

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

32nd Legislative Day

April 13, 1993

PRESIDENT PHILIP:

Ten o'clock having arrived, the Senate will please come to order. Will our friends in the gallery please rise, and our Members please rise. Today the prayer will be by Doctor Schacht, Westminster Presbyterian Church, Springfield. Doctor Schacht.

DOCTOR SCHACHT:

(Prayer given by Dr. Schacht)

PRESIDENT PHILIP:

Reading and approval of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, March 30th; Wednesday, March 31st; and Thursday, April 1st, 1993.

PRESIDENT PHILIP:

Senator Butler, for what purpose do you arise?

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journals just read. There being no objections, so ordered. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 235, offered by Senator Mahar <sic> (Shaw).

Senate Resolution 236, by Senator Hall and all Members.

Senate Resolution 237, by Senator LaPaille.

Senator Syverson offers Senate Resolution 238.

Senators Syverson and Burzynski offer Senate Resolution 239.

Senate Resolution 240, also by Senators Syverson and Burzynski.

Senate Resolution 241, offered by Senators Tom Dunn, Vadalabene, Philip and Dudycz.

Senate Resolution 242, by Senator Hawkinson.

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And Senate Joint Resolution 43, by Senator Burzynski.
They're all congratulatory and death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Yes, thank you, Mr. President. Mr. President, we just approved the reading of the Journal for March 31st, along with two other days. It was our understanding that the March 31st Journal was not yet printed. We may have a problem with -- the March 31st Journal, one -- one portion of it. So, if we could just get a copy of the 31st Journal so we can review it, and at that time, I would like to, if it's appropriate, then make comments.

PRESIDENT PHILIP:

I -- I have -- Senator Cullerton, I've been informed, it is printed; that they made a mistake. It is -- he has it right here, if you'd like to see it. Okay? Senator Cullerton.

SENATOR CULLERTON:

Well, if I could then indicate that -- I believe that we, on a voice vote, just approved the reading of the Journal of the 31st. I'm going to have written objections to that particular Journal, and I'm joined by one other Senator. We were told by our staff that the Journal was not printed yet; that's why I didn't raise the issue when we approved it on a voice vote. But now that I understand that it is printed, I would like to file that...

PRESIDENT PHILIP:

File your motion with the Clerk. We'll certainly take it up.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages.

SECRETARY HARRY:

Message from the President.

Dear Mr. Secretary - Pursuant to Senate Rule 3-5, please

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be advised that Senator Thomas J. McCracken, Jr. shall immediately replace Senator Laura Kent Donahue as a Member of the Rules Committee. Senator McCracken shall resume his position as Vice Chairman of the Rules Committee.

Filed by President Philip.

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 17.

Adopted by the House, April 1st, 1993. It's a death resolution.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

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

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

House Bill 1611.

Passed the House, April 1st, 1993.

We have like Messages on House Bill 239, House Bill 671, 1543, 1553, 1585, 1910, 1915, 1933, 2092 and 2149.

All passed the House, April 1st, 1993.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, have there been any motions to discharge from committee filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Smith has filed a motion.

I hereby move to suspend any applicable Senate Rules and move to discharge the Senate Committee on Rules from further

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consideration of Senate Bill 114 and that the bill be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Smith.

We have like Messages -- or like motions on the following bills: Senate Bills 153, by Senator Stern; Senate Bill 298, by Senator LaPaille; Senate Bill 303, by Senator Smith; Senate Bill 304, Senator Smith; Senate Bill 307, Senator Smith; Senate Bill 361, Senator Demuzio; Senate Bill 368, Senator Smith; Senate Bill 624, Senator Rea; Senate Bill 691, Senator Smith; 693, Senator Smith; Senate Bill 699, Senator LaPaille; Senate Bill 703, Senator LaPaille; Senate Bill 785, Senator Stern; Senate Bill 886, Senator Palmer; Senate Bill 961, Senator Welch; Senate Bill 971, Senator Carroll; Senate Bill 972, Senator Carroll; Senate Bill 978, Senator Trotter; Senate Bill 981, Senator Welch; Senate Bill 1012, Senator LaPaille; Senate Bill 1028, Senator Smith; Senate Bill 1091, Senator Welch; and Senate Bill 1101, Senator LaPaille.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, the Chair orders that these motions be printed on the Calendar. For what purpose does Senator Stern arise?

SENATOR STERN:

Mr. President, I just wanted to advise the Chamber that Senator Berman will not be here today because of illness.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you. The record will so reflect. We're about ready to go to the Order of 2nd Readings. Let me alert the Membership. Senator McCracken, Senator Barkhausen, Senator DeAngelis, Senator Cullerton, Senator Maitland, you'll be the first ones up. Senator McCracken, on Senate Bill 2? Read the bill.

SECRETARY HARRY:

Senate Bill 2.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen. Senator DeAngelis. Take it out of the record. There's a fiscal note request that has not been answered yet, Senator. Senator Cullerton, on Senate Bill 17. Take it out of the record. Senator Maitland, on 38. Senator Farley. Senator O'Malley, on Senate Bill 52. Read the bill.

SECRETARY HARRY:

Senate Bill 52.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Amendments 1, 2 and 3.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments?

SECRETARY HARRY:

Amendment No. 4 has been approved for consideration by the Rules Committee. Amendment No. 4, by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley, to explain the amendment. Senator O'Malley. For what purpose does Senator Cullerton arise?

SENATOR CULLERTON:

Just a point of inquiry. This amendment, I believe, was Senator Welch's amendment; it was offered on Senator O'Malley's bill. The Rules Committee deemed it, I believe, to be procedural and -- and did not refer it to a substantive committee. So now we're on the Floor; now we have a Floor amendment. I would assume that it would have to be moved by the maker of the amendment, that being Senator Welch, who I don't believe is on the Floor.

PRESIDING OFFICER: (SENATOR WEAVER)

On the amendment, it is listed as Amendment No. 4, by Senator O'Malley. Senator O'Malley.

SENATOR O'MALLEY:

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Mr. President, I'd ask that you take this out of the -- out of the record today.

PRESIDING OFFICER: (SENATOR WEAVER)

Take it out of the record. Senator Collins, on Senate Bill 57? Read the bill.

SECRETARY HARRY:

Senate Bill 57.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Collins, has been approved for consideration by the Rules Committee, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins, to explain the amendment.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. The amendment is -- is a technical amendment. Just clarifies an error in the bill, and I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on Senate Bill 60. Take it out of the record. Senator Topinka, on Senate Bill 66. Read the bill.

SECRETARY HARRY:

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Senate Bill 66.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments approved for consideration, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Woodyard, on Senate Bill 85. Take it out of the record. 95, Senator Woodyard? Out of the record. Senator Trotter, on Senate Bill 99. Read the bill.

SECRETARY HARRY:

Senate Bill 99.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator DeAngelis, on Senate Bill 100. Read the bill.

SECRETARY HARRY:

Senate Bill 100.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

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3rd Reading. Senator Woodyard, on Senate Bill 105. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Thank you, Mr. President. I was on -- on the understanding that Senate Bill 100, that there was a fiscal note that had been filed. It had been requested. Has it been filed?

PRESIDING OFFICER: (SENATOR WEAVER)

It has been answered. It has been answered.

SENATOR DEMUZIO:

Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Fiscal note has been answered, Senator. Senator Woodyard, on 105? Out of the record. Senator Geo-Karis, on 149? Out of the record. Senator Cullerton, on Senate Bill 180? Out of the record. Senator McCracken, on 189? Read the bill.

SECRETARY HARRY:

Senate Bill 189.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cullerton, on 206. Read the bill.

SECRETARY HARRY:

Senate Bill 206.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 207. Senator Cullerton. Hold. Out of the record. Senator McCracken, on Senate Bill 209? Out of the record. Senator DeAngelis, on Senate Bill 221? Senator DeAngelis, 221? Read the bill.

SECRETARY HARRY:

Senate Bill 221.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on Senate Bill... Out of the record. Senator DeAngelis, on Senate Bill 252? Read the bill.

SECRETARY HARRY:

Senate Bill 252.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 278. Read the bill.

SECRETARY HARRY:

Senate Bill 278.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Fitzgerald, on 341? Out of the record. Senator McCracken, on 344? Senate Bill 344? Read the bill.

SECRETARY HARRY:

Senate Bill 344.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 345, Senator McCracken? Read the bill. Out of the record. Senator Trotter, on 347? Read the bill.

SECRETARY HARRY:

Senate Bill 347.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator DeAngelis, on 351? Read the bill.

SECRETARY HARRY:

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Senate Bill 351.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dudycz. Senate Bill 358. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 358.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any amendments... 3rd Reading. Excuse me. Senator DeAngelis, on Senate Bill 402? Read the bill.

SECRETARY HARRY:

Senate Bill 402.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose Senator DeAngelis arise?

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SENATOR DeANGELIS:

Mr. President, what happened to 384?

PRESIDING OFFICER: (SENATOR WEAVER)

Fiscal note has been filed. We have not received it yet.
Senate Bill 420. Senator DeAngelis? Read the bill.

SECRETARY HARRY:

Senate Bill 420.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hawkinson, on Senate Bill 433? Senator
Peterson, on Senate Bill 469? Read the bill.

SECRETARY HARRY:

Senate Bill 469.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on Senate Bill 486? Read the
bill.

SECRETARY HARRY:

Senate Bill 486.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one
amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for

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consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator McCracken, has been approved for consideration by the Rules Committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken, to explain the amendment.

SENATOR MCCRACKEN:

It's a technical amendment suggested by staff.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment is adopted. 3rd Reading. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Butler, on 499? Take it out of the record. Senator DeAngelis, on Senate Bill 502. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 502.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator DeAngelis, has been approved for consideration by the Rules Committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, to explain the amendment. Senator DeAngelis.

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SENATOR DeANGELIS:

Thank you, Mr. President. Both of those amendments are technical amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. Amendment's adopted. For what purpose Senator Cullerton arise?

SENATOR CULLERTON:

On Senate Bill 502, it's my understanding that there's been two amendments adopted. One was adopted in committee, which is substantially the bill, since the original bill... Let's put it this way: The first amendment adopted in committee appears to have deleted the original bill. That was, I understand, adopted in committee. Then the second amendment was a technical amendment that went to Rules Committee and wasn't referred to committee.

PRESIDING OFFICER: (SENATOR WEAVER)

That's correct.

SENATOR CULLERTON:

The Senator indicated that both amendments were technical. I'm wondering if we adopted only one amendment in the Rules Committee or perhaps two.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Senator DeAngelis, on Senate Bill 544? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 544.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

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SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator DeAngelis, on Senate Bill 553. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 553.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Sieben, on Senate Bill 594? Senator Sieben. Out of the record. Senator Mahar, on 597? Senate Bill 597? Out of the record. Senator Syverson, on Senate Bill 606? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 606.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any amendments approved for consideration?

SECRETARY HARRY:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cronin, on Senate Bill 615? Out of the record. Senator Woodyard, on Senate Bill 616? Senator McCracken, on Senate Bill 622? Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 622.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 623. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 623.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose Senator Cullerton arise?

SENATOR CULLERTON:

Thank you, Mr. President. Mr. President, on Senate Bill 622 there was a fiscal note request, and as a matter of fact, there's also a fiscal note request on this bill, 623.

PRESIDING OFFICER: (SENATOR WEAVER)

Both have been answered, Senator.

SENATOR CULLERTON:

Fine. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Karpel, on 625? Out of the record. 626. Senator Karpel? Out of the record. 629? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 629.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dunn, Ralph Dunn, on 632? Out of the record. Senator Cullerton, on Senate Bill 641? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 641.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments have been reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland on the Floor? 671. Out of the record. Senator Fawell, on Senate Bill 672? Out of the record. Senator Maitland, on... Senator Cronin, on Senate Bill 678. Read the bill.

SECRETARY HARRY:

Senate Bill 678.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendments numbered 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

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Take it out of the record. Senator Butler, on Senate Bill 743? Out of the record. Senator Madigan, on Senate Bill 756? Senator Karpiel, on Senate Bill 764? Out of the record. Senator DeLeo, on Senate Bill... Out of the record. Senator McCracken, on Senate Bill 770? Out of the record. Senator McCracken, on 770. Read the bill, Mr. Secretary. For what purpose Senator McCracken arise?

SENATOR MCCRACKEN:

I wish not to move Senate Bill 770. I was going to ask leave to handle Senate Bill 773 on behalf of President Philip.

PRESIDING OFFICER: (SENATOR WEAVER)

770. Out of the record. Is there leave? Senate Bill 773, Mr. Secretary. Out of the record. Senator McCracken, on 778? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 778.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Petka, on Senate Bill 779? Out of the record. Senator DeAngelis, on Senate Bill 792? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 792.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted one amendment.

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PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Thank you, Mr. President. On that last bill, if I could have Senator DeAngelis' attention. Senator Berman is not here today. I don't know if you and Senator Berman have -- have had a conversation with respect to the amendment that he had filed to this bill. You have? You haven't. I was wondering if you had some -- if you, you know, would hold this on 2nd Reading until, you know, Senator Berman arrives. Maybe ...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Demuzio, that bill will -- the amendment will be heard in committee, and if it is successful in getting out of committee, I will offer Senator Berman the opportunity to put it on this bill, on the Floor.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, on Senate Bill 851? Senator Mahar, on 851. Senator Severns, on Senate Bill 868? Senator Severns? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 868.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for

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consideration?

SECRETARY HARRY:

No amendments have been reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator O'Malley, on Senate Bill 870? Out of the record. Senator DeAngelis, on Senate Bill 899? Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

...(machine cutoff)...Bill 899.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on Senate Bill 900? Senator McCracken. Can we have a little order in the... Senate Bill 900. Out of the record. Senator Hawkinson, on Senate Bill 907? Out of the record. Senator DeAngelis. Is that... Senate Bill 911. Senator -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 911.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on Senate Bill 950? Senate Bill 950, Senator McCracken? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 950.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken asks that -- 950 be taken out of the record. For what purpose does Senator Palmer arise?

SENATOR PALMER:

Thank you, Mr. President. On Senate Bill 950, we moved so quickly I didn't get to say what I wanted to. Senator del Valle has filed an amendment to that that is to come up in committee. And I would really ask that some consideration be given to that. This...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer...

SENATOR PALMER:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken has taken it out of the record.

SENATOR PALMER:

All right...

PRESIDING OFFICER: (SENATOR WEAVER)

It remains on 2nd Reading. Senator DeAngelis, on 987. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 987.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Demuzio, on... Out of the record. Senator Carroll? Out of the record. Senator Jones, on Senate Bill 1024. Out of the record. Senator Hasara, on 1032? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1032.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hasara, on 1034. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1034.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 1037. Senator DeAngelis? Read the bill.

SECRETARY HARRY:

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Senate Bill 1037.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 1039? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1039.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Palmer, on Senate Bill 1064? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1064.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 1, offered by Senator Palmer, has been approved for consideration by the Rules Committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer, on the amendment.

SENATOR PALMER:

Thank you, Mr. President. This is a technical amendment, nonsubstantive, and I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer has moved the adoption. All in favor, signify by saying Aye. Opposed, Nay. Motion carries. The amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Petka, on 1077. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1077.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments have been reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator LaPaille, on 1078. Out of the record. Senate Bill 1082, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1082.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senate Bill 1087, Mr. Secretary. Read the bill.

SECRETARY HARRY:

Senate Bill 1087.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1105, Mr. Secretary. Read the bill.

SECRETARY HARRY:

Senate Bill 1105...

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, he wishes to take it out of the record. I think at this point in time, we'll stand at ease for a few minutes for the purpose of a Rules Committee meeting in the Anteroom. Senate will stand at ease.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. For what purpose Senator DeLeo arise?

SENATOR DeLEO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

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SENATOR DeLEO:

Thank you. In 1965, there was a young boy; he was approximately eight, nine years old. He arrived in Chicago, Illinois from Durango, Mexico. And -- and he went on to get elected as a ward committeeman in the City of Chicago - and alderman - and he -- now he sits in this Body. He's thirty-seven years old, and I'd like all our colleagues to join in -- we have a resolution for him, and we have some cake to celebrate his thirty-seventh birthday, Alderman Jesus Garcia -- Senator Jesus Garcia.

PRESIDING OFFICER: (SENATOR WEAVER)

Would you like to read the resolution, Senator?

SENATOR DeLEO:

No, we'll just present it with him. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you very much. Happy birthday, Senator. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

For two reasons. One is to congratulate Senator Garcia and say that he's one of the better looking Democrat Members of the Senate; and two, to report that Senator Robert Raica is still convalescing. As you know, he's had surgery, which has been very touchy surgery, and they don't know yet whether they have to replace his hip. So, he's home convalescing.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate <sic> will so reflect. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned by committee: to the Committee on Agriculture and Conservation - House Bills 153, 180 and 518; to Commerce and Industry - House Bill 980, Senate Amendment No. 3 to Senate Bill 632, and Senate

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Amendment No. 2 to Senate Bill 743; to the Committee on Education - House Bills 334, 417, 439, 468 and 526, Senate Amendments 2 and 3 to Senate Bill 51, and Senate Amendment 1 to Senate Bill 124; to the Committee on Environment and Energy - House Bill 118, and Senate Amendment 1 to Senate Bill 626; to the Committee on Executive - House Bills 237, 377 and 1153; to the Financial Institutions Committee - House Bill 96, and Senate Amendments 2 and 3 to Senate Bill 1021; to the Committee on Insurance, Pensions and Licensed Activities - House Bills 61, 186, 621, 693, 988 and 1208; to the Committee on Judiciary - House Bills 122, 126, 411, 433, 765, 766, 768 and 1162, and Senate Amendments No. 3 to Senate Bill 231, Amendment No. 5 and -- Amendments 5 and 6 to Senate Bill 678, and Amendments 2 and 3 to Senate Bill 868; to the Committee on Local Government and Election -- Elections - House Bills 230, 232, 287, 290, 400, 440, 514, 606, 607, 728 and 932, Senate Amendment No. 2 to Senate Bill 47, Senate Amendments 1 and 2 to Senate Bill 714, and Senate Amendment 1 to Senate Bill 871; to the Committee on Public Health and Welfare - House Bills 372 and 1194, Senate Amendment 3 to Senate Bill 677, and Senate Amendment 1 to Senate Bill 776; to the Revenue Committee - Senate Amendment No. 2 to Senate Bill 937; to the Committee on State Government Operations and Executive Appointments - House Bills 248 and 751; to the Transportation Committee - House Bills 216 and 301, and Senate Amendment 1 to Senate Bill 157; and Approved for Consideration - Senate Amendment No. 3 to Senate Bill 496, Senate Amendment 1 to Senate Bill 641, Senate Amendment No. 2 to Senate Bill 642, Senate Amendment No. 3 to Senate Bill 940, and Senate Amendment No. 2 to Senate Bill 993.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator LaPaille arise?

SENATOR LaPAILLE:

Thank you, Mr. President. At this time I'd like to recognize

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a guest in the Democratic side of the gallery, Mr. Joe Calderone and his family. Mr. Calderone is a businessman from our Senate District. He runs Palermo's Restaurant, which is constantly rated as one of the top ten pizzas in Chicago. If you're ever near there, he's at 63rd and Hamlin. If you tell him you're a Member of the Senate, I'm sure he'll find you a seat. If you tell him you're a Democratic Member, you'll get a free pizza. He has a cousin from Italy that is visiting here with us, Mr. Michael Calderone, from Viterbo, which is near Rome. Please welcome the Calderone family.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed. Welcome. Resolutions.

SECRETARY HARRY:

Senate Resolution 243, offered by Senator Stern, as is Senate Resolution 244.

Senate Resolution 245, by Senator Madigan.

Senate Resolution 246 and 247, offered by Senator Topinka.

And Senate Resolution 248, offered by Senator Jacobs.

They're all congratulatory and death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. For what purpose does Senator Dunn arise? Senator Dunn, Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. State Government Operations and Executive Appointment Committee will not meet today.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Fawell arise?

SENATOR FAWELL:

Thank you, Mr. President. Transportation Committee will meet for amendments at 12 noon in Room 400.

PRESIDING OFFICER: (SENATOR WEAVER)

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Thank you, Senator. Senator Syverson, for what purpose do you arise?

SENATOR SYVERSON:

Thank you. The Local Governments Committee will not meet today. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you. Let me remind the Membership that there are a great many House Bills on 1st Reading without sponsors. So if you will all look over these lists and advise the Secretary, well maybe we can get these rolling. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 424, offered by Senator Butler.

(Secretary reads title of bill)

House Bill 470, by Senator Garcia.

(Secretary reads title of bill)

House Bill 576, by Senator Sieben.

(Secretary reads title of bill)

House Bill 1003, by Senator Hasara.

(Secretary reads title of bill)

House Bill 1007, by Senator Carroll.

(Secretary reads title of bill)

House Bill 1031, offered by Senators Hendon and Maitland.

(Secretary reads title of bill)

House Bill 1056, offered by Senator Palmer.

(Secretary reads title of bill)

House Bill 1163, by Senator Mahar.

(Secretary reads title of bill)

House Bill 1215, by Senator Butler.

(Secretary reads title of bill)

House Bill 1260, by Senators Hasara and Jacobs.

(Secretary reads title of bill)

And House Bill 1359, by Senator Madigan.

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(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand in recess until 3 p.m. this afternoon.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The hour of three having arrived, Senate will please come to order. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports that Amendment No. 1 to Senate Bill 356 was tabled by sponsor; Amendment No. 2 to Senate Bill 479 was tabled.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Amendment No. 3 to Senate Bill 616 Be Adopted; Amendment No. 1 to Senate Bill 626 tabled; and Amendment No. 1 to Senate Bill 757 tabled by sponsor.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 250, offered by Senator Carroll.

Senate Resolution 251, offered by Senator Cullerton and all Members.

And Senate Resolution 252, offered by Senator Dudycz.

They're congratulatory and death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Yes, as long as we're waiting for a few

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minutes to do a resolution, I might remind the Members, we're going to go to 3rd Readings, the middle of page 13, as soon as we're done with resolutions. So I hope they would be in their seat and pay attention. Senator Burzynski, for what purpose do you arise?

SENATOR BURZYNSKI:

Thank you, Mr. President. I would move for immediate consideration of Senate Joint Resolution 43.

PRESIDENT PHILIP:

Senator Burzynski has moved to suspend the Rules for the purpose of the immediate adoption of Senate Joint Resolution 43 - congratulatory. All those in favor, signify by saying Aye. Those opposed, Nay. The Rules are suspended. Senator Burzynski, to explain your motion.

SENATOR BURZYNSKI:

Thank you. I move the adoption of Senate Joint Resolution 43.

PRESIDENT PHILIP:

Senator Burzynski moves to -- the immediate adoption of Senate Joint Resolution 43. Those in favor would signify by saying Aye. Those opposed, Nay. Ayes have it. The motion is adopted. Before we start on 3rd Readings, we're going to pass over all the appropriation bills, just in case anybody's interested. The middle of page 13, 3rd Readings. Senate Bill 6. Senator Woodyard. Read the bill.

SECRETARY HARRY:

Senate Bill 6.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

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

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was presented or suggested by one person in my district, an attorney in Marshall, Illinois. And -- it's purely technical. Evidently, when we passed a piece of legislation in 1992 dealing with judicial changes of venue, a cross-reference was omitted in another Section. And that's all this bill does, is -- is clarify that cross-reference. And I don't know that I can answer any questions other than that, but I would solicit your support for passage of Senate Bill 6.

PRESIDENT PHILIP:

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

SENATOR WOODYARD:

No.

PRESIDENT PHILIP:

The question is, shall Senate Bill 6 pass. Those in favor, signify by voting Aye. Those opposed. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, no voting Present. Senate Bill 6, having received the constitutional requirement, is declared passed. Senate Bill 7. Senator del Valle. Take it out of the record. Senate Bill 14. Senator Berman. Senator Berman. Take it out of the record. Senate Bill 16. Senator Cullerton. Take it out of the record. Senate Bill 19. Senator Cullerton. Take it out of the record. Senate Bill 25. Senator Cullerton. Take it out of the record. Senate Bill 26. Senator Berman. Take it out of the record. Senate Bill 30. Senator O'Malley. Read the bill.

SECRETARY HARRY:

Senate Bill 30.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

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Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, the purpose of this bill -- and it's effect is now limited onto Cook County because the other counties that would have been impacted by it have already imposed 9-1-1 service countywide. The intent of this bill is take the unincorporated areas of Cook County and allow them the opportunity, by resolution -- I mean, by referendum, to have 9-1-1 service.

PRESIDENT PHILIP:

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

SENATOR O'MALLEY:

I would -- I would request a favorable roll call vote.

PRESIDENT PHILIP:

All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 52 Ayes, no Nays, 1 voting Present. Senate Bill 30, having received the constitutional requirement, is declared passed. Top of page 14. Senate Bill 31. Senator Topinka.

SECRETARY HARRY:

Senate Bill 31.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this amends the Juvenile Court Act so that it would require notification of the school principal of the adjudication of the delinquency of a student or minor on the unlawful use of weapons violation. Obviously this is a problem, especially in those areas that are suffering from -- from gangs, and this would certainly

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notify school administrators of students who have been found in violation of weapons laws. And we help them that -- we hope that that would be of help to them in being able to run their schools effectively. To my knowledge, there are no opponents.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Senator Topinka, our staff has indicated that there's a -- perhaps a technical problem with the bill. Sections 241A-6 through 7 are felonies and; therefore, pursuant to existing law, they must already be reported to a principal. So I think they're duplicative. If you want -- I have an amendment prepared; if you want to just take it out of the record for a second, I can show it to you. If you don't agree, you can go ahead and pass it. I don't have any objection - I don't think anyone does - to the intent of the bill, but I think it might have need for a technical amendment.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Well, our staff person who is, you know, in charge of helping with this, is not here on the Floor at this time. It's our feeling that if there is anything duplicative, we certainly would be -- have no objection to it being modified in the House. It's our feeling, it is not. But if the House wishes to -- to make that move on it, I certainly would -- would be willing to consider it when it came back over.

PRESIDENT PHILIP:

Further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Well, I just think it -- it does the job, and ultimately it helps school administrators run their buildings more effectively.

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And certain, in this time of gangs and other problems, it's probably a worthy measure. So I'd ask for your supportive vote.

PRESIDENT PHILIP:

On -- the question is, shall Senate Bill 31 pass. All those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Has everybody voted who wish? Has everybody voted who wish? Has everybody voted who wish? Take the record. There are 55 Ayes, no Nays, no voting Present. Senate Bill 31, having received the required constitutional majority, is declared passed. Senate Bill 33. Senator Topinka. Read the bill.

SECRETARY HARRY:

Senate Bill 33.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, what this would do would be to amend the Drug Paraphernalia Control Act to prohibit possession of drug paraphernalia with the intent to use it as such. The penalty would be a Class A misdemeanor with a minimum fine of seven hundred and fifty dollars. This comes to us from one of our police chiefs and juvenile officers out of the Village of LaGrange. We have had support from a number of law enforcement bodies. What is, I think, of importance here is that, indeed, this does track the Drug Paraphernalia Control Act which does, indeed, have a definition which has been upheld by the courts so, indeed, we can define drug paraphernalia and how we apply it in terms of intent, residues and things of that nature. Our police departments have said they -- they -- the Drug Paraphernalia Control Act at present has been helpful, but this is the missing piece that they need to be totally effective in -- in

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being able to get drugs off the streets. So I would ask for your favorable roll call.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I recall this bill, Senator, in committee and we had a problem in defining "drug paraphernalia". Could you expand on that for us - what is meant by drug paraphernalia?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Drug paraphernalia, at this point, according to our staff person, who, again, is not here today, when he pulled out the States -- the Statutes, has a very long definition of what constitutes drug paraphernalia. And it -- it -- we -- I read it in committee. It's -- and, in fact, I read it in its entirety and it took up the better part of, you know, a very long paragraph. I don't have it in front of me now, but it does exist and the definition is pretty specific. And it has, apparently, been held up by the courts.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Well, I think that points out the problem in the bill, and that is that it's -- it's so generic and so all-encompassing that -- that when you talk about items that can be used in association with drug paraphernalia, everything's become subject to seizure. And that's -- that's the problem with the bill. There isn't a Member of the Body that isn't against the abuse of drugs, whether it be in the form of alcohol or cocaine, or you name it, but the problem is that this then becomes a reason for the police to -- to

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use this as an item of seizure, and that's the problem, when there really isn't a definition of drug paraphernalia because everything can be used in conjunction with it. That's the problem I remember from the committee.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes, if the sponsor would yield for a question.

PRESIDENT PHILIP:

The sponsor will yield.

SENATOR CULLERTON:

Senator Topinka, just so we understand that we don't have a constitutional problem here, if someone has a pipe - just a regular pipe, tobacco pipe - how can you assure us that the elements of this offense are not such that that would be a -- you know, a Class A misdemeanor to possess that pipe? What else do you have to show in order to -- like the pipe that Senator Carroll has, and I'll tell you, I don't know what he's been smoking, but... Ooh, I'll tell you. But just so you could clarify for us just what it is that is needed to be proved so we don't convict Senator Carroll of possessing a pipe.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Well, I would certainly never want to put Senator Carroll at risk. No, it's -- the -- the -- the reason here is residue - the residuals that are left from the use of this material for an illegal drug, as opposed to legal tobacco use. So, chemically, right there, you -- you make the differentiation.

PRESIDENT PHILIP:

Any further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDENT PHILIP:

She says she will yield. Senator Hendon.

SENATOR HENDON:

What will we do, Senator, if there is no residue in the -- the pipe or the papers or whatever is used?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Well, if it's not particular to or marketed for the use of drugs, it's not covered by the bill; so it should not be applicable at all.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

My question is, just in case it's a generic item that could be used in that way, if there is no residue in the -- in whatever the instrument is, how do you then determine that that is the purpose of the instrument?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

The law would not apply because there would be no residue.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

Well, I appreciated the questions, especially Senator Dunn's, because he felt there was a problem with the bill because the definition was -- was too specific. I think that's what a definition has to be, whenever you're talking about something of

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this type of a nature that could involve rights of privacy, rights of seizure and so on. I think the bill covers that because, again, the definition is very specific so it doesn't allow for a lot of latitude that could be used in terms of harassment. Certainly our police departments would be -- would find this bill very favorable. They have requested it. I would hope that we could give it to them and allow them to make their jobs just a little easier. So I would ask a favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 33 pass. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Has everybody voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there's 43 Ayes, 2 Nays, 8 voting Present, 6 non-voters. Senate Bill 33, having received the constitutional requirement, is declared passed. Senate Bill 34. Senator Welch. Senator Welch. Take it out of the record. Senate Bill 39. Senator Topinka. Senate Bill 39. Senator Topinka. Read the bill.

SECRETARY HARRY:

Senate Bill 39.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this authorizes the Department of Conservation to convey, without compensation, a parcel of land in Cook County to the Berkley Park District by a quitclaim deed, and the property would have to be used for public purposes. Apparently this is one of these tag-end pieces of property which is just kind of sitting out there with no great use. The Berkley Park District has -- has asked that it be

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made part and parcel of its -- of its park district so that they could continue with its prairie path bike trail running through the counties there. It makes some sense to use the land in a way that Conservation is agreeable to - they are agreeable to. No one has a problem with this, and I would ask for a favorable roll call.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

I ask for favorable roll call.

PRESIDENT PHILIP:

On the question, shall Senate Bill 39 pass. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 56 Ayes, no Nays, no Present, 3 not voting. Senate Bill 39, having received the required constitutional majority, is declared passed. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Thank you, Mr. President. I rise for the purpose of an announcement.

PRESIDENT PHILIP:

Make your announcement.

SENATOR SIEBEN:

I'd like to mention to the Members that they notice they have an apple on their desks today. This is to remind them of the Annual Legislators' Fitness Day, which is tomorrow here in the Capitol Building. And I would encourage you all tomorrow morning between 7:30 and 1:00 to stop down in Room 114, have your blood pressure checked and your flexibility checked and your weight checked. This is an annual event, sponsored by the Illinois

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Association for Health, Physical Education, Recreation and Dance, and along with the Illinois Governor's Council on Physical Fitness and Sports. So, please stop in tomorrow and check our own legislative fitness. Thank you, Mr. President.

PRESIDENT PHILIP:

Thank you, Senator. Senate Bill 41. Senator Mahar. Senator Mahar. Take it out of the record. Senate Bill 43. Senator Klemm. Read the bill.

SECRETARY HARRY:

Senate Bill 43.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 43 addresses a problem that we've had in our area where people in my district, and probably yours too, have received violation -- parking violations from municipalities that they have not been in that municipality or, in fact, were not even responsible for that citation. And as you know, under current law, after ten violations a person can lose their driving privilege in Illinois. And in my area, I've received hundreds of letters from people who have gotten tickets that were in error, were wrong, were erroneously issued to that person. In fact, I have one incident here: A ninety-seven-year-old lady who is functionally blind since 1982 was threatened to be booted, was threatened to have her license suspended, and it happened to be, ironically, the mother-in-law of my former State's attorney of my County of McHenry. Well, obviously, a State's attorney certainly knows his or her way around the court system, but fought this thing for over a year and a half before they could get it

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resolved. So -- or Senate Bill 43 tries to address this problem, and in fact, the bill had originally said that any violation that was in error, that was erroneously given, that the cost of attorney fees, court costs and everything else would be reimbursed. That was since amended, after talking to the City of Chicago people, to at least reduce the scope of that reimbursement to now that the owner, if the citation was incorrectly issued, that that owner would be awarded all costs for filing fees, fees for service of summons and fees for preparing and certifying the record of proceedings. Now this is only if that violation was found to be incorrectly issued. I think it's a fair piece of legislation. I do ask your support and would answer any questions you may have.

PRESIDENT PHILIP:

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, just today I received a very anxious letter from the Mayor of Northbrook about this legislation. He feels strongly that this is a terrible thing to do to our beleaguered municipalities who are having their surcharge yanked and there is a proposal of caps for them. He feels a mistake is a mistake, and anyone is happy to acknowledge a mistake and make it right, but to write this into law would be a real hardship on the municipalities. Since we come from the same area, Senator Klemm, I'm surprised I haven't received some of those hundreds of letters, but I have not. Thank you.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes, Mr. President, I have an inquiry. Does this bill require thirty-six votes? I believe it does preempt home rule. I'd ask that the Parliamentarian have a look at it.

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PRESIDENT PHILIP:

While we're looking at the bill, we'll go ahead with the discussion. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. My question is a little bit along the same line, even though I received in the mail the other day for Senate Plate 36 on a Chevy - and I have a Ford - from the City of Chicago, and I've never parked on the street of Chicago. I recognize the problem that they have, but also I stand ready to stand with your Governor - Governor Edgar - in stating that we don't need any more State mandates. I think this becomes a State mandate. I, for one, have taken the pledge, along with Governor Edgar, that I will vote for no State mandates to local government and, therefore, will be voting No on this bill.

PRESIDENT PHILIP:

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I stand in support of Senate Bill 43. This issue is also a big issue in downstate Illinois. Probably a month does not go by when I don't get mail from Springfield residents, usually senior citizens, who have received parking tickets in the City of Chicago. Normally, they will not write until they have tried to contact the City to have this ticket taken care of. And when it has not been taken care of by the City of Chicago, then they write to a legislator. In response to the argument that it should not cost a municipality because of a State mandate, this would only apply to limited costs: filing fees, fees for service of summons - those kind of fees. I say that there's no reason -- if a municipality is acting in a proper manner, there is no reason for this to ever get to the point of summons and filing fees and attorneys' fees. It should be able to

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be taken care of way before it gets to that point, if it's handled correctly. The problem is that it goes beyond that point and we are asking innocent citizens to bear costs that they should not have to bear. So I would ask for your support of this legislation. It is indeed a problem, particularly in downstate.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and -- Ladies and Gentlemen of the Senate, my office must have received about one thousand requests from my constituents who have never even been to certain cities, who have been issued citations and what have you. I think this is a good bill, 'cause if nothing else, it will make the arresting police more careful in how they write their darned citations. They cause a hardship and an injustice to the people who get them who don't even deserve to get them. And I think it's a good bill, and I think we should support it.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President -- and Members of the Senate. Senator Klemm, I would suggest that you take a look at a bill that I'm sponsoring along the same lines, which is Senate Bill 25. It's not as extensive as your bill, but I think it -- it goes about trying to satisfy this problem in a more reasonable fashion, by giving the court some discretion. I also have had constituents who are -- written to me or concerned about receiving a parking ticket when they were not guilty, and they found out that the court didn't even have the ability to have the discretion to tell the city that they should pay their -- and reimburse their costs. And in Senate Bill 25, which is also on 3rd Reading, is -- is an attempt to give the court that discretion, so they can overturn

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it. But we don't preempt home rule and we don't say that -- as your bill does, that, you know, there shall be no reimbursement, and it's -- the City of Chicago is against my bill, too - just like yours - but I don't think it's quite as extensive. My understanding of your bill is that it would preempt home rule and I think that your definitions of -- you know, you mandate the reimbursement, rather than give the court the discretion. And I just think it would be more appropriate. If you want to take a look at my bill, maybe you can support it. But for now, I think my particular position is that yours is -- goes a little bit too far, and it does preempt home rule. And for that reason, I would oppose it.

PRESIDENT PHILIP:

Is there any further questions? Senator Klemm, to close.

SENATOR KLEMM:

Thank you, Mr. President. And thank you for the comments, because I know most of you are concerned about it. In response to a couple, these are issues -- are citations that were incorrectly given and; therefore, the loss to a municipality of the funds that -- that your citizens had to pay in the first place, to be reimbursed to them, is certainly something I don't think anybody here would end up voting and saying it's going to hurt them financially. To have issued an incorrect citation and then not reimbursed them for the cost that they've involved, I think, is -- is a little bit stretching the imagination. I think it's a good bill. I do ask your support on Senate Bill 43.

PRESIDENT PHILIP:

Yeah. The Chair -- both Parliamentarians, believe it or not, agree. It only takes thirty -- requires thirty votes. So -- the question is, shall Senate Bill 43 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? All those in favor -- I

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mean, take the record. There are 35 Ayes, 16 Nays, 3 voting Present, 5 not voting. Senate Bill 43, having received the constitutional requirement is declared passed. Senate Bill 44. Senator Fawell. Read the bill.

END OF TAPE

TAPE 2

SECRETARY HARRY:

Senate Bill 44.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the CASA bill, court appointed special advocate, which allows the trial courts to appoint a CASA to act as a monitor to ensure that the minor's best interests are protected in proceedings filed under the Juvenile Court Act. CASAs shall serve as unpaid volunteers and shall receive training consistent with nationally developed standards. All costs incurred by the appointment and duties of the CASAs shall be paid by CASA or by an organization of CASA. CASA shall not be liable for any costs of service provided by the child. This bill was requested by my chief judge. It is already in effect in Cook County. I ask for your favorable vote, and I will answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not,

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Senator Fawell, to close.

SENATOR FAWELL:

Just ask for a favorable vote, please.

PRESIDENT PHILIP:

The question is, shall Senate Bill 44 pass. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 56 Ayes, no Nays. Senate Bill 44, having received the required constitutional majority, is declared passed. Senate Bill 48. Senator Hawkinson. Read the bill.

SECRETARY HARRY:

Senate Bill 48.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson, to explain the bill.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. This bill is an attempt to correct an injustice created inadvertently by the computers, I'm sure, in the last remap. In the City of Kewanee, Illinois, a lady - elderly lady - by the name of Lydia Thorpe was the only resident of her precinct to be placed in the 93rd Legislative District. Every other resident of that precinct was in the 94th Legislative District. The State's attorney and the county clerk tried every conceivable means to protect her secret ballot, but found that there was no way to do it. There were suggestions that she be moved into another precinct, but the other adjoining precincts were in different -- a different township; so that could not work. They were all manner of suggestions tried. They even tried a leave for petition to the Supreme Court, which was denied. This bill would give her back her secret ballot by placing her, along with everyone else in that precinct, in the 94th Legislative

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District and allow her the rights that every other citizen of this State enjoys, and that's the right to a secret ballot. I would ask that the Members approve Senate Bill 48.

PRESIDENT PHILIP:

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

SENATOR HAWKINSON:

Just ask for your favorable consideration.

PRESIDENT PHILIP:

The question is, shall Senate Bill 48 pass. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 56 Ayes, no Nays. Senate Bill 48, having received the required constitutional majority, is declared passed. Senate Bill 51. Senator O'Malley. Take it out of the record. Senate Bill 80. Senator Madigan. Take it out of the record. Senate Bill 87. Senator Peterson. Take it out of the record. Senate Bill 90. Senator Klemm. Read the bill.

SECRETARY HARRY:

Senate Bill 90.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm, to explain the bill.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 90 changes the Illinois Public Library District Act to move up the library board's annual fiscal report one month, from September 1st -- from October 1st, excuse me, to September 1st. And what it also does is delete that that report must have the audit of the treasurer with that report. This is suggested by the Library Association so that all library districts can get their

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report in within a reasonable length of time so that the State librarian and others cans collate different activities of all the libraries. Right now what is happening is that many times when the audit report must be submitted with that report, the auditor has to take several months to complete their paperwork and do their bookkeeping, and therefore, these reports are being delayed. And since the bill requires still that the library districts must still audit and have their audit and that it is still sent to the Comptroller, I am told that the State Board and the Secretary of State's Office will get these audits as they're turned in to the Comptroller, so that all the fiscal integrity is still maintained. Except it does, by changing the date, allow one month earlier for all the information to be collated, and it can be done statewide, with everybody at the same time. I don't know of any opposition. I would answer any questions, and I do ask for your support.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator Klemm, to close. The question is, shall Senate Bill 90 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 90, having received the constitutional requirements, is declared passed. Senate Bill 110. Senator Mahar. Read the bill.

SECRETARY HARRY:

Senate Bill 110.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Mahar, to explain the bill.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate -- Senate Bill

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110 comes from a group of constituents in my district where a portion of the community was voluntarily de-annexed from a neighboring park district; however, their property tax bills still reflect the line item, even though there's no dollar extension. This would correct that problem. It came out of committee without dissent. I know of no opposition, and I would ask for a favorable roll call.

PRESIDENT PHILIP:

Any further discussion? Any -- any further discussion? If not, the question is, shall Senate Bill 110 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 55 Yeas, no Nays. Senate Bill 110, having received the constitutional requirements, is declared passed. Senate Bill 118. Senator Carroll. Read the bill.

SECRETARY HARRY:

Senate Bill 118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 118 is the result of several instances around the State where Alzheimer patients have been found wandering around. Nobody had any idea who they were; they had no identification on them. In several instances, they were severely ill because of having been wandering for quite some period of time. Working with the Alzheimer Association, the nursing homes and others, this would devise a means whereby a doctor could authorize a wrist bracelet, which would have the name, the name of the home and its address and phone number for those Alzheimer

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patients in a nursing home, so that if they are seen wandering on the streets, the police could appropriately notify the home and make sure that they are getting proper care. Again, this could only be done under a doctor's order, and I would answer any questions and urge passage.

PRESIDENT PHILIP:

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

SENATOR CARROLL:

Would ask for a favorable roll call.

PRESIDENT PHILIP:

On the question, shall Senate Bill 118 pass, those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, no voting Present. Senate Bill 118, having received the required constitutional majority, is declared passed. Senate Bill 127. Senator Berman. Take it out of the record. Senate Bill 132. Senator Jacobs. Read the bill.

SECRETARY HARRY:

Senate Bill 132.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Jacobs, to explain the bill.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As they said, we're -- we're on a roll now; so this one shouldn't pose any problem. This bill amends the School Code and the Council on Vocational Education. It changes the words "handicap" and "disability". This is done to comply with the Americans With Disability Act. I know of no opposition and ask for an

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affirmative vote.

PRESIDENT PHILIP:

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

SENATOR JACOBS:

Just an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 132 pass. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Yeas, no Nays. Senate Bill 132, having received the required constitutional majority, is declared passed. Senate Bill 135. Senator Watson. Take it out of the record. Senate Bill 137. Senator Rea. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 137.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Ladies and Gentlemen of the House -- or Senate. Senate Bill 137 amends the School Code relating to public agencies having legal guardianship of students. Senator Ralph Dunn and I have a situation in our area that has created somewhat of a problem. Under Public Act 87-1117, any -- and in cases where an Illinois public agency has legal guardianship and has placed a student residentially outside of Illinois, the last school district of residence shall continue to be the district of residence. And in the Anna-Jonesboro High School District, it's become a problem under the above language, because the district of

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residence for many students who are temporarily placed in the Choate Mental Health Center on their way to out-of-state placement. Under current law, even an overnight stay would make the local district there liable for the cost of out-of-state special education services. This is also legislation that the State Board of Education supports, and I would ask for an Aye vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Rea, to close. The question is, shall Senate Bill 137 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, 1 Nay. Senate Bill 137, having received the required constitutional majority, is declared passed. Senate Bill 138. Senator Rea. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 138.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Rea.

SENATOR REA:

Thank you, Mr. President. Senate Bill 138 amends the River Conservancy District Act. Under the current law, it requires that the conservancy districts to only publish or post ordinances imposing any appropriations within one month after they have passed it. This bill is simply -- as it's written would require that a public hearing be held prior to an appropriation or penalty ordinance being adopted. And with more and more conservancy districts handling more and more of the tax monies, I feel that it's very appropriate that it be done prior to, rather than afterwards. And I would ask for an Aye vote.

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PRESIDENT PHILIP:

Senator Hall. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to have leave to table an amendment on the appropriation before we get to that time.

PRESIDENT PHILIP:

Senator Hall, as soon as we get through with Senator Rea's bill, we'll be happy to do that.

SENATOR HALL:

Okay. Thank you.

PRESIDENT PHILIP:

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

SENATOR REA:

Just ask for an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 138 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays. Senate Bill 138, having received the required constitutional majority, is declared passed. Senator Hall.

SENATOR HALL:

Thank you, Mr. Speaker -- President, Ladies and Gentlemen of the Senate. There's a bill, appropriation, that I would like to table Amendment 1 to Senate Bill 314. I'd like to have leave for that.

PRESIDENT PHILIP:

Senator Hall -- is there any objections? Leave is granted. The amendment is tabled. Senate Bill 139. Senator Karpel. Take it out of the record. Senate Bill 142. Senator Maitland. Take it out of the record. Senate Bill 147. Senator Topinka. Read the

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bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this bill is very important to Senator Raica's district, to my district and to the State of Illinois, because it does affect the Electromotive Division of General Motors, which involves three thousand current jobs, more jobs anticipated with the awarding of a six-hundred-and-seventy-million-dollar contract by the Burlington Northern Railroad to that company, and also some potential business deals with a European company, which would finally fill a part of that factory, which is now vacant, and create even more jobs. It is -- what we seek to do here is to make sure that the Department of Transportation would not, under any circumstances, give its approval to any plan or request that would permanently close or relocate that portion of 55th Street, which is a major east-west thoroughfare for us in west suburban Cook County, lying between East Avenue and Joliet Road within Cook County. We seek to make sure that that road is taken out of the -- out of consideration for anything by the Department of Transportation because of the challenge that has been put to that street by the Water Reclamation District of Chicago, which has sought to close that road and expand a private quarry operation through the road and onto the property of Electromotive. Electromotive has said if that occurs, they will take Electromotive out of Illinois and its three thousand jobs and any potential jobs. The bill is supported by the West Central

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Municipal Conference, all of the effected mayors, all of the effected legislators in that area, Congressman Bill Lipinski. Also it is supported by the United Auto Workers, who have a great deal to lose, obviously, from jobs in that area.

PRESIDENT PHILIP:

Could we -- could we please have some order. Thank you.

SENATOR TOPINKA:

And since it is very site-specific and affects this district and this district alone, and this western part of Cook County, we would ask you to support us in this, because it means a great deal of us to keep our traffic flowing in a very congested area, not to mention the jobs that it means for the State of Illinois.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Senator Topinka -- question of the sponsor, please.

PRESIDENT PHILIP:

Sponsor indicates she will yield.

SENATOR COLLINS:

Senator, we discussed this issue in -- in the committee, and I -- I concur with you that it would be a real waste and a loss to Illinois in order for the Metropolitan Sanitary District to close off the road, but I indicated in the committee in talking with the representatives from the Metropolitan Sanitary District, that they would get with you by the time the bill got on 2nd Reading. And I would just like to know, has there been any progress in terms of coming to some kind of resolution without having to take this drastic measure?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Senator Collins, I think your point was well taken. We have

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met with them from the time that they have unilaterally declared that they were going to do this, without contacting any of their local governments, any of their Representatives or their Senators, the Congressmen. They made -- they kind of made their bed on this and agreed to sleep with it -- on it, and also intended to forcibly push through their proposal until we stopped them legislatively. At this point they claim that they are not going to touch 55th Street, but frankly, in the past they have decided to make their agreements unilaterally and behind closed doors, and I don't know that I feel comfortable enough without having this in legislation that 55th Street in this particular area will continue to remain safe, not only for Electromotive and -- and -- of General Motors, but also because it is a major east-west thoroughfare for ambulances to get to LaGrange Hospital, and for people to get to I-55, and for people to be able to commute to the City of Chicago for jobs and from the City of Chicago to the suburbs. So although we have talked about this, I -- I do feel that as insurance for now and for the future, because obviously we're all a government of -- of men and women as opposed -- and not -- and we are a government of law rather than of men and women, we can all come and go, but the Water Reclamation District may decide to come back at this road again in the future. I don't think that the quarry operation next door to this road will give up, because there's money to be made from mineral deposits that currently lie on the Electromotive property, and I think this is the only way we can go to make sure that this stays safe.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Senator, you answered -- your response was so long I -- I had almost forgotten what the question was, but I think the question was, since the meeting, because we asked that -- that they sit

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down and they come to some kind of agreement -- I think you said, or you correct me if I'm wrong, that they have agreed that they would not touch the road. Yes or no, please.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

I have some verbal assurances, but I don't have that from the entire Board, nor do I have any official action from the Board to that effect.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Well, I have some communication here, Senator, since then that said that they have agreed now to tunnel under it, rather than touching the -- the street.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Since they have made their agreements in private and without benefit of any other participation, other than unilateral seeking of what they have sought in the past, I don't think there is anything that prevents that Board from changing its mind.

PRESIDENT PHILIP:

Further questions? Senator Collins.

SENATOR COLLINS:

Senator, did you receive a letter from them, any communication since the committee hearing, at all? I understand that they have been meeting with the Corps of Engineers and -- and really making plans and have shown some evidence that they were not going to close off the street.

PRESIDENT PHILIP:

Senator Topinka.

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SENATOR TOPINKA:

It's my understanding that they're meeting with the Corps of Engineers and EPA so as to work out a water reservoir project, which would be the next problem we might have to deal with in this area. At this point, they are saying that they are willing to forego the 55th Street option, but again, they have been so loose on this issue and so free with making decisions on their own and bereft of any other kind of public input or public hearings, there is nothing, other than having this locked in the law, that prevents them from changing their mind.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. We heard this bill in Transportation. I think this is a good bill. Obviously there has not been any agreement by anyone that they will not close this street, and this street, we have been told, is necessary in order to continue Electromotive work. They do, indeed, employ over three thousand employees. These are employees we cannot afford to lose. It's a good bill, and I suggest we all vote Aye.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the speaker yield to a question?

PRESIDENT PHILIP:

She indicates she will. Senator Hendon.

SENATOR HENDON:

Senator, if the President of the Water Reclamation District has given his word, and Senator Collins is in the possession of a letter from the President of the Water Reclamation District, why isn't that good enough, instead of -- of legislatively forcing

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someone's hand who's saying that they're going to cooperate?

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

He also gave his word to the -- to the -- to Vulcan Materials Corporation that he would give them 55th Street, and that Board acted unilaterally without discussing this with anybody in the western suburbs, which would have created wholesale havoc for us on any number of fronts. So the Water Reclamation District has a tendency to work at its own pace, at its own time, on its own issues. Again, there is nothing other than the law, which would prevent this from ever being changed.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I think that this bill will see to it that the general will keep his word, because obviously the word has been flitting around right and left, and I move that we go ahead and support this great bill.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

I think we've said enough on this. And to save three thousand plus jobs in Illinois, it's worth an Aye vote from all of us here.

PRESIDENT PHILIP:

The question is, shall Senate Bill 147 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 42 Ayes, 10 Nays, 1 voting Present. Senate Bill 147, having received the required constitutional majority, is declared passed. Now on the top of page 16. Senate Bill 155.

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Senator DeAngelis. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 155.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 155 does exactly what the title says. It defines timely deposits for the purpose of tax sale redemptions, and a timely deposit is one that is received in the office of the clerk on the day that is specified.

PRESIDENT PHILIP:

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

SENATOR DeANGELIS:

Just ask for a favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 155 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, 2 voting Present. Senate Bill 155, having received the required constitutional majority, is declared passed. Senate Bill... Take it out of the record. Senate Bill 159. Senator Watson. Senator Watson. Senate Bill 159. Take it out of the record. Senate Bill 161. Senator Watson. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

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Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Some of you may recall I introduced similar legislation last year on this issue, and what this would do is would require that if an individual is enrolled in Aid to Families with Dependent Children, which is commonly called AFDC, and if they have another child, under this particular legislation, their grant would not go up. As it is now, as you have additional children and you're enrolled in AFDC your grant goes up as you have more children. This would do away with that particular situation. This would not impact the family's ability to receive food stamps. In fact, food stamps would go up. Medical assistance, such as Medicaid, would -- would still be available to the family, and that individual, that child. Housing is not impacted. The money that is realized and saved from this particular piece of legislation, I encourage and ask the Department of Public Aid to look at possible training that could be made available to -- to those people that are on AFDC. The money could be used for transportation needs. Oftentimes that a big problem with people on -- on welfare and AFDC. The money would be used for day care and other related services. This is something that I feel -- a direction, a change of direction and philosophy needs to occur in this country, as it has in several other states, in regard to the manner in which we approach the problem of welfare. And this is a change in that direction and that -- change in that philosophy, and it's something, I think, that's long overdue. Be glad to answer any questions. Thank you.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, if I could, this is a little bit like "when did you stop

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beating your wife". It's one of those issues, and I think it's one that we all should pay some close attention to. This is a bill that -- that really is intended, and I -- I think most of the -- the mail I've received, most of the calls I've received, tell me to vote for this bill, but as I try to indicate to them, this bill is not doing what it's intended to do. This bill is supposedly intended to keep mothers on welfare from having more children, and to do so, you're going to penalize the mother. And that doesn't bother me a lot. You know, the mother has some responsibility; so does the father, and they have some recourse. But the fact of the matter is, the child has no recourse, and the child that is brought into this world is the one that we are helping to support. Not the mother, not the father, but the child. And for that reason, I think -- that reason alone, contrary to -- to what most of my mail or most of my calls have been, I urge a strong No vote on Senate Bill 161.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT PHILIP:

She <sic> indicates she will yield. Senator Collins.

SENATOR COLLINS:

Senator, you indicated that if a mother had an additional child that you would -- it would not impact upon the amount of food stamps, the medical; you also indicated the housing. Does the Department of Public Aid itemize the budget, or do -- or do they give a flat grant?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Senator, I'm not quite sure if I understood what the -- what

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the question was, but if it's the fiscal impact of this, the Department of Public Aid has issued a statement on that. The various impacts that would be involved with the family here only is in AFDC grant. It is not in Medicaid; it's not in the housing and it's not in food stamps. If that's not your question, then I would appreciate it if you'd to repeat it.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Yes. Let me -- let me repeat it again, because I know the answer. No. We give a flat grant. There's no such thing as you can determine how much of this money is going to be used for -- for housing, for most of the issues that you raised, because the budget is not itemized. They receive a flat grant amount and you can pay as much rent or as less rent as you choose. Or you can -- you do get food stamps, of course, but then, even that, that's up to you how many food stamps that you will -- whether or not you're going to participate in the food stamp program. So that's a myth. It is not saving money from those items, but now my other question is you -- you seem to have mentioned most of the necessities with the exception of clothing. You said that we can take the baby -- we'll allow them to have the medical card, but are we to take the baby to the hospital or to the doctor nude? Where would the clothes -- I mean, how are we going to do that?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, I'm not sure that was a question, but if it was, I certainly feel that the individual has a responsibility, certainly, to -- and that's -- that's what we're trying to address here, I think, is creating more responsibility from those individuals who -- who want to have children while they're

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enrolled in AFDC. I mean, I think the economic interest and the economic concerns should very well be an issue when that family or that individual decides to have another child. And unfortunately, in many cases, that's not the issue; that's not being -- that's not something that they're concerned with.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Yes. Will the speaker yield?

PRESIDENT PHILIP:

He indicates that he will yield.

SENATOR TROTTER:

Yes. Senator Watson, if someone finds themselves in the predicament of being pregnant, does this bill allow for them to go to the Department of Public Health, or Department of Public Aid and find out about abortions? Can they find out what they can do, if they get in the predicament, once they finally realize that they can't afford this child?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Senator, this doesn't change anything in regard to that. Whatever is current law, this does not impact.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Okay. If, in fact, they find out again that they are pregnant, and say they're past the point of getting an abortion, can -- are there some classes they can go to where they can learn proper parenting skills; where they can find out where they never would get themselves in this kind of predicament again? Does this allow for any kind of training of that sort?

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PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Thank you. Senator, there are parenting programs available now through the Department of Public Health. That's one of the items that could be addressed by the Department of Public Aid with the money that is realized here and saved, is -- is creating a situation that you've just mentioned, in fact, if we try to encourage parents to -- to participate in parenting skills.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you. But as you're saying, it's not written anywhere that they will be directed in this -- in this direction. What it is, is we had an amendment and we tried in good faith to put it on the bill to ensure that these proper parenting skills would be given to these parents-too-soon, or these women who find themselves in this predicament of being pregnant; however, we didn't have an opportunity to have it heard in this -- in this Chamber. Hopefully, when it gets to the House, it can be amended to do so.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

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

PRESIDENT PHILIP:

Answers that he will -- he answers, he will.

SENATOR PALMER:

Senator Watson, are you aware that according to the Department of Public Aid's own figure, the -- between November, 1991 and November, 1992, the average AFDC family decreased? And are you also aware that in a Wisconsin study, where a similar legislation

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is in force or pending, that fertility for AFDC mothers, which this seems to imply, is below the general population percentage?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Okay. Thank you, Senator. The information I have from the Department of Public Aid in regard to caseload by family size shows that -- this is AFDC, Fiscal Year 1994, that roughly thirty-three percent of those enrolled in AFDC have two or less children -- two or one. The -- meaning that sixty-seven percent then have over three -- three or more children. I think that we may be seeing a decrease in the size, but still those -- those individuals and those families enrolled in AFDC, the vast majority of them, are families of greater than -- than two. Three or more.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. Chairman. I'd just like to quote some statistics here, and I'm basing this on Kids' Count Data Book, and I'd like for all of my colleagues to be very aware of this, because AFDC, in the final analysis, is in support of children. I think we should be aware that one out of five Illinois children under eighteen live in poverty, and if you don't know what poverty is, then you might want to take a look at the nightly news on what's happening in other parts of the world and what that looks like when it's let go for too long. We should know that in Illinois the death rate for children ages one to fourteen has increased to over 34.1 per one hundred thousand children and that the poverty rate in Illinois in major cities and in the smaller cities is increasing. In the sponsor's own district, the poverty rate is well over ten percent. I would suggest to you that there are other alternatives, and I'm sure there are those on this side

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of the aisle, and certainly myself, who are perfectly happy to join with you in welfare reform. Many of us have put forward such bills. This is not the way to do it, to penalize children, and I urge a strong No vote.

PRESIDENT PHILIP:

Senator LaPaille.

SENATOR LAPAILLE:

Thank you, Mr. President. The sponsor must feel that there is a conspiracy here in Illinois of families or people that are on AFDC having children just to create more money for themselves through the AFDC grant program. And I would submit to that if you are a happily married family, and unfortunately on AFDC here in Illinois - because we do have ninety-three thousand fewer jobs since this new Governor take -- took office several years ago - and you're forced to be on AFDC, but you decide because you're happily married to have another child, this bill will penalize you. It will tell you, you are not going to get additional funds, and therefore, you should not bring other children into the world. So if you're a Catholic and you're supposed to not practice birth control, your bill would say you should practice birth control, as well as other religions. So I would submit to you that this strikes directly at the family thread of life in Illinois, to when you begin legislating who can have babies and who cannot have babies, and I would move that this bill would be soundly defeated before the Illinois State Senate. Thank you very much.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I take issue when the -- my fine Gentleman on the other side says, when this Governor took office, why, we've had more problems. I hate to tell him, a lot of the problems have been created by some of

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the legislation, but also by the recession that we've had. In all due respect, what this bill is trying to do is inculcate a sense of responsibility, for heaven's sakes. It's -- this legislation - similar to it - has already been enacted in New Jersey, California, Wisconsin. So if we don't enact it, then what's going to happen? We're going to have the people from Wisconsin who can't get what they want come over to Illinois. We can't afford that. I think it's good legislation. I think it's worth a try. We're not talking about hurting children; we're trying to say "increase responsibility," for heaven's sakes. If you can't take care of the kids, don't have them. We're not saying you don't have to have children. Go ahead and have them. But how are you going to take care of them? We have to be responsible for ourselves. I think others should be too. I support the bill.

PRESIDENT PHILIP:

Senator Smith. Senator Shaw, would you help her with her microphone?

SENATOR SMITH:

That's because I haven't been on the Floor for a long time. It's just wound up; that's all.

PRESIDENT PHILIP:

All right. Well, let it all out.

SENATOR SMITH:

Thank you, Mr. President. Thank you. And Ladies and Gentlemen of the Senate, I'd like to speak on behalf of my colleague on the other side, of this legislation that he's bringing before this Body. I have a news item here that says that it's not a good time for a child in Illinois to be born. Not now. The children are more vulnerable than any time in recent history growing up in Illinois today; that there are ten major factors that we should look at that are characteristics in our children today, and what's happening to them. Their birth weight, for one

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thing. Then we have infant mortality. We have child death rate. We have birth to single teenagers. We have juvenile violent crime arrest rates. We have high school graduation rates -- rate. We have teenagers that are not in school or working. We have teenagers violent death rates. We have children in poverty, and children in single-parent families. These are some of the things that are happening in our society today, in spite of your legislation. It seems as though our only -- proponent of this bill appears to be our sponsor. In the following counties represented by our sponsor in the 1990 census shows that in Bond County, you had 8.9 percent of poverty; in Madison County, you had 8.5 percent; in Marion County, you had 13.2 percent; in Fayette County, you had 6.3 percent. And furthermore, the Department of Public Aid, in its report, says that Bond County had a total of nine hundred and five cases in poverty. These are small areas. Clinton had a thousand seven hundred sixty-three cases. Fayette had a thousand four hundred and seventy-five cases. Madison had fifteen thousand cases. Marion County, three thousand two hundred and seventy-nine and the like. There are so many people who are not -- who are against this legislation, and some of them are the Public Welfare Coalition, the Legal Assistance Foundation, Voices of Illinois Children, the Illinois Catholic Conference, the Illinois Planned Parenthood, the United Way, and numerous other children and women's organizations oppose Senate Bill 161. The Jewish Federation, the Illinois Hunger Coalition, Legal Services Support Center, League of Women Voters, Illinois Maternal and Child Welfare Coalition, Chicago Urban League, the Catholic Conference of Illinois and the Illinois Caucus on Teenage Pregnancy. This is saying something to all of us, because we all identify, and so I'm saying to our -- our sponsor of 161, there's a saying said, what's best administered is best, and what is best administered at this time is to kill 161. Give these mothers and

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-- who are trying to have babies and -- not trying to have them, but if the Lord sends them here, you've got to go with it. So I'm saying to him to please forget about this bill. Let us vote this bill down and give our constituents an opportunity to have a safe way of life at this time. Thank you.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, when we discussed this bill in committee I think many of these issues came up, and I stand in support of Senator Watson. This is not a perfect bill; it's not a perfect approach, but then the problem is neither perfect, nor probably solvable, unless we kind of try and chip away at it, or unless -- lest we try and get at it in some capacity. I would point out that the -- this only affects the AFDC grant; so a family will continue to receive food stamps, medical assistance, housing or anything else that they need to bolster and support any additional children. That is not affected at all. So it's not like these kids are going to be tossed out, put out in the cold, or go through some kind of torment, which the other side of the aisle might suggest. This is just not going to happen. The second thing is, is I think that Senator Watson, very ably, asked that DPA come up with ways to apply any savings that would come from this bill. And I would point out that although DPA, this year, says the cost savings is only 2.2 million - DPA is so good with their numbers - last year when this bill came up the savings were 23.7 million. I fail to see how they've changed their numbers. I would have a tendency to -- to go with the 23.7 million. But put that money into jobs programs so that young women who, indeed, do have these children and young families who have -- have these children, indeed, can learn skills and go out and become independent and pull together economically as a family,

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where now you provide the underpinnings of what makes a family a family. And I think Senator Watson is coming at this in the right way. Again, it's not perfect, but I think he does the best he can in an imperfect world, and I would hope we would support him in this.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

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

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Hendon.

SENATOR HENDON:

Senator Watson, how much of an increase per child would this mother receive currently?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Thank you. What -- it averages around fifty-nine dollars up to a hundred dollars, depending on what child it is; second child, third child; fourth child. It varies, but it would average from fifty-nine up to a hundred dollars.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

In these days of high inflation, do you think that fifty-nine dollars a month, that you can feed a child, clothe a child, give a child -- house a child? Do you think that that's an adequate amount of money right now?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

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No, I don't -- I would have to agree. I don't think that that's adequate number -- dollar figure to raise a child and that's the very reason they shouldn't have it. And that's what we're trying to do here, is discourage, and nothing more.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

If you agree that fifty-nine dollars is not enough, then why take that, in case a mother gets pregnant anyway? I thought that, for the most part, my counter parts on the other side of the aisle were pro-life -- pro-life. Have a child. You get pregnant, have the child; don't have an abortion. Now we're hearing, well, if you have the child, we're not going to help you with the child. Are you pro-life or pro-choice? We have to ask that. I'd also like to ask the honorable Senator, are you familiar with Senate Bill 164? Because you spoke about redirecting some of this money to training programs to get people off welfare. Are you familiar with Senate Bill 164?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

I'm told that legislation costs well in excess of three hundred million dollars. Certainly well meaning, I'm sure, but we can't afford it. So the answer to your question, I guess, would be no.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

It's amazing to me how the Department of Public Aid's figures can be accepted when they suit one purpose, but the Department of Public Aid figures cannot be accepted when they suit another purpose. For those of you who may not remember, Senate Bill 164,

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which was sponsored by Senator Smith and myself, would get people off of welfare and get people off of aids by providing job-training dollars for these people. It was roundly defeated, soundly defeated on a party-line vote for no reason whatsoever, some illogical numbers put forth by the DPA. So how can you say to us that you're going to redirect those dollars for training, and yet at the same time when a bill -- a good bill that would have done exactly what you're saying you want to do was before this Body, you voted against that bill. You can't have it both ways. Either you're for welfare reform and getting people off of welfare, or you're not. Now you can't have it both ways. If you're going to defeat 164, then you can't turn around and say we're going to do it in 161. What is this? Is it that if a Democrat sponsors something good, you're going to vote against it so somebody can take credit for something? Well, I don't want to take credit for telling a mother that if she has a child that she won't be able to raise the child, especially when the sponsor admits that fifty-nine dollars is a piddly figure in the first place. I say you can't have it both ways. We're for welfare reform; yes, we are, but you can't make people suffer. You can't make them suffer. If you're pro-choice, let the women have the babies, help them with the children. This is not enough money to do the job in the first place.

PRESIDENT PHILIP:

Senator Collins, for the second time.

SENATOR COLLINS:

Yes. Thank you. I apologize, but you cut me off, because I had two more important questions to ask. And one is, does the Department of Public Aid support this bill? Senator Watson.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

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Certainly. Go ahead and ask any question you like.

SENATOR COLLINS:

Does the Department of Public Aid...

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

...support this bill?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

No.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

Is this bill a part of the Governor's family stability package?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

No.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, Senator Watson, to close.

SENATOR WATSON:

Well, thank you, Mr. President. And I appreciate the Members and their patience, and I appreciate the questions. And I know they were all questioned in -- in all sincerity, and I -- the one problem that I do have, though, is anybody that would ever question my concern for kids and that I would try to hurt a kid. Anybody that knows me would certainly know better, and that's not my intention here. I think it's a matter of economics when -- when we -- when we have children -- when normally individuals have

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children, they make that decision on the basis of whether or not they can afford that child. It's an economic decision. And why should we create a system - why should we have a system - that creates any kind of incentive? We're not saying you can't have a child - that's not what this bill says - but we want that decision, at least partially, to be based on economics. And you talk about the growth of individuals on welfare, and we've thrown money at this. Since the 1960s, we declared war on poverty, and what do we have? We have more poverty today and welfare than we've ever had, and we've thrown millions and trillions of dollars at the problem, with no results. People stuck generation after generation with the same problem. We want to try to do something about it. We want change of direction. Your solution: Throw money at it, Senator, throw three hundred and fifty million dollars at the problem. Sure, it's easy to get up there and say you want to support legislation such as that, but vote for the increases at -- what it takes on this Floor to do it. And we've got to live within a balanced budget. The responsible vote was No. We don't have the money. The birth rate in this State - one-third is to people under Medicaid, and it's statewide. In Chicago, it's half. Ladies and Gentlemen, we need to change the direction; we need to change the philosophy. The -- I'm talking about taking the money that we're saving here and doing something positive with it. Let's educate these people. Let's train them. Let's provide transportation for them. The communication that I have with those people in my district that are on welfare - it's a major problem - is transportation. Let's try to give that to 'em, so they can go to work and get a job and provide for their families and be productive members of society. What's wrong with that? Nothing. Nothing. This does not impact food stamps. Everybody will receive -- in fact, their grant goes up. Medicaid, health care will be provided. Housing is not impacted. All we

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want, all we're asking for, all I want to do, is make that decision that whether I'm going to have a child based on simple economics, and there's nothing wrong with that. And we need to break the chain of welfare, generation after generation, and this is a step in that direction. And I urge your support.

PRESIDENT PHILIP:

The question is, shall Senate Bill 161 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 31 Ayes, 25 Nays, no voting Present. Senate Bill 161, having received the constitutional majority, is declared passed. Senate Bill 168. Senator Karpziel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This is a very simple, noncontroversial bill. You can all sort of go back and have a little snooze. This bill affects only three communities in Illinois: Batavia, Geneva and St. Charles. In 1983, they joined an intergovernmental -- they -- agreement to provide for fire protection and ambulance services. The population figures that were written into the legislation at that time are too low for those growing communities. All this bill does is raise the population figures for those three communities, so they can continue providing the ambulance service for Batavia, Geneva and St. Charles. That's all it does.

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Senator Jacobs.

SENATOR JACOBS:

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

PRESIDENT PHILIP:

Sponsor indicates she will yield.

SENATOR JACOBS:

Senator, is this a tax increase, number one? And number two,
why are we doing this for these people?

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

This is a tax maintenance. I mean, they have the tax now.
This will continue the tax. If they aren't able to continue the
levy for the tax, they won't have fire protection and -- and
ambulance service in these three communities. And why are we
doing it for these people? I don't understand that question,
Senator.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Then if we vote No on this, we are voting for tax relief,
correct?

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

If you vote No on this, you're voting to allow the citizens of
those three communities to go without ambulance service and fire
protection.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

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Well, without taxes, also. Thank you.

PRESIDENT PHILIP:

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

SENATOR KARPIEL:

I really don't think that it's fair to play any kind of games with this bill. It's a very minor, little bill. It's simply changing the population figures that are in the present law so that the -- these three communities can continue providing for fire and ambulance service. I appreciate an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 168 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 52 Ayes, no Nays. Senate Bill 168, having received the required constitutional majority, is declared passed. Senate Bill 169. Senator O'Daniel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 169.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 169 creates a provision in the Illinois Co-Operative Act to address dissenters' rights. Dissenters' rights are not currently addressed in the Illinois Co-Operative Act, and the cooperatives have been using the Illinois Business Corporation Act when they propose major changes. The objective is to amend the Illinois Co-Operative Act of 1923 to provide dissenters' rights only in

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that portion of each co-operative stock that is purchased stock. In other words, patronage -- patronage refund stock would not count when a dissenter asks for his investment back in -- in cash. The companion bill for this passed out of the House on the Consent Calendar, and I -- I don't know of any opposition here. If there is, I'll attempt to answer any questions. If not, I would ask for a favorable vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? The question is, shall Senate Bill 169 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. Senate Bill 169, having received the required constitutional majority, is declared passed. Senate Bill 177. Senator Cullerton. Take it out of the record. Senate Bill 179. Senator Cullerton? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 179.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amends the Condominium Property Act, and provides that boards of -- condominium boards may choose to have their elections by secret ballot. The ballots would be open to inspection as long as the ballots do not have unit numbers on them. This has been supported by the Condominium Committee of the Chicago Bar Association. Be happy to answer any questions, and ask for an Aye vote.

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Any further discussion? Any further discussion? The question is, shall Senate Bill 179 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Has everybody voted who wish? Has everybody voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 179, having received the required constitutional majority, is declared passed. Senate Bill 181. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 181.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is also supported by the Illinois State Bar Association and the Chicago Bar Association. In cases that are remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, this bill will allow the clerk to file the remanding order and reinstate the case with either its original number or a new number. This was suggested by the clerks, because there was some confusion without this option. So I -- again it's a very simple bill. Be happy to answer any questions, and ask for an Aye vote.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Thank you. Will the sponsor yield?

PRESIDENT PHILIP:

Sponsor indicates he'll yield.

SENATOR MCCRACKEN:

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Senator, is there a fee imposed for the filing on remand, or if so, is that currently the law or is that changed?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

No, we don't change any of the fee structures at all. It only refers to the number of the case when it's remanded. Whether it should be a new number or an original number, and we let the clerks have that option.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, Senator Cullerton, to close.

SENATOR CULLERTON:

Be -- be happy to answer -- just ask for an Aye vote. Sorry.

PRESIDENT PHILIP:

The question is, shall Senate Bill 181 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. Senate Bill 181, having received the required constitutional majority, is declared passed. Senate Bill 183. Senator Cullerton. You're on a roll. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 183.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is, once again, supported by the bar associations. This deals

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with the issue of simplified dissolution of marriage. It allows parties to petition for a simplified dissolution if certain conditions apply: they must have been separated for at least six months; they must have no children by the marriage; they must have agreed to a property distribution. And if these are -- if these conditions exist, this will allow for these couples without children to obtain a divorce quickly and with less cost to them. The forms will be drafted by the Supreme Court as per an amendment, which was adopted in -- in committee, and the Court -- Supreme Court would issue a rule, which would set up these forms. I think this is a good idea that the bar associations support. Even though it might mean that somebody could do this without a lawyer, it'll save them money, and it'll be a good -- a good accomplishment for that reason alone.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator, I notice, according to our analysis, that the amendment allows the -- the courts to furnish these forms, the judges, instead of the circuit court clerk?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

No. The court -- the court -- the court shall draft the forms, the contents of the forms. I'll read the amendment, "The contents of forms to be used in simplified dissolutions shall be provided for by court rule."

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Senator Fawell.

SENATOR FAWELL:

So the circuit clerk... Who's -- where do they get the forms?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

The circuit court. The circuit court provides the forms. The Supreme Court, by rule, shall draft what goes in the forms.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Well, Senator, are you saying that, say if I -- I want a divorce under this law, I would find a judge who would then give me the forms or... Perhaps you might work on that over in the House. You know, I think your language is -- is a little strange. You're not going to let the circuit clerk do it -- circuit court clerk do it, and you're not -- you're going to have the judges do it. I think you're -- got a problem.

PRESIDENT PHILIP:

Senator Cullerton, I'm not sure that's a question. Well, take a shot at it.

SENATOR CULLERTON:

Well, I apologize for not making it clear. The -- the bill says that what goes -- the language of the forms is going to be drafted by the Supreme Court. Then the clerk of the court shall provide the forms, just like they provide forms for a whole bunch of other things that you have to do in court. So you don't go -- you don't go to a judge to get the forms. You go to the clerk to get the forms; you fill them out, and the Supreme Court will be the one that'll draft what's in the forms. So I hope that clarifies it. Ask for an Aye...

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Senator Hasara.

SENATOR HASARA:

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

PRESIDENT PHILIP:

Sponsor indicates he will yield. Senator Hasara.

SENATOR HASARA:

Senator Cullerton, is there a provision for a required brochure in this bill?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. That's correct, Senator, and it's in the bill on page 3. It says the circuit court clerk shall make available a brochure that describes the requirements and shall state in nontechnical language, basically, a number of items that will be allowed to explain to the people how to fill them out.

PRESIDENT PHILIP:

Senator Hasara.

SENATOR HASARA:

Senator, have the circuit clerks been informed about this bill, and are they in favor of this?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Senator, I don't know the answer to that. I do know that the -- the bar associations start their process out fairly early in terms of passing it through committee, and both the Illinois State and the Chicago Bar have approved this. So I don't know if the clerks... Okay. I see. The clerks were concerned about drafting the forms by themselves without guidance from the court, and so the amendment that we put on in committee was in response to their concerns about having them be responsible for drafting it. So now

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we'll have a uniform form. So I assume that if they had that input -- although they didn't talk to me personally, I assume that they are in favor of the bill, as amended.

PRESIDENT PHILIP:

Senator Hasara.

SENATOR HASARA:

Thank you. Senator, I don't have a concern about the forms, but I do about the brochure. Is -- who is going to do this brochure?

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Senator, the -- the bill simply says that the circuit clerks shall furnish -- or shall supply forms and that they also shall make available a brochure that describes the requirements. So, as I said, they haven't -- they didn't appear in committee and oppose the bill. They have not communicated with me that they oppose this portion of the bill. I think it makes sense to -- we're trying to simplify that divorce proceedings. It makes sense to have a brochure, it seems to me, to -- so that people can understand that this is available.

PRESIDENT PHILIP:

Senator Hasara.

SENATOR HASARA:

Yes, Senator, I agree with the underlying concept of the bill. I do, however, have some real concerns about asking circuit clerks to devise the brochure, and I would hope maybe, as the bill moves over to the House, that could be addressed. I'm, I think, the only former circuit clerk still around, and I can tell you that some of these things that get passed do become a real burden and are very impractical for the circuits clerks, and I hope you can work on that. I do see this as an unfunded mandate for the

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circuit courts, but I...(machine cutoff)...the idea.

PRESIDENT PHILIP:

Senator Collins. You want to take it out of the record? Take it out of the record. Senate Bill 185. Senator Karpziel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 185.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Thank you very much. Senate Bill 185 simply pushes back the referendum deadline that was in the original caps legislation. The reason for that is, in my district there's a library district that passed a referendum, and then they were so conservative - fiscally conservative - and careful with the money, they didn't just raise the rate to the limit that they could have immediately; they just used a portion of it. And they were building an addition and going to staff the addition and put the books in it and all that, and they were doing it a little at a time, when we passed the cap legislation, cutting it off so that they couldn't access the rest of their rate. This bill simply changes the date of the referendum to allow them to access the rest of the -- that rate, which they had passed by the residents of that community, which is St. Charles, in a referendum. So we're not asking for a rate increase without referendum. They had the referendum, and all we're doing is changing the date deadline.

PRESIDENT PHILIP:

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

SENATOR KARPIEL:

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Just ask for an Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 185 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 53 Ayes, 1 Nay, 1 voting Present. Senate Bill 185, having received the required constitutional majority, is declared passed. I have a little announcement to make. Senator Weaver -- somebody left a set of glasses in Senator Weaver's office. If anybody's looking for a set of lost glasses, I will have them in my office. Senator DeAngelis, you lose your glasses again? Senate Bill 186. Senator Welch. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 186.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What Senate Bill 186 does is require that on or before March 1 of '94, the Department of Energy and Natural Resources shall issue a request for a proposal to establish a waste collection pilot project serving at least six hundred households to evaluate the feasibility of a wet/dry collection system, diverting source separated recyclables and compostable nontoxic organic materials from the residential and commercial waste streams. Basically what we're trying to do is remove food scraps from the waste stream going into a landfill to increase the life of landfills and see if they're compostable. The study is meant to evaluate the garbage system basically to determine whether this is feasible. This is supported by several

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different environmental groups, and I'd be glad to answer any questions.

PRESIDENT PHILIP:

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

SENATOR WELCH:

I would just ask for a favorable vote.

PRESIDENT PHILIP:

On the question, shall Senate Bill 186 pass, those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. Senate Bill 186, having received the required constitutional majority, is declared passed. Senate Bill 188. Senator Palmer. Take it out of the record. Senate Bill 192. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 192.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. While Illinois law gives municipalities the authority to reserve funds for capital improvements, for equipment repair, Illinois law has failed to give the counties that same authority for budgeting purposes. So the counties in Illinois then, because they lack this authority, find it very difficult for them to do multi-year planning on capital improvements on projects that require larger expenditures that must be spread over more than one year. Senate Bill 192 corrects this oversight, and it gives the counties then the capital program planning and budgeting ability

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that they could afford -- that they could afford in -- not in one year, but in a multi-year, and it gives them the ability to adequately then address these concerns, both in a consistent -- in a year-to-year manner. We've had many programs in many of the counties that they have to budget just the one year, even though the expenditure required two or three years. This does not change the levy authority; so they cannot raise taxes any -- to any degree at all. This does not change any tax caps for counties that are under the tax cap, 'cause they must still stay in that limit. Monies that are specifically designed and specified for these improvements that are not spent remain and go back to the general capital fund that they used. The dollars that are there are not new dollars, but are dollars that they would have to use from their general fund. For a safeguard, we also put a limit of how much they could do to do these capital improvement programs. I don't know of any opposition, and I do ask for your support on 192.

PRESIDENT PHILIP:

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. This bill came out of the Local Government and Elections Committee. There was a question that we -- we raise with regard to municipalities that will use this as a way to go around the caps. So simply what you may have is a municipality would begin to levy for special improvements for a year or two, abandon that improvement, and those funds would then go into the general corporate fund. So if anyone is concerned about going around the cap issue, be it what's in place now or what may be in place with Senate Bill 1, this would give a little loophole into that process. I had filed an amendment, but the bill was moved to 3rd Reading, that simply -- that simply would say that if they were to abandon an improvement project, the funds

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would flow into the corporate fund, but then there would be a proportionate decrease in the corporate levy for that following year for some tax relief, because it was in excess. Now the bill is on 3rd Reading. If we had amended it, I think the protection for those that are concerned about municipalities or local officials that might abuse this as a way to put more money into the corporate fund, would be eliminated. So with that -- with the way it is written right now, I would say that the bill should be defeated.

PRESIDENT PHILIP:

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

SENATOR KLEMM:

Thank you, Mr. President. Well, the previous speaker is in error. It does not circumvent the tax cap, because the district or the county is still under the tax cap. It changes nothing. It doesn't increase their ability to circumvent it. It doesn't create a new fund, except it allows them to identify, in their budget - budgeting only, not levying, nothing else - the specific items of improvements that may require more years. They have to, again, use the dollars from each year's appropriation, but it's a budgeting technique. I think that it clarifies it. It allows the voters to know how their monies are being used specifically, rather than grouped together, and it does not increase, one penny, their ability to tax any more than what their cap is now. And I do ask for your support on 192.

PRESIDENT PHILIP:

The question is, shall Senate Bill 192 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 38 Ayes, 13 Noes, 1 voting Present. Senate Bill 192, having received the required

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constitutional majority, is declared passed. Senate Bill 196.
Senator Weaver. Take it out of the record. Senate Bill 197.
Senator Klemm. Read the bill, Madam Secretary.

END OF TAPE

TAPE 3

ACTING SECRETARY HAWKER:

Senate Bill 197.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. -- I'm getting razzed over here, 'cause I just came back from my honeymoon and I'm trying to get my mind back on legislative things, and...

PRESIDENT PHILIP:

Well, Merry Christmas.

SENATOR KLEMM:

...so they are razzing me about all these things that I'm involved in here. Anyway, Senate Bill 197 makes a simple change in the Public Aid Code. It changes the time period for the transfer of assets for nursing home residents from the current thirty months to sixty -- from the current thirty months to sixty months, and it requires the Department to seek necessary federal waivers for that. Several years ago, we did say that assets that were transferred from a person's estate, that the Department and that the counties could look back for sixty months, or five years,

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to see if somebody disposed of those assets in order to reduce their level of -- of -- of wealth so they could qualify for public assistance, Medicaid and Medicare and all the other good things. All right? We changed that law a few years ago to say that -- "Wait a while. Six months -- sixty months seems a long time. Why don't we cut it down to thirty months? You know, let's be good guys about it." And so we did do that. And what's happened, in fact, is that as the expenses and costs of our Medicaid has gone up and as our counties have gotten in -- or assistance for the nursing homes have suffered this tremendous increase, we find that in the investigation, many people are abusing this system. Now, it's on an honor system, really, now as it is now, and it will be under the sixty months, but what it does is say that if you have assets and you have disposed of them just to get on public aid and public assistance, that the taxpayers shouldn't be picking up that tab. One instance, and I have several, but one in my county was one woman who had little -- a little bit over five hundred thousand dollars, almost -- over a half a million dollars, disposed of those assets in about thirty-three, thirty-two months prior to applying for the assistance. Gave it to their children, did it all; the county had to pick up the cost. Those are mistakes that we should not allow. This bill would change it back to what the law was previously. It allows everyone to investigate it, to find out if, in fact, it is proper. Illinois Department of Public Aid supports it; the counties support it. I don't know of anybody who would oppose it, unless you've got friends who are trying to circumvent the law and are trying to take advantage of the taxpayers. So I do ask for your support on Senate Bill 197.

PRESIDENT PHILIP:

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

SENATOR KLEMM:

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Just vote Yes.

PRESIDENT PHILIP:

On the question, shall Senate Bill 197 pass, those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 <sic> (54) Ayes, no Nays, one voting Present. Senate Bill 197, having received the required constitutional majority, is declared passed. Senate Bill 200. Senator Shaw. Read the bill, Madam...

ACTING SECRETARY HAWKER:

Senate Bill 200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Senate Bill 200 amends the Water Reclamation -- Metropolitan Water Reclamation District Act, re-election of trustees. Increase from nine to fifteen the number of Metropolitan Water Reclamation District trustees; require the election of the trustees from fifteen -- subdistricts. And this is a -- a matter that -- a bill that is very simple. A few years ago we passed the subdistricts and -- as it related to the judicial system, and this bill is somewhat designed after that and it would wind up saving the taxpayers some money, and it would make those members of the Water Reclamation District more responsible to the citizens of Cook County. And that's the purpose of -- of creating the fifteen -- fifteen -- subdistricts, because right now, most members of the Water Reclamation District is elected from basically one given area in Cook County, and as we -- coming up on the -- moving into the rainy season, many areas in Cook County will be flooding. And it's -- nobody from the Water

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Reclamation District will speak for those people, and this would give the citizens of Cook County a better opportunity to know who's over at the Water Reclamation District, and I ask for adoption of Senate Bill 200.

PRESIDENT PHILIP:

Further discussion? Senator Stern.

SENATOR STERN:

Will the Gentleman yield for a question?

PRESIDENT PHILIP:

The Gentleman indicates he will yield. Senator Stern.

SENATOR STERN:

I spoke to Senator Shaw last week about the possibility of changing the fifteen districts to seventeen districts so that the boundaries at least would coincide with the new one-person county board districts in Cook County, thereby making the actual mechanics of the election easier to accomplish. He indicated an interest, but maybe I was too late with my suggestion. What happened to that, Senator?

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

I have discussed it with some Members of the Body, and they suggested that maybe we should go with the judicial districts as we had talked about earlier.

PRESIDENT PHILIP:

Senator LaPaille.

SENATOR LAPAILLE:

Yes. Will the sponsor yield for a question?

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator LaPaille.

SENATOR LAPAILLE:

This bill came out of the Local Government Committee, and,

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Senator Shaw, could you name the nine commissioners right now that presently serve, their...

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

No, I really couldn't -- or can't.

PRESIDENT PHILIP:

Senator LaPaille.

SENATOR LaPAILLE:

I rise to support Senator Shaw's bill, since we can't name the current nine. When we have fifteen, we won't be able to name the current fifteen for this great board. So, I rise in support of his bill.

PRESIDENT PHILIP:

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

SENATOR SHAW:

Certainly, it -- this would give people an opportunity -- the only thing that I know is that I don't have any in my area and many other Members of this Body doesn't have any from their area, and certainly this would give you an opportunity to have a hand on with the members of the Water Reclamation District from your area. And I ask for an Aye vote on House -- on Senate Bill 200.

PRESIDENT PHILIP:

The question is, shall Senate Bill 200 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 52 Ayes, 4 Nays, no voting Present. Senate Bill 200, receiving the required constitutional majority, is declared passed. Senate Bill 210. Senator Madigan. Read the bill.

ACTING SECRETARY HAWKER:

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Senate Bill 210.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 210 really just does what it says on your Calendar. It amends the Carrier and Racing Pigeon Act, adding hobby and show pigeons to the provisions. This Carrier Pigeon Act was passed in 1984, which allowed people to raise carrier or racing pigeons inside the city limits. This bill would add fancy breed or hobby pigeons for 4-H projects and things of that nature to the provisions of this Act. I would almost be glad to answer any questions that anyone would be -- would have on this bill.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Madigan, would you accept a question, please?

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Reluctantly, Mr. President.

SENATOR JACOBS:

Well, in committee we discussed the possibility of having the pigeons fly upside down and you had indicated on this particular bill that you didn't think that you could do that, but there was a ability that you thought you could make the pigeons do loops so that the same thing could happen. Were you able to get that resolved on this particular issue?

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Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. To the sponsor that posed that question, your memory, as far as the discussion in committee, is very good, Senator Jacobs. We have not been able to train any pigeons to be able to fly upside down, as you indicated that there are some pigeons in the Quad-Cities that are able to do that. We have, however -- there are a couple breeds of pigeons, Birmingham Rollers for one, that can do a summersault or a loop in the air, so that if there is any problem as far as any waste, it is ejected in such a manner that is not being able to be traced back to that particular pigeon.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Senator. In that case I stand in strong support of this piece of legislation.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

A question of the sponsor, if I may. You know, I -- I really wish you would have confined yourself to California condors or something, you know, maybe a little -- a little more glamorous than the pigeons. But it has been a problem in some of our suburban municipalities for those who have raised these pigeons and I know I've had two major, ongoing complaints that these little buzzards, you know, have a tendency to group in certain neighborhoods, and as a result, they leave their mark, so to speak, and -- and -- the -- the raisers of these pigeons in these suburban areas are not very popular people, either with the local health departments, local municipalities, police departments and they keep asking for help from the State. Would this make that

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situation worse?

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. No, I don't believe so, Senator. As a matter of fact, the local authorities would be -- still have control over -- as far as issuing a permit, and, you know, certain flying hours could be established and announced so that the public would be fully aware of when these pigeons might be grouping.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

One other question: Does this in anyway affect longer runways for the suburbs?

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

No, I don't believe so, Senator. It would not require any longer runways. It may require additional runways, but not -- certainly not any longer ones.

PRESIDENT PHILIP:

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

SENATOR MADIGAN:

Thank you, Mr. President. I would just ask for your favorable consideration of this very important piece of legislation.

PRESIDENT PHILIP:

All those people in favor of pigeons will vote Aye. Those opposed will vote Nay. The voting is open. Has everybody voted who wish? Have you all voted who wish? Take the record. On the question, there are 49 Ayes, 5 Nays, 1 voting Present. Senate Bill 210 having received the required constitutional majority, is declared passed. Senate Bill 211. Senator O'Malley. Senator

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O'Malley. Take it out of the record. Senate Bill 213. Senator O'Daniel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 213.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I went to the podium a few minutes ago and asked President Philip if he would call this bill before we adjourned. In the President's Gallery, there's several people from the Beef Association that oppose the bill, but I felt in all fairness to these people that have come from all parts of the State, that if there's any way possible, we should hear this -- this bill today. And it's -- it's my fence bill. It's a very simple bill. Senate Bill 213 simply states that the full cost of construction and maintaining a division fence shall be borne solely by the person desiring it, if the adjoining owner does not use his land for the purpose of requiring an enclosure. You know, we haven't -- we haven't addressed the fence law since eighteen and nineteen, and I just feel that -- that farming and agriculture has changed. Other than the cow-calf herds, most livestock is in -- in confinement. I just think that this bill is fair; that it should be passed; that it isn't right for a person that really doesn't need a fence to bear the cost of it. I might say that I've talked with a lot of these people in the gallery today, and their position paper was in this. I read their position paper; I don't see any -- any change that we're going to make. The only change we're making in the fence law now is instead of the neighbors sharing the cost of it, that the person that actually uses the fence - that has a reason for it - picks up the cost of

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it. You know, I -- I just don't think that a person, if he doesn't need a fence, shouldn't have to bear the cost of a boundary fence. We don't affect anything else at all in the law. And, you know, as the old saying goes, "Good fences make good neighbors." I think that this is something that -- that has justification. I think it should be passed, but I did want to hear the bill while the people that had driven here -- a lot of them were my friends; I hope afterwards they'll still be my friends. But, anyway, I think this is a bill that has justification and -- and should be passed. And I'll attempt to answer questions, or if -- if not, I would ask for a favorable roll call.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

Indicates he will. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, the -- the law now in effect simply provides that when there is a fence that is on the line, that both parties pay to maintain it. Now, your bill says that one who uses it more has to do the maintaining and paying for it. Is that correct?

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, Senator Geo-Karis. The person that -- that has a use for the fence -- the boundary fence -- and we're strictly talking about the boundary fence -- has the responsibility of paying for the cost of construction. Later on, if the neighbor decides he plans to use the fence, then he'll have to pick up the appropriate -- his appropriate share of the cost of -- of the boundary fence.

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Doesn't affect the highways; doesn't affect the railroads; doesn't affect anything, other than the boundary fence in the existing law.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, if there is a fence on the boundary line, it seems to me that both parties - the ones on one side of the fence and the ones on the other side of the fence - benefit by it. And the fact that one may have cattle and one may not have -- still they both benefit by it, and I don't know that we should change the law that has been in effect for a number of years and seems to be one that the farm people would like. The Farm Bureau, incidentally, is opposing this bill, and I think they might be justified, much as I have the highest respect for the sponsor of this bill, and therefore I don't think we should change the fence law. Let it be the way it is. If it isn't broke, don't fix it.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Will the sponsor yield for a short question?

PRESIDENT PHILIP:

Sponsor indicates he'll yield. Senator Klemm.

SENATOR KLEMM:

A question. Years ago I used to be on a township -- trustee and we used to be fence viewers. So, what happens when you were to ask your neighbor -- I want to put a fence up, and they say, "No. I mean, I don't care, but I have no use for it." That person, then, would pay for the entire cost of that fence, as I read your bill. Is that correct?

PRESIDENT PHILIP:

Senator O'Daniel.

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SENATOR O'DANIEL:

Yes, that's correct.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

And then if that neighbor sells that property to somebody else, who then maybe even sells it to somebody else, does -- someplace along the line, that new neighbor who new nothing about this arrangement - that could have taken place several years earlier - decides to put cattle out there or -- or dogs or pets or something that requires a fence, does he then get - or she get - hit with this fifty percent of something that they didn't know anything about when they bought that property -- they saw the fence? Is there some way to protect that new owner of that property -- to find out if they're going to get caught with fifty percent of a fence that they never realized wasn't -- be able to be used?

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, Senator, that issue is addressed. If a person in ten years decides to -- changes hands and this neighbor decides that he wants to have livestock or use for the fence, then he would pick up the -- the remaining life of the fence, the portion of it. If it's fifty percent of it left, then -- then he would pick up fifty percent. If -- the fence viewers, I think, now is the assessor. They would decide what portion of the -- of the life of the fence was still remaining and they would have to pick up that part of it. You know, I have -- I have cattle myself. I don't -- but I wouldn't ask my neighbor to -- to build a fence for me if he doesn't have some need for it, and I think probably most of the people feel that way. I think this is a fair piece of

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legislation.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Well, thank you, Mr. President. Senator O'Daniel, I guess I'm a little confused by the nature of this bill. I'm told that the Farm Bureau is opposed to the bill. The Beef Growers - with their presence - are opposed to the bill. Who wants this? What's broken, and why do we have to fix it?

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Well, you know, I think there's a lot of people supporting it. And the opposition is down here, and really I don't think it's that -- that big a issue. I'm sure all the grain farmers -- you know, and as -- as I said, Senator Dudycz - of course, you probably don't remember it - but back years ago, we farmers all had a few cattle and a few hogs and a few chickens, and we kindly all had boundary fences. But agriculture's changed a lot. You drive from here to Chicago and you see how many people that -- that have fences. Most livestock now is in confinement, other than the cow-calf herd. And I think, you know, this is nothing but a fair piece of legislation, and I shouldn't subsidize you any more than you should subsidize my operation. But I -- I'm positive that -- that all of the grain farmers support this legislation. I've had a lot of people with the cattlemen's associations that really say they never ask their neighbor, if he doesn't have a reason for this fence, to pick up part of the cost. I don't think it's -- it's fair for him to have to do that.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

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Thank you, Mr. President, Members of the Senate. Well, I rise in support of Senate Bill 213. I guess this is one of the bills, if you're a farmer or happen to be involved in agriculture, that you'll find that some of your friends are for it and some of them are against it. The Illinois State fence laws go back to some of the earliest laws that were ever adopted in this State, back into the 1830s and '20s, certainly. And that was an era in which everybody that farmed in this State had livestock, and that was the reason that we had the laws designed in the way they were; that if you stood on your own property, the right end of the fence was yours and the left end was your neighbor. Well, as Senator O'Daniel has indicated, times have changed; agriculture has changed. Most of the farmers in this State do not feed livestock anymore, and yet they have the liability of replacing a fence that -- where actually it does them no good whatsoever. My feel -- and we raise livestock, by the way. A matter of fact, I talked to my son a week ago, and he has a fairly sizable cow herd. And I said, "Kirk, what do you think if we were to pass something like this?" And he said, "Dad, I think you ought to do that. It's no more than fair and reasonable for the person that has the livestock to pay for the fence." And as a result, as -- as Senator O'Daniel indicated, sure, the -- the people who raise beef cattle are opposed to this; it's a financial reason, though. In talking of fairness, many of the -- of the people who do produce beef and pork tell me, "Yes, it is fair, but financially I don't want to have to pay for the other end of the fence." When we raised livestock twenty, thirty years ago and had to put in fences, I never asked a neighbor to put a fence in. I didn't think it was fair to ask a neighbor with no livestock to put a fence in. And that's what Senator O'Daniel's bill does. It seems to me that it's time to get some fairness into the -- into our fence laws, and thus I certainly do support his bill.

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PRESIDENT PHILIP:

Channel 3 has asked permission to videotape our Session. Is there any objection? If not, leave is granted. Now, further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to the Gentleman's bill and -- like to state that I represent the northwest part of this State, about eight counties, that are heavily involved in livestock feeding and dairying. And the current fence law has served the State of Illinois for well over a hundred years. It's clear; it's easily understood. There are a great many court cases and legal precedents that revolve around the current fence law that we have in the State of Illinois. I believe, in talking with the people that need fences in those areas, whether they build them to retain their own livestock on their own land or to protect the adjoining landowners, that the current fence law has precedent. It's easily understood. People buy and sell property in the northwest part of this State understanding what the fence law is all about and -- and what the purpose of the fence law is. You need to understand that the average life of a good fence in this State is probably fifty years - properly built and maintained, will last fifty years. And that land on either side of that fence could change hands at any time. It could be farmed by a tenant with an absentee land -- landlord that's no longer involved in the direct operation. And the people have been well served by the current fence law, and I see no -- no need to change the law in this State as it relates to line-division fences. The current law is a good law; it's stood many court cases. And I would urge a No vote on this bill.

PRESIDENT PHILIP:

Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that my beef producers from my area - and I represent some of the adjoining area that Todd does - talked to me, and they make some good arguments. But I still have the problem and maybe, Bill, you could -- Senator O'Daniel, you could clarify this for -- for those of us that are a little bit more urban, if you will. It -- it seems to fly in the face of logic that we allow -- or -- or the way the law is now, I can do something by my volition and make you pay for half of it. Is that a -- is that a correct statement?

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, Senator Jacobs, that's a correct statement. And, you know, I might also add that even my Senate Ag Committee Member from Chicago supports this legislation. Senator LaPaille is on the Ag Committee; he's supporting this legislation. And also, on a more serious note, you know, just two years ago, there was a state back East that has this same type law that we have. Supreme Court ruled that was unconstitutional. I think it was Connecticut. So, you know, I think there's -- there could be a problem with this, requiring someone to -- to pick up the cost of half -- half of a boundary fence when they have no need for it.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

Because, you know, we have to relate it, I guess, to our backyards. Let me just ask it one more time, so we can get it straight. If I, in the City of East Moline, build a fence to keep my dog in, am I -- if I were under the fence laws that you're talking about, my neighbor would have to pay half of that cost in

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order to keep the dog out of his yard. Is that correct?

PRESIDENT PHILIP:

Senator O'Daniel.

SENATOR O'DANIEL:

Yes, under the current fence law, if that was imposed on the city, you would have to. But actually this just pretty well deals with -- with farm...

PRESIDENT PHILIP:

Any further discussion? Senator O'Daniel, to close.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I just think that this is -- there's justification for this legislation. I think it's a fair piece of legislation, and I think, you know, maybe some people think we still operate in the eighteen and nineteen methods of agriculture, but that's not the case. And I think there's justification for this legislation, and I'd appreciate a favorable roll call.

PRESIDENT PHILIP:

The question is, shall Senate Bill 213 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 15 Ayes, 37 Nays, 2 voting Present. Senate Bill 213, have not receiving the constitutional requirements, is declared failed. I -- I had indicated to the Minority Leader that we would -- we'd come to a close at 5:30. It's about that time. But I understand we have some Committee Reports, and I would ask the Secretary to read in those Committee Reports.

SECRETARY HARRY:

Senator DeAngelis, Chair of the Committee on Revenue, reports Amendment No. 3 to Senate Bill 95 Be Adopted; Amendment No. 3 to Senate Bill 551 Be Adopted.

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Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to Appropriations - Senate Amendment 2 to House -- or to Senate Bill 311, Amendment 1 to Senate Bill 314, Amendment 1 to Senate Bill 315, Amendment 1 to Senate Bill 318, Amendment 2 to Senate Bill 319, Amendment 3 to Senate Bill 320, Amendment 1 to Senate Bill 321, Amendment 1 to Senate Bill 322, Amendment 1 to Senate Bill 520, Amendment 3 to Senate Bill 525, Amendment 2 to Senate Bill 527, Amendment 2 to Senate Bill 528, Amendment 2 to Senate Bill 529, Amendment 2 to Senate Bill 532, Amendment 2 to Senate Bill 944, and Amendment 2 to Senate Bill 945; to the Committee on Environment and Energy - Senate Amendment 3 to Senate Bill 597, and Amendment 2 to Senate Bill 626; to the Executive Committee - Senate Amendment 1 to Senate Bill 382, Amendment 2 to Senate Bill 625, Amendment 4 to Senate Bill 531; and Re-referred to the Executive Committee from the Revenue Committee - Senate Amendments 1 and 2 to Senate Bill 937; to the Committee on Financial Institutions - Senate Amendment 3 to Senate Bill 888; to the Committee on Insurance, Pension and Licensed Activities - Senate Amendment 2 to Senate Bill 252, Amendments 4 and 5 to Senate Bill 262, and Amendment 1 to Senate Bill 1105; to the Committee on Local Government and Elections - Senate Amendment 6 to Senate Bill 130; to the Committee on Public Health and Welfare - Senate Amendment 1 to Senate -- Senate Bill 258; to the Revenue Committee - Senate Amendment 2 to 384, and Amendment 3 to Senate Bill 558; Re-referred to the Transportation Committee from the Judiciary Committee - Senate Amendments 2 and 3 to Senate Bill 868; Approved for Consideration - Amendment 3 to Senate Bill 764, Amendment 3 to Senate Bill 770, and Amendment 3 to Senate Joint Resolution Constitutional Amendment 7.

PRESIDENT PHILIP:

Resolutions, Mr. Secretary.

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SECRETARY HARRY:

Senate Resolution 245, offered -- or 249, offered by Senator DeAngelis.

Senate Resolution 253, offered by Senators Fitzgerald and Peterson.

Senate Resolution 254, by Senator Tom Dunn.

Senate Resolution 255, by Senators Fitzgerald and Peterson.

Senate Resolution 256, by Senator Rea, as is Senate Resolution 257.

Senator Severns offers Senate Resolution 258.

Senate Resolution 259 and Senate Resolution 260, both by Senator Geo-Karis.

They're all congratulatory or death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Is there any further business to come before the Senate? If not Senator -- Senator Weaver moves that we stand adjourned until Wednesday, April 14th, the hour of 9 a.m.

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