER:

Senate Bill 1860.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. This is the bill that transfers the Displaced Homemaker Program from DCCA to the Department of Labor. Both the Directors of DCCA and the Department of Labor have -- have agreed to this move in cooperation with the sponsors. I know of no opposition, would urge adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1860 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

voting Present. Having received the required constitutional majority, Senate Bill 1860 is declared passed. Senate Bill 1867. Senator Hall. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1867.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I have eight vehicle bills here, and the first one is Senate Bill 1867. And what I'd like to do is -- that -- it appropriates one thousand dollars to DCFS, and this is a vehicle bill. I'd ask for your most favorable support of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Madam President. I rise in opposition to this bill and each of the sixteen following vehicle bills, and I would ask everyone on this side of the aisle to vote No on this and the succeeding vehicle bills. I think all of us here on the Floor are very much aware of the fact that late yesterday afternoon we amended a whole series of bills that constituted roughly half of the Governor's budget. These amendments were somewhat complicated. Our staff and the Members over here are still studying the impact of those amendments, and I think at this time it is premature to consider these vehicles. I would respectfully request the Senator to -- to withdraw this bill at this time.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1867 pass. Those in favor will vote Aye. Opposed, Nay. The

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

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 29 Ayes, 28 Nays, none voting Present. Having failed to receive the required constitutional majority, Senate Bill 1867 -- the sponsor's requesting Postponed Consideration? Senator Hall.

SENATOR HALL:

Yes, Madam -- Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

Is declared lost.

SENATOR HALL:

But I wanted to respond to him. Traditionally, we have, down through the years...

PRESIDING OFFICER: (SENATOR COLLINS)

I'm sorry. Yes... yes...

SENATOR HALL:

...had these...

PRESIDING OFFICER: (SENATOR COLLINS)

Yes, you can respond.

SENATOR HALL:

...vehicle bills around. And I don't know why you would take that if we do it on both sides. And we just gave you one.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

Hold it. And another thing. Every budget is carried by a Republican. We don't have any. And I don't know why we would start this at this time. We've been parading -- we've been going fine. So I'm just -- did you read into the record yet Senate Bill 1868, Madam President?

PRESIDING OFFICER: (SENATOR COLLINS)

No, I haven't.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR HALL:

Well, I want to pursue it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senate Bill -- Senate Bill 1868. Read the bill.

SECRETARY HAWKER:

Senate Bill 1868.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

Madam President and Ladies and Gentlemen of the Senate, I've been in this Chamber close to twenty-eight years, and we have never had -- I mean, we've always had vehicle bills at this time. And this expedites the process. This is -- appropriates one thousand GRF to State Board of Education for a study for a parental training program. This is a vehicle bill. I move for the passage of this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Madam President. Once again, I would ask for the same roll call on 1868 that we just had on 1867. And Senator Hall, I -- I'm not standing here saying that there would never be any agreement with those of us on this side of the aisle in regard to the use of vehicles. All I'm saying is that, as of this moment, we would request that you take this out of the record and also the succeeding bills, as well, so that we can give further study to the budget as it presently stands.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

We're trying to work through this. It's tough enough, as you know, right now. And we're simply saying that these vehicle bills are needed. You'll have vehicle bills on your side. We have some on this side. So I'm going to pursue the issue.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Carroll. Senator Carroll?

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. It's apparent that they don't want to deal with the budget, so I would suggest, Senator Hall, that you do withdraw the rest of the bills, and that we do not vote for any budget bills till this is resolved.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator...

SENATOR CARROLL:

And keep the whole -- half of the budget here.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator, where do you want me to start? Senate Bill 1880, or where do you wish to -- Senator Hall.

SENATOR HALL:

Well, the ball's over in his court now. Senator Etheredge, are you going to pursue that?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Senator, I -- I would once again request that -- that you take this bill out of the record.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Carroll. For clarity of the Chair, are you indicating to skip all of the appropriation bills, the rest of those? Senator Hall - down to 1880? Or, Senator Carroll, are you going to move your bills? Senator Carroll.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR CARROLL:

I was just suggesting to Senator Hall that he hold all of his. I would hold all of mine. And I would suggest to our Members that we withhold our vote on all of theirs.

PRESIDING OFFICER: (SENATOR COLLINS)

Do you wish me to -- okay, then I'll...

SENATOR CARROLL:

And I won't call any of mine.

PRESIDING OFFICER: (SENATOR COLLINS)

Then I will start at Senate Bill 1887. Senate Bill 1887.
Senator Carroll.

SENATOR CARROLL:

Hold it, please.

PRESIDING OFFICER: (SENATOR COLLINS)

Senate Bill 1890. Senator del Valle. Read the bill.

SECRETARY HAWKER:

Senate Bill 1890.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. This bill got out of the Judiciary Committee on an Agreed Bill List. It has been amended to address some of the concerns expressed by few groups. And as far as I know, there is no opposition to the bill. The bill requires that a judgment debtor be given notice of a garnishment action and an opportunity to challenge the garnishment, prior to the seizure of his or her assets. The bill seeks to cure constitutional defects in the Illinois Garnishment Act. I ask for a favorable roll.

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he'll yield.

SENATOR WELCH:

Senator del Valle, if -- if a woman has a judgment against her husband for back child support, and finds that her -- her ex-husband has two thousand dollars in a bank account and files a garnishment against that bank, does she have to give her ex-husband notice so that he can withdraw that money from the bank?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR DEL VALLE:

The bill does provide for notice prior to garnishment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

Well, I would just point out that what you're doing is - this is a deadbeat protection bill, because anybody who has a judgment against them and has money in the bank, when the person with the judgment, including an ex-wife who is trying to collect child support, files a lien, files a garnishment against that bank account, they have to tell the person, "Hey, we're trying to get your money to pay child support. We're going to take that money unless you move it." And then if the person moves the money, there's nothing further that can be done. So what it does is allow for deadbeat husbands and deadbeat creditors to avoid paying debts. I -- I don't think this is a good idea at all.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Madigan.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR MADIGAN:

Thank you -- thank you -- thank you, Madam President. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point, please.

SENATOR MADIGAN:

Thank you. Visiting with us today in the visitors' gallery, and led by Roland Hoffman and Chairwoman Shirley Henry, are members and officials of the Tazewell County Republican Party, and if we could give them a warm welcome, it would be appreciated.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise and be recognized by the Senate. Welcome. Further discussion? Senator del Valle, to close. Senator Luft. Senator Luft.

SENATOR LUFT:

Point of personal privilege, since I represent part of Tazewell County. Did he say they were Republicans?

PRESIDING OFFICER: (SENATOR COLLINS)

Yes. Senator del Valle, to close.

SENATOR DEL VALLE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1890 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 16 Ayes, 31 Nays, none voting Present. Having received -- failed to receive the required constitutional majority, Senate Bill 1890 is declared lost. Senate Bill 1907. Senator Davidson. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1907.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

Madam President and Members of the Senate, this is an agreed-upon bill between AFSCME and Central Management Services, dealing with the Workmen's Compensation Fund for the State of Illinois employees. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR KEATS:

We are setting up our own Workmen's Comp Fund, rather than buying insurance? Could you explain this to me? I'm reading the -- our description, and I'm left a little unclear as to exactly what's happening here.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

If the Gentleman who wrote the analysis will come forward, I can answer that question. At the moment I can't.

PRESIDING OFFICER: (SENATOR COLLINS)

Would you like to take the bill out of the record?

SENATOR DAVIDSON:

If we can come back to it. If not, we'll just go with it.

PRESIDING OFFICER: (SENATOR COLLINS)

He's there. Senator Keats.

SENATOR KEATS:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

If we'll take it out a second. Let me talk to him, because we can't quite -- we're having a hard time figuring out why we're setting up a special Workmen's Comp Fund in State.

PRESIDING OFFICER: (SENATOR COLLINS)

You want to take it out of the record? Okay. Further discussion? Senator Davidson, to close.

SENATOR DAVIDSON:

In answer to his question, the answer is No. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1907 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 2 Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 1907 is declared passed. Senate Bill 1912. Senator Madigan. Read the bill.

SECRETARY HAWKER:

Senate Bill 1912.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Madigan. Senator Madigan.

SENATOR MADIGAN:

Yeah. Thank you, Madam President. Senate Bill 1912, as amended, is a gutted bill, and I would request that we approve this bill, move it over to the House, so that the discussions can continue between the Department of Professional Regulation and the Realtors, in coming to an agreement on this matter. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- further discussion? Senator Demuzio.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR DEMUZIO:

Thank you, Madam Chairman -- I mean, Madam President. This is another vehicle bill, and seems to me that none of these vehicles have any wheels anymore. I would just suggest that everybody just lay off and vote Present till we sort this whole thing out. Maybe tomorrow we'll have 30 votes and we'll have a different game plan.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jones.

SENATOR JONES:

Well, with those remarks, I think Senator Demuzio just took the words right out of my mouth. So no more vehicles. I just lost my fleet.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- Senator -- Senator Madigan, to close.

SENATOR MADIGAN:

Sounds like a good idea to me, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

You want to take it out of the record?

SENATOR MADIGAN:

No, we'll vote on it.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1912 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that -- on that question, there are 31 Ayes, 4 Nays, 13 Presents. Having received the required constitutional majority, Senate Bill 1912 is declared passed. Senate Bill 1925. Senator Luft. Read the bill.

SECRETARY HAWKER:

Senate Bill 1925.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Luft.

SENATOR LUFT:

Thank you, Madam President. This is not a vehicle bill. Last year when we passed the five-percent cap on property tax extensions -- in dealing with park districts, it's my understanding that it was not properly defined to the point where they could include their debt payment for that extension -- or exclude, I'm sorry, the payment for that debt extension in the five -- for the five-percent cap this year. Want to make a couple points. This does not allow park districts to issue nonreferendum debt outside the tax cap. And it truly just, I believe, gives the intent of what last year's five-percent tax cap did. To further explain this bill and to give it more credence, I would like to ask His Eloquence, Senator DeAngelis, to comment on Senate Bill 1925 also.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, last year when we passed the Tax Extension Limitation Act, we inadvertently preempted a group of people - the park district people, namely - from using their aggregate levy as the basis for determining the cap. It was the intent of this Body to permit them to do that. This bill simply corrects that error that we made last year. And let me point out two things, because there's been some misrepresentations on this bill: one, this bill does not allow them to raise their levy more than five percent. It is still within the cap. And number two: it allows them to include in there the rollover bonds that they've had previously, as part of that levy. If we do not allow them to do this, what you will have is a significant reduction of the levies of park districts, and what you will force them to do is use what their -- are their ordinary expenses to handle the bonds that are out there

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

already. And I think for those of you who may have heard from park districts in the capped areas, you'll find out that they have had levies that have been down thirty, forty percent, because the legal community has not accepted what we thought we had done in that bill, and that is, they will not allow them to include those rollover bonds as part of the aggregate base.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

Thank you -- thank you, Madam President. To either of the sponsors, I'd like to ask a question.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield. Senator Luft.

SENATOR DUDYCH:

Senator Luft, Senate Bill 1925 -- looking at the analysis that the staff has provided for us -- I don't know if you have gotten a copy of it; I know that Senator DeAngelis has. I'd like to use the example, if what Senator DeAngelis is saying is correct: for example, if -- let's assume that the voters in a park district approve a ten-year bond issue to build a new golf course and the annual debt service is 1.2 million. When the bond is fully paid off -- the park districts want to be able to do is continue to spend that 1.2 million each and every year, plus five percent a year growth without a referendum, even though the voters had only approved that expenditure for a specific purpose, which has now been complete, and they have now satisfied the original purposes. Is this correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft. Senator DeAngelis.

SENATOR DeANGELIS:

Yes, Senator Dudycz, but let me warn you about one thing. If you vote No on this bill, they will not be able to make the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

payment for the first year. If you -- if you vote No on this bill, they will not be able to make the payment on the first year. Now that privilege that you just described is given to every unit of government currently under the tax cap. So it's not anything different than what we currently have under the tax caps.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

They're -- they're trying to make the restoration of park district nonreferendum bonding authority of -- to continue. Isn't that correct? I mean, that's all they're really trying to do, is just to be able to continue to -- to have their nonreferendum bonding authority -- well, according to their Legislative Action Bulletin that the park districts put out, that's what they're saying.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator DeAngelis.

SENATOR DeANGELIS:

Yes, Senator Dudycz, those bonds have been issued - yes. And what -- they have a peculiar thing called a rollover bond. So that bond keeps coming up every year - the amount of the debt service. They haven't paid it off. I mean, maybe I'm misunderstanding your question.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

No, Madam -- no, Senator, you don't misunderstand my question, I don't think. I think that the Collar County tax cap law that passed last year is less than a year old. The Governor wants to see it work before we make any changes or any exemptions. I think what you're doing is trying to create some sort of precedence which will have other governments trying to give an exemption for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

themselves also. We recognize the dilemma that our park districts are facing, but allowing them to continue their levies on bonds that are paid off and adding a five-percent-per-year growth without a referendum is contrary to what tax caps were intended to do. The Governor remains opposed to this -- to this bill. The Department of Revenue is firmly opposed to it, and I think that we should just defeat the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock. Further discussion?

SENATOR ROCK:

Thank you, Madam President. I rise in strong support of this bill, and I would just point out - this is one of many, many, many that you're going to see in the ensuing months. Because as soon as you do mischief, as we have done with the imposition of arbitrarily imposing caps, you got to unravel it, because the local governments can't make it. I'm going to vote Aye. What we ought to do is be repealing the caps.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR RIGNEY:

What you are apparently attempting to continue is, I think, fifty-seven cents' worth of nonreferendum bonds. Is that basically what we're talking about?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Rigney, all we are talking about - and I can't make it any clearer - is that if somebody had a levy of a dollar last year

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

which included in it fifty-seven cents of those bonds, they're permitted to levy a dollar-five this year, not forty-two cents. And you're pointing out precisely to what the problem is. In fact, in Senator Philip's district, there is a -- a park district who's had exactly the problem you're talking about in DuPage County, because they had to take out all of their bonds -- the money in there for the bonds from the previous year. They could not reissue that levy.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Well, Madam President, I've never been overly impressed with nonreferendum bonds. I don't know really when this practice started in State law. I'm not an authority on that subject. But what we're being asked to do is to continue this thing. And if we have taken the steps to end it, I think perhaps this is what should happen. If it -- if the park districts truly feel that they need more money in their corporate levy, it seems they ought to come in with legislation to establish that. Now admittedly, their corporate levy is rather low. In fact, I think it's only ten cents on a hundred. But it seems to me that's a more logical way to go about this, like other units of government do, rather than to have this free bonding power.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Raica. Senator Raica.

SENATOR RAICA:

Thank you, Madam President. I just want to ask either Mr. Eloquence or Mr. Eminence a question - whoever. A lot of park districts in my area, like Hickory Hills, Palos and others, that fall within Cook County, have written and say to support this bill. But it's my understanding that this does not pertain to Cook County, and these park districts fall within Cook County. So

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

am I correct to assume that -- like Hickory Hills and all these other suburban areas, Palos, within my community, are not affected by Senate Bill 1925, but only the Collar Counties that are affected, their park districts?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes, and the reason that they're writing you is because Senator Dudycz's bill, which I did support, if it went into effect, would affect them in the manner that they described in their letter to you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR FAWELL:

I understand I'm not too bright, but I would -- I have a district in my -- a park district in my district that went out and bought a golf course for eight and a half million dollars with these bonds. They have now paid the golf course off. They would like to continue buying things, such as wave pools, which they spent fourteen and a half million dollars on last year. They got another pool they want to build up on -- on another park. What you are saying is, rather than having them go to referendum, they should be able to continue this, which is what they have done in the past. Those are the rollover bonds that we're talking about.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator DeAngelis.

SENATOR DeANGELIS:

Well, I can't make it any simpler than this. If they paid

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

those off, their levy went down. The only thing they can do in their next levy is increase it by five percent. They are not allowed to issue the eight and a half million dollars in perpetuity. Let me repeat: This bill simply allows them to raise their levy five percent - max. That's it. And included in that levy are all the elements that are included in everybody else's levies. And let me also point out to you one thing - why this bill is extremely critical, as opposed to other units of government. The park districts are the -- one of the very few units of government that are dependent almost a hundred percent on property taxes. You have other units of government that have been capped, that have sales tax, motor fuel tax, other taxes. And they are also capital-intensive. They're not labor-intensive. And God forbid, if we go what Rigney goes, all we're going to do is get them to increase their payroll, 'cause that's the only way they can turn around and increase their levy.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

All right, I got another park district. Another town. Just before this cap went in, they went out and bought twelve million dollars' worth of bonds. Not sure why they're going to use them, but they want to have the money in the bank just in case. Now, that happens to be another town in my district. Are you saying because they have the twelve million dollars they're still -- that they still have available, that they can continue rolling over this twelve million? Because they haven't started paying them off yet.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

You've got an awfully weird district, Senator Fawell. I got

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

to tell you, if somebody issued twelve million dollars' worth of bonds with -- for no purpose whatsoever, then you got a hell of a case to doing something to them besides this bill. That's the only thing I can answer.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I think this is an idea whose time has not come. I would tend to agree with both Senator Rigney and Senator Rock: These nonreferendum bonds are perhaps the greatest single abuse of the taxpayers in this State. Many cases they're used to fund things that could not conceivably receive voter approval. Wave pools, water slides, an incredible array of things, at a time when most units of government are trying to cut back and help the taxpayers. This is absolutely the most flagrant abuse of the taxpayers' money that I'm aware of anywhere in government today in Illinois. And anything we can do to bring it under control, we ought to. In some cases, they actually use these things to fund things that have been rejected by the voters, or attempt to. I think this bill deserves to go down. And Senator Rock is absolutely right. This is the first step in unraveling tax caps. If you believe in the concept of controlling property tax rates, you can't vote for this bill. If this bill passes, the General Assembly is saying, "We were only kidding about controlling property taxes. We weren't serious." How do we let this thing go through for wave pools and water slides and say no to education? I don't think we will. If you believe in controlling property taxes, this bill has to go down.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

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

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR COLLINS)

State your point.

SENATOR BERMAN:

In the gallery to the rear we have students and Mrs. Norman from the Kilmer School in the Rogers Park community of Chicago. Welcome to the Senate.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise and be recognized by the Senate. Welcome. Further discussion? Senator Luft or DeAngelis, to close. Senator Luft.

SENATOR LUFT:

...(machine cutoff)... Request a favorable roll call, please, Madam.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1925 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 36 Ayes, 16 Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 1925 is declared passed. Senate Bill 1930. Senator Welch. Senate Bill 1931. Senator Welch. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1931.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. What 1931 does is exactly what's on the Calendar. It has the Environmental Protection Agency study the feasibility of a nonhazardous waste landfill permitting system

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

that's somewhat different than the existing system. This would be a three-tiered landfill system, but it's basically a study. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1931 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 1931 is declared passed. Senate -- top of page 12, Senate Bill 1935. Senator Luft. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1935.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft.

SENATOR LUFT:

Thank you, Madam President. Senate Bill 1935 is very simple. It amends the State Revenue Sharing Act. Presently, all revenues coming into the General Revenue -- all revenues generated by the income tax and sales tax are deposited in the General Revenue Fund. What we're trying to do here is to segregate that one-twelfth going to local governments in a segregated account, as we have the income -- income tax refund accounts. For the last two or three months, the local governments have been receiving their payments late. This is an attempt to have their funds put directly into a special account that will be distributed to the local governments in a timely fashion.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall Senate Bill 1935 pass. Those in favor will vote Aye. Opposed,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Having received the required constitutional majority, Senate Bill 1935 is declared passed. Senate Bill 1939. Senator Demuzio. Senate Bill 1941. Senator Hudson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1941.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson.

SENATOR HUDSON:

Thank you, Madam President. Senate Bill 1941 amends the Carnival and Amusement Ride Safety Act, to provide for impoundment for investigative purposes of a ride or attraction if its operation causes death or serious injury. Now by amendment, as of yesterday, we attempted to satisfy those that had certain concerns relevant to penalties and so forth involved in this procedure. I know of no opposition at the moment, as this bill was amended - we tried to satisfy those concerns - and would urge your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1941 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1941 is declared passed. Senate Bill 1942. Senator Hudson. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1942.

(Secretary begins to read title of bill)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson. Do you wish to call the bill?

SENATOR HUDSON:

Thank you, Madam President. Senate Bill 1942, as amended, deletes the requirement that an organization serving or represented -- representing the hearing-impaired be Statewide to receive a telecommunications device for the deaf, known as TDD, under a program authorized by a certain Section of the Public Utilities Act. This bill, as amended, extends the TDD distribution program to approximately twelve local centers for independent living. There's no fiscal impact to this bill. It's grouped by any -- it's sponsored or approved by any number of groups that represent the deaf -- deaf. And details have been worked out with the assistance of the Illinois Telephone Association and Illinois Telecommunications Access Corporation. Know of no opposition. Would urge a positive vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Gentleman has moved passage of Senate Bill 1942. Discussion?
Senator Friedland.

SENATOR FRIEDLAND:

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

PRESIDING OFFICER: (SENATOR COLLINS)

Indicates he'll yield.

SENATOR FRIEDLAND:

Senator, is this your -- the last Senate bill you're handling in your career?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson.

SENATOR HUDSON:

This could be the last one, Senator. I'm -- I'm eager to get it passed so I can surpass your record.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR COLLINS)

On that -- on that -- on that note, WAND-TV requests permission to shoot some videotapes. Is leave granted? Leave is granted. We'd like to get Senator Hudson on the camera before we -- while he's handling his last bill. Senator Hudson.

SENATOR HUDSON:

What is it you're requesting of me, Madam President?

PRESIDING OFFICER: (SENATOR COLLINS)

Wanted to make sure you got on the video. To close. Senator Hudson, to close.

SENATOR HUDSON:

Well, simply to ask a favorable vote here, Madam President and colleagues in the Senate. I would -- I would appreciate an Aye vote on this momentous bill.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1942 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 voting Nay, none voting Present. Having received the required constitutional majority, Senate Bill 1942 is declared passed. Senate Bill 1943. Senator Macdonald. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1943.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Madam President. This bill amends the Public Utilities Act, and it provides that the Commerce Commission shall reevaluate certificates of public convenience and necessity for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

construction of new electric generating facilities every three years, rather than every two years. It will avoid some duplication. It is an administration bill, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1943 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1943 is declared passed. Senate Bill 1945. Senator Woodyard. Senate Bill 1946. Senator Schaffer. Read the bill.

SECRETARY HAWKER:

Senate Bill 1946.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Members of the Senate, this bill would allow the terms and conditions set forth in the Emergency Budget Act of 1992 for the Department of Aging to continue beyond the expiration date of July 19 -- July 1st, 1992. Those terms specifically allowed -- or narrowed the definition of clients that were going to be reimbursed for one of the State programs for Alzheimer's. As part of our continuing budget crisis, it seems only prudent to continue those exemptions.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1946 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 1946 is declared passed. WISC-TV <sic> has request permission to videotape the proceedings. Is leave granted? Hearing no objections, leave is granted. Senate Bill 1947. Senator Rigney. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1947.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Madam President, this piece of legislation is making amendments to the Ag Law and to some other meat and poultry inspection procedures. It came from that division within the Illinois Department of Agriculture. It is a Department bill. What it provides for is a series of monetary penalties for those who are in violation of various parts of the Meat and Poultry Inspection Act, the idea being that a series of penalties is perhaps a better alternative than always to reject a license. I know of no opposition. It came from the committee unanimously.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1947 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1947 is declared passed. Senate Bill 1948. Senator Karpel. Senate Bill 1949. Senator Schaffer. Read the bill, please.

SECRETARY HAWKER:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 1949.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

This Act does a couple of things. The most important thing it does is reduce from seven to five the number of years before unclaimed property can be claimed by the Department of Financial Institutions and transferred into the various pension funds. This one-time change will generate between forty-two million and fifty-three million dollars for our badly underfunded pension funds, and is a very desperately needed one-time shot in the arm for pensions. It's my sincere hope that this bill and the revenue it generates will now and forevermore be linked to funding our pension systems. There was some controversy about some of the additional language that the Department of Financial Institutions had worked out - or put in the bill. The amendment that we placed on the bill was after a considerable amount of negotiations between the Department of Financial Institutions and several groups, including the Illinois Bankers, the Community Bankers, the League of Savings Institutions, the Credit Union League and the Corporate Fiduciaries. As a result of that amendment, I believe we've removed all of their opposition. Yesterday I was notified that IRMA would like to continue to work on the bill in the House. Apparently, they become involved with funds that are not claimed when people put money down on layaway products in stores. I indicated to them that we would be happy to work with them as the bill moves through the House. Again though, the principal thing we're trying to do here is to put some forty to fifty million dollars into the badly underfunded pension systems of the State. And then, with those caveats, I'm unaware of any problems with the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1949 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1949 is declared passed. We skipped Senate Bill 1948. Senator Karpiel's view was blocked at the time, so we'll go back to 1948. Senate Bill 1948. Read the bill.

SECRETARY HAWKER:

Senate Bill 1948.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. This bill is proposed by the Illinois Department of Nuclear Safety. The purpose of the legislation is to adjust fees on the nuclear reactors to support the Low-Level Radioactive Waste Disposal Facility Project. It's been agreed to by all parties, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1948 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1948 is declared passed. Senate Bill 1955. Senator Woodyard. Read the bill, please.

SECRETARY HAWKER:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 1955.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. Senate Bill 1955 is the result of several months of discussions by the Department of Conservation and a lot of sporting groups over the State. It creates the habitat stamp and also certainly the Habitat Endowment Fund. This Fund will eventually -- or the hopes of this Fund will reach about ten million dollars over a period of a few years. They will be able to accept donations, contributions from corporations and foundations. The habitat stamp itself will be -- you'll have to purchase that stamp at a five-dollar cost for your hunting license. That, in itself, will create about a million -- a million three hundred thousand per year, which will be used to expand, acquire, create habitat for all of the sporting groups. Last winter several of the sporting groups had approached us to create their own stamps. As you well know, we presently have the furbearing stamp and the pheasant stamp. The quail people wanted their own stamp. The rabbit people wanted their own stamp. The squirrel people were talking about their own stamp. And we felt it advisable to -- to not have so many stamps, but rather one stamp for all habitat. I can tell you certainly that Pheasants Forever people are not in support of this bill. But other than that, that's the only group that I know of that aren't. They feel that they would lose their identity, although we have assured the group that they will capture as much money - probably more - for pheasant habitat than what they have in the past under this bill. The bill was also amended to be sure that none of the land could be acquired through eminent domain or condemnation.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

And so that certainly is preserved. That's what the bill does, and I would appreciate your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. The sponsor, I might add, did a very effective job of explaining this bill. There are a couple things, though, I think, that needs to be pointed out. There are those, including Pheasants Forever, who do not feel that they will get more money. They feel that they will definitely get less money. Also, there is some concern - maybe not by the Association per se - but there is some concern on behalf of the furbearers, some of them themselves with any organization, that their stamp and the Pheasants Forever stamp has been removed, while we have kept the waterfowl stamp, and that is a question that was raised. And -- and we do know that the Director is a tremendous waterfowl person, and there is some concerns as to this being done this way. I don't know if I have any real qualms against the legislation or not, but I just would like to ask the sponsor whether or not Pheasants Forever was -- they were supposed to come forward with a recommendation. Did they ever do that?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Not -- not to my knowledge. There was -- I had understood that there was to have been an amendment proposed. I don't think it was proposed. I have not seen any amendment that they might have brought forth.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard, to close.

SENATOR WOODYARD:

I just ask for a favorable roll call.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1955 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1955 is declared passed. Senate Bill 1956. Senator Rigney. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1956.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Well, Madam President, apparently there is some folks that will make an agreement with our own Illinois Department of Revenue for payment of back taxes, and then will issue rubber checks to cover them. And one of the things that's provided for in this piece of legislation is that there must be some type of a guaranteed remittance anytime three or more bad checks are issued within one twelve-month period. Also, for those who are electronically filing, this particular bill makes this -- the presumption that there is a signature on file for a remittance. Otherwise, if you didn't have that presumption, you'd have to go back to the taxpayer and secure that, and the Department would like to be able to cut that process short. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1956 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

record. On that question, there are 53 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1956 is declared passed. Senate Bill 1965. Senator Palmer. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1965.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Palmer.

SENATOR PALMER:

Thank you, Madam President and Members of the Senate. Senate Bill 1965, as amended, is supported fully by the Department of Public Aid, and is, in fact, their recommendation. It authorizes the Department of Public Aid to seek from the appropriate federal agencies a waiver of the rule that a stepparent's income be counted to decrease or deny assistance unit. The Department of Public Aid shall report its efforts to the General Assembly no later than March 31st, 1993. This merely seeks a waiver that would, in fact, encourage women on AFDC to get married. It is the first of a number of initiatives that I will work on with the Department of Public Aid and other groups to remove policies that keep welfare recipients from becoming self-sufficient. I know of no opposition, and there is no fiscal impact. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Madam President. I wanted to rise in support of this bill. For my colleagues who are reading the analysis, turn to -- turn over to the amendment page. The Department has been working with the sponsor. She's been kind enough to put together

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

an agreed amendment, and it really is going in the correct direction of what we do, frankly, to quit having a public aid system that guarantees that people won't get married and that children will not be in two-parent families. It's really a good first step, and I commend the sponsor, and hope we get moving on it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Madam President and Ladies and Gentlemen of the Senate, the problems that we had with this bill in committee have really been taken care of by the amendments. It's really a good first step in what seems to be an onward program of Senator Palmer's, and I think we should help her along with this.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR DAVIDSON:

According to the analysis, the amendment is an agreement between you and Public Aid which removes any fiscal impact now. What happens for the future? Earlier it said it could be costing twenty millions more per year if this waiver was received. If they apply and get it, what are you going to have the financial obligation to Public Aid's budgets next fiscal year?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Palmer.

SENATOR PALMER:

Senator, this does not affect the next fiscal year. This merely seeks a waiver. That's all it seeks.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson. Senator Palmer, to close.

SENATOR PALMER:

Thank you. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1965 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 3 Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1965 is declared passed. Senate Bill 1970, on the Recall List. Senate Bill 1971. Senator Schaffer. Read the bill, Mr. Secretary.

END OF TAPE

TAPE 5

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1971.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

Madam President, this bill affects only the Collar Counties, and would require the -- several school districts within the Collar Counties to notify the municipal or county authorities that issue building permits for residential homes when that school district is at capacity, and to advise the respective municipal or county authorities of the financial impact of additional growth on

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

that school district. When I talk about residential homes, I am referring to single-family homes, multi-family apartment buildings, townhouses, condos, trailer parks, et cetera - places where people reside. We have rapid growth in our area, to say the least, and it's somewhat frustrating to many of us that the -- it's impossible to expand a city if you don't have the sewer capacity; they'll stop you dead in your tracks. But there isn't a whole lot of thought about the educational capacity. And this is not a mandate on the cities. There is a public hearing requirement, but that hearing can be part of a regular school board meeting. I've worked with my area superintendents who are supportive of the concept. And I think the idea has merit and will be beneficial in the orderly and responsible development of that part of the State.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 1971 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1971 is declared passed. Senate Bill 1976. Senator Luft. Senate Bill 1977. Senator Luft. Senate Bill 1979. Senator Hawkinson. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1979.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is a bill proposal brought to us from the Chicago Bar Association. It is an attempt to permit

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

alternative service, essentially on defendants who intentionally evade service of process, whether it's by being in a building that is -- has security at the front door in which they've instructed them not to let any process servers in. It allows deadbeat dads and other debtors to avoid service of process. There were some questions in committee and we amended the bill on the Floor to satisfy the specific objections that had been raised, one by the chairman as to substitute service on a non-family member. That's been deleted from the bill. And we also, in the amendment, provided a safeguard that a statement would have to be filed showing that there had been a good-faith effort to make the service. The bill also requires that the court must review the situation before authorizing any alternative service, and it would not, for example, authorize publication where personal service is presently required. There is still opposition to the bill from the Legal Assistance Foundation. Chicago Bar Association, through Larry Suffredin, has indicated a continued willingness to talk with them and try and resolve their difficulties. But the bill has been amended, and I would ask -- be happy to try and answer any questions, and ask for passage of Senate Bill 1979.

PRESIDENT ROCK:

The Gentleman has moved passage of Senate Bill 1979. Discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I just want to speak to the bill for a second, if I may. One of the safeguards that's involved in a court action is the fact that there must be personal service on an individual. And what we are now doing is we're lessening that to a degree, and we're putting in the hands of a judge the decision-making, whether or not an individual has made a good-faith effort on service. And I really see a problem here, and I see an increase in the number of services that are going to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

be allowed in this manner. I think it circumvents a longstanding guarantee, and I don't think this is the best form this bill could be in to achieve its goal.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I had a case in my district where an ex-husband and a father of four children were living with his girlfriend, and he made darn sure every time anybody came to serve a summons on him, that she answered the door and he was never there. I think these are the kinds of cases that can be avoided in the future if we can allow this kind of service. And I think it's an excellent step in the right direction.

PRESIDENT ROCK:

Further discussion? Senator Hawkinson, you wish to close?

SENATOR HAWKINSON:

Thank you, Mr. President. Just again to relate that the amendment does require in the affidavit a specific statement showing that reasonable efforts to make service have been unsuccessful. I would ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1979 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 3 Nays, none voting Present. Senate Bill 1979, having received the required constitutional majority, is declared passed. Senator Ralph Dunn. 1980. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1980.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. Senate Bill 1980 simply provides that school districts that would not otherwise be on the State Board of Education's financial watch list, were it not for the State's funding shortfall, why they'd be designated as such on the list. This is requested by the superintendent of my district, and been signed off on by the State Board of Education. Be glad to answer your questions.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1980 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1980, having received the required constitutional majority, is declared passed. 1983. Senator Severns. It's on the Recall - I'm sorry. 1986. Senator Welch. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1986.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this does is affect basically the garnishment Acts. What it says is that when you are garnishing a bank or garnishing for wages, you can serve the employer or the bank by certified mail. Currently the Statute requires service by the sheriff. The eventual outcome is that the cost of the sheriff going out and serving the papers on either the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

bank or the employer is borne by the debtor. What this allows is that a -- it -- it would be much less expensive and the costs would probably be reduced by about -- from about fifty dollars, in some instances in my county, to about eight dollars. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1986 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1986, having received the required constitutional majority, is declared passed. 2001. Senator Watson. 2002. Senator Weaver. 2003. Senator Etheredge. 04. 05. Top of page 14. 2006. Senator Schaffer. 2007. Senator Schaffer. 2008. Senator Etheredge. 2009. Senator Etheredge. 2010. Senator Etheredge. 2011. Senator Schaffer. 2012. Senator Etheredge. 2013. Senator Etheredge. 2014. Senator Donahue. 2015. Senator Weaver. 2017. Senator Topinka. I'm going to make you work anyway, that's right. That's right. 2019. Senator Etheredge. 2020. Top of page 15, 2021. 2022. Senator Maitland. 2023. Senator Etheredge. 2024. Senator Etheredge. 2025. Senator Etheredge. 2026. 2027. 2028. Senator Donahue. 2029. Senator Etheredge. 2030. Senator Schaffer. 2031. Senator Weaver. 2032. Senator Watson. 2033. Senator Watson. 2034. Senator Etheredge. 2035. Senator Fawell. 2036. Senator Maitland. 2037. Senator Maitland. 2045. Senator Collins. Once called, it's over. You know what I mean? Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2045.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. I thank you, Mr. President and Members of the Senate. Senate Bill 2045 is an attempt to get at those hard-to-close-down drug houses in our community, and what it does, it tighten up some of the loopholes in the existing -- under the existing nuisance abatement laws, and it creates another Section that's called habitual nuisance to get at those unscrupulous landlords who use their property for the sale of drugs. And -- and I would be happy to answer any questions. This bill has been amended since it came out of committee. It took out all of the objectionable language as it relates to the distribution of the funds that were in this bill at the time, and I think it -- it took out the experimental program that we had for -- targeted for the City of Chicago. I would be happy to answer any questions. If not, I would just ask for a favorable roll call.

PRESIDENT ROCK:

The Lady has moved passage of Senate Bill 2045. Discussion?
Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates she will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Your bill originally would have penalized innocent landowners and innocent landlords. Now have you done anything to clean that up? Because if you did not, I -- I don't think your bill would be fair.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator, I -- we -- you must have the wrong bill. The bill that I have would never, ever have penalized a innocent landlord, and we did take out the -- whatever objections that were raised in committee, we did take out and that amendment took it out.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

If I recall this bill, I believe we heard it in committee in Judiciary. At the time, we questioned the fact that it was open as to an innocent landlord. And you still haven't answered me as -- as to whether your amendment covers it. I'm trying to find out whether it does, because I can't seem to find any.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Senator Geo-Karis, actually this bill protects landlords, in the sense that if the bill -- if the landlord has made good-faith efforts to abate their property, as determined by a judge, then if that property is, in fact, continues to be a nuisance and it falls under the habitual nuisance category and that property have to -- you have to forfeiture the right to the property, the proceeds of it will go back to the landlord themselves. So it does not penalize. In fact, it's a little more lenient in that respect.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

In our analysis it says that in allowing the forfeiture under this subsection of your bill, the owner's good-faith attempts to prevent the nuisance are irrelevant. Well, if they're irrelevant, then you're not taking into consideration that there may be an owner in good faith.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

...(machine cutoff)...discussion? Senator Keats.

SENATOR KEATS:

I can appreciate there's some concern on the bill, but -- for a moment you have to remember you are not dealing with four-hundred-thousand-dollar homes in suburban neighborhoods. These are landlords who, in most cases, have allowed these houses to become crack houses, have become blights in neighborhoods. These homes are damaging the value of the property around them, making the parks unsafe. Remember, you are not dealing with well-kept-up, nicely-maintained homes. These are landlords who, if they have not simply done nothing, have certainly not done a great deal to try and maintain their properties and to keep the drug houses out. I don't think Senator Collins is being unreasonable. The bill may be tough, but it is not unreasonable. These are not people who are doing much to benefit their neighbors or maintain their property.

PRESIDENT ROCK:

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

SENATOR COLLINS:

Thank you. I would just ask for a favorable roll call.

PRESIDENT ROCK:

Question is, shall Senate Bill 2045 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Take the record. On that question, there are 46 Ayes, 8 Nays, none voting Present. Senate Bill 2045, having received the required constitutional majority, is declared passed. Senator Mahar. 2048. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2048.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This bill was brought to me by the Civic Center in my hometown of Orland Park, and what they wish to do is -- is to get a bingo license and cosponsor bingo nights with charities in -- in my community, and this legislation would allow them to do that.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2048 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, none voting Present. Senate Bill 2048, having received the required constitutional majority, is declared passed. 2056. Senator Jones. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2056.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Senate Bill 2056 is the Professional Counselor and Clinical Professional Counselors Licensing Act, and it establishes requirement for licensure and grounds for discipline, and it creates the Professional Counselor Licensing and Disciplinary Board. It has included in here a ten-year grandfathering clause for those who

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

have professional counseling experience, so they'll automatically be grandfathered in. As amended, the fee is from one hundred to a hundred and fifty dollars for licensing fee, which would -- should take care of the concerns that DPR had, and over a period of four years, that should generate over a million dollars in fees, which will lessen the fiscal impact. The -- we passed this legislation before. It has been changed somewhat. I know of no opposition, and I ask for a favorable vote.

PRESIDENT ROCK:

Gentleman has moved passage of Senate Bill 2056. Discussion?
Senator Schaffer.

SENATOR SCHAFFER:

The sponsor used the expression "will lessen the fiscal impact somewhat." What is the fiscal impact that we haven't lessened?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, the bill, as amended -- as amended, increases the fee from a hundred dollars to one hundred and fifty dollars. Therefore, to administer the Act by the Department of Public Aid, they say it may be a start-up cost of approximately eighty thousand dollars. That would be lessened considerably, and the bill itself in its first year would pay, through its fee -- through the fee structure, will more than pay for itself, so therefore, would be no fiscal impact.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

It's my understanding the Department's budget has been rather severely malled, and there's every likelihood that it will continue to be malled in the process, and we are handing them a very difficult situation here. I would also - I guess for the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

record - like to hear at least somebody give us one good reason why we ought to do this thing. I know we license everything that breathes, moves, sneezes, or thinks about doing any of those things. But how is the public interest served in licensing still one more subcategory of counselors? I think we've licensed twenty-eight different varieties now. What conceivable public interest is served by the bill?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, I'm glad you answered <sic> that question. We have licensed clinical psychologists, licensed clinical social workers. This is the last of that particular profession that -- that is licensed. And this would serve the public in this interest: that one could not hold themselves out as professional counselors if those persons do not have the proper credentials and training to give guidance and counseling. This bill is a consumer protection bill, simply because people are gouged -- they hold themselves out as a counselor in this bill or another, and then they really don't have the qualification. This is the reason why we have this bill. We have the licensed clinical social workers. We have licensed clinical psychologists. So as a result, this is the last of that disciplined profession that is under -- need licensing, and I need your support.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I'm still not convinced there's any public interest here. I think there's a private interest, but that's -- I guess we're used to that, but there are several Members on this side of the aisle, and I suspect on the other side. Has this group had the traditional reception for the Legislature yet? Many of us are

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

unaware of it, and we hate to see these cherished traditions fade into the background, even though most of us don't attend.

PRESIDENT ROCK:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. The Calendar does not reflect it, but I am a chief co-sponsor of this bill. As a matter of fact, Senator Schaffer, this bill has created as much mail as almost any other piece of legislation that we have had this year. Northwest Mental Health Association is strongly in support of this bill. A number of doctors and other -- even psychiatrists in my area are for this bill. Apparently with more and more stress in society today, there are a -- there is need of a -- of a wider variety of treatment and counseling for patients who need -- who may not need psychiatric care, but who certainly can use counseling care. And as Senator Jones says, this is a consumer protection bill, and I am strongly in support of this piece of legislation, and would ask for your favorable support.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

If the sponsor will yield for one question.

PRESIDENT ROCK:

Sponsor indicates he will yield for one question.

SENATOR GEO-KARIS:

Did you -- Senator Jones, did you leave Amendment 2 on the bill -- which prohibits a person from engaging in professional counseling without a license, changing that to prohibiting a person from holding themselves out as being a licensed professional counselor?

PRESIDENT ROCK:

Senator Jones.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR JONES:

Yes, that amendment is still on the bill.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Senate. I too have received a great deal of mail in favor of this bill. So I stand to say that I think it is a good idea, and I would ask for an Aye vote on it.

PRESIDENT ROCK:

Further discussion? Senator Jones, to close.

SENATOR JONES:

Yes. Thank you, Mr. President. It is a good consumer bill, again. We do need people out here who are qualified, and I ask for a favorable vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 2056 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 1 Nay, 1 voting Present. Senate Bill 2056, having received the required constitutional majority, is declared passed. 2062. Senator Cullerton. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2062.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a bill that's patterned after a bill that's successfully operating

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

in the State of Washington, and has the support of the Department of Public Aid. It basically sets up a system where the Department of Public Aid will develop and distribute a uniform parentage consent petition, that would be made available to -- in a situation where there's a birth of a child to an unmarried woman. And this would be in the hospital, and it would be voluntary, but it would be an opportunity for the father of the child to voluntarily sign up as the father. This has been done in the State of Washington, and they are finding in about forty percent of the out-of-wedlock births, the father is now acknowledging. Of course, the benefit here is that you don't have a situation where later on the Department of Public Aid has to initiate a parentage action. The bill also, in response to questions raised by the Bar Association, also provides a situation where, if it turns out that this father who voluntarily signed up indicating that he is the father, if he finds out later, through genetic testing, that he, indeed, is not the father, we give him the opportunity that he does not have now, to come in and petition the court to have that voluntary acknowledgement of paternity be eradicated and allow him to be declared not to be the father. And finally, there's another amendment that deals with the issue of genealogical research. It embodies a concept that's found in House Bill 2678 by Representative Black, which allows for genealogical societies, even if they're not in Illinois, to look at records. And it also allows for individuals with genealogical interests to have access to birth records which occurred seventy-five years ago, or death records which occurred twenty years ago. When they get these copies of these records, they will be stamped "FOR GENEALOGICAL PURPOSES ONLY." And this is something which I believe is -- I know of no opposition to this portion of the bill. But the main portion of the bill deals with this issue of taking advantage of the happy hour, so to speak, when a father who is the father of a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

child, but is not married to the woman, is in the hospital, and this is the time for him to sign up to indicate that he is the father. So, be happy to answer any questions, and urge an Aye vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 2062 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 2062, having received the required constitutional majority, is declared passed. 2072. Senator Savickas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2072.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, Members of the Senate, Senate Bill 2072 is a School Code vehicle bill. It was introduced to solve a problem that we have that was created under the Reform Act, where there were thirty-five supernumeraries at the time. They've risen to five hundred and twenty or twenty-eight. There is a problem on placing them. We did not come up with an amendment that would resolve that problem, so I would like it to go to the House, let us work this out, to try, where we can remove these supernumeraries from positions if they are not working and not -- so they're not being paid, and deal with this problem. And that is the purpose of this bill. It's a legitimate problem that must be dealt with, and -- if we are to at least bring the school budget of Chicago back into some semblance of order.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 2072 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 Ayes, 1 Nay, none voting Present. Senate Bill 2072, having received the required constitutional majority, is declared passed. 2075. Senator Berman. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2075.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2075, sponsored by myself and Senator Karpziel, addresses a problem that we have in today's society, and we think that this is a reasonable approach to this problem. Today we find single-parent households, we find double-parent households where both parents are working. The purpose of this bill is to allow parents to have some time off, without pay, from their jobs, to visit with the schools where there is a conference or a necessary meeting involving their children. We all talk about parental involvement with the education of our children. This is a bill to encourage it. The bill has been amended upon conference with the Illinois Manufacturers' Association. They have made a number of requests for revisions, which I have adopted in the amendment that has been put on the bill, and I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2075 pass. Those in favor, vote Aye. Opposed, vote

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Nay. The voting's open. All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 13 Nays, none voting Present. Senate Bill 2075, having received the required constitutional majority, declared passed. 2076. Senator Berman. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2076.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you. Mr. President and Ladies and Gentlemen of the Senate, this bill was in front of the -- I believe the Judiciary Committee. It dealt with the rights of parents -- I'm sorry -- to the guardianship of -- of the persons of the minors. Some dispute came up regarding different points of view of the bar associations and some of the judges in the probate division. I've stripped the relevant portions of the bill to continue discussions as the bill moves along. There is nothing substantive in it at the moment. I would just solicit your Aye vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 2076 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2076, having received the required constitutional majority, is declared passed. 2079. Senator Luft. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2079.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Incorporated within the Illinois Development Finance Authority's Act is the Environmental Facilities Financing Act. That Financing Act, over the past, has provided up to 1.5 billion dollars in bonds to deal, obviously, with environmental facilities. That bond authorization is about to run out. Since there is a major need now for bonding authority to comply with the Federal Clean Air Act, it has been suggested that we raise from 1.5 to 2.5 billion - the bond authorization - for the Environmental Facility Financing Act within IDFA.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2079 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, none voting Present. Senate Bill 2079, having received the required constitutional majority, is declared passed. 2087. Senator Butler. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2087.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. When the Legislature passed its Mandates Act in 1980, it required DCCA to file a report and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

catalog. It has not done so since 1981. This bill requires DCCA to publish such a report. And there was a Floor amendment, not reflected in the catalog -- in the Calendar. This requires DCCA to submit a report for mandates after January 1st, 1989. Makes it a little more doable. And I ask for a favorable report.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator, if you'd tell us how much this additional cataloging now is going to cost, and who is it going to be sent to?

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

Frankly, I can't tell you, Senator, but perhaps then if you feel it's too costly, we ought to remove that requirement and let DCCA go on its merry way. I think this is something that's essential. We ought to know what we're doing on mandates.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 2087 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, 1 voting -- none voting Present. Senate Bill 2087, having received the required constitutional majority, is declared passed. Top of page 17. Senator Watson, with leave, will handle it for Senator Lechowicz. 2088, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2088.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This particular piece of legislation, sponsored by Senator Lechowicz and myself, would enable a replating process to begin. There's discussions going on now between the Secretary of State and Economic and Fiscal Commission and others about the possibility of a new license plate for the State of Illinois. And this bill would enable that to happen if, in fact, there's an agreement later on. Be glad to answer any questions; otherwise, I'd ask for your support.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 2088 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. Senate Bill 2088, having received the required constitutional majority, is declared passed. 2091, I understand, will be on the Recall. 2092. That's on the Recall? Okay. 2093. Read the bill. 2093, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2093.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, Members of the Senate, 2093 is still a shell bill, and it will amend the State Mandates Act. We deferred, during committee action from formulating a definite plan for this bill because of Senator Watson and Senator Luft's proposed constitutional amendments regarding this. And since

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

there will not be a constitutional solution to the various mandate issues, we are going to have to look more closely at what can be done under our existing laws and Statutes to approve it. This effort is supported by the Northwest Municipal Conference, the Illinois Municipal League, and obviously, the City of Chicago, and I would ask your support to let us continue in this area.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 2093 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's 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, 4 Nays, 1 voting Present. Senate Bill 2093, having received the required constitutional majority, is declared passed. 2094, 2095 and 96 will be on the Recall. 2097. Senator Savickas. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, again, it's a shell bill that relates to a -- what we did last year, where I sponsored a Home Rule Note Act requiring that we, as a Legislature, have before us a clear understanding of the impact of any law we may pass on home rule units of government. We are still trying to work out what difficulties there may be with new law requiring the preparation and evaluation of home rule notes within the legislative process. And again, I would ask that you let us continue this so that we can come up with some effective measure.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Discussion? Any discussion? If not, the question is, shall Senate Bill 2097 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 1 Nay, none voting Present. Senate Bill 2097, having received the required constitutional majority, is declared passed. 2099. Senator del Valle. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2099.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill comes from the City of Chicago. It deals with unsafe and abandoned buildings. And the two main provisions in the bill permit an owner of a dangerous or unsafe building to voluntarily abandon property to a municipality after a petition has been filed by a municipality, and a private owner or tenant who institutes an action to compare the -- to compel the demolition of, repair, or removal of garbage from a building shall not be required to pay a fee to the circuit clerk. And it also has other provisions strengthening the current law.

PRESIDENT ROCK:

All right. The Gentleman has moved passage of Senate Bill 2099. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for two questions?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Hawkinson.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR HAWKINSON:

First, Senator, does this just apply to the City of Chicago, or does it apply to all municipalities in Illinois?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

It amends the Municipal Code. It applies to all.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Our analysis indicates that a property owner who files a petition for demolition of another unsafe building doesn't have to pay any court fees - that all fees are recoverable from the owner of the unsafe building. My question is this: if the petition is filed and then it is thrown out or dismissed or denied because the building is deemed not to be unsafe, does the person who caused this petition then have to pay the fees, or does the respondent still have to pay all the fees?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

It would still be the private owner.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I didn't hear the answer.

PRESIDENT ROCK:

I'm sorry. Senator del Valle.

SENATOR DEL VALLE:

It would be the private owner or the tenant.

PRESIDENT ROCK:

Senator Hawkinson.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR HAWKINSON:

So you're saying that -- that even if it's a frivolous petition that has no merit and it gets thrown out, that the respondent has to pay the court costs and not the person that filed the frivolous petition?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

No.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

So -- so the -- the petitioner then would have to pay the court costs, is that correct, if it's dismissed or denied or thrown out? Is that correct?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

The bill says a private owner or tenant who institutes an action under the proceedings -- shall not be required to pay any fee to the clerk of the circuit court.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

That's what raises my question. You're saying that the person filing the petition doesn't have to pay any fee, and I'm suggesting that if that petition is frivolous or is denied, that they ought to have to pay the fee, and the person you're hauling into court shouldn't have to pay if the petition is thrown out. And you're telling -- I think you're telling me that that person has to pay, even though it gets thrown out. Is that correct?

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator del Valle.

SENATOR DEL VALLE:

Can -- can we take this out of the record, please?

PRESIDENT ROCK:

You certainly may. Take it out of the record. 2100. Senator Luft. 2101. Senator Cullerton. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2101.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The bill does two things. It says that the public community college purchases over ten thousand dollars should be made by free and open competitive bidding. The current law is five thousand dollars, which has been the threshold since 1982. And secondly, it says that in Chicago, purchases over twenty-five thousand dollars shall be made by free and open competitive bidding. The current law there is ten thousand dollars. And it increases from forty thousand to two hundred thousand the amount of emergency purchase that may be made without competitive bidding. That threshold has not been increased since 1980. Ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Question. Sponsor yield for a question?

PRESIDENT ROCK:

Gentleman indicates he will yield for one question. Senator Geo-Karis.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR GEO-KARIS:

And it'll only be one. Will you tell me, Mr. Cullerton, does it only apply to Chicago? And if so, why didn't you make it apply to the rest of the State?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Downstate municipalities are governed by a separate Statute, and I don't know what their threshold numbers are. And that's half the bill. The other half does apply Statewide, and it applies to all the public community college purchases.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 2101 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 6 Nays, none voting Present. Senate Bill 2101, having received the required constitutional majority, is declared passed. I'm sorry. Senator Cullerton, for what purpose do you arise?

SENATOR CULLERTON:

On a point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR CULLERTON:

I think yesterday I introduced Abraham Lincoln from the gallery. Today I have children from the Abraham Lincoln School that's found in my district. They're here with Mr. Tinich, who's their professor, and they have many finalists in the State History Fair. They're right up here behind -- in the gallery.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Springfield.

SENATOR CULLERTON:

Abraham Lincoln School.

PRESIDENT ROCK:

Senator Savickas. 2104. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2104.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and Members of the Senate, Senate Bill 2104 deals with the Illinois Act on Aging, and it provides that home-delivered meals shall be considered an essential service to prevent unnecessary institutionalization of persons age sixty and older. We passed this bill last year, and the Governor vetoed it, due to fiscal reasons. And currently, under the Illinois Act on Aging, preventative services for unnecessary institutionalization of the elderly may include, but are not limited to, home health services, home nursing services, homemaker services, chore and housekeeping services, day care services, home-delivered meals, education in self-care, personal care service, habilitation services and respite care. It shows -- research has shown that many of our elderly, whether through Alzheimer's or whatever, sometimes do not eat - many times do not eat, whether sometimes they forget to make their food; sometimes they just won't leave the house; sometimes they can't afford to go out and buy it. Many of us feel that this isn't a service that should be limited to "maybe," but should be an entitlement. At least keep them fed, keep them alive, instead of putting them in institutions and having the State pick up the tab. I think that, at least in this

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

-- for this portion of the Illinois Act on Aging, there should be an entitlement program, and I would seek your support.

PRESIDENT ROCK:

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I rise in opposition to Senate Bill 2104, as I rose -- rose against the issue a year ago. This is an entitlement, without question. Does, then, increase our budgetary exposure, and it's something we simply cannot afford today. We talked and debated issues like this yesterday. We are looking for places to cut the budget, and this is something we simply can't do now. Laudable as it may be, we have to oppose Senate Bill 2104. There is a substantial budget exposure here.

PRESIDENT ROCK:

Further discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

Yes. Mr. President, there is some budget exposure. We're talking for about two million dollars - two million dollars, compared to what it would cost to put these people in institutions. We are probably saving maybe fifty million dollars by feeding them and keeping them out of institutions, and I would just ask for your support.

PRESIDENT ROCK:

Question is, shall Senate Bill 2104 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 15 Nays, 1 voting Present. Senate Bill 2104, having received the required constitutional majority, is declared passed. 2107. Senator Collins. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 2107.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President, Members of the Senate. This -- 2107 amends the Elderly <sic> (Elder) Abuse and Neglect Act and the Financial Exploitation Act for the Elderly. This bill had some problems in committee. We amended it, I think, to respond to that side of the aisle's concerns and questions that they had. What it does - it makes it -- amends the law that makes it mandatory that everyone providing services to the elderly, if they suspect or see that their elderly are being abused, that they have to report that abuse. It also brings the employees under nursing homes under the economic exploitation Section of the existing Statute. I did promise Public Health in the hallway that I will amend this bill in the House, because it is -- there's a technical error in it. I don't think either of our staffs, Senator Topinka, had caught that. But the nursing home portion should be reporting to Department of Public Health, and I have no problems with making that correction in the amendment once this bill get to the House. I will be happy to answer any questions. If not, I would just ask for a favorable roll call.

PRESIDENT ROCK:

All right. The Lady's moved passage of Senate Bill 2107. Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, Senator Collins has worked hard and long with us on trying to clean up some of the language that originally appeared in this bill. Now, granted, the Department on Aging is still in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

opposition. I think she has something working and going now with the Department of Public Health. But I would like to point out that she is adding back in - at the request of a number of us on the committee - the area of financial exploitation of seniors, which is a very valid concern and probably the only aspect of this particular bill that is -- that was missing. And she's put that in. I think there are those who could probably disagree with this bill. Personally, I think she's done the job, and I'm going to support her.

PRESIDENT ROCK:

Question is, shall Senate Bill 2107 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's 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, 4 Nays, none voting Present. Senate Bill 2107, having received the required constitutional majority, is declared passed. 2108. Senator Hall. 2114. Senator Davidson. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2114.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this is a request from the Department of State Police. What it says is that convicted sex offender must submit a sample of blood and saliva to the Department of State Police for DNA analysis, and this just deletes the saliva request, because it's not necessary. It's all taken from the blood sample. Secondly, it changes the present law of ten days to forty-five days. And thirdly, we amended it

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

yesterday that the State Police can recover the cost for sealing a record. They also, by this, could recover the cost for expunging the record. I'd appreciate a favorable roll call.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2114 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2114, having received the required constitutional majority, is declared passed. Senator Karpziel, on 2118. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This is a bill that is similar to Senator Berman's bill that we just passed out - 2075; that it sets up a -- the School Conference and Activity Leave Act. Senator Berman and I decided that we would work together and try to come to a common amendment for this bill when it reaches the House. Very frankly, the version that I'm proposing - Senate Bill 2118 - is one that is preferred by the business groups over his version as being less restrictive, having less paperwork, no -- and less punitive. I'm sorry that he's not on the Floor to speak for the bill, because that was the agreement that he made with me, but I would ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Collins.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR COLLINS:

No. Point of personal privilege.

PRESIDENT ROCK:

All right. Wait -- wait till we finish here, and then you'll be well taken. If not, the question is, shall Senate Bill 2118 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Take the record. On that question, there are 42 Ayes, 8 Nays, 2 voting Present. Senate Bill 2118, having received the required constitutional majority, is declared passed. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Point of personal privilege, please.

PRESIDENT ROCK:

State your point, please.

SENATOR COLLINS:

We have visiting with us today the eighth grade class from the Garfield School in Maywood, from Senator Ted Leverenz's district and from my future districts. I'd like for them to stand and be recognized.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. All right. There's light at the end of the tunnel. 2119. Top of page 18. Top of page 18. 2119. Senator Jones. 2125. Senator Jones. 2134. Senator Barkhausen. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 2134 passed out of the Judiciary Committee on an Agreed Bill List. It is somewhat technical. I'll attempt to explain it. It provides a limited immunity for lawyers involved in settlements of typically personal injury cases, sometimes worker's comp cases, where what are known as structured settlements are used as a means of settlement. Structured settlements provide - in -- in the alternative to a lump sum award or in addition to a lump sum award - provide installment payments out into the future, and are funded either by an annuity or by treasury bonds. In the case of annuities, there is some concern because of the failure of a certain company. First Executive Life in the last year was a writer of these types of annuities. There is some concern on the part of lawyers, both plaintiffs and defense lawyers, that they could theoretically be liable in the event of a failure of a writer of one of these annuities. This provides only a limited immunity in the case where at the time of settlement in the case of an annuity, that the company writing that annuity has an A+ rating from Best, which is the major rating agency; at least one double A rating from one of the three other major life insurance rating agencies; and has -- is Size IX or larger in terms of its adjusted policyholders' surplus. It is thought that passing this bill will provide additional incentives similar to those we have already provided in one of our medical malpractice reforms of several years ago - provided for periodic payments. They can provide additional yield to a plaintiff and/or savings to a defendant and they protect against the improvident use of the settlement by a plaintiff who often will dissipate the award in a short period of time, unless there's some built-in money management for them. I know of no opposition, and urge your support.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Gentleman has moved passage of Senate Bill 2134. Discussion?
Senator Schaffer.

SENATOR SCHAFFER:

This Session seems to be filled with bills limiting lawyers' legal liability. I'm somewhat intrigued at this rather dramatic turnaround in the philosophy of the bar. Is this the wave of the future?

PRESIDENT ROCK:

Further discussion?

SENATOR SCHAFFER:

Oh, one other question. I happen to have in my hand an epistle from the Trial Lawyers Association on Senate Bill 2119, which we apparently just passed over, opposing giving the certified public accountants similar limits in liability. Are we -- do we have a double standard here? What goeth on?

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 2134 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 2134, having received the required constitutional majority, is declared passed. 2138. Senator Etheredge. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2138.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 2138 would establish a Podiatric Residency Scholarship Act. This is patterned after the Residency Scholarship Act that is already in place for the other doctors. The cost of the program would be about thirty thousand dollars a year. The cost would be paid from the licensing fees that the doctors of podiatric medicine pay to the State of Illinois. I'd be happy to answer any questions. If there are none, I'd ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2138 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2138, having received the required constitutional majority, is declared passed. Senator Weaver. 2139. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2139.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 2139 would allow sanitary districts to extend their lines in their planning facility area and also in the mile-and-a-half area from where their lines exist, if the property is accessible and if the installation is economically and technically feasible. There are some concerns from the Home Builders, the Farm Bureau and the Municipal League. We've been meeting almost every day, and I think we can come to some conclusions and amendments that will make this acceptable to all concerned. But if it comes back to us

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

and we're not satisfied with the amendment, well, we can do away with it. I'd appreciate a favorable roll call to keep the process going.

PRESIDENT ROCK:

Question is, shall Senate Bill 2139 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2139, having received the required constitutional majority, is declared passed. 2140 will be held. 2141 is on the Recall. 2147 is on the Recall. 2151. Senator Watson. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. We established the Capital Development Revolving Fund several years ago, and it had sunset provisions in it and this particular legislation extends that sunset for four additional years. We -- this has worked quite well and the construction industry is in support of this. They were the ones who originated the concept several years ago. What it does is it adds on a one-and-a-half-percent construction administration fee, and that money then is used by the Capital Development Board for personnel to help expediate the processing. So it's been very effective. And if there's any questions, I'd certainly be glad to answer; otherwise, I appreciate your favorable support.

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Further discussion? If not, the question is, shall Senate Bill 2151 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 2151 is declared passed. Senate Bill 2152. Senator Watson. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 2152.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Thank you, Madam President. This legislation does two things, and it involves the Section of the Statutes concerning eminent domain and the process by which a State agency must follow before eminent domain becomes possible. First of all, it says that if the landowner agrees to waive the disclosure provisions, then the process can begin immediately; otherwise, it has to wait sixty days. Secondly, it makes a provision that would not apply when the name of -- or a resident cannot be ascertained by -- after a diligent inquiry that would include a search of the tax records or obtaining a title commitment. Again, I'd be glad to answer any other questions. I know of no opposition. Otherwise, seek your favorable support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR GEO-KARIS:

Now, are you saying that the law that you are amending already provides for eminent domain?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Yes. What we're doing here is -- there's already the Statute by which a State agency must follow in order to proceed with eminent domain. This -- what this does is just enable the State agency to proceed at a more rapid process if, in fact, the property owner agrees or certain other search of property owners is provided.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Watson, to close. If not, the question is, shall Senate Bill 2152 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 2152 is declared passed. Senate Bill 2153. Senator Barkhausen. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 2153.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members, Senate Bill 2153 contains a number of provisions which clarify the duties of the Director of the Department of Insurance and the Department in connection with the rehabilitation and liquidation of insurance companies. It's

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

quite technical. I don't think at this point there are any outstanding questions. I'd be glad to try to answer them if there are, and otherwise, I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 2153 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 2153 is declared passed. Senate Bill 2154. Senator Barkhausen. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 2154.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members, Senate Bill 2154 creates a civil cause of action against gangs and gang members, to be brought by a public body which experiences some -- some expense or some monetary loss as the result of the activities of gangs. The provisions are largely patterned after federal legislation known as RICOA - Racketeer Influence and Corrupt Organizations Act. And it's thought that in -- in situations where gangs, particularly those involved in drug offenses, actually have, amongst themselves, significant assets that could be gone after by a public authority that incurs expenses in law enforcement or other types of expenses, that this could be an effective remedy. It's an administration measure coming to us from the Department of State Police. It was on the Agreed Bill List yesterday but was taken off, perhaps because there are some questions that I'd be

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

glad to try to answer. And otherwise, I'd ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR PALMER:

Senator, I have a great deal of concern about this bill. There are -- in fact, there was one before the City Council in Chicago that produced in the -- I believe it was the Tribune, a very strong editorial opposing a similar effort to treat street gangs - and certainly, Lord knows, in my district, I want to make every effort. But I'm very concerned about due process. I'm very concerned about the problem of treating young people and -- and putting them in a situation where we are not clear whether they are gang members or not, where innocent young men and women -- I think we have a situation already where we've seen that over and over again. And I'm very concerned about that. Could you speak to those questions for me, please?

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Raica. I'm sorry. Senator Barkhausen.

SENATOR BARKHAUSEN:

I believe that Senator Palmer had addressed at least a general question to me, which I'd be -- I'll try to answer. Senator, I'm afraid I have not seen all of the publicity with regard to the proposed Chicago ordinance. I've just sort of seen the headlines. And I, frankly, don't know whether what's been talked about there is -- is exclusively -- or would be exclusively a civil remedy and cause of action as this is, or whether they -- they tried to pass

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

something that's criminal - a criminal ordinance, or quasi-criminal, I guess you would say, in the case of a municipal ordinance. The drafters of this legislation have tried to be very careful in defining -- in defining what -- both what indicates membership in a street gang, on the one hand, and what gang-related activity is. Inevitably, those definitions get somewhat general, but there are a number of indicia spelled out under both categories which I feel, and the drafters of the legislation feel, would guarantee the due process rights of -- of those who -- who might be the -- the targets of a prosecution under this legislation.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Palmer.

SENATOR PALMER:

Thank you. Will the sponsor yield for another question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR PALMER:

Senator, in very plain and direct language, would you define how you are determining who is and who is not a gang member? I am referring to our analysis, which defines street gang member or gang member as any person who belongs to a gang.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

There would have to be a showing by a preponderance of the evidence that the individual did belong to a gang, that they were acting in concert, that they had certain activities in common. Other than that, I'm -- you know, I'm not sure that I can entirely answer your question.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Palmer.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR PALMER:

Again, one of the points that the editorial makes this morning is that the law enforcement agencies - and I don't know how they are throughout the rest of the State, but certainly in Chicago - would not have the time or the manpower to carry this out. And what it does then, in my estimation, is put, perhaps, people who are not necessarily gang members in some jeopardy. And I want it clearly understood that I am very strongly in support of making an effort to rid our communities of gang members, but I am not in support of something as nebulous as this, that cannot even define what a gang member is, and is talking about taking civil action, which, in fact, would be, in effect, criminal action.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Madam President and Ladies and Gentlemen of the Senate, there's nothing nebulous about this bill. This is simply a course of civil procedure. In my area, a young, lovely black girl, seventeen years of age, was in the house. Three fellows were mad at one of the fellows that was related to her. They set fire to the house and killed the girl. Now certainly her family should be able to have some civil action. They're up for murder, these three, now. But whatever they did wrong, they did wrong. And what this says is that these bodies - these public bodies - can go after them for damages and -- for what they do wrong. And when they're members of gangs, they have to be proved that they're members of gangs. But I don't think that there's anything nebulous at all about it. If we don't start taking some real corrective measures and hitting them in their pocketbooks, how are we going to get rid of those gangs? And I support the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Raica.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR RAICA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I thought I heard a lot of things in this Body. I've only been here six years, but when I start hearing terms as "due process" for gang members, and gang members are "in jeopardy" - gang members are "in jeopardy." Senator Palmer, how many months ago were seven black children shot in the high school in Roseland because they were playing basketball? They were shot by gang members. Are we going to sit here and talk about due process for gang members? Huh? You pull them over in a car; they got three baseball bats, knives and chains in the front seat. They're not going to play basketball. And what are we talking about when we talk gangs? Are the Boy Scouts a gang? Well. What about the trial attorneys? We can probably put them in a gang. Right? There's a gang. I -- General Assembly - the Senate is a gang, right? Right? But I think the difference is -- the Boy Scouts wear a uniform; gang members wear a uniform. They wear colors. The real difference is, gangs commit crimes, and that's the difference between the Boy Scouts, the people here, and the gangbangers on the streets. They commit a crime. I work the Englewood district, and I see how many drive-by shootings we had. 69th and Indiana. 6th District. Senator Brookins knows it well. Fourteen, fifteen years on a police department. Senator Dudycz, Area 4. They know it well. Drive-by shootings. But now when we start talking about putting gang members in jeopardy, they don't care about the kids in that neighborhood. And the Chicago aldermen did the exact -- the right thing when they went in there and says they can't congregate on the corner. If I have reason to believe they're gang members, I'm going to go in there and I'm going to search them - absolutely correct. How you supposed to keep them off the street? The superintendent tells you they're better armed than the police department. State Police tell you

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

they're better armed than the police department. This is a step in the right direction to get rid of gangs, and we'd better take that step, before they take us.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR BROOKINS:

Senator Barkhausen, we're trying to define what a gang is, and I'd like your definition of it, if you will.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Brookins, I, in earlier -- attempting to answer Senator Palmer's question, I was looking at the same Section of the bill that she was referencing, on -- on page 4. I find, though, that in looking at page 3, there are a number of indications of what membership in a gang is -- what various indicia of gang membership is, and therefore, what a gang is. And so it's a group that might have a common name, a common insignia, flag, a means of recognition, secret signal or code, creed, belief and so on, in that paragraph (2) on page 3. It's a fairly exhaustive list, I think, of -- of what constitutes a gang or gang membership.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Brookins.

SENATOR BROOKINS:

Yes, Senator Barkhausen, Senator Raica was correct when he said that a group of Boy Scouts would, under what you just read as a definition, would be a gang. And if we saw them standing on the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

corner, then we would arrest them and search them and put them through the indignities that you're talking about? They need to commit no criminal activity? They needn't be doing anything criminal in the way of -- of committing a crime, anything? Merely congregating, three or four or more, in uniform? Is this what you're telling me?

SENATOR BARKHAUSEN:

Well, in the first -- in the first place, we're talking about a civil cause of action, and not a criminal prosecution here. So that -- that point needs to be reemphasized. But also, we're not -- we're not talking about simply groups that have something in common; we're talking, in addition, about those that have something in common - the sorts of things I mentioned - but that also engage in one or -- in two or more criminal offenses - felony offenses - or -- or attempts or solicitations to commit felonies. So that certainly further limits the sorts of groups that we'd be talking about.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Brookins.

SENATOR BROOKINS:

Well, this is what we asked when we asked for your definition, and you never said that these people must have created some criminal activities; therefore, we know that they are gang members. In other words, they have to have created some crimes or something or be criminals. We must know this, then we can identify them as belonging to a gang. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

In order to go after them, yes, they would have to have committed a crime, and there would have to have been some damage experienced by the public body before they could prosecute a gang

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

or gang member for -- for causing an expense to a public authority that justified the public body going after them under this Statute.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Brookins.

SENATOR BROOKINS:

So you're saying that these people must have been prosecuted prior to us noticing them in this group and becoming a danger to further activities, and then we can then classify them as a gang and then go after them. Is this correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

You would have to establish that there was some criminal activity, yes.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Brookins.

SENATOR BROOKINS:

To the bill, Madam President: And here is my problem with this bill, and I, as Senator Palmer, knows, and as Dudycz and as Raica, that we must do something to alleviate the communities in the State of Illinois and the City of Chicago of gangs and of criminals, of thugs, of punks. But we cannot - we cannot - just willy-nilly go on corners and grab groups of people, not knowing that they have created crimes or they are not members of a gang. Long too long in the City of Chicago, this has taken place. Not only in the City of Chicago, but across this nation. This is what's taken place in Los Angeles as we look at it here. There are people that are more afraid of the police department than they are of the gangs, and I can bring some here and they will tell you that they'd rather see a gang member than a police officer coming. And this is what we don't want to institute. We know that police

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

officers are there to serve and protect, and ninety-nine percent of the time, they do this. But there is that one percent that will not obey or would be the bad apple in the barrel. And we don't want to arm them with some activities that will go astray and cause problems in the future to innocent, young folks.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Palmer, for a second time.

SENATOR PALMER:

Madam President, I apologize for rising a second time. Just a very simple point. I live in a community and represent a community where there are, indeed, gangs. I also live in and represent a community where there are Boy Scouts. If this bill cannot clearly define the difference between those two, and therefore cannot, when the moment comes for arrest, for charging people with activities, then that is why I oppose this bill. It is not clear, and there are enough African-American and Latino young men who are jeopardized every day. I do not want to see any more put in such jeopardy.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I think perhaps the debate has not been clear, but I think the bill is clear, and I rise in support of Senate Bill 2154. Senator Palmer, I share your concerns about the ordinance, and Senator Brookins, the ordinance that has come under some media attack for its vagueness. This bill has nothing to do with the arrest of anybody on any street corner. It has nothing to do with the arrest of anybody, period. This is a civil action, which may be brought against gangs after criminal offenses have been committed by gangs. It has nothing to do with identifying people standing on any street corner. With all due respect to Senator Raica, I'm one who believes that we

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

have to afford due process to everyone under our system of law. But this bill does afford due process. It's within the context of the Civil Code of Illinois, but it has nothing to do with arrests. There was mention of the -- the resources available to our police departments and that they do not have time to do the kinds of things that were noted by that ordinance in the City. This does not affect police officers. This is action that may be brought by the State's attorney or may be brought by a municipal attorney. It does not involve the arrest process. Furthermore, it requires that there be two or more criminal acts committed within the -- within a course of conduct, within a year. At least one offense should have involved the solicitation to commit conspiracy, attempt to commit or commission of a felony under the Criminal Code. We're talking about civil damages against gangs. Not only do you have to prove the criminal activity, but you also have to prove that there was a gang involved, or gang members. So I think we need to separate this from the kinds of situations we're talking about of arrests and identification of people and breaking up groups, which are not involved in this bill, and the kinds of gang activity and crime that are attempted to be addressed by this bill. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you -- thank you, Madam President. Senator Hawkinson mentioned that this does not involve the arrest process. He's correct, but it may involve the investigatory process of the law enforcement community. And just to respond to Senator Palmer's concerns that the police department in which she and I live in the City -- that police department serves us. I personally, as you know, am a member of that police department, and I -- I assure you, Senator, that not only the Chicago Police Department, but the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

law enforcement community throughout Illinois would eagerly and enthusiastically find the time and the manpower and the resources to enforce this Act. And we should just unanimously support this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Madam President, Senator Hawkinson gave my closing remarks for me very effectively, and I urge your support.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2154 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 2 Nays, 2 voting Present. Having received the required constitutional majority, Senate Bill 2154 is declared passed. Senate Bill 2155. Senator Barkhausen. Read the bill, please.

END OF TAPE

TAPE 6

SECRETARY HAWKER:

Senate Bill 2155.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President, Senate Bill 2155 is a measure that comes to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

us from the Department of Alcoholism and Substance Abuse. It's an agreed measure between that Department and the Attorney General's Office, simply saying that when the Attorney General makes grants, pursuant to money that it takes in from Statewide grand jury prosecutions of drug offenses, that when it makes grants for purposes of drug abuse education, prevention and treatment, that it shall consider the priorities established by DASA. And I urge your favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall Senate Bill 2155 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 2155 is declared passed. Senate Bill 2159 was on the Recall List. Senate Bill 2163. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 2163.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members, Senate Bill 2163, about which there has been some discussion on 2nd -- on 2nd Reading, is a product, as I've said, of several years' work of the Business Corporation Act Advisory Committee of the Secretary of State's Office, both under former Secretary of State Jim Edgar and now under Secretary of State George Ryan. The -- the bill will allow the formation of certain types of business entities that have a combination of the characteristics of corporations, particularly

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

limited liability on the one hand, and partnerships on the other hand. I'd be glad to answer your questions. This bill has considerable support in both the legal and accounting communities, and I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

A point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point.

SENATOR DEL VALLE:

I'd like to welcome to Springfield the Pulaski Academy from Chicago. They're in the gallery.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise and be welcomed by the Senate. Welcome. Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I urge your support.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2163 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 2163 is declared passed. Senate Bill 2167. Senator Davidson. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 2167.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR DAVIDSON:

Madam President and Members of the Senate, before I discuss this bill, it's kind of obvious that former legislators can't stand to be away from wherever all the action is. I'd like to present to you Secretary of State George Ryan. George.

PRESIDING OFFICER: (SENATOR COLLINS)

Welcome to the Senate.

SENATOR DAVIDSON:

Madam President, this is a bill from the Secretary of State's Office which makes technical changes, clarifies and improves current language regarding the issuance, suspension and the cancellation of driver's license permits and restricted driver's permits. The amendment which we put on yesterday removed the language which the Trial Lawyers and the Medical Society had opposition to it. At this time, I know of no opposition to the bill. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion?. If not, the question is, shall Senate Bill 2167 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 2167 is declared passed. Senate Bill 2168. Senator Barkhausen. Read the bill, Madam. Oh, I'm sorry. That's on Recall. Senate Bill 2168 on Recall? Senate Bill -- Senate Bill 2168. It's on Recall? Read the bill, Madam Secretary. 2168. ...(machine cutoff)... Apparently he didn't bring it back. It's not indicated on the Recall List, so it's not on Recall. So if he wishes to call the bill -- 2168. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2168.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members, I should say at the outset that Secretary of State George Ryan, who I believe has graced our presence here, has said that he would be glad to accept the same favorable roll call that you gave him on Senate Bill 2163 just a moment ago. This legislation, however, is -- has been the subject, I think, of a little bit more heated discussion than the previous measure I sponsored for the Secretary of State. It has to do, of course, with the -- with the proposal to reduce the blood alcohol level at which a presumption is created that one is driving under the influence, from the current standard of .10 that has been in effect in Illinois for some twenty-five years, down to .08. I don't think that probably any minds are going to be changed by what's said in debate, but let me just emphasize a couple of things. First is that contrary to some popular feeling, I think, in some quarters, that this is not, by Secretary Ryan or any of the rest of us who believe strongly in this measure, some campaign on the part of teetotalers to intimidate social drinkers, rather that it has been established through numerous studies, especially those of the American Medical Association and the National Highway Safety Council, that the consumption of alcohol sufficient to achieve a .08 blood alcohol standard makes one a very serious threat behind the wheel of one's automobile, and that one simply should not be driving under those conditions. It has been established that the consumption of four drinks in the space of an hour by someone of average weight - an average that I exceed by some considerable amount - the average weight of a hundred and sixty pounds in the short space of an hour is about what it takes

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

to bring one's blood alcohol level up to .08. And I think all of us would agree that that -- that is simply too much, and that someone who has consumed that amount of alcohol should simply not be getting behind the wheel of a car. I suspect the opposition that we've heard from on this measure - it comes from two quarters. It's fair to say that there is some concern among the general populace that somehow feels that -- that their limited amount of drinking -- by their limited amount of drinking they could somehow be caught up in a web of DUI prosecution. But in response to that, I would simply reiterate that it does take clearly an overconsumption of alcohol to bring one up to the .08 level. Also, we have heard opposition from those who are, in one way or another, in -- in the booze business. And I think it's fair to say there that their concern is probably that the part of the population that does socially drink - and in some cases, probably drinks too much - will have enough fear and foreboding about the possibility of being caught up by a .08 standard that at the margin their consumption will be reduced to the point that the marginal sales of -- of booze might decline somewhat. I don't know whether that's true or not, but certainly if there is the sort of overconsumption that we're talking about here, it ought to stop, and we ought to be making our highways safer. At this point I'll yield to others who might want to speak in favor of this, and try to answer questions from those who are opposed, but I would simply emphasize that what we're talking about here is a -- is a substantial public safety enhancement measure, and one that would curb very little, if at all, the rights of our citizens in this State.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President -- Madam President. I -- you know,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

I'm not sure if I should start off with declaring a conflict, because I, on occasion, will have a beer or two, so maybe I should do that first. Secondly, I might add that I'm not in the booze business, but I do have tremendous concern about the average John Doe citizen out there who has an occasional drink and who is the casual drinker, and that's who this bill affects. This bill does not affect the chronic drinker. In fact, I would like to ask the sponsor a couple of questions, if I could.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR JACOBS:

Is it not true, Senator Barkhausen, that in Illinois, over the last two years, that the average of those drivers arrested had a blood alcohol content of over .17?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I can't tell you exactly what it is, Senator Jacobs, but it is alarmingly high, and it's well above the .10 level.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

And does it not, on a national average -- I think the State average is .17. The United States' average is .18. And I guess my question really lies from the standpoint of having been a former mayor, watching the police departments work for fourteen years, watching the -- the police department say, hey, you know, I mean, whenever I pick up somebody that's right on the border or even a .10 and they're -- they just pulled into their driveway, and I've got to give that person a ticket and that person may not get his license back, not for the year that we say. In many instances they don't get it back for many, many years. But my

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

real question is, does this bill in any way address those 1.7s and those 1.9s and the average 2.0 that are killed in automobile-related wrecks with DWIs or DUIs? Does this in any way say, "Hey, we're going to figure out some way to take care of the disease that is out there that causes these people to drink." Is there anything in this bill that will do that?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

In this...(machine cutoff)...no, but there are a couple of other bills that do somewhat address that problem, which I also agree requires our more -- most serious attention.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

What we're really doing is strictly enlarging the definition of a crime, and what we're saying is regardless of your levels - if you're a .20 or if you're a .08 - you're going to be treated the same way. And I think that that falls -- falls short of -- of the mark. Let me just make a few comments in regard to the Secretary of State's Fact Book - DUI Fact Book - with the good Secretary being here. And what they have said is under our current blood alcohol content standard of .10, in 1989 in Illinois, the alcohol-related deaths declined twenty-five percent over 1988. Then it says in 1990 alcohol-related fatalities were eight percent lower than the previous year and twenty-five percent less than five years ago. Then even more encouragingly, the Secretary said that those under twenty years old, there were fifteen percent fewer alcohol-related fatalities and that seventy-five percent of those drivers who failed a breath test are at or above .15. If we are getting people -- seventy-five percent of them are at .15, and we're not getting at those between 1 and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

1.5, how in the devil do we think that we have the policing activity in order to get those who may be at .08? I just think that when you look at this whole picture, and even in the statistics that are used, if you use them properly, the difference between .10 and .08, statistically those under .08, which includes all of them, there is only a .06 percent more problem with those drivers than there is with a completely sober driver. So I think that what we're really doing here is not attempting to resolve a problem. We're all for getting drunk drivers off the road. This is not a drunk driver issue. This is a political issue. This is motherhood and apple pie and it's reelection, George. I'm sorry, and God bless you, but I think I ask for a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. -- Madam President, Ladies and Gentlemen of the Senate. I rise in strong opposition to Senate Bill 2168, and I would ask the Membership, please don't be drummed into support for a proposition that will literally - literally - criminalize, it appears, the activity of many of our Illinois citizens and our constituents. And the fact of the matter is, I have told some of the restaurateurs who have been in and around Springfield over the past few weeks concerned about tax increases or more money being foisted upon their patrons for taxes to support whether it's McCormick Place or a civic center or something - I said the one you really ought to worry about is the proposal to lower the presumption from .1 to .08, because literally what you're doing is you're aiming at that segment of society who indeed enjoys a night out at a good restaurant and has a bottle of wine or a couple of drinks. And we really ought not do that, because, as Senator Jacobs pointed out, the statistics are otherwise. Sixty-four percent of all the fatal injuries that we are concerned about -

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

and we have a right to be concerned about them - have been found to have a blood alcohol content in excess of .15 - .15. And what we're dealing with here, and what we're aiming at, and what the law is aimed at, is impairment. And I think it's been scientifically established that we have set a presumption of impairment at .1, not conclusive - a presumption. And I think that's scientifically sustainable. To lower it to .08 and to follow some drumbeat just because California has done this, and two or three other smaller states have done this, simply is not, in my judgment, in the best interest of our citizens, our constituents. Certainly is not in the best interest of those small business owners who happen to own a restaurant. This is aimed specifically at the constituent who is, indeed, a social drinker, and you're going to say, "You can't do it or you're going to be a criminal." I would urge a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Madam President. I attempted to put a amendment on this bill that would have -- had two Breathalyzer tests given to a person who was accused of driving under the influence. When we lower the blood alcohol content, then there is more -- there's a fallibility of the Breathalyzer test itself. And therefore, I was thinking that with two Breathalyzer, that we would be more able to say that this person has .08 or lower. There is a gap of fallibility within Breathalyzer tests, and I -- with that, cannot see myself voting for this bill, and would urge a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. I am a co-sponsor of this bill with Senator Barkhausen, and recently I

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

attended a hearing with Secretary of State Ryan with regard to the hard-core drinker, and, indeed, it was a result of that study that it's truly the hard-core drinker, the one who is over .15, who is the one that's causing most of the fatal accidents. But that's not relevant, in my opinion, to what this bill is all about. It's true - I don't want to exaggerate the bill. About four percent of the people who are stopped and take this Breathalyzer test are between .08 and 1.0 <sic>. It's only about four percent. So it shouldn't be exaggerated. But the fact is those people are impaired. There's no question that they're impaired. As a matter of fact, impairment probably begins at .05. And that's why, in the law today, you can be arrested if -- if you blow over .05. It's only that the presumption starts at .10. Now -- so I would argue that we're not really enlarging the crime; we're just lowering the presumption. We're expanding the presumption to where it ought to be. Now remember also, when someone is arrested for drunk driving the first time, as a practical matter, in Illinois, they get no conviction the first time. There is a hard suspension. They -- they lose their driver's license for one month. They can ask for a judicial driving permit for up to three months or up to six months, but they do not have to go to the Secretary of State and get an exemption. The first arrest, you get supervision and you do not lose your license for more than one month. Now the other thing that's important to consider, is that people can't just be stopped, with the exception of some roadblocks, which is not done on an extensive basis, but there has to be probable cause to stop people. There has to be some reason to believe that this car is -- is weaving or in -- giving the police officer some indication that they ought to be stopped. Now with regard to the two Breathalyzers, I proposed a compromise that was not accepted. This was with the Illinois State Bar Association and with Secretary of State Ryan. Since we are

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

proposing that this level go from .1 down to .08, maybe for that group of people we should have the two Breathalyzers, and do it for two years and see what happens. If the second Breathalyzer test is right on with the first one, then we don't need the two Breathalyzers. If it's wildly out of sync with the first one, then we ought to have two Breathalyzers for everybody. And unfortunately, both sides felt that they didn't have to compromise at that point, and we'll find out in a few minutes whether or not there's a need to compromise, but it's a suggestion that I think is a reasonable one. But coming back to the main point, even though this only affects only about four percent of the people who will be stopped, the fact is that when someone's driving at .08, they're impaired, and they ought not to be driving.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. I think Senator Cullerton has made some excellent points. Impairment begins much before you reach the .08 level, and the fallacy that some would have us believe that, "Oh, I had a -- I had a beer and I got picked up for drunken driving" - that's nonsense. Impairment begins much before .08. The other thing I think it's important to note here is that some of these people who are picked up the first time and get court supervision and are not, in fact, recorded on the Secretary of State's records as having a drunk driving violation may, in fact, have been guilty of drunk driving, but were not convicted by the court because the court put them on court supervision, and that does not become a part of their driving record. So I think the -- the opponents to this bill are perhaps pleading the case a little too loudly, because I think that this is a reasonable approach, and we ought to support it.

PRESIDING OFFICER: (SENATOR COLLINS)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Madam President, in closing, it was mentioned in debate that we shouldn't do something simply because California and a few other states have done it, and yes, that's true in many cases, but we can learn -- because of a study done by the National Highway Traffic Safety Administration, we can learn from the experience of California, which in the year after it adopted a .08 blood alcohol standard, experienced a reduction of twelve percent in the number of traffic-related deaths. Now in 1990 in Illinois, there were seven hundred people killed in Illinois as a result of alcohol-related crashes. So if you took twelve percent of seven hundred, that translates into eighty-four lives that we could save according to the National Highway Traffic Safety Administration by the adoption of this -- of this measure. So I ask you in voting on this, and hopefully in supporting it, to think of those eighty-four lives in Illinois that we might save next year.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2168 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 25 Ayes, 25 Nays -- 29 Nays, 1 voting Present. Having failed to receive the required constitutional majority, Senate Bill 2168 is -- the sponsor requests Postponed Consideration. We -- Senate Bill 2159 was on the Recall List. No, 2159 on the Recall List, but the bill was not amended. The sponsor did wish his bill called. So we will go back to 2159. Senator Marovitz.

SECRETARY HAWKER:

Senate Bill 2159.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President, Members of the Senate. This bill was put together by DCFS, the Juvenile Court, Legal Aid, Chicago Bar Association, to deal with the problem of abuse and neglect of juveniles. Large group of people have been meeting for the last six months dealing with the juvenile justice system and juvenile justice expert to reform some things that are going on in juvenile court. No expenses, no costs, but dealing with the legal system there. They are still meeting and getting the report together, so we would like to move this bill just as a vehicle, with no substance in it. And when that report comes down, this bill will be coming back and embodied in it will be an agreement, and if there is no agreement, there will be no bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2159 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 2159, having received the required constitutional majority, is declared passed. 2169. Senator Raica. Madam Secretary, Senate Bills 3rd Reading, Senate Bill 2169.

SECRETARY HAWKER:

Senate Bill 2169.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate. This is an initiative again, by the Secretary of State's Office. Senator Cullerton did touch upon it rather briefly. This bill targets multiple offenders by requiring a scale of mandatory amounts of community service, based on the number of offenses. The first conviction would result in a minimum of thirty days' community service. The second offense would result in a minimum of sixty days, and subsequent offenses would result in a minimum of ninety days' community service. These minimum terms shall not be suspended nor subject to reduction by the court. Additionally, the prosecutors have informed us that they regard the one-in-ten-years, rather than the one-in-five-years supervision requirement a most important deterrent to a DUI driver -- or drunk drivers. This provision will help to ensure that offenders are punished as they should be and not allowed to continue -- be a continual risk to society, and I just ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2169 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 2169, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 2170, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2170.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is another of -- Secretary of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

State's DUI legislative package. Senate Bill 2170 amends the Illinois Vehicle Code to require persons convicted of driving under the influence while transporting a person age sixteen or under to pay a minimum five-hundred-dollar fine and serve five days of community service. The bill also requires a second time DUI offender to pay a minimum five-hundred-dollar fine and to serve ten days of community service. Under the law now, it only -- the law only stipulates a maximum thousand-dollar fine, so this -- this provision would also require a minimum five-hundred-dollar fine. And the law currently has community service for the second offense, and this bill would require it for the first and second offense. And I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 2170 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, none voting Present. Senate Bill 2170, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 2171, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, Senate Bill 2171 makes Illinois' drinking age uniformly at twenty-one years of age. However, under present law, a person has been guilty of a petty offense if he knowingly permits two or more persons under the age of eighteen, rather than

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

twenty-one, to consume alcoholic beverages at his or her residence, and this bill would raise that age to twenty-one. But at the same time, as a result of Amendment No. 1, it would create two exceptions: number one, if the person occupying the residence is a parent or legal guardian of a person under the age of twenty-one and allows the -- and allows the possession or consumption of alcohol in moderate amounts by his or her child or ward; or number two, if the parent or legal guardian of a person under the age of twenty-one is present and gives permission to the occupant of the residence for the possession or consumption of alcohol in moderate amounts by his or her child or ward. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 2171 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 2171, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 2177, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2177.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is part of a two-bill package with Senator Woodyard's bill. What this bill does now is extend the fees that are currently in existence for the registration of pesticide products, commercial applicators' licenses, pesticide

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

dealers' registration and agrichemical facility registrations fees up until December 31, 1993. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 2177 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2177, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 2178. Madam Secretary.

SECRETARY HAWKER:

Senate Bill -- Senate Bill 2178.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. Senate Bill 2178 amends the Code of Civil Procedure. It establishes an emergency addiction procedure from public housing units. It does provide, in accordance with civil rights, due process, with the defendant receiving notice, an opportunity to be heard on the preponderance of the evidence presented. It requires knowledge and complicity on the part of the defendant in the trafficking of dope upon the premises. I ask your Aye vote. I will answer questions if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill -- Senator Hawkinson. I beg your pardon.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Indicates she will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in committee, I asked the question regarding the -- the question of guilty knowledge by the tenant before they should be removed from their apartment, and my concern that I expressed at that time - and I thought you were going to deal with, and I -- and the analysis doesn't seem to indicate that you did - that a tenant could be removed not only if he or she knew, but if they "should have known." Is there any definition of that, or is it a straight negligence standard or -- we're going to kick people out of their homes just if we say, after the fact, that they should have known? Or are we doing to have some tight standard in here that -- that they had some notice? And I thought you were going to put an amendment on to say that if you couldn't show that they actually knew this activity was going on, you were going to at least try and show that someone had told them or there was some evidence that -- that they knew and that you weren't going to be taking people out of public housing and making them homeless just on some after-the-fact standard that they should have known.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

To Senator Hawkinson: I have placed on your desk a copy of the amendment that I had put on yesterday that I felt complied with the request of the committee. On page 2 of that amendment, it said that the complaint must state that it's with the knowledge, consent of, or in concert with, person or persons named in the complaint that this action now is taking place. And if this does not suffice - and I thought you would have come to me before now and addressed it with me - then we'll have to address this over in the House where the bill -- if you will permit it to get out of here.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hawkinson. No further discussion? Senator Alexander may close.

SENATOR ALEXANDER:

I ask for an Aye vote on this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2178 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 2178, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2179, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2179.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 2179 requires the State Board of Education to develop rules governing the qualifications of teachers and school personnel who provide services to limited English-proficient students. It also requires an annual determination of the number of special ed students with limited English proficiency and also adds bilingual education subcommittees to the Advisory Council on Education of the Handicapped Children and the Advisory Council on Bilingual Education.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2179

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 3, none voting Present. Senate Bill 2179, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 2181, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2181.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill, as amended, would provide that utilities could only assess franchise costs to municipalities, with franchise fees that exceed in excess of two percent of the revenues generated within that municipality. In essence, what we're trying to do here is to prevent a particular - or any municipality - from somehow entering into a franchise fee with a utility that would be paid for by people who do not live within the boundaries of that municipality. By putting a -- the two-percent ceiling in there, -- we are, in effect, allowing the many small franchise agreements that the municipalities may have with various utilities for the lights in city hall or whatever. This is to accommodate the utilities concerned about an incredible amount of paperwork. This bill with that -- without that amendment but in similar form, passed the Senate last year, and unfortunately, did not clear the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? If not, the question is, shall Senate Bill 2181 pass. Those in favor will vote Aye. Those

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

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, the Ayes are 55, the Nays are 1, none voting Present. Senate Bill 2181, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 2183, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 2183.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. Senate Bill 2183 would provide or create an income tax credit for corporate taxpayers who establish or expand a recycling business located in now a current existing enterprise zone, equal to the cost of the machinery, the equipment, and also up to twenty-five percent of the expenditures for the public education that would be involved. With the closing of landfills in -- now in DuPage - two landfills that cannot be used, apparently, any further - I would think that this would be a very important bill for us to pass. There are other states that have this. Answer any questions that you might have, and ask for your Aye vote to pass this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Rigney.

SENATOR RIGNEY:

Well, I want to make it clear what we are voting on here

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

today. First of all, this is a facility located within an enterprise zone. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR RIGNEY:

That means all the bricks and mortar that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR LEVERENZ:

You are correct. This would only be for anyone who established this, or in the case of perhaps one that exists, expanding. So any new capital that goes into the existing or new facility would be covered by this. I don't know that there are any that exist currently. And in our area, the West Suburban Municipal Conference, probably the Northwest, everyone has a problem with where to take the garbage afterward. This is a total recyclable operation, not a burn unit included.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, I was just starting to point out what the advantages are here. First of all, there'd be no sales tax on their equipment and -- and buildings and so forth. I assume they probably also got some type of a property tax exemption for being within the enterprise zone. And now we're going to give them a hundred percent credit - investment credit - on the profit off of that operation - is that what this proposes to do?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Could the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Welch.

SENATOR LEVERENZ:

Could the Gentleman restate his question? I was trying to read your lips, but there's a guy talking with his hands between us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney. Senator Rigney.

SENATOR RIGNEY:

What I'm pointing out to you: Looks like that if you're in this business, you won't pay any -- probably any property tax for ten years; you won't pay sales tax on any of your building and equipment; and now, you're not even going to pay any income tax. Sounds like quite a deal, but you know, I guess maybe we have to ask when enough is enough, and frankly I think we've overdone it here a little bit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

I rise, not to announce I have a conflict, because I don't have any conflict of interest on this, but I would like to rise to help Senator Leverenz. If anything, this would be in opposition to my interest - if I had any interest - on the bill. Nobody makes any money at recycling. There is no one anywhere in any part of recycling who makes any money. So, kiddingly, we don't have to worry about a tax credit on them making a profit. If they make fourteen cents finally at the end of the year, we probably ought to give it to them. The reason people don't want to get in this business, is 'cause no one makes any money at it. So we ought to at least try to make it possible. Because if you want to save your residents' money, it's an awful lot cheaper to give them a small tax credit there, than to pay somebody fifty dollars a ton to dispose of the same waste, when you can probably get it done

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

recycling for half that. Again, if anything, I'm rising in opposition to my own interest, but I don't have any interest in this area. But for the amount we're talking about, this really is not a bad idea, and we are trying to get some growth in the enterprise zones. Give 'em a shot; we got nothing to lose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. What this is going to do is to encouraging -- encourage a recycling facility to expand. Senator Rigney, on Earth Day, Governor Edgar announced that he is proposing a ban, effective in two years, on cans and bottles and other things going to landfills. Where are they going to go? They have to go to a recycling facility. We have to encourage recycling, but with bills like this. I've got a bill that I passed last year, and Governor Edgar signed, that he agreed with me, that said that you can't put white goods in the landfills - refrigerators, stoves, freezers - you had to take out the freon, you had to take out the mercury switches. The bill was in effect for one year. We couldn't get any recyclers to get interested in it to create the business of recycling those items from refrigerators, air conditioners and stoves. We had to delay the bill two years. Now Governor Edgar has a bill that he's proposing that says in two years we're going to ban certain items from landfills. You have to recycle them. You talked about tax breaks in an enterprise zone - those breaks are available to everybody in the enterprise zone. A ten-year real estate tax break - that's not in this bill. That's what the enterprise zone and the people in that community want. This is going to be a very, very minimal reduction in the State budget, but it may end up saving the State a lot of money. It'll save cities a lot of money, because of the landfill cost of carting it down to Senator Keats' landfill. So I think this is a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

good idea. I think it's a good bill, and I think we should support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Leverenz may close.

SENATOR LEVERENZ:

Thank you, Mr. President, and even for the advice and comments on both sides of the aisle. The bottom line is that there must be an opportunity to make something work in business, have an incentive, or be able to visualize having it work. And the only reason we don't have these things is that people don't visualize being able to make it work, or the capital outlay is so great that they cannot see an advantage in the long term. We all need these; our landfills are closing. Everyone wants to ban everything in sight from being put into the ground. The bottom line is, sixty-five percent of all businesses in the State of Illinois have no tax liability at all. So they may make fourteen cents at the end of the year, and that might be in the fourth, fifth, sixth or eighth year. I would ask for your Aye vote, so that we can accomplish attracting someone that would do these things in the now existing enterprise zones. I ask your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2183 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 21, 1 voting Present. Senate Bill 2183, having received the required constitutional majority, is declared passed. Top of page 20. 2197. Senator Karpel. 2197, on the Order of Senate Bills 3rd Reading, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2197.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This is the Illinois Funeral Directors Association's Licensure Act. It does three things that are different than the present Act. It requires twelve hours of funeral directing continuing education, instead of twenty-four. I mean -- it's twenty-four, instead of the current twelve. The Code clarifies that licensed apprentices can make removal of remains on their own. And the bill extends the sunset review until the year 2002.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2197 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 2197, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 2200, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, Members of the Senate, House <sic> Bill 2200 would exempt vehicles that are registered on a proportional basis from provisions authorizing local governments to impose

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

taxes under the Municipal Code. Basically this is a product of the Illinois Trucking Association that claimed that there are a few local government units that are continuing to charge taxes for these interstate vehicles. Some of the local governments - Chicago obviously the largest - have an ordinance prohibiting a local tax for proportional vehicles. These vehicles, under federal law, are taxed where they are registered, and what does happen is as these trucking companies get taxed locally, they go in court and they win it because of the federal provisions. That's all it is. I would appreciate your vote on it, and let's move it out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2200 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 3, 1 voting Present. Senate Bill 2200, having received the required constitutional majority, is declared passed. 2201 was on the Recall List this morning. 2211. Senator Jacobs. On the Order of Senate Bills 3rd -- Senator Maitland, 2215? On the -- 2215? All right. Senator Maitland requests -- on the Order of Senate Bills 3rd Reading is Senate Bill 2215, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2215.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senate Bill 2215 makes a number of -- of appropriations, and transfers to a number of State agencies,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

most of which have been around for some time and we've talked about those. Senator Carroll added an amendment the other day that had a net impact of -- of five million dollars and some transfers of about nine million dollars. In addition, Senator Etheredge had one that increased the authorization for ISAC. The net result of Senate Bill 2215, as presented today, is a hundred and twenty-five million four hundred and twenty-two thousand in General Revenue, for a total of four hundred and forty-seven thousand nine hundred and forty-eight dollars. I respect your favorable consideration, and would be happy to answer any questions you might have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I rise in support of this. This is the supplemental for this fiscal year. We'll argue about next fiscal year, I suppose, next week, but I think this is absolutely essential that we get this over to the House and let the process continue. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of it. I think even though the Governor does not want a Fiscal '93 budget, we should end up with a Fiscal '92 budget in place. So I would urge that we pass this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2215 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, none voting Present. Senate Bill 2215, having received the required constitutional majority, is declared passed.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bills 3rd Reading, Senate Bill 2218, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2218.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 2218, as amended, abolishes the Cook County Regional Board of School Trustees. As amended, it transfers those duties to the township treasurers. Initially the bill called for the duties to be given to the State Board of Education. The Cook County Board -- Regional Board of School Trustees is probably the least known and one of the most obnoxious boards of elected officials ever known to man. Let me give you a couple of examples of some of the things they have done. Their primary function is to deal with those issues of detachment and deannexation. Over a five-year period, they could not gather enough of a quorum, or, in fact, arrive at a decision regarding a little section that requested detachment. After we passed 1191 last year to deal with that bill -- with that problem, they refused to comply with the law. In November a person was elected; they refused to seat him. And recently one of their own members resigned his office out of disgust. I urge the passage of Senate Bill 2218.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I would concur with Senator DeAngelis that this has to be one of the most useless boards in existence with very limited functions that could easily be taken over by some other jurisdiction. I'm kind

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

of distressed that the amendment got on which transferred this to the township school trustees, because next to the Regional Board of Education - another useless group are the township school trustees. So in effect we've transferred one useless board to another useless board, and I would hope that in the House we could just take care of this and give it back to the State Board of Education, as this was -- was written originally. But that can still be in the House. Right now, I think we really do have to get rid of this board. It is more than obnoxious. It stands for nothing. Let's do the public a favor and get rid of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator DeAngelis may close. The question is, shall Senate Bill 2218 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 2218, having received the required constitutional majority, is declared passed. Senate Bill 2225. On the Order of Senate Bills 3rd Reading, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2225.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 2225 is, at this moment, merely a shell bill, and it is to be utilized for the purpose of finalizing, formalizing, and putting into statutory language, the Memorandum of Understanding between the Mayor of the City of Chicago and the Governor of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Illinois, which they signed on the 20th day of February, 1992. Entered into to evidence their commitment to and provide the basis for their joint efforts to develop a new air carrier airport - the Lake Calumet Airport - on a site described in exhibit 11-1. The Memorandum of Understanding - which I'm sure virtually all the Members have seen - goes on to recite that the Mayor and the Governor agree to proceed as quickly as possible to take all actions necessary and helpful to the planning, development, construction and operation of a new airport at the Lake Calumet site. The agreement further says that the Governor shall use his best efforts to obtain an enactment of State legislation to establish the authority on the terms contemplated herein, and that by executing this Memorandum of Understanding, the Mayor and the Governor have agreed to cooperate with one another in good faith, and work diligently toward the completion of the Lake Calumet Airport as soon as is reasonably practical. What's happened is that the -- the Mayor of the City of Chicago and the Governor of Illinois have each been, in my judgment, a little preoccupied - the Mayor with the flooding catastrophe in the City, and the Governor obviously with the budget, which he had to delay a month, or delay his message a month to try to construct. And the fact is, there are two drafts currently sitting on the table - one from the City and one from the Department of Transportation, and they've not yet meshed. I have assiduously worked and encouraged them to work to get it together. I would ask that this bill be sent to the House so that when it comes back it will reflect - can reflect - that Memorandum of Understanding between the Chief Executive of Illinois and the Chief Executive of the City of Chicago. I fully understand Senator Philip's opposition to the site, as selected, but I suggest that we are better served to have this vehicle alive and well, so that we can deal with the question of the substantive amendment when it comes before us, and I would solicit an Aye

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And let's get one thing clear: I am absolutely for a third airport. I certainly have been convinced by experts that the Mayor and the Governor have picked the absolutely worst location, for a lot of reasons. I'm not going to get into those reasons. But let me say this: The Mayor sent down an eighty-seven-page bill that was unacceptable to Senator Rock. The Governor countered with I don't know how many pages, and nobody can agree on what the commission should be at this point. I'm not sure if they'll ever agree. And the excuse they're using to pass this bill, without any public hearings or input -- and I have taken more time than I've ever wanted to, visiting the Hegewisch area, than I every thought I would. And -- and very honestly, they do not need a commission at this point, because they have not gotten their permits. They have to go through the federal permit system -- through the EPA, the FAA -- and fact is, they have to change the federal statutes to get their permits. I think they're going to have a very difficult time doing that. The experts that I talked to tell me that they don't believe they'll ever get their permits. It's unnecessary. It's untimely. There's no reason we have to do it today, tomorrow, and if you're going to do it, we should have some public input. I'll tell you one thing that scares me about this system that we are running under these days: every time I turn around, it's another shell bill. Absolutely no public input. Whether you agree with the people from the Hegewisch area, the Lake Calumet area or not, at least they ought to have the right to come down here and disagree with us on the commission and the location of that airport. And I certainly would ask everybody

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

with a little common sense and judgment to say No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Since this is my district which we are discussing, I'd like to take this opportunity -- I'm sorry I wasn't on hand, Senator Philip, to welcome you to my district, but I think, too, as Senator Rock, that we're going to have to pass this bill. But I want to urge the people from the City of Chicago and the Mayor, in particular, to at least call and give me some input as to what is going on, and I would appreciate that. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I have some very serious questions about this airport. And like Senator Brookins, those of us who live on the Southeast Side of Chicago would have appreciated some discussion, at least, to let us know what was going on, but be that as it may, I would like -- I also am in support at some place of a third airport. But I'm concerned about something in particular, and I wonder if the sponsor would please yield for a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

I have received information that says this document and agreement would include extraordinary powers of eminent domain and quick-take in a ten-mile radius around the proposed airport site, which I understand begins at the north end around 98th Street and the Lake. Now, if that is the case - if that is true - it would therefore put in jeopardy some of the most stable African-American

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

communities in the State. And I'm speaking about Chatham Avalon, Pill Hill, and a number of other communities, not to mention the oldest Mexican community in the Midwest. I'd just like to know if those features are still in this document.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

I think it's fair to say, Senator, that the description of the area involved is, I think, pretty well agreed, and my recollection is that it goes from roughly 96th Street on the -- on the north and -- and bordered by I-80. The question of eminent domain within a surrounding area was found objectionable by many in the -- in the negotiating process. My judgment is that will not be in the -- in the amendment that -- that we finally see. No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Palmer.

SENATOR PALMER:

Will the sponsor yield for another question? Senator Rock, could you tell me, then: if that is not the current eminent domain and quick-take policy, could you tell me what the proposed policy is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, I -- I would like to, except there's no agreement on the proposed policy. I have -- I have "suggested," I guess, is the word, to -- to both sets of negotiators - both the Secretary of Transportation of the State of Illinois and his people, and the Mayor of Chicago and his people - that I -- they would be better served to try to effect this Memorandum of Understanding by coming to an agreement that reflects this Memorandum, and to go beyond it simply is not going to serve anybody's interest. And so I think

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

it's fair to say that there is no agreement yet on that. My dilemma is that -- that I have agreed to attempt to promote, if you will, to carry the legislation that reflects their Memorandum of Understanding, which was entered into without any input or discussion with me. I am told that there were many, many public hearings with respect to the proposed site, but I was not -- Senator DeAngelis can probably answer -- I was not a member of the site selection group. They held a number of public meetings. I know the Mayor's Office held another -- number of public meetings. All this is intended to do is to set up that commission that the Mayor and the Governor agreed to, which will afford them -- them, the Mayor and the Governor -- the shared responsibility of moving this forward. And I might say, while I'm up, that Senator Philip's representation that they haven't even got the permits yet, that's the purpose of this, that it is to be a joint effort to go to those agencies for the proper permits. But that's the commission's responsibility; it is not the responsibility directly of either the Governor or the Mayor individually. And so, all I'm asking is that I think we are better served to have a Senate vehicle that will reflect this Memorandum of Understanding, if indeed they ever get together, and if they don't, you can be sure that there's -- it's certainly not going to pass here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, sir. I guess many of you know my interest in airports, and I am particularly interested in a third airport, because I agree with Senator Philip, it is desperately needed. The area of the O'Hare -- or rather the operation of O'Hare is getting an almost stranglehold. But, Ladies and Gentlemen, this kind of action is exactly what we don't need. I joined Senator Philip and other Senators Saturday in a tour of the area, and Ladies and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Gentlemen -- or that was Friday. Ladies and Gentlemen, it'd break your heart. It really would. I invite all of you to go out there and see nine thousand homes -- nine thousand families that are going to be moved - their homes destroyed. The picture has been painted that that's kind of a blighted area. You know, write it off, because it's not worth saving. It is worth saving. It is as fine a neighborhood as any of us would enjoy living in. So we should move cautiously. This is the largest public works effort in decades, and perhaps this century. And yet we seem to be slamming along. One of the things that the people in Hegewisch, in particular, said to us last Friday, was that they have begged for a meeting with the Mayor of Chicago; they have begged for a meeting with the Governor, but have been refused. And as Senator Philip pointed out, they ought to have the courtesy at least of being listened to. The Memo of Understanding that Senator Rock alluded to -- I invite all of you to get a copy of that, and then really come to the conclusion that that thing means anything. It is a -- it is a sham at best. And so I would urge that we keep control of this situation close to us, and not let it drift away into a commission or anything else until that site has been settled down. We've got nine thousand people, and as one of the Senators said - or nine thousand homes - and one of the Senators said Saturday, "That would be my entire town." And that's what we're doing - we're uprooting nine thousand families. They ought to have a chance to be certain that we have given it every bit of consideration we possibly can. I would urge you to vote No on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Well, during the course of the day we have sent out of here a number of vehicle bills with the express understanding of the purpose for which they were to be used. I have made no bones about the fact that this bill is to be used to reflect the Memorandum of Understanding entered into by the two Chief Executives in this State and City. I don't know that, Senator Butler, that those questions have even been adequately addressed yet. I certainly am not prepared to stand here and tell you that the -- the town -- or the Village of Hegewisch is to be abolished under this proposal. But I think what -- what -- the other thing you said is very meaningful. This is probably one of the biggest single public works projects in the history of this State, certainly, and we ought not lightly dismiss it. And so while we have five weeks remaining in this Legislative Session, it seems to me in our best interest - and certainly in the best interest of the Governor of Illinois and the Mayor of the Chicago - to move this vehicle along, knowing full well that before there is final action, we will have a great opportunity to debate the merits. And I suggest, as I have suggested to my friend, Senator Philip, on a couple of occasions, that the arguments that he puts forth were better put forth before the site selection committee, with which I had absolutely nothing to do, although I think a couple of your Members did. And so I would ask you: please send it out of here, so that we can move this forward.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2225 pass. Those in favor will -- will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 24, 8 -- 8 voting Present. Senate Bill 2225, having failed to receive the required constitutional majority, is declared lost. All right. We'll now, with leave of the Body, go

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

to the Order of Recalls. I understand they've all been passed out. They're on your desk. With leave of the Body, we'll go to page 3, 1468. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1468, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Amendment No. 2 is the amendment that was suggested by Senator Davidson, and it includes chiropractors in the referral clause of the bill, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1526. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1526, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR WELCH:

Thank you, Mr. President. What this amendment does is amends the bill by adding an additional option to schools to enter into guaranteed energy savings contracts for up to ten years in duration. What the language does is lets school districts upgrade and install cost-saving energy efficient measures when other State and federal funding sources are not available. This would allow for school districts to enter into agreed contracts with companies guaranteeing them savings under energy changes in their schools. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 1526. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1557. Senator Luft seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Leave is granted. Senate Bills 2nd Reading is Senate Bill 1557, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Carroll and Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. When we had gotten to this bill before, Senator Maitland had correctly asked that we withhold voting on the amendment at that time so that he could have time to study it. This was -- the intent of this is to be a safety valve in case, because of the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

lack of increased revenues and the cuts necessary to balance the budget, the Governor needs some type of relief action at a time when we're not in Session. The way things look, there probably won't be a month that we're not in Session over the next twelve, but just in case, this allowed for a bipartisan, bi-chamber, all equal in both -- Members of the General Assembly, to be there in case a Governor needed to go somewhere when we weren't here, to get a few dollars released till we were here. I would move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Carroll has moved the adoption of Amendment No. 1 to Senate Bill 1557. If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1588. Senator Carroll seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is -- leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1588, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Carroll and Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Would you believe that? Carroll and Keats are offering this amendment. How do you like that? This would -- on the Prompt Payment Act, there seemed to be some objection and why the Governor kept vetoing the fact that if we don't pay our bills we should pay interest, was based on the issue of our now charging two percent a month to the State for being a deadbeat. At the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

time that this was imposed, of course, prime was a much higher number. So what we have attempted to do by this amendment, as sort of a compromise to be realistic, and that is to say there should still be a penalty, but not a Class X. And this would say that it is the greater of one and a quarter percent a month or fifteen percent a year, which is about what credit cards charge consumers, or five points over prime, in case prime climbs up again. So it would be the greater of those two amounts, as the penalty the State would have to pay to its vendors when the State does not promptly pay its bills within sixty days. I would move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll has moved the adoption of Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bills -- leave of the Body we'll go to the Order of Consideration Postponed. Senator Jones. Leave is granted. On the Order of Consideration Postponed on page 36 is Senate Bill 1651. Senator Jones seeks leave of that -- bring that bill back to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd -- Senate Bills 2nd Reading is Senate Bill 1651, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Yeah. Thank you, Mr. President and Members of the Senate. Amendment No. 1 is essentially the bill, and what it does is require a phase-in of part of the monies utilized for purses and wagering expenses. It gives staggered dates for the -- and the percentages that's incorporated therein, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 1. Is there discussion? Senator Rock.

SENATOR ROCK:

This amendment ought to be defeated. You know, one of the things that happens around here is that groups and people, and even us and sometimes the Governor, makes agreements, and all of a sudden they think that nobody's got a memory. There is such a thing around here as an institutional memory, and I remember an agreement that was made, because I happen to have been sitting at the table when the agreement was made. This amendment flies in the face of that agreement and ought to be defeated. It certainly ought to be defeated without the benefit of any public hearing or any notice or anything else. I just think this is a mistake and we ought not do it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- is there discussion? Senator Jones.

SENATOR JONES:

Well, if that's the case, then I think we should take it out of the record at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. All right. Senate Bill -- page 7 is Senate -- on the order of the regular -- regular business is Senate Bill 1717 on page 7. Senator Collins seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

1717, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Collins and Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. This amendment is to strip the bill and to make it a shell bill to keep in my -- with my agreement with the negotiating team that's dealing with the problems of Transitional Assistance. And I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1727. Senator Rock seeks leave of the Body to return that to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1727, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Rock and Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. These three bills, 1727, 28 and 29, are today being amended by Senator Philip and I to inflict the same level of pain, if you will, as we are inflicting on every other agency, board and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

commission of State Government, and that is, these are reduction amendments. The total budget is introduced - and I would like leave to speak to all three amendments - the total budget is introduced at a level of fifty-five million dollars, literally, for the -- for the operation of the General Assembly, both House and Senate district office and the legislative support services. The Governor's budget book had recommended a level of fifty-three million dollars. By virtue of these amendments - and there will be three in these three bills, and another on a later subsequent bill - we'll -- we'll reduce the total to fifty million two hundred and eighty-nine thousand dollars, or below -- 2.7 million dollars below the Governor's recommended level, and 4.7 million below the level that we thought was appropriate. There will be a reduction in Senate operations and House operations of five percent. There will be a reduction in our district office allowances of five percent. There will be a reduction in the legislative support agencies of five percent. And I think it's fair to say that we have complied, indeed, and subjected ourselves to the same kind of pain that we are inflicting on the other agencies. And I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock -- if not, Senator Rock has moved the adoption of Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Rock seeks leave of the Body to return Senate Bill 1728 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1728, Madam Secretary.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Rock and Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. This is the -- the appropriation for the district office allowance, which has afforded each of us to be utilized by voucher, as everybody knows, for those expenses that are necessary to adequately service our constituents back in our district. By virtue of this cut, which is a five-percent cut, we will have twenty-eight hundred dollars each less for our district office allowance. It is, I think, in a spirit of fairness and parity and comity with the other State agencies, and I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1728. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Rock seeks leave of the Body to return Senate Bill 1729 to the Order of Senate Bills on 2nd Reading. Is leave granted? For the purpose of an amendment, his leave is granted. Senate Bills 2nd Reading, Senate Bill 1729, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Rock and Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senator Philip and I are again applying the Senate guidelines - our own guidelines - to our legislative support agencies: JCAR, and Economic and Fiscal, and Intergovernmental, and LIS, and LRB, and Audit and Space Needs, and the Printing Unit, and Research, and the Citizens Assembly, for a total reduction of five hundred and thirty-seven thousand. And I would move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1729. All those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1730. There's a request to move that bill back to the Order of 2nd Reading. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1730, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Rock and Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, again, in -- in our attempt to conserve, save, reduce General Revenue spending, what we are asking is that the fund source for the audits be attributed, instead of to General Revenue, to other funds. We estimate that 2.7 million dollars will be saved in this respect. There will be an amendment subsequently to Senate Bill 1939, but I think this is an amendment that will serve us all

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

well, and I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 1730. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments -- 3rd Reading. Senator -- page 8. Senator Welch. 1768. Senator Welch seeks leave of the Body to return Senate Bill 1768 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1768, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, a few years ago we put a dollar tax on tires to remove all those piles of tires all over the State of Illinois, particularly in Senator Joyce's district. Unfortunately, the Department of Revenue expanded our opinion on what you should put the dollar on, and they put it on bicycles, on children's toys, lawn mowers. And this specifically changes it and makes it specifically for trucks and automobiles. I move the adoption of Amendment No. 1 <sic> to 1768.

PRESIDENT ROCK:

Senator Philip has moved the adoption of Amendment No. 2 to Senate Bill 1768. Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Thank you, Mr. President. To the sponsor: Senator Philip, can you tell me -- on your amendment, the last line -- it says, "implements of husbandry." Could you explain to me what's an implement of husbandry?

END OF TAPE

TAPE 7

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Well, you know, being a country boy that I am, it's farm equipment.

PRESIDENT ROCK:

Senator Philip's moved the adoption of Amendment No. 2 to Senate Bill 1768. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1939. Senator Demuzio seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1939, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Demuzio, Rock, Philip and DeAngelis.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This is the amendment that you described in Senate Bill 1730 in the Comptroller's budget. It creates the Audit Expense Fund within the Treasury to provide for the payment of costs of audits conducted by the Auditor General. I move its adoption.

PRESIDENT ROCK:

Senator Demuzio has moved the adoption of Amendment No. 1 to Senate Bill 1939. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1983. Senator Severns seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1983, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Severns.

PRESIDENT ROCK:

Senator Severns, on Amendment No. 1.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 simply strips the bill. Creates a vehicle in the event that we need a vehicle for the Workforce Preparation Task Force. It's my hope that this bill, along with Senator Etheredge's bill, can move forward for that purpose. I would urge its adoption.

PRESIDENT ROCK:

Senator Severns has moved the adoption of Amendment No. 1 to Senate Bill 1983. Discussion? If not, all in favor, indicate by

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2013. Senator Etheredge seeks leave of the Body -- middle of page 14, Ladies and Gentlemen. 2013. Senator Etheredge seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would yield to Senator Weaver for the purpose of making a motion.

PRESIDENT ROCK:

All right. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move to table Amendment No. 1 to Senate Bill 2013. When we established the Environmental Protection Trust Fund, it was established by giving a quarter of that money to the four agencies. We're deviating from that policy in Amendment No. 1, and so I would move to table Amendment No. 1.

PRESIDENT ROCK:

Senator Weaver, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 2013 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Weaver now moves to table Amendment No. 1 to Senate Bill 2013. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is tabled. Are there further amendments?

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of page 17. 2091. Senator Munizzi seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2091, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Munizzi.

PRESIDENT ROCK:

Senator Munizzi. Senator Munizzi. We have effectively shut your whole row down. Why -- why don't you move over to Senator Lechowicz's desk.

SENATOR MUNIZZI:

All right. Magician says it's going to work here. Let's see.

PRESIDENT ROCK:

Okay.

SENATOR MUNIZZI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Currently the City of Chicago has the power to appoint advisory councils and boards to assist in coordinating State and federal programs. This amendment just adds social programs to that authorization. I ask for a favorable vote.

PRESIDENT ROCK:

Senator Munizzi has moved the adoption of Amendment No. 1 to Senate Bill 2091. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

3rd Reading. Page 17. 2099. Senator del Valle. Page 18. 2147. Senator Macdonald seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2147, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I withdraw Amendment No. 2, and we will leave this bill on the Calendar until we can negotiate an agreement between the Illinois Builders and others who are objecting to this bill. So we'll just leave it, maybe even till the Fall Session.

PRESIDENT ROCK:

All right. Take it out of the record. Ladies and Gentlemen, that effectively concludes our business for this afternoon, unless some Member has some other Order of Business. Senator Karpziel, for what purpose do you arise? Senator -- wait a minute. Senator del Valle, do you wish to pursue your Recall? All right. On the Order of Senate Bills 3rd Reading, Senate Bill 2099. Senator del Valle seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2099, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator del Valle.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This amendment addresses the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

concern expressed by Senator Hawkinson. It deletes the language that indicated that the owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. I ask for the adoption of the amendment.

PRESIDENT ROCK:

Senator del Valle has moved the adoption of Amendment No. 2 to Senate Bill 2099. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Mr. President, I spoke to you earlier about going to 2nd Reading for Senate Bill 1529.

PRESIDENT ROCK:

The Lady seeks leave of the Body to go to the Order of 2nd Reading for the purpose of Senate Bill 1529. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1529. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1529.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Karpziel offers Amendment No. 1.

PRESIDENT ROCK:

Senator Karpziel, on Amendment No. 1.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR KARPIEL:

...(machine cutoff)...of the -- reading of the LRB number because there was -- the first one that I distributed is in error, and we now have the second one distributed. I know it was withdrawn - the first one - but I want to make sure we're looking at the same -- everybody is looking at the same LRB number.

PRESIDENT ROCK:

Madam Secretary, the LRB number, please.

SECRETARY HAWKER:

8709471EGFgam01.

SENATOR KARPIEL:

Correct. Thank you.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

The amendment changes Senate Bill 1529 in several ways. First of all, it reduces the penalties from ten dollars a cubic foot to two dollars a cubic foot. It changes the effective date from January 1st, 1993, to January 1st, 1994. In the present legislation, these penalties would be put into a fund to be used by the State for cleanup and response actions. In the amendment, it is for the State to be -- to use it for the cleanup and response actions, but it's also to have the operator be able to use that for the cost of cleanup and response actions. It also, in the amendment, requires local approval for siting of the disposal facility, and it also calls for response plans to be filed. This amendment applies only to the Kerr-McGee facility in West Chicago. And another Section that's very important - it guarantees that if a consent decree is signed, that this -- the bill will no longer apply.

PRESIDENT ROCK:

Senator Karpziel has moved the adoption of Amendment No. 1 to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Senate Bill 1529. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

I have a bill on 2nd Reading, Senate Bill 1815, that -- where the amendment is ready, and I'd like to move it to 3rd.

PRESIDENT ROCK:

All right. The Lady seeks leave to go to the Order of 2nd Reading for the purpose of Senate Bill 1815. Without objection, leave is granted. On the Order of 2nd Reading, Madam Secretary, is Senate Bill 1815. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1815.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Holmberg offers Amendment No. 1.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

This is an amendment to -- to the bill, allowing freestanding licensed treatment providers to be included in the array of resources available to persons needing substance abuse treatment. The amendment was drafted by the Illinois Life Insurance Council after lengthy negotiations, the Associated Employers of Illinois, the Illinois Chamber, Illinois Life Insurance Council, IADDA, the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Illinois Manufacturers' Association, the National Federation of Independent Businesses. It's designed to protect the rights of insurance companies, employers, preferred provider organizations and HMOs. And the amendment includes the term "medically necessary," which does include rehabilitative and curative services when covered by the insurance policy and determined by a physician to be needed in the recovery process. I would recommend its adoption.

PRESIDENT ROCK:

Senator Holmberg has moved the adoption of Amendment No. 1 to Senate Bill 1815. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

I have a bill on 2nd Reading, Mr. President. 1636.

PRESIDENT ROCK:

On the Order of Senate Bills 2nd Reading, Senate Bill 1636. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1636.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Hudson offers Amendment No. 1.

PRESIDENT ROCK:

Senator Hudson, on Amendment No. 1.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SENATOR HUDSON:

Mr. President, thank you. We -- I would request that this amendment be withdrawn, or tabled.

PRESIDENT ROCK:

Gentleman withdraws. Further amendments?

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio, on Amendment No. 1.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It raises the permissive semiannual contribution limit to twenty-five hundred. It was twelve hundred and fifty in the bill. I'm just raising it. I would move its adoption.

PRESIDENT ROCK:

Senator Demuzio moves the adoption of Amendment No. 1 to Senate Bill 1636. Discussion? If not, all in favor, indicate by saying Aye. All opposed. I'm sorry. Senator Dudycz, on Amendment No. 1.

SENATOR DUDYCYZ:

I'm sorry, Senator, could you repeat that, what the amendment does? I -- I didn't see it. Or has it been distributed? How many?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

It was distributed a couple days ago. It's probably -- all it does is that when the bill started out, it started out with a semiannual contribution limit at twelve-fifty. We're raising it to twenty-five hundred.

PRESIDENT ROCK:

Further discussion? If not, Senator Demuzio has moved the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

adoption of Amendment No. 1 to Senate Bill 1636. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Senator Topinka, you wish to speak on this bill? I'm sorry. Your light is going on and off like a firefly. Senator Topinka.

SENATOR TOPINKA:

If I may have leave to go back for 2nd Reading to Senate Bill 1680. The amendment is ready, and I would like to pursue it.

PRESIDENT ROCK:

It is, I might point out, 5:30 on Thursday, May 21st, and tomorrow is the deadline for 3rd Reading, and we are truly fooling around here. Senator Fawell, for what purpose do you arise? Senator Demuzio, Amendment No. 1 has been adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFER:

Mr. President, this applies the provisions of the bills to any elected chief executive to a unit of local government with a population of more than two million people, effectively applying the provisions of the bill to the Mayor of the City of Chicago and the Chairman of the Cook County Board.

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 2 to Senate Bill 1636. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

It's already a requirement in the City Council Statutes anyway. I really don't have any opposition to this amendment. You are just doing something which they already have. It's not -- it's not that cute; I'll take it.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 2 to Senate Bill 1636. Discussion? All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Topinka seeks leave of the Body to return to the Order of 2nd Reading for Senate Bill 1680. Madam Secretary, on the Order of Senate Bills 2nd Reading is Senate Bill 1680. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1680.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Topinka offers Amendment No. 1.

PRESIDENT ROCK:

Senator Topinka, on Amendment No. 1.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this strips the bill, removes any reference to mandatory dental testing, and now would tie mandatory TB testing to the current physical examinations which now the schools already have in play.

PRESIDENT ROCK:

Senator Topinka has moved the adoption of Amendment No. 1 to Senate Bill 1680. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I'd just like to move 1803 to 3rd Reading. There's no Floor amendments.

PRESIDENT ROCK:

On the Order of -- with leave of the Body, we'll go to 2nd Reading for the purpose of Senate Bill 1803. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1803.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Marovitz, on Committee Amendment No. 1.

SENATOR MAROVITZ:

Thank you very much -- thank you very much, Mr. President. Committee Amendment No. 1 strips the substance of the bill. This bill is dealing with the overcrowding situation of Cook County jails and the ability to make bail sooner and save the county money. We are having discussions with all the chief judges and the president of the County Board. And if there is no agreement, there will be no bill. I'd just like to move this to 3rd Reading.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1803. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

I rise to table a bill - 1801. It was drafted by the Legislative Reference Bureau, and they drafted the wrong bill to the wrong synopsis. And while the other replacement bill is still in Rules, I would like to table this one for the record.

PRESIDENT ROCK:

Might I -- where does the bill reside, Senator Macdonald?

SENATOR MACDONALD:

In the Rules Committee. It's currently still in Rules also, but it...

PRESIDENT ROCK:

All right. Senator Macdonald has moved to discharge the Committee on Rules from further consideration of Senate Bill 1801 for the purpose of tabling. All in favor of the Motion to Discharge, indicate by saying Aye. All opposed. The Ayes have it. The bill is discharged. Senator Macdonald now moves to table Senate Bill 1801. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. And the bill is tabled. Further business? Senator Demuzio.

SENATOR DEMUZIO:

I move we adjourn till nine o'clock tomorrow morning.

PRESIDENT ROCK:

Senator Etheredge, Senator Fawell, Senator, Senator, Senator, Senator. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I, too, seek leave to return to the Order of 2nd Reading. I have two bills there, both of them, I do believe, noncontroversial. The first one is 1862 and the second

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

is 1908.

PRESIDENT ROCK:

All right. The Gentleman also seeks leave to return to the Order of 2nd Reading for 1862 and 1908. On the Order of Senate Bills 2nd Reading, Senate Bill 1862. Read the bill.

SECRETARY HAWKER:

Senate Bill 1862.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Fawell offers Amendment No. 1.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is -- we are deleting everything in the bill and changing the word "Sections" to "Section." Excuse me. We are attempting to get a municipality and a forest preserve to agree on a bill, and I'd like to move it along.

PRESIDENT ROCK:

Senator Fawell has moved the adoption of Amendment No. 1 to Senate Bill 1862. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Fawell.

PRESIDENT ROCK:

Senator Fawell, on Amendment No. 2.

SENATOR FAWELL:

Withdraw.

PRESIDENT ROCK:

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

May 21, 1992

Withdraw. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1908. On the Order of Senate Bills 2nd Reading is Senate Bill 1908, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1908.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Organization and Administration offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Etheredge, on Committee Amendment No. 1.

SENATOR ETHEREDGE:

Thank you, Mr. President. This amendment strips the bill and converts it to a vehicle. I would move for its adoption.

PRESIDENT ROCK:

Senator Etheredge has moved the adoption of Committee Amendment No. 1 to Senate Bill 1908. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments. No further committee amendments.

PRESIDENT ROCK:

3rd Reading. Senator Dunn. Any further business to come before the Senate this evening? Senator Vadalabene moves that the Senate stand adjourned till Friday, May 22nd. Tomorrow morning, nine o'clock in the morning, Ladies and Gentlemen. Nine o'clock in the morning. We'll try to be out of here by noon. Senate -- Senate stands adjourned.

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 21, 1992

HB-0854	FIRST READING	PAGE	2
HB-1161	FIRST READING	PAGE	2
HB-2645	FIRST READING	PAGE	2
HB-2667	FIRST READING	PAGE	2
HB-2679	FIRST READING	PAGE	2
HB-2738	FIRST READING	PAGE	2
HB-2825	FIRST READING	PAGE	2
HB-3107	FIRST READING	PAGE	2
HB-3210	FIRST READING	PAGE	2
HB-3257	FIRST READING	PAGE	2
HB-3278	FIRST READING	PAGE	2
HB-3282	FIRST READING	PAGE	3
HB-3347	FIRST READING	PAGE	3
HB-3395	FIRST READING	PAGE	3
HB-3408	FIRST READING	PAGE	3
HB-3435	FIRST READING	PAGE	3
HB-3454	FIRST READING	PAGE	3
HB-3474	FIRST READING	PAGE	3
HB-3490	FIRST READING	PAGE	3
HB-3495	FIRST READING	PAGE	3
HB-3735	FIRST READING	PAGE	3
HB-3790	FIRST READING	PAGE	3
HB-3810	FIRST READING	PAGE	3
HB-3811	FIRST READING	PAGE	3
HB-3814	FIRST READING	PAGE	3
HB-3832	FIRST READING	PAGE	3
HB-3856	FIRST READING	PAGE	3
HB-3878	FIRST READING	PAGE	4
HB-3917	FIRST READING	PAGE	4
HB-3937	FIRST READING	PAGE	4
HB-4057	FIRST READING	PAGE	4
SB-1468	RECALLED	PAGE	283
SB-1474	THIRD READING	PAGE	23
SB-1479	THIRD READING	PAGE	33
SB-1483	THIRD READING	PAGE	47
SB-1490	THIRD READING	PAGE	48
SB-1510	RECALLED	PAGE	7
SB-1511	THIRD READING	PAGE	49
SB-1518	THIRD READING	PAGE	50
SB-1520	THIRD READING	PAGE	51
SB-1526	RECALLED	PAGE	283
SB-1529	SECOND READING	PAGE	298
SB-1533	THIRD READING	PAGE	52
SB-1541	THIRD READING	PAGE	53
SB-1546	THIRD READING	PAGE	54
SB-1547	THIRD READING	PAGE	60
SB-1555	THIRD READING	PAGE	60
SB-1556	THIRD READING	PAGE	62
SB-1557	RECALLED	PAGE	285
SB-1564	RECALLED	PAGE	5
SB-1567	THIRD READING	PAGE	62
SB-1570	THIRD READING	PAGE	65
SB-1588	RECALLED	PAGE	285
SB-1590	THIRD READING	PAGE	66
SB-1600	THIRD READING	PAGE	67
SB-1603	THIRD READING	PAGE	69
SB-1605	THIRD READING	PAGE	70
SB-1607	THIRD READING	PAGE	75
SB-1616	THIRD READING	PAGE	76
SB-1620	RECALLED	PAGE	7
SB-1622	THIRD READING	PAGE	82
SB-1625	THIRD READING	PAGE	83
SB-1636	SECOND READING	PAGE	301
SB-1637	THIRD READING	PAGE	84

DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 21, 1992

SB-1638	THIRD READING	PAGE	84
SB-1640	THIRD READING	PAGE	85
SB-1640	OUT OF RECORD	PAGE	92
SB-1645	RECALLED	PAGE	8
SB-1649	THIRD READING	PAGE	93
SB-1651	OUT OF RECORD	PAGE	286
SB-1652	THIRD READING	PAGE	94
SB-1657	THIRD READING	PAGE	93
SB-1661	THIRD READING	PAGE	98
SB-1665	RECALLED	PAGE	9
SB-1667	THIRD READING	PAGE	96
SB-1669	THIRD READING	PAGE	101
SB-1671	THIRD READING	PAGE	102
SB-1680	SECOND READING	PAGE	304
SB-1681	RECALLED	PAGE	10
SB-1685	THIRD READING	PAGE	103
SB-1695	THIRD READING	PAGE	109
SB-1700	THIRD READING	PAGE	109
SB-1711	THIRD READING	PAGE	117
SB-1717	RECALLED	PAGE	287
SB-1718	RECALLED	PAGE	11
SB-1722	THIRD READING	PAGE	118
SB-1727	RECALLED	PAGE	288
SB-1728	RECALLED	PAGE	289
SB-1729	RECALLED	PAGE	290
SB-1730	RECALLED	PAGE	291
SB-1730	OUT OF RECORD	PAGE	126
SB-1731	THIRD READING	PAGE	126
SB-1733	THIRD READING	PAGE	132
SB-1739	THIRD READING	PAGE	133
SB-1741	THIRD READING	PAGE	137
SB-1743	THIRD READING	PAGE	138
SB-1747	THIRD READING	PAGE	139
SB-1750	THIRD READING	PAGE	140
SB-1766	THIRD READING	PAGE	141
SB-1768	RECALLED	PAGE	291
SB-1773	THIRD READING	PAGE	141
SB-1779	THIRD READING	PAGE	142
SB-1783	THIRD READING	PAGE	143
SB-1787	THIRD READING	PAGE	144
SB-1789	THIRD READING	PAGE	145
SB-1796	THIRD READING	PAGE	145
SB-1801	TABLED	PAGE	305
SB-1803	SECOND READING	PAGE	305
SB-1814	RECALLED	PAGE	12
SB-1815	SECOND READING	PAGE	300
SB-1816	THIRD READING	PAGE	146
SB-1818	THIRD READING	PAGE	149
SB-1840	THIRD READING	PAGE	156
SB-1841	THIRD READING	PAGE	157
SB-1842	THIRD READING	PAGE	157
SB-1843	THIRD READING	PAGE	158
SB-1844	THIRD READING	PAGE	158
SB-1845	THIRD READING	PAGE	159
SB-1846	THIRD READING	PAGE	160
SB-1847	THIRD READING	PAGE	161
SB-1848	THIRD READING	PAGE	161
SB-1849	THIRD READING	PAGE	162
SB-1850	THIRD READING	PAGE	162
SB-1860	THIRD READING	PAGE	163
SB-1862	SECOND READING	PAGE	306
SB-1867	THIRD READING	PAGE	164
SB-1868	OUT OF RECORD	PAGE	165
SB-1890	THIRD READING	PAGE	168

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 21, 1992

SB-1907	THIRD READING	PAGE	170
SB-1908	SECOND READING	PAGE	307
SB-1912	THIRD READING	PAGE	172
SB-1925	THIRD READING	PAGE	173
SB-1931	THIRD READING	PAGE	182
SB-1935	THIRD READING	PAGE	183
SB-1939	RECALLED	PAGE	293
SB-1941	THIRD READING	PAGE	184
SB-1942	THIRD READING	PAGE	184
SB-1943	THIRD READING	PAGE	186
SB-1946	THIRD READING	PAGE	187
SB-1947	THIRD READING	PAGE	188
SB-1948	THIRD READING	PAGE	190
SB-1949	THIRD READING	PAGE	188
SB-1955	THIRD READING	PAGE	190
SB-1956	THIRD READING	PAGE	193
SB-1965	THIRD READING	PAGE	194
SB-1970	RECALLED	PAGE	13
SB-1971	THIRD READING	PAGE	196
SB-1979	THIRD READING	PAGE	197
SB-1980	THIRD READING	PAGE	199
SB-1983	RECALLED	PAGE	294
SB-1986	THIRD READING	PAGE	200
SB-2013	RECALLED	PAGE	295
SB-2045	THIRD READING	PAGE	201
SB-2048	THIRD READING	PAGE	204
SB-2056	THIRD READING	PAGE	205
SB-2062	THIRD READING	PAGE	209
SB-2072	THIRD READING	PAGE	211
SB-2075	THIRD READING	PAGE	212
SB-2076	THIRD READING	PAGE	213
SB-2079	THIRD READING	PAGE	213
SB-2087	THIRD READING	PAGE	214
SB-2088	THIRD READING	PAGE	215
SB-2091	RECALLED	PAGE	296
SB-2093	THIRD READING	PAGE	216
SB-2097	THIRD READING	PAGE	217
SB-2099	RECALLED	PAGE	297
SB-2099	OUT OF RECORD	PAGE	218
SB-2101	THIRD READING	PAGE	221
SB-2104	THIRD READING	PAGE	223
SB-2107	THIRD READING	PAGE	224
SB-2114	THIRD READING	PAGE	226
SB-2118	THIRD READING	PAGE	227
SB-2134	THIRD READING	PAGE	228
SB-2138	THIRD READING	PAGE	230
SB-2139	THIRD READING	PAGE	231
SB-2141	RECALLED	PAGE	14
SB-2147	RECALLED	PAGE	297
SB-2151	THIRD READING	PAGE	232
SB-2152	THIRD READING	PAGE	233
SB-2153	THIRD READING	PAGE	234
SB-2154	THIRD READING	PAGE	235
SB-2155	THIRD READING	PAGE	245
SB-2159	THIRD READING	PAGE	257
SB-2163	THIRD READING	PAGE	246
SB-2167	THIRD READING	PAGE	247
SB-2168	THIRD READING	PAGE	248
SB-2169	THIRD READING	PAGE	258
SB-2170	THIRD READING	PAGE	259
SB-2171	THIRD READING	PAGE	260
SB-2177	THIRD READING	PAGE	261
SB-2178	THIRD READING	PAGE	262
SB-2179	THIRD READING	PAGE	264

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 21, 1992

SJ-2131 THIRD READING	PAGE	265
So-2133 THIRD READING	PAGE	266
SB-2197 THIRD READING	PAGE	270
So-2200 THIRD READING	PAGE	271
Sb-2201 RECALLED	PAGE	15
Sb-2215 THIRD READING	PAGE	272
SB-2218 THIRD READING	PAGE	274
Sb-2225 THIRD READING	PAGE	275
SR-1292 ADOPTED	PAGE	4
SR-1293 RESOLUTION OFFERED	PAGE	2

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT ROCK	PAGE	1
PRAYER - THE REVEREND GEDRGE COATES	PAGE	1
JOURNALS - POSTPONED	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	1
ADJOURNMENT	PAGE	308