

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

36th Legislative Day

April 19, 1993

PRESIDENT PHILIP:

...(microphone cutoff)...hour of ten having arrived, will the Senate please come to order? Will the Members please rise and the people in the galleries please rise for the prayer today, by the Reverend Hill, First Baptist Church of New Lenox, Illinois? Reverend Hill.

THE REVEREND ROY HILL:

(Prayer by the Reverend Roy Hill)

PRESIDENT PHILIP:

...(microphone cutoff)...of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, April 13, 1993, and Wednesday, April 14, 1993.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, April 15th, and Friday, April 16th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of printed transcripts. There being no objections, so ordered. Messages.

SECRETARY HARRY:

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

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

House Bills 532, 1222, 1730, 1913, 1927 and 2383.

Passed the House, April 16, 1993.

We have a like Message on the following House Bills: 73, 218, 293, 325, 331, 902, 1016, 1412, 1797 and 2082.

Also passed the House, April 16, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 115, offered by Senator Burzynski.

(Secretary reads title of bill)

Senator Syverson presents House Bill 243.

(Secretary reads title of bill)

House Bill 317, by Senator Karpziel.

(Secretary reads title of bill)

Senator Burzynski offers House Bill 418.

(Secretary reads title of bill)

House Bill 420, Senator DeAngelis.

(Secretary reads title of bill)

House Bill 425, by Senators O'Daniel and Rea.

(Secretary reads title of bill)

Senator Fawell presents House Bill 443.

(Secretary reads title of bill)

Senator Mahar offers House Bill 495.

(Secretary reads title of bill)

House Bill 554 is offered by Senator Geo-Karis.

(Secretary reads title of bill)

Senator Woodyard offers House Bill 596.

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(Secretary reads title of bill)

Senators McCracken and Tom Dunn offer House Bill 659.

(Secretary reads title of bill)

House Bill 666 is by Senators Maitland and O'Daniel.

(Secretary reads title of bill)

Senator Barkhausen presents House Bill 700.

(Secretary reads title of bill)

(House Bill 706.) (Bill inadvertently not read into record.)

Senator Hasara offers House Bill 783.

(Secretary reads title of bill)

Senator Barkhausen offers Senate -- or House Bill 788.

(Secretary reads title of bill)

House Bill 816 is offered by Senator Weaver.

(Secretary reads title of bill)

Senator Hasara offers House Bill 837.

(Secretary reads title of bill)

House Bill 978 is offered by Senators Jacobs and Smith.

(Secretary reads title of bill)

Senator DeAngelis presents House Bill 1122.

(Secretary reads title of bill)

House Bill 1166 is presented by Senator Woodyard.

(Secretary reads title of bill)

Senator McCracken offers House Bill 1219.

(Secretary reads title of bill)

House Bill 1295, offered by Senator DeAngelis.

(Secretary reads title of bill)

Senator McCracken presents House Bill 1313.

(Secretary reads title of bill)

Senator DeAngelis offers House Bill 1376.

(Secretary reads title of bill)

House Bill 1383, by Senator DeAngelis.

(Secretary reads title of bill)

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Senator Fitzgerald offers House Bill 1423.

(Secretary reads title of bill)

House Bill 1424, by Senator Burzynski.

(Secretary reads title of bill)

Senator Molaro offers House Bill 1695.

(Secretary reads title of bill)

Senator Cullerton presents House Bill 1768.

(Secretary reads title of bill)

House Bill 1794, by Senator DeAngelis.

(Secretary reads title of bill)

Senators Peterson and Farley offer House Bill 1896.

(Secretary reads title of bill)

House Bill 1935 is by Senator Smith.

(Secretary reads title of bill)

Senator Sieben presents House Bill 2038.

(Secretary reads title of bill)

House Bill 2074, presented by Senator O'Daniel.

(Secretary reads title of bill)

Senator Karpiel offers House Bill 2077.

(Secretary reads title of bill)

House Bill 2130, by Senator DeAngelis.

(Secretary reads title of bill)

Senator Fawell offers House Bill 2227.

(Secretary reads title of bill)

Senator Cullerton offers House Bill 76.

(Secretary reads title of bill)

Senator Weaver offers House Bill 467.

(Secretary reads title of bill)

House Bill 1091 is by Senator Cullerton.

(Secretary reads title of bill)

And Senator Cullerton offers House Bill 1092.

(Secretary reads title of bill)

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1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Secretary, any resolutions?

SECRETARY HARRY:

Senate Resolution 271, offered by Senator Mahar.

It's congratulatory.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar. Senator Sieben?

SENATOR SIEBEN:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Go ahead, please.

SENATOR SIEBEN:

Ladies and Gentlemen of the Senate, it's my privilege today to introduce two very special guests. On my far left is Russ Koster from Whiteside County. He farms north of Sterling, and he's also the Whiteside County Republican Chairman. Pleased to have Russ with us here today.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome. Welcome, Mr. Koster.

SENATOR SIEBEN:

And I also -- also have an Honorary Page with me today from Amboy, Illinois, a fifth grader, Jeremiah Parker. And he came down today to be an Honorary Page and spend a day in a -- in a civics class here in government education. Jeremiah Parker.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome, Jeremiah. Welcome to the Senate. Senator Watson, what purpose do you rise?

SENATOR WATSON:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Go right ahead, please.

SENATOR WATSON:

Well, as most of you know, the Cardinals didn't have a good time over the weekend out in San Diego, but down in southern Illinois, we have a young man, fifty years old now, who won the Seniors' PGA Championship at North Palm Beach Gardens. Tom Wargo is his name, and he happens to reside in my district in Centralia. He runs Glenview -- Greenview Country Club in Centralia, of which -- I've hosted several events there. Tom is a former auto worker from Detroit. He didn't start playing golf till he was twenty-five years old, and he's worked at his game, obviously, very hard over the last several years to prepare himself, because you have -- to participate in the Seniors', you have to be at least fifty years old. This is his first year. This was his -- only his sixth tournament in which he's participated. His first win, of course, in being a major championship, going along the names of Arnold Palmer and Gary Player and the likes of people like -- such as that, certainly makes us proud in the 55th District and certainly in Centralia, of which he is -- he and his wife, Irene, reside. And I just wanted to make that announcement, and hopefully we'll be able to have Tom come up here and we can give him our own personal regards.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator Watson. Your announcement is well-taken. Ladies and Gentlemen of the Senate, we're going to begin with page 2 of our Calendar, top of the page, and we'll start with -- and we'll be on the Order of 2nd -- Reading, and we'll start with Senate Bill 38. Pass. Out of the record. Senate Bill 128. Out of the record. Senate Bill 130. Out of the record. Senate Bill 227? Out of the record. Senate Bill 246? Out of the record. Okay. Senate Bill 447. Out of the record. Senate Bill 452? Out of the record. Senate Bill 473? Out of the record. Senate Bill

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498? Out of the record. Senate Bill 499? Out of the record. Senate Bill 594. Senator Sieben? Senator Sieben? Out of the record. Senate Bill 615? Out of the record. Senate Bill 625. Senator Karpziel? Senator Karpziel? Out of the record. Senate Bill 672? Out of the record. Senate Bill 766? Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

Thank you. Madam President, could I ask for leave to handle Senate Bill 766 for Senator DeLeo?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any objection? Are you a hyphenated sponsor, sir? I wonder if you would pass that at this time. Senate Bill 779. Can we go back to Senator Sieben, 594? Senator Sieben. Mr. Secretary, will you please read the bill?

SECRETARY HARRY:

Senate Bill 594.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben. Any further amendments?

SECRETARY HARRY:

No further amendments, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 840? Out of the record. Senate Bill 900? Out of the record. Senate Bill 935? Out of the record. Senator -- Senate Bill 950? Out of the record. Senate Bill 1024? Senator Jones? Senate Bill 1024? Senate Bill 1024? Out of the record. Senate Bill 1025? Senator Jones? Senator Jones? 1025? Senator Jones? Senate Bill 1025? Out of the record. Senator Hawkinson.

SENATOR HAWKINSON:

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Thank you, Madam President. Point of personal privilege. I would just rise to congratulate you on being the first Republican female Senator to sit in the President's Chair. Congratulations.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you very much. Thank you very much. Senator Collins, for what purpose do you rise, ma'am?

SENATOR COLLINS:

Yes. I -- I just wanted to congratulate you, too, on how you're conducting yourself. Having been the first to sit there, and I don't think it took about a month for it to be recognized, when I sat there the first time. So I'd just like to congratulate you, too.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you very much, ma'am. Mr. Secretary, House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1120 is offered by Senator Topinka.

(Secretary reads title of bill)

Senator Hasara offers House Bill 1411.

(Secretary reads title of bill)

House Bill 1457 is presented by Senator Hasara.

(Secretary reads title of bill)

Senator Cullerton offers House Bill 1707.

(Secretary reads title of bill)

And Senator Cullerton offers House Bill 2405.

(Secretary reads title of bill)

1st Reading of the bills, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Because -- because of the inclement weather, our Members are having a difficult time getting here; and therefore, we will stand at ease for about ten minutes, hopefully that they'll all be here.

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(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senate will come to order. Mr. Secretary. We're going to be going into 3rd Reading after we hear the committee reports. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Committee on Agriculture and Conservation - Senate Amendment 2 to Senate Bill 586, and House Bill 473; to the Committee on Commerce and Industry - Senate Amendment 2 to Senate Bill 1000; to the Education Committee - Senate Amendment 2 to Senate Bill 87, Amendment 4 to Senate Bill 840, Amendment 3 to Senate Bill 881, and House Bill 98; to the Committee on Environment and Energy - Senate Amendment 3 to Senate Bill 227, Amendment 3 to Senate Bill 610, House Bills 639, 991 and 1719, and re-refer from State Government Operations and Executive Appointments Committee, House Bill 821; to the Executive Committee - Senate Amendment 7 to Senate Bill 1, Amendment 1 to Senate Bill 340, and Amendment 3 to Senate Bill 625; to the Committee on Insurance, Pensions and Licensed Activities - Senate Amendment 1 to Senate Bill -- Amendments 1 and 2 to Senate Bill 207, Amendment 1 to Senate Bill 341, and Amendment 1 to Senate Bill 342; to the Judiciary Committee - House Bills 399 and 2170; to the Committee on Local Government and Elections - House Bills 3, 533 <sic> and 732; to the Committee on Public Health and Welfare - Amendment 4 to Senate Bill 149, Amendment 1 to Senate Bill 666, and House Bills 275, 1498 and 2333; to the Revenue

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904; to the Committee on State Government Operations and Executive Appointments - House Bills 677, 1406, 1595 and 1609, and Approved for Consideration - Amendment 2 to Senate Bill 135, Amendment 3 to Senate Bill 530, and Amendment 2 to Senate Bill 735.

Submitted April 19, 1993 by Senator Weaver, Chairman, Committee on Rules.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will the Senate come to order, please? We're going to begin on 3rd Reading. On the bottom of page 5 in your Calendar. Senator Philip, do you wish this bill - Senate Bill 1 - to be returned to 2nd Reading for purpose of an amendment? Put Senator Philip on. Go ahead, sir.

SENATOR PHILIP:

Thank you, Mr...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Philip seeks leave of the Body to return Senate Bill 1 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

The Committee on Executive has reported Floor Amendment No. 5, offered by Senator Philip, Be Adopted.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. <sic> President, Ladies and Gentlemen of the Senate. It basically does two things: knocks out the home rule provision and puts it on a statewide referendum. Move the adoption of Amendment No. 5 to Senate Bill 1.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Any discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. I heard Senator Philip say that it does basically two things, but I know the amendment is the bill, which we will debate on 3rd Reading. But the -- this amendment does much more than that, much more than just basically two things - knocking out home rule units. And so maybe he'd want to go into more detail. I'd appreciate it. Maybe the Members would like to know.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Philip. Senator Philip?

SENATOR PHILIP:

Yeah. Thank you. What I meant was, those are the two new things it does. You're absolutely right, Senator. It's -- it's statewide caps. Includes -- it is not statewide caps. It's caps for Cook County and the collar counties. Makes it a statewide referendum. It amends out -- home rule units. So it would only take thirty votes, not thirty-six.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Okay. Okay. Any further discussion? Any further discussion? Hearing none, Senator Philip, to close.

SENATOR PHILIP:

Ask for its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor, please say Aye. All opposed. You wish a roll call vote? The voting is open. All those of you who are in favor, vote Aye. All of those against, vote Nay. The voting is now open. There was -- was it a request for a roll call, Senator? Has it been withdrawn? Senator Demuzio?

SENATOR DEMUZIO:

Well, it's my understanding...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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What is your parliamentary inquiry?

SENATOR DEMUZIO:

...and -- from -- from last week that committee amendments that are adopted in committee need not be adopted on the Floor, and therefore, I don't know why we're even into this procedure.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator, I understand this is a Floor amendment. It's a Floor amendment, Senator Demuzio. Senator Jones?

SENATOR JONES:

Yes. Thank you, Madam President. You asked for the votes. So there is no request on this -- there is no request for a roll call. So therefore -- the amendment is the bill, so we will debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right then. All those in favor please signify by saying Aye. All opposed. The Ayes have it, in the opinion of the Chair. Any further Floor amendments? The amendment is adopted. Is there any -- are there any further Floor amendments?

SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 2. Senator McCracken? Take it out of the record. Senate Bill 3. Senator Barkhausen? Out of the record. Senate Bill 5. Senator DeAngelis? Mr. Secretary, will you read the bill?

SECRETARY HARRY:

Senate Bill 5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

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Thank you, Madam President. Senate Bill 5 simply freezes the assessed valuation for property tax purposes for senior citizens in the State of Illinois.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch?

SENATOR WELCH:

Well, I wonder if the sponsor could explain the bill. I mean, that's not much of an explanation. That's the total explanation of the bill? Well, then I would like to make a couple statements about it. Number one: last year, in this Body, we passed an increased homestead exemption for Cook County for senior citizens, under the sponsorship of Senator Rock. Part of the agreement on that change in the homestead exemption for Cook County was that downstate and suburban counties would be held harmless when it comes to the school aid formula. This bill removes the provision holding other counties harmless. What that means is, more money is going to come out of the school aid formula and go to Cook County. It's going to come out of our school districts throughout the State. The Department of Revenue couldn't provide -- provide a precise estimate of the fiscal impact; however, they did say that since rising equalized assessed valuations are associated with the Chicago metropolitan area, most of the citizens who would be able to take advantage of an increased exemption resulting from the legislation would reside in those areas. So I think this bill does a little bit more than what it's been explained. I think it's a very important bill, and I hope that everybody is paying attention -- well, at least on this side. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Says he -- he'll yield.

SENATOR CULLERTON:

Yes. Senator, is there an amendment on the bill? Is it Amendment No. 1? I wasn't -- I can't tell. Looks like it was adopted. I wonder if you could explain the amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Senator Cullerton. That's a good point. This only applies to those seniors whose income is less than thirty thousand dollars a year.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Does that mean that all senior citizen exemptions are limited to those under thirty thousand, or just the effects of this new bill are limited to this means test? We're not changing the current practice of senior citizen exemptions for the whole State with a means test, are we? Just the provisions of this bill - is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. One other question. Do you happen to have an idea as to how this would affect our county, in terms of the cost estimates, savings for the seniors versus...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

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SENATOR DeANGELIS:

Senator Cullerton, I do not know. It would depend on the wealth of your senior population, the amount -- the increase in the assessed valuation that they might undergo, and the number of senior citizens you would have in your area.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR DeANGELIS:

Thank you, Madam President. I want to address the point that Senator Welch made. Yes, Senator Welch, if you're going to have areas that have much higher growing assessed valuation, yes, there'll be a greater impact on that. And when that assessed valuation is reduced, it will have impact on the State aid formula. But why not? Why not? It's those areas, in fact, that have the higher assessed valuation. And at this point, I think it's presumptuous to assume that there's going to be a massive shift, because we don't know - we don't know - where that increased EAV is; we don't know where the senior population is; we don't know what the number of people are. But I can tell you one thing we do know: time after time, seniors are being forced to move out of their homes because what they -- what has been paid for for a long time, where they thought they could live for a long time, they are now being threatened by the increase in property taxes. And all this bill does, it says, "You know what? You're sixty-five; your taxes are not going to go up - property taxes - on your home." And I don't think that's an unfair thing to do.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You finished? Now -- the question now is, shall Senate Bill 5 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? One last time. Have all voted

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who wish? Clerk, take the record. On there -- on that question, there are 29 Ayes, 11 Nays, and 13 Present, not voting, 6. The bill, having -- having failed to receive the required constitutional majority, is declared failed. Did you wish to put that on Postponed Consideration? Postponed Consideration. Ladies and Gentlemen of the Senate, WCIA-Channel 3 requests permission to videotape. Is leave granted? Leave. Leave is granted. Senate Bill 7. Senator del Valle? Mr. Secretary, will you please read Senate Bill 7?

SECRETARY HARRY:

Senate Bill 7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Senate Bill 7 was amended in committee and approved unanimously. The amendment retains the following provisions in the bill: It allows persons who hold a transitional bilingual education certificate to teach in State-funded preschool; it requires the State Board of Education to collect data on preschool program participants; it allows the State Board to use existing funds set aside for development of model programs, to include programs which contain an early bilingual education research component; and finally, it requires the Advisory Council on Bilingual Education to establish an early childhood education subcommittee.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. I just rise in support of Senator del Valle and his efforts in Senate Bill 7. He's worked

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hard with the Hispanic community throughout this State and has put together a good piece of legislation and one in which -- passed unanimously out of the Education Committee. I'd ask the Members to vote Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator del Valle, to close. Senator del Valle, to close.

SENATOR DEL VALLE:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 7 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 2 Nays and 3 voting Present. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 14. Senator Berman? Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 14.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Senate Bill 14 is the Illinois Public Accounting Act extension of the sunset date for -- for their licensure. It defines "peer review program" to be used as a disciplinary measure. Provides that peer review records are confidential. Changes the provisions for governing the temporary practice of accounting and how licensing examinations are conducted. I'm aware of no opposition. It was amended in response to requests from the Department of Professional

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Regulation, and it's a bill supported -- submitted by the -- CPA Society.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman -- I mean, Senator Fawell, further discussion?

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR FAWELL:

I got a phone call not too long ago from a corporation that was concerned about the portion in the bill that permits licensing of limited liability companies and corporations as accountants. Is that still in there?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Can you tell me how that is changed then from the prior licensing?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

The limited liability companies was created a couple of years ago. In previous licensure provisions regarding the CPA Act, we just didn't refer to them because they didn't exist. Now, just like other corporations, they're within the context of the purview of the Licensure Act.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Any -- any further discussion? Is there any further discussion? If not, Senator Berman, to close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 14 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The record showing 53 Ayes, no Nays, no Present. The bill, having received the required constitutional majority, is declared passed. Next. Senate Bill 16. Senator Cullerton? Out of the record. Senator -- Senate Bill 17. Out of the record. Senate Bill 19. Senator Cullerton. Senate Bill -- Mr. Secretary, would you please read the bill? Senate Bill 19.

SECRETARY HARRY:

Senate Bill 19.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President and Members of the Senate. This bill came to me as a suggestion from a practicing attorney who indicated that there might be a -- the Statute -- current Statute on usury might be unclear as to what -- what rate of interest can be charged on past-due real estate leases or past-due equipment leases. And as amended, this relates only to commercial, agricultural or industrial property, not to residential property. And it just adds to the exemption in the usury Statute. We have, right now, a usury Statute which provides exceptions to the general nine-percent usury limit. This might be interpreted as already being in the law, but we wanted to clarify

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it. So I would be happy to answer any questions, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate Bill 19 pass. Those in favor will vote Aye. Those opposed will vote Nay. The -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. ...(microphone cutoff)...that question, there are 52 Ayes, no Nays, 2 Present. And the bill, having received the constitutional majority, is hereby declared passed. Senate Bill 25. Mr. Cullerton? Mr. Secretary, will you read the bill, please.

SECRETARY HARRY:

Senate Bill 25.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. We talked about this issue when Senator Klemm had a bill dealing with parking tickets. This is a different approach to this problem. It came to me from a constituent. As I indicated earlier, in the City of Chicago we have a number of problems with -- ourselves with parking, and parking tickets are a major concern. This is a situation where a constituent was -- received a parking ticket for -- even though the sign - the no parking sign - was not up; it was missing. And this is one of the -- I believe, one of the four ways in which you are not liable, and yet he did have to incur some costs to fight this issue. He went before a judge who told him that the Statute governing this matter was unfair, but he was not authorized by law to award any reimbursement of fees. So this

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does authorize reimbursement of fees, but it's limited to the filing fees paid to the circuit court, the cost for the service of summons and the cost of preparation and certification of the court's record of their proceedings. So it's a different approach than Senator Klemm's. Senator Klemm's bill passed. And I'm not sure the City of Chicago is in favor of this, but I -- I think it's -- it's fair, because if someone receives a ticket and it's just not their fault, they -- ought not to have to pay court costs. Again, I'd be happy to answer any questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm, for discussion.

SENATOR KLEMM:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he'll yield.

SENATOR KLEMM:

Senator Cullerton, what's the difference between your bill and my bill? Because you had -- you had questioned me on mine, so you may know the details of both of them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The approach here in this bill is to basically authorize a judge to issue court fees. Yours is -- my Statute amends the Section of the law that talks about the powers of the circuit court, and your bill, I believe, preempted home rule and may have included some -- some expenses, although I know yours was amended to take -- to limit the expenses. I know when yours was originally introduced, it talked about the expenses of the vehicle owner for loss of work and travel and long distance telephone

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charges and all that. So perhaps in the end it wasn't as -- as different. But as I indicated, mine are limited to those three areas that I listed, plus it -- the Section of the Statute that it amends is empowering the circuit court to use their -- the judge's discretion to issue these awards.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Well, as you know, I amended mine, so all that was out of it, as you're aware of. But it seems to me that if we -- our problem with my residents is that they're not getting the administrative review, if you will, to acknowledge it or act on it. It seems to me, now if we have to go to circuit court in addition to that, seems like aren't we adding another -- a layer that a innocent person, who's never even been in the -- into a city or is not, you know -- is totally innocent of any of those accusations, who has to jump through this additional hoop?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Yeah. No. Let me explain the -- procedurally what this is about. This is a situation where you get a parking ticket and you contest it, and you lose at the administrative hearing level. So then you go to court. And so, just -- if I could just read from the Statute. This says, "In the case of a reversal of an administrative decision of a municipality determining the plaintiff liable for payment of a fine..." Okay? So, it's when you go to court after you lose at the administrative hearing and now you're in front of a judge, and the judge finds in your favor. Okay? If the court finds that the municipality should not have charged the plaintiff with the violation, or should have found the plaintiff not liable for payment of the fine, the court, in its

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discretion, may award the plaintiff the cost of bringing the action under the Article. Okay? So that's the -- that's what this bill contemplates. You get a ticket. You shouldn't have received the ticket. You go to court. You fight it and you win. The judge now has the discretion under this law to grant you cost in bringing the action. I -- I don't have your bill in front of me, but as I recall, it preempted home rule, and it -- I think it ordered, in effect, that the costs be done. This approach is different, and again, my -- I think it's a -- obviously, I think it's a better approach, but I -- I -- as I indicated, your bill is in the House, and I would like this to go there as well.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. I -- I guess just a comment, and that is, the bill that we had already passed the Senate - it's over in the House - was that if a determination by an administrative review or the -- judiciary were to determine an invalid ticket or that -- inappropriate ticket, that these costs would be returned. I think in Senator Cullerton's approach it has to be after an administrative review, regardless whether they find that was warranted or unwarranted on that citation. Then that taxpayer has to go to circuit court to do that. I think there's a big difference between the administrative review process that we had established for Cook County and other counties so that they could resolve this without a burden and another overload in the courts. And it would seem to me, from the explanation from Senator -- on Senate Bill 25, that we in fact have now created another layer - that this innocent taxpayer has now to go to circuit court to resolve it. And it seems to me that's a step further and beyond what we had already passed in Senate Bill 43.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator -- any further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR HALL:

Senator, let me see. I have a number of my constituents that go to Chicago -- or they get tickets from Chicago, and it's -- it's -- they haven't been there. What I'm upset about is that if an officer comes along and he writes a ticket and he makes an error in the ticket, what about this? This orders folks to come to Chicago and all this kind of stuff - three hundred miles. We need to get away from that kind of stuff. And I'm hoping that we're trying to do that now, because it's -- it's just unfortunate to order a person to Chicago, three hundred miles away, because some officer has ticketed the car wrong. Are we doing that now?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I understand your concern, Senator, and this bill does relate to your concern. It helps the innocent person who is found to be liable, at the administrative level, of a parking ticket violation. And this says that if they can't get any relief at that level, and they -- and -- it doesn't add another layer. You have a right, right now, to go to court. In fact, that's the only thing you can do if you lose at the administrative level. And right now the courts are saying that even though they can overturn the decision and find you not guilty of the parking violation, you still are out the money involved in taking it to the -- to the court. So this bill says that you can be reimbursed for your expenses if you had to go to court. So you'd be in favor of this bill, because this would -- if you had a situation where one of

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your constituents got a ticket and they couldn't get it straightened out at the administrative hearing level, the only relief they could possibly do is go to court. This would give them the opportunity to get reimbursed by the City.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hall.

SENATOR HALL:

Well, I'm happy to hear that, 'cause it costs quite a bit of money to come -- three hundred miles to go up to contest a parking ticket, and sometimes I think these numbers are intentionally done anyway.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Watson? Senator Watson?

SENATOR WATSON:

Well, thank you. I -- I just share some of the concerns that Senator Klemm expressed, and I -- I -- it seems like we're trying to make it more cumbersome, Senator, than we are trying to ease the -- the system. I mean, I'm like Senator Hall - I get people calling me on a regular basis with -- with this problem, and it doesn't seem to go away. And we've -- we do have someone we can contact up there now in the Department of Revenue within the City. It's -- it's helped a great deal - at least the people that contact us. Now, those that don't -- now I don't know how what you're trying to do here is going to help expedite that -- that solution. Maybe that's a question; I'd like for him to respond.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton, will you respond, please?

SENATOR CULLERTON:

Senator, this is designed to help your constituents, as well as mine. Right now, if you get a ticket erroneously, like in the case of my constituent when the sign was down; the no parking sign was down, and he got the ticket anyway. He lost at the

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administrative level; they wouldn't give him any relief. And in fact, I'm aware of the fact that people outside of Cook County can call a number and everything and that -- they're actually -- believe it or not, they're -- they're more understanding of somebody that lives way down in southern Illinois, or central Illinois, than they are of somebody who's in the City. In the City they just say, "Hey, you lose, buddy." And so, the only relief that you have if you can't get relief at the administrative level is to go to court. That's in the law right now. This doesn't add a new layer. Okay? Now in this case of my constituent, he went to court and he won. He convinced -- took a picture of the sign being down -- or the pole without the sign, and he won. But the judge said, "The law doesn't allow me to issue you any refund for your cost." So this bill changes that. This bill says the court shall be allowed, in its discretion, to order the City to reimburse the person who -- who was given the ticket by mistake. So I -- I hope that answers the question. I -- again, you probably voted for Senator Klemm's bill. Senator Klemm's bill, as I understand it, said that if you won at the administrative level, you were -- the City was automatically ordered to -- to pay the -- to pay expenses - to reimburse. Now that's an approach that is more direct; it preempts home rule, and -- and it's -- it's just one -- something that I don't know if it's necessarily going to -- going to be -- it might have some constitutional problems. I don't know. This is just a different approach. It's a kind of a backup.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson, further discussion.

SENATOR HAWKINSON:

Thank you, Madam President. I rise in support of Senate Bill 25. I also supported Senator Klemm's legislation, but -- and I'd try not to repeat everything Senator Cullerton just said, other

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than to indicate that he's absolutely correct. This does not add a new layer. Under Senator Klemm's bill, he provides some relief if you win at the administrative level, but if you lose at the administrative level, you don't get any relief under Senator Klemm's bill. You have to go to circuit court in order to get these costs back. That's the approach that Senator Cullerton is taking. So this will help all of our constituents who are erroneously given tickets, either because there wasn't a sign there, or because they were never in the municipality, or for whatever reason. But this does not add an additional layer. It simply provides that if you do not prevail at this administrative level, that the court is authorized to give you relief, and I -- I urge its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR JACOBS:

Just to follow up a little bit on Senator Hall's question: I know his concern is the length of travel, so are -- are you telling us with this bill that the court the -- the case would be filed in would be in the county of his district or my district, or would they have to go to Chicago, which doesn't really help Kenny or my people anyway.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

This is -- I think this is important that you understand what this does, because I think you're going to want to vote for it.

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Okay? If your constituent gets a ticket erroneously, they have a right to appeal that administratively with the department of parking, and they -- there's provisions where they can do that over the phone now. Okay? And what -- the current law is that if they're not successful there, that ticket stays; the only thing they can do is go to court. And I assume the only court they can go to is in Cook County. That's the current law. When they go to court, if they win, they can't get reimbursed, under current law, for their expenses. This bill changes that and allows them to get reimbursed. And it's one of the reasons why I have to candidly admit the City of Chicago is not in favor of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

..(microphone cutoff)...but still, they would have to travel to the City of Chicago. Correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Not as a result of this bill. This bill says that if they have to -- if they lost at the -- at the City of Chicago's administrative level, the only thing they can do right now is go to court. And if they go to court, this would allow them to be reimbursed for their expenses. Under current law, they can't be.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

I still don't think I am get an answer to my question. I cannot go to the -- the court in Rock Island County to have this case heard or to try to get my money back. I have to go to the court in the City of Chicago in order to get the relief. Is that correct?

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, that -- that is correct, because that's what the current law is, and this doesn't change it. I don't know if we even could change it. But -- but you'd want to support this bill, because it allows your constituents, if they have to go to court, to get reimbursed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I apologize for rising a second time, but I think some of the confusion here is probably because all of us are used to a procedure where if a constituent of ours has this problem, we're -- we're often able to clear it up with a phone call to the City of Chicago or to some other city. Nothing in this bill changes that. The only thing this changes is if we're not successful in getting that cleared up and the City still goes ahead and administratively finds against our constituent, and our constituent then has to go to court, this would offer some further relief to them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members. I think we've had a thorough discussion. I think this complements Senator Klemm's bill, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 25 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record. The question, there's 52 Ayes, none -- no Nays, no Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 26. Senator Berman. Clerk -- Mr. Secretary, would you please read the bill?

SECRETARY HARRY:

Senate Bill 26.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Senate Bill 26 encourages the State Board of Education to hold all its meetings in a public facility. This is to suggest strongly to them that they not spend money on private facilities where public facilities are available. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none -- oh, I'm sorry. Senator Watson.

SENATOR WATSON:

Some of us, Madam President, have strong suspicions about this bill coming back to us in another form. Would the Senator agree that this will be as we will see it, and it will not be utilized as a vehicle bill?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

The name here is Berman. It's not Madigan. It's not Speaker Madigan. I'd like it to be Bob Madigan sometime, but it's not Speaker Madigan. I cannot tell you what form this bill will take in the -- in the House. This is what I'm presenting to us today.

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That's -- that's as good a commitment as I can make. If they send it back with some exciting amendments, the first person that'll see it after me will be you in our committee. So, that's our job.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, I think that's good enough for a Present vote. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR BERMAN:

Thank you. This bill encourages the State Board to -- to not spend money at private facilities where public facilities are available. And I would hope that I would have everyone's Aye vote, including the prestigious chairman of my committee. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further -- rather -- if the Senator has closed, the question is, shall Senate Bill 26 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Yeas, 2 -- 2 Nays and 21 Present. And this bill, having failed to receive the required constitutional majority, is hereby declared failed. Postponed Consideration requested by Senator Berman. Senator Severns?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, please.

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SENATOR SEVERNS:

It is my distinct honor to have joining us in the Senate gallery today, not only a formal -- former teacher of my brothers and sisters, but also a teacher who has served at Thomas Jefferson Middle School for many years, Mr. Gail Huff, who has been good enough to bring seventy Thomas Jefferson students with him to observe the Senate. I would like us to welcome them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We welcome you here. Senate Bill 34. Senator Welch, are you ready for Senate Bill 34? Take it out of the record. Senate Bill 41? Senator Mahar? Out of the record. Senate Bill 45 is out of the record. Senate Bill 47? Senator Farley? Mr. Secretary, will you please read the bill?

SECRETARY HARRY:

Senate Bill 47.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 47, as amended, requires that an organizer or a promoter of an organized event or activity attended by more than fifty people, and the owner of the place where the event is held, notify the local law enforcement agency of any physical injury that occurred requiring medical attention. The organized event does not include any event held on property owned by the State, a unit of local government or a school district. It requires that the local law enforcement agency -- to keep a record and make it available for public inspection. It makes that failure to notify the law enforcement agency a petty offense. That is the amendment that was adopted in committee, which would be Amendment No. 1.

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The second amendment was adopted on the Senate Floor Friday, which is Amendment No. 2, which was offered by Senator Weaver. And what that amendment -- and is now part of the bill, Madam President and Ladies and Gentlemen, is allowing State universities to enter into contracts for utilities, of equipment and fuel for long terms, not longer than ten years. The University of Illinois has undertaken an aggressive drive in the past few years to find ways to save money on utility costs, and the solution is longer contracts. This plan of the University is directed primarily at natural gas contracts, and it is this type of fuel that it uses most. So with the adoption of that amendment, it allows the universities to do that. And I would move, Madam President and Ladies and Gentlemen of the House <sic>, that you do -- favorably vote on Senate Bill 47.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. I stand in support of Senate Bill 47, and I'd like to thank Senator Farley for allowing me to put that amendment on, which we hope will save millions of dollars in fuel costs at the University of Illinois.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan?

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will the sponsor yield? He said -- indicates he'll yield.

SENATOR MADIGAN:

Not to the amendments, Senator Farley, but to the original bill: If a person is injured at one of these events and doesn't go to the doctor or to the hospital or something like that until they get home, or if they're at some event that they don't require

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or go to their doctor until they've -- the sporting event or the organized event is over, and a day or two has passed, what responsibility is on the part of the promoter at that point?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

Senator, it's the intent of the bill that the injury be reported at the time of the injury. If someone were to go home after they were injured, it is not the intent of the bill that there would be any responsibility to that person: the promoter or the owner. This -- this bill came from somebody in my district that experienced a incident where their two sons went to a concert. The -- the boys got into a skirmish with others at that concert, were taken to the hospital. The next thing the father knew, at 2 o'clock in the morning, he was getting a call from the boys at the hospital. One boy suffered two thousand dollars worth of dental work, teeth missing. And he turned to me and he said, "Senator, what happens in a case like this? Who is responsible?" We went back to the event organizer and promoter, and they said, "We have no record." I said to that individual, I said, "Let's try and do something about it." I think that it's only right that a promoter or an organizer of events such as this be responsible for some incidents that are demanding medical attention. These -- these people were taken off in an ambulance, and the next thing that happened was a phone call to the parent. I would say that it is my intent to the bill that it covers those -- those cases, those incidents, not the -- the minor injury or the injury where the person doesn't report it immediately.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Just a follow-up to that: Then is there any responsibility

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upon the part of the injured party at that point in time, at a later time, is there any responsibility on their part then to report it to the promoter?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley?

SENATOR FARLEY:

It would follow that they would tell the promoter when it happened.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He says he'll yield.

SENATOR BUTLER:

Thank you. Senator, I -- I recall in the -- in our committee hearing on this bill, there was some concern raised about the fact that it would also cover any kind of a -- of a -- of a fund-raising event - a small dinner party in a hotel attended by fifty people. If your intention is to -- if your intention is to protect people attending these large events, is fifty the right number? That seems to be terribly small, and you're -- you're going to take in thousands of events.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley?

SENATOR FARLEY:

Senator, we -- we -- we cleaned up that concern, or we took care of that concern in our first amendment by limiting it to a commercial event. It wasn't our intention and by that language, not to include all of these other activities that you are referring to. So it does not include those people that are having a fund-raiser or say, for instance, a union picnic or things like

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that. It's -- it's a organized commercial event.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Well, I'm still bothered by that -- by this, quote, "commercial event". Is that defined? I'm sorry, I don't have the Act with me. Is that defined?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

Well, "'organized event' means an organized commercial event or activity of any kind that is attended by more than 50 persons...at which a fee is charged for attendance." Also, "organized event" does not include any event held on property owned by a State or a unit of local government or a school district. So it -- with the commercial event language in there, it is limiting to just what I am trying to direct the bill to, and not to those -- those other events that you're talking about - for instance, fund-raisers.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Butler.

SENATOR BUTLER:

One more remark. That's going to be a tough call in some cases, if -- if someone is going to adhere to the letter of this.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley indicates he'll yield, sir.

SENATOR HENDON:

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Senator Farley, the -- when the amendments for this bill came up I was out with the flu and I didn't get a chance to -- to hear them, but I had voiced some concerns about this bill in the committee meeting. I, too, echo the concerns of Senator Butler as to fifty people being an awful small number, and I didn't get this cleared up. Again, I apologize for not being there. But what happens if a church group has a banquet at which they sell a ticket? If they sell a ticket, that person is paying a fee; they're buying the ticket. And someone trips at that event; are they responsible for reporting this incident, or not?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

A banquet would not be, Senator Hendon. Commercial event, by its definition, means that it be advertised, it be promoted. It would be those two things among others, but a banquet is not included in this. It would be commercial in that it would be promoted and advertised and so forth.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Senator Farley, in all due respect, being my good friend and all, I disagree with you there, because there are a lot of groups that will take an ad out in the Defender or the Sun-Times to promote their event. Promoting an event simply means putting out information - a flyer, or a brochure, a billboard, or whatever - to promote the event. And I -- I just have problems with -- I understand your intentions here and they are good, but fifty people is an awful small number. I think it's going to be overburdensome and this bill really should be sent back to 2nd Reading for an amendment -- friendly amendments to your legislation, so that you take in a larger number of people and

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that you make it very clear that this does not affect religious groups or a political fund-raiser. If -- if you had a political fund-raiser and you took an ad out in the Sun-Times because you want to reach some additional people that may -- you may not have their mailing address, then you are, in fact, promoting that event, and -- and you would come under this -- this legislation. I think it is a good intent, but it is far too broad, and the number of fifty people is far too small. And again, I apologize that I was out with the flu and couldn't do this in committee. But it's before us now; I still have these problems with it. And as it stands, I would have to vote No. So I'm just asking that you consider returning it to 2nd Reading for friendly amendments. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Syverson?

SENATOR SYVERSON:

Thank you. Thank you. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Sponsor indicates he'll yield.

SENATOR SYVERSON:

Two -- two questions, I guess. First, I agree with Senator Hendon on a couple of these things. But earlier you made a comment about fixing responsibility. Are we talking about only the responsibility to notify or the purpose of this is going to fix responsibility at who's at blame for the injury?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

Notification is what I'm after here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

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...(microphone cutoff)...and not to fix any potential blame, or is this going to end up causing undue hardship for those following this form?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

No. Not to fix any blame; just to have notification and -- and a report - some kind of official police report. I -- notification.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

One more follow-up question. I know we worked out the home rule situation. Can you clarify that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley, would you respond, please?

SENATOR FARLEY:

Home rule is not included in the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson, for further discussion.

SENATOR HAWKINSON:

Thank you, Madam President. I think it'd be helpful if we read the amendment, because I don't think we're limiting this to commercial events. The amendment says "organized event" -- says "organized event," which would include any fund-raiser, any dinner theater, church social, if you charge an admission fee. If you have a chili supper that you're charging two bucks for at church, and you get more than fifty people, this would -- this would apply. It says, "'Organized event' means an organized commercial event or activity of any kind that is attended by more than 50 persons and at which a fee is charged for attendance. 'Organized event' does not, however, include any event held on property owned

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by the State..., a unit of local government, or a school district." But your chili supper -- your youth group chili supper at church would be covered by this if you charged two bucks for a bowl of chili. So I think it's -- I think it's too broad, as Senator Hendon suggests. I think it ought to be tightened up to be limited to large, truly commercial activities and then -- then it'd probably be a good bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Dudycz. Senator Dudycz?

SENATOR DUDYCYZ:

Thank you, Madam President. Ladies and Gentlemen, I think we shouldn't lose -- lose the -- the intent of the legislation. Senator Farley's bill creates the Organized Event Injury Reporting Act. We're not -- we're not determining where there's liability or determining whether there's any criminal activity that occurred. There was much debate in -- in Local Government Committee. We did have some questions, which have satisfactorily been answered by the -- the amendment, at least in my mind. The bill creates the Organized Injury Reporting Act <sic>. If a person suffers an injury that requires medical attention at a commercial event where there are fifty or more people, the organizer, promoter and facility owner must notify local police. What the local police at that time do, they either make a complete police report or a simple index report. That's up to the local law enforcement authorities. I don't think there's anything wrong with that, and I stand in support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? If not, -- Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I -- I hate to rise a second time, but we need to clarify and clear up exactly what medical attention is. If -- if you get a Band-Aid put on your finger, is

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that, in fact, medical attention? Or do you have to go to the hospital? I think we need to be clear on it, Walter, exactly what medical attention is. It's too broad. We need to clear it up, because if -- if you put a Band-Aid on there, then you got some medical attention. So, let's -- let's be clear on what we're doing here.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR FARLEY:

Thank you, Madam President and Members of the Senate. In response to some of the inquiries, I would be more than happy and I will, in fact, work with the House sponsor to clean up the profit or non-for-profit aspect of this. It's not my intention to have a church benefit or some non-for-profit organization be subject to the Act. As far as another inquiry in that somebody might receive a minor injury as -- that would require a bandage or something like that, we could tighten it up even more, saying that if the person was removed from the premise to a other medical facility, to tighten it up even more. I explained my intention, Madam President, and Ladies and Gentlemen, of the bill, and it would be my hope that the bill would pass. It's my feeling that some of these promoters can't go out and hire fly-by-night security people to, in fact, conduct security at a place where something like this might happen. Today it might be an individual's teeth or eye or ear; tomorrow -- tomorrow -- it might be a death because somebody stabbed somebody in the kidney. My intention of the bill is very clear, and I would hope that we would pass Senate Bill 47.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall Senate Bill 47 pass. Those in favor, vote Aye. Those opposed will vote Nay. And the voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that -- on that question, there are 31 Ayes, 14 Nays and 5 voting Present. Senate Bill 47, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 51, do you wish the bill returned to 2nd Reading for purposes of an amendment? No amendment? You ready to go? All right. Senator O'Malley, there are amendments. Senator O'Malley.

SENATOR O'MALLEY:

It's my understanding, Madam President, that those amendments went on last week.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Madam President, if those amendments have not been put on, then I would request that we move back to 2nd, put the amendments on and then proceed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. Senator O'Malley seeks leave of the Body to return Senate Bill 51 to the Order of 2nd Reading for the purpose of amendments. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 51. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Committee on Education has reported Floor Amendment No. 2,

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offered by Senator Berman, Be Adopted.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman, to explain your amendment on Senate Bill 51.

SENATOR BERMAN:

Thank you. This amendment, which was adopted in committee, allows the school boards to waive all or a portion of a nonresident student's tuition. Amendment No. 3 is of the same nature; it changes the existing law. It's been discussed with the principal sponsor, Senator O'Malley, and I move its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator O'Malley.

SENATOR O'MALLEY:

I concur with Senator Berman's comments. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor of said amendment, signify by saying Aye. All opposed. The Ayes have it, and the amendment is adopted. Is any -- are there any further amendments?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. It does the same thing as 2, except it changes existing law. I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

I concur.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? All those in favor of adopting Amendment 3, signify by saying Aye. All opposed. Hearing none,

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the -- no Ayes -- no Nays, rather, the amendment is adopted. Any -- any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading.

PRESIDENT PHILIP:

Senator Maitland, for what purpose...

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Just an announcement that the Senate Committee on Appropriations will not meet today.

PRESIDENT PHILIP:

Well, Merry Christmas. Senator Karpiel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. I -- just to announce that there will be no Executive Committee meeting today. No meeting today.

PRESIDENT PHILIP:

...(microphone system malfunctioning)...

SENATOR WATSON:

Thank you, Mr. President. If it's all right, I'll go ahead and proceed. Our microphones are working fine. Thank you. The Education Committee will meet today at 1:30 at A-1. So all those Members of the Education Committee, we'd appreciate a prompt attendance. Thank you.

PRESIDENT PHILIP:

...(microphone malfunction)...

SENATOR O'Malley:

Mr. President, I -- I had informed the Chair earlier that I was prepared to move 51 and 52. I understand the difficulty with moving 51, but I would -- I would appreciate it -- some -- are

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we...

PRESIDENT PHILIP:

...(microphone malfunction)...

SENATOR O'MALLEY:

All right. Thank you.

PRESIDENT PHILIP:

...(microphone malfunction)...

SENATOR TOPINKA:

Mr. President, Public Health will meet, oh, roughly in about fifteen minutes in A-1, and I don't expect a long agenda.

PRESIDENT PHILIP:

...(microphone malfunction)...

SENATOR HAWKINSON:

Thank you, Mr. President. Judiciary Committee will be meeting in Room 400 at 1:30, and it should be a relatively short meeting.

PRESIDENT PHILIP:

...(microphone malfunction)...

SENATOR MADIGAN:

Thank you, Mr. President. The Insurance Committee will meet immediately upon recess in Room 400.

PRESIDENT PHILIP:

...(microphone malfunction)...

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. It's much -- much, much past 2 o'clock, and I guess the Education is over with. It's the

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intent of the Chair to work later than we anticipated, maybe 6:30 or 7:00, maybe later than that - who knows? If we roll along and get some bills out of here, we'll certainly shut down early. Committee Reports.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Pensions -- Insurance, Pensions and Licensed Activities, reports Amendment No. 1 to Senate Bill 430 Be Adopted.

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Amendment No. 3 to Senate Bill 149 Be Adopted; Amendment 4 to Senate Bill 149 Be Adopted; Amendment 5 to Senate Bill 209 Be Adopted; Amendment 1 to Senate Bill 228 Be Adopted; and Amendment 1 to Senate Bill 666 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Amendment No. 2 to Senate Bill 206 Be Adopted; Amendment 3 to Senate Bill 486 Be Adopted; Amendment 1 to Senate Bill 870 Be Adopted; and Amendment 2 to Senate Bill 1078 Be Adopted.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 272, offered by Senator Stern.
It's congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 149.

(Secretary reads title of bill)

It's offered by Senator Jacobson <sic>(Jacobs).

Senator Berman offers -- Senator Berman offers House Bill 280.

(Secretary reads title of bill)

Senator Berman offers House Bill 328.

(Secretary reads title of bill)

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Senator Hendon offers House Bill 496.

(Secretary reads title of bill)

Senator Garcia offers House Bill 587.

(Secretary reads title of bill)

Senator Berman presents House Bill 684.

(Secretary reads title of bill)

House Bill 747, by Senators Berman and Palmer.

(Secretary reads title of bill)

Senator Berman offers House Bill 963.

(Secretary reads title of bill)

House Bill 1037, Senators Palmer and Hendon.

(Secretary reads title of bill)

House Bill 1213, by Senators Collins, Jones and others.

(Secretary reads title of bill)

Senator Smith offers House Bill 1230.

(Secretary reads title of bill)

House Bill 1271, offered by Senators Collins, Jones and others.

(Secretary reads title of bill)

House Bill 1360, Senators Fawell and Hasara.

(Secretary reads title of bill)

Senator Welch offers House Bill 1374.

(Secretary reads title of bill)

Senator Jacobs offers House Bill 1379.

(Secretary reads title of bill)

Senator Smith offers House Bill 1397.

(Secretary reads title of bill)

House Bill 1408 is presented by Senator Butler.

(Secretary reads title of bill)

House Bill 1412, by Senator Butler.

(Secretary reads title of bill)

House Bill 1434, Senator Demuzio.

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(Secretary reads title of bill)

Senator O'Malley offers House Bill 1526.

(Secretary reads title of bill)

Senator Welch offers House Bill 1552.

(Secretary reads title of bill)

House Bill 1572 is presented by Senator Cullerton.

(Secretary reads title of bill)

House Bill 1587, by Senator Fawell.

(Secretary reads title of bill)

Senator Berman offers House Bill 1651.

(Secretary reads title of bill)

Senator Berman offers House Bill 1756.

(Secretary reads title of bill)

House Bill 1758, by Senator Smith.

(Secretary reads title of bill)

House Bill 1971 is presented by Senator Fitzgerald.

(Secretary reads title of bill)

And House Bill 1974, offered by Senator Burzynski.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WEAVER)

WAND requests permission to videotape today's Senate proceedings. Is there leave? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Watson, Chair of the Committee on Education, reports the following bills: Amendment No. 1 to Senate Bill 87 Be Adopted; Amendment No. 1 to Senate Bill 135 Be Adopted; Amendment No. 2 to Senate Bill 504 Be Adopted; Amendment No. 4 to Senate Bill 840 Be Adopted; Amendment No. 3 to Senate Bill 881 Be Adopted; and Amendment No. 2 to Senate Bill 950 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

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On the Order of 3rd -- Senate Bills on 3rd Reading, Senate Bill 52, Senator O'Malley? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 52.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate -- Senate Bill 52 requires that the governing body of every municipality within five miles of a proposed site for an incinerator - a waste incinerator - which accepts waste generated off-site, approve of the site by ordinance or resolution passed by a majority vote of each of the municipal bodies involved. I would be pleased to respond to any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Will the speaker yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR TROTTER:

Yes. Senator O'Malley, does this bill have any impact on the proposed Robbins site?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator, for that question. To the best of my knowledge, when I proposed this bill and to this date, it has no effect on the Robbins incinerator as it's constituted now legally. If the existing permit were to extinguish, it's my understanding that it would then be required to get a new permit, at which point

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it would be subject to this legislation when it became law. But to the best of my knowledge, it does not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones. Senator Jones.

SENATOR JONES:

Yes. Thank you -- thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will, Senator.

SENATOR JONES:

Yeah. Senator O'Malley, in the proposed legislation it says "permits" for -- that would have to be approved for any siting. Now, could you tell me, what do you mean, and what is your definition of that term "permits", as it is defined in this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jones, it's my understanding that "permits" includes permits issued by the EPA-State of Illinois.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, then, if a facility has received a permit to proceed, then once the -- once the construction is completed, they've spent three hundred million dollars, then they must then get a operating permit from EPA. Am I correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, you're probably more familiar with the procedure than I am. My understanding is that the project that you are -- or

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that Senator Trotter had mentioned earlier has its permit. I'm not sure if that permit will remain in effect.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, for your edification and for clarification - and having worked on these issues before - one must receive what you call a operating permit, which must come from EPA. The -- the -- the proposed incinerator for the Village of Robbins has not yet received the operating permit, because the -- it has not been constructed. And once it is constructed, then they must receive a operating permit from EPA. Now, this legislation does impact on that facility. It does -- when you leave the word open far as permit and any town, municipality within five miles. So they could construct that facility, spend three hundred million dollars putting it together, and then some -- small units of government within five miles from there can decide whether or not they can operate, because they must have a operating permit in order for it to -- to function. So, it does, indeed, impact. And with that, if you will be willing to take the bill out of the record so we can amend it to give further clarification. But if you do not, then I stand in strong opposition to this piece of legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jones, in an -- in an effort to respond to you, if you would look on page 5 of the bill, at lines 19 through 31, and I will -- I will repeat it for the entire Body, if I might. I will quote it directly. "Before establishing the site for any new nonhazardous waste, hazardous waste, or PCB incinerator...including those that require local site approval..." - and then I'll go on to the end - "The Agency shall not issue a

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permit" - singular - "for a new incinerator unless the governing body of every municipality within 5 miles of the proposed incinerator site approves...the site." We are talking about one permit.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, let me -- let me respond in this sense. There are a series of permits that go with the siting of an incinerator from EPA. It is a series of permits. Just the permit to -- for them to proceed with construction, then they must receive other permits. You follow me? So, the legislation that you have here is poorly drafted, in other words. Because in order for it to operate, they -- all these permits are put together and you have to have one master permit for operating purposes. And so, therefore, as I indicated to you, the bill is poorly drafted. And if this is not your intent, then I would suggest very strongly you take the bill out of the record, move it back for the purpose of an amendment to clarify that one point. Because EPA will tell you, you can -- you can construct the facility; you can do all these things, but if you do not receive the operating permit, then you -- everything is for naught.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jones, I certainly appreciate your attempt to clarify and make sure the legislation I'm sponsoring is drawn correctly, and I certainly do appreciate that, because I know that's the spirit in which you offer the suggestion; however, in looking through this particular bill and the Section that it refers to, each and every reference to "permit" is in the singular, not in the plural. And again, I would point you to page 5, lines 19

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through 31, which clearly delineate that -- what we are talking about here is local site approval before the issuance of a permit for that purpose by the Illinois EPA.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR BUTLER:

Senator O'Malley, I'm -- I'm bothered by several things in this bill. I'm bothered because we seem to be moving one step at a time to reach a point whether our options are going to be clearly closed off and we're going to be up to our eyebrows in garbage because we've tried to -- to build such a -- a tight, confining box around any of our options. My question to you is -- as I read this, there could be twenty communities within five miles, and the least of them could say no and the whole thing would go down. And that doesn't seem to be very wise to me, because you may have a community, for some reason other than the impact of that -- that site, voting against it. It would seem to me that there ought to -- you just can't hand that kind of power to one community that's five miles away.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

...(microphone cutoff)...Butler, I -- I believe that your -- your point is well made, and it's something that I thought long and hard about in deciding to bring this legislation the way I did. I have a personal experience in the district that I represent, in which community after community is faced with a proposed incinerator site in its immediate vicinity. And

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notwithstanding the fact that every community - every one - one after the other, has voiced its opposition to the construction of this incinerator, the local body - the singular body that has authority over whether or not there shall be local site approval granted - has steadfastly stayed its position that it will not change at all. What I believe will happen with a bill such as the one I've drafted is accomplish both purposes. One is that it will address the local opposition and give the opportunity for those people who will be affected by the proposed incinerator to have a voice about whether or not it will be put in. You are correct when you say that it is somewhat difficult to have one municipality approving what another municipality wants to do. But I submit to you that this particular issue, that is addressed in this bill, is talking about an effect that one community can have on another community, far outweighing anything else that I could possibly compare it to. For example, on a zoning question: rarely would a zoning question have as much of an impact as an incinerator will. On the way down to Springfield today, I listened to National Public Radio. There's a community here in the State of Illinois that has had a smelter contained in it for over -- for decades now. That community is -- is being targeted now by the EPA. The solution that the EPA is recommending is actually digging out the dirt in the entire town to eliminate the lead content that came out of the -- the stack of that particular smelting facility. What I'm saying to you is that when you have these kinds of developments and projects in a community, it is important that those people who will be affected by it have an opportunity to say something. Now, I did not put a requirement in this bill that the hearing be an onerous hearing, one that is impossible for them to muster the votes within each community. It requires a simple majority of a city council or a simple majority of a village board in which to get the approval, and it doesn't

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require any sort of a comprehensive or special hearing - merely a presentation by the developer as to the merits of the project. Now, the other side of this I would offer to you is this: That if the communities that are going to be affected by it can accept the project, that will ensure the financial wherewithal of the particular project that we're talking about. In other words, there'll be customers for the incinerator. Now, this is all I'm talking about. I'm not talking about making it impossible to build incinerators; I'm attempting to redefine what local siting approval means. And in my opinion, local siting approval should include as many of those people whose children and grandchildren may be affected for years to come as a result of the implementation of a development in one community.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Well, I can appreciate what you're saying, Senator. Two -- two comments. One is, you said something to the effect - well, it'll give the opportunity for other communities to say something. Most important, it is -- it gives them an opportunity to say no and -- and the project will not have a -- a chance. The second point -- the second point, Senator O'Malley, is that -- the second point is that it would seem to me that - having some experience in this - that the present EPA regulations -- the present EPA regulations are so stringent that they require public hearings; they require local approval; they require an impact statement on -- of every conceivable kind; and yet, we can have a community five miles away say no, and it goes down in flames. So, if -- if the regulations aren't stringent enough, we ought to change the regulations, but not -- let's not give that awesome power which -- and I think it is an awesome power, to a community five miles away.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
If I may, a ruling of the Chair, please?

PRESIDING OFFICER: (SENATOR WEAVER)

State...

SENATOR JACOBS:

Does this need an extraordinary majority? Does this, in fact, violate the home rule principle - inasmuch as the City of Chicago, as I understand, is included, therefore their -- their authority could be overridden by a municipality outside of the City of Chicago?

PRESIDING OFFICER: (SENATOR WEAVER)

It does not prevent home rule. It doesn't preclude home rule.
Senator Jacobs.

SENATOR JACOBS:

What was the response again? I didn't hear it.

PRESIDING OFFICER: (SENATOR WEAVER)

It does not. Senator Jacobs.

SENATOR JACOBS:

To the bill: I respectfully disagree with the ruling, but that's another story. Does the -- will the sponsor yield for a question? Just -- just a little clarification, if I might. According to what we have received, we have a memo that says, "According to review by the EPA's legal staff, this bill will affect the Robbins incinerator site, because it does not specify what type of permit must be approved by the municipalities within five miles of the proposed site." That appears to me to be very self-containing, and it does include an operating permit. And, in fact, if there is a specific -- as you say, it says "permit" - singular. If there is one facility that just needs one "permit" -

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singular - left, it is the Robbins site, and I think that this bill specifically is written very narrowly to affect the Robbins site. Is that a correct assessment or not, Senator?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

I'd like to respond to Senator Butler, not to avoid -- Senator Jacobs, not to avoid you. I mean, you've made your point, and I'd made my point previously.

PRESIDING OFFICER: (SENATOR WEAVER)

We still have several that wish to be heard. Senator Collins. Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR COLLINS:

Senator, in -- in my analysis here, it indicated that this bill would not impact on the Robbins proposed incinerator. And to your knowledge, will it, based on the way this bill is drafted?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

My understanding, Senator Collins, is that this bill would impact on the Robbins facility if, and only if, the existing permit was extinguished or not extended or what might happen to it. What I'm saying is that if there are new permits that need to be gotten for local site approval, then this would affect it. I understand that the Robbins facility has local site approval. If that's not true, then I -- I'm not going to ask that rhetorically. It is not true; they do have a permit, and I might add - unfortunately.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Is there a court challenge to that permit at all, at this particular time? Is there a court challenge pending?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley. Senator O'Malley.

SENATOR O'MALLEY:

It's my understanding, Senator, that there was a consent decree of some sort entered into between the developer, the Attorney General's Office -- I don't know whether the Village of Robbins was a party to it, but they certainly were the beneficiary of it. I understand that litigation was resolved. Other than that, I don't know.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

So the -- the opinion issued or rendered, something, was -- the Attorney General's Office, the other day or several weeks ago -- I mean, no, last week - several days ago - did that satisfy the -- the objections to -- to the Robbins moving forward with their -- with this project?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

I don't know the contents of it, Senator; however, it's my understanding that the Attorney General, who brought the original objection to the siting process, is a party to it, and it basically -- it may -- I think it added some additional requirements in terms of supervision and monitoring of the site at a later point in time, when it's operational. But that's my understanding of what -- what that was about. And -- and that

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resolved that litigation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Well, so then to your knowledge, they can, without having to go through these -- this process, move forward with their incinerator and obtain an operating permit?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

That is my understanding of it. And -- and again - I'll be very honest with the Body - I feel that's unfortunate, but true.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR HENDON:

Thank you very much, Senator O'Malley. My good friend, if a -- if a municipality surrounding Chicago -- if Chicago wanted to have an incinerator, and municipalities surrounding Chicago within five miles -- would they have veto power over Chicago's decision under this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

I -- I think -- isn't that the essence of Senator Jacobs' question previously? And I -- I might direct that at the Chair, and the Chair made a ruling on it.

PRESIDING OFFICER: (SENATOR WEAVER)

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Well, Senator O'Malley, it's so noisy in the Chamber, I wasn't able to understand the question. Would we keep the noise level down a little bit? Take your conferences off the Floor. Senator Hendon, you want...

SENATOR O'MALLEY:

Is -- is -- I believe the -- if I -- if I could restate the question, Mr. President?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

And correct me, Senator Hendon, if I'm incorrect. Your question is whether or not communities outside the borders of the City of Chicago will preempt the -- the home rule authority of the City of Chicago because of this legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

That is absolutely correct. And I know, if I might, that the Chair gave an opinion from the Chair on this matter. But as the sponsor of the legislation -- I'm just respectfully requesting from the -- through the Chair that the sponsor of the legislation, who may have more knowledge of the information, since it is your legislation, give your opinion on that question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

You know, I'm -- I'm not an expert in the area; although, Senator, you know I am an attorney, but I'm not an expert in this particular area of the law. However, in my opinion - in my opinion - I would agree with the Chair.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

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SENATOR HENDON:

I'll be brief, Mr. Chairman. Where in your legislation does it clearly spell out that the home rule authority of another municipality will not be preempted if any municipality within five miles will have veto power? Where in your legislation - what page, what line - is that clearly spelled out?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

The concept of home rule is not specifically in this legislation or this Chapter. It is contained elsewhere in the Statutes of the State of Illinois and -- and would preempt this. That's what the ruling of the Chair would be, and I would agree with the Chair.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Doesn't, in fact, any new legislation that we pass have an effect on previous legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Well, certainly it does, and hopefully it all ties together.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

So, in fact, we could, in this Chamber, pass some legislation that eliminates home rule if we wanted to, and then that would be the case. Is that not correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

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If that were the specific -- if that were the question before the Body, that would be the case. This neither prohibits nor extends it. It exists on its own.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

I'll conclude with this: Since you agree that we can, in fact, if the question was before the Body, even though it's not before the Body now, that we could change the name of the State of Illinois to some other state or we could get rid of home rule altogether. If you are, in fact, giving other municipalities veto power over another municipality, you are, in fact, preempting home rule. And I would just suggest that you take a serious look at this, return this back to 2nd Reading or hold it over or whatever, because I know for a fact that Mayor Brodie - and I'm concerned about Robbins, Senator - has worked on this for about seven years, and it would be a shame to have some other community that was her opponent, that also was trying to get an incinerator. And that's where you have to be very, very careful. Your neighboring municipality could be competing against your community for a riverboat or for an airport, or whatever, and if -- if they lose to you, they should not have the right to be able to veto you from proceeding. Thank you, Mr. Chairman.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I -- I don't understand the last rationale of why to vote No on this, because tit for tat. You know, they could turn right around and veto the -- the incinerator in the other community. I don't see the rationale for that last -- last comment. But what's wrong with allowing a community who's going to be impacted - and that's what this is; five miles of

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community could very well be impacted from an incinerator - what's wrong with those people having a say? I don't see a problem with this. I think it's a good idea, and I certainly rise in support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in support of this legislation and probably for a different reason. Some -- a few years back, the City of Mount Vernon -- they have a large General Tire plant there, so we didn't have a solid waste or anything. And so they were exploring the incinerators, and the cost was absolutely prohibitive to build it. And another thing -- reason they wouldn't is we have a surplus of energy and they could buy their energy cheaper than they could generate it. So, you know, whether it's five miles or a hundred miles, I'm not so sure but what we need to really know what we're doing before we get into this, because in other states and all, I know a lot of them have failed and cost communities a lot of money. So that would -- that's my reason for supporting this legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. A question -- a statement and then a question to the sponsor. I understand, according to the review by the EPA's legal staff, this bill will affect Robbins incinerator site, because it does not specify what type of permit must be approved by the municipalities within five miles of the proposed site. Now to you the question: At this time, I understand Robbins has not received an operating permit, and it would need to receive that approval from the municipalities within five miles of that site - of the site of where they are located. Is it a possibility, in your legislation, that...

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley. Senator Smith, had you finished your question?

SENATOR SMITH:

I want to ask you: Is it a possibility with -- with a surety, that Robbins would be permitted -- would receive a favorable response from municipalities five miles from them in getting their operating permit?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

That's a question I couldn't answer, and I don't think it's a question of whether Robbins would receive it. The nature of this, Senator Smith, is that the developer - and in this case you're referring to an out-of-state developer, the Reading Energy Corporation from Pennsylvania - would have to go to each community within five miles and seek approval. But again, if you refer to page 5 of my bill and you look at lines 19 through 31, my reading of the bill, and this was my intent of it, "Before establishing the site for any...nonhazardous waste..." - for such facility - "The agency shall not issue a permit for a new incinerator unless the governing body of every municipality within 5 miles of the proposed incinerator site approves...the site." This refers to a single permit, and it refers to approving the site. Now, the site has been approved. And I've been very honest with the Body that I don't -- I don't agree with that. However, I bring to you and my colleagues in the Senate, my experience in the southwest suburbs of Cook County, and I firmly believe this concept of expanding the definition of local control to include more people who will be impacted for generations to come, of such a project, should have something to say about it. And that is why it's here.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Smith.

SENATOR SMITH:

Senator O'Malley, I'm going to be frank with you. I know the state and the status of -- of Robbins. They're trying very hard to maintain their municipality, and I'm just so afraid that they might find some people who are -- municipalities five miles from them that are -- purposely may want to exclude them and say that it is not possible that you may have a operating permit from us - to exclude them. And so, if there was some way in your legislation that, even if you -- like you said here, you said, "those" -- and I'm quoting you, you said "those who are affected." Is there some way that you can put it in -- in your legislation and say -- spell out these towns, especially these small municipalities that are struggling?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR SMITH:

Is there some way that you can do that, to...(microphone cutoff)...to take the scare off of these municipalities - these small municipalities?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Smith, thank you for bringing your point of view to the debate. Let me suggest to you that you join with myself and Senator Palmer, Senator Farley and Senator Trotter in Senate Bill 188, which will be before us shortly, and support that bill. Senator Palmer will be happy to explain it much more than I possibly could. But what that bill does is address communities like Robbins in an effort to try in making those areas where we'd have recycling instead of things like incineration. So please consider that for the Village of Robbins. I have agreed to

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cosponsor that bill. I applaud Senator Palmer for bringing it before this Body. I -- I do so, and I recommend that to you, but I also mention it to you to let you know of my sincerity concerning the Village of Robbins.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. It's interesting to hear some of these arguments, how we should have a five-mile radius for an incinerator. Over the last four or five years, Senator Jerry Joyce and myself sponsored bills requiring a five-mile radius for landfills and requiring approval of those municipalities. I guess you might say, if Senator Joyce was dead, he'd be spinning in his grave if he heard some of these arguments. Well, let me just say that we've read a lot of stories about putting landfills on the south side of Chicago and putting -- now we're putting incinerators on the south side and the south of the -- the City of Chicago. I don't think it's a great idea. People keep saying we're running out of landfill space, but if you look at what's actually happening, there is more landfill space available than there was last year. Three counties around me have expanded. My county's talking about expanded. Every county has a plan going on in which they have to take care of their waste for the next twenty years. And many of them are expanding as well. The question about incinerators being safe or not hasn't been addressed here today, and there's still some question whether they are. This will be a brand new incinerator, never tried before. The technology has not been used before, and it's new to Illinois. I visited some incinerators owned by Waste Management a couple of years ago, and they were 99.9 percent pure. But what about the one one-hundredth percent that isn't? What about the emissions that go out that one day when the incinerator doesn't operate

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properly? How do you take those back? How do you apologize for something like that? It's unfortunate that this bill, while it's not being said, is actually being argued as a jobs bill. It's in a small town. They need the jobs. This is a new industry, and the only jobs they can get is by running a -- incinerator that hasn't been tried before. It's a sad state of affairs when Illinois comes down to arguing over where we're going to get rid of our garbage as the biggest jobs bill in the Legislature. The ultimate result of this should be not building an incinerator, but encouraging more recycling and reduction at the source. That's the answer to having enough landfill space. That's the answer to not having to build multi-million-dollar incinerators that are subsidized by us. You know, this isn't a one-man show - one company building this thing and they're going to get a little profit and the State's not going to have anything to do with it. We subsidize incinerators in the State of Illinois. And that's what's going to happen here. So, while you think that we may not be paying for it, we certainly are going to be having a share of it, and I don't think we're going to get a great benefit out of it. I would urge everybody to vote Aye.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I rise and I want to maybe clarify a little bit with Senator O'Malley what I think. As far as what people want to vote, as far as whether other municipalities within five miles should be able to vote for an incinerator built somewhere else, that's up to every individual Senator to make up his conscience. But I will address what Senator O'Malley said earlier about whether or not they're going to need another permit in Robbins. I happen to agree with Senator O'Malley. The way it's written, to me it's very similar when you build an apartment

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building or you build some big high-rise; you have to go to a municipality and you get a permit to build. You have to put your plans in; you have to put your architecture in; you have to get your zoning approved. Then you get approval to build. Once you build it, and it's up, then naturally you have what would be called an occupancy permit, and that's just to make sure that the plans were subscribed to when you built it. What I think Senator O'Malley is saying - and I happen to agree with him - is he's saying if you don't have the site approval now, which Robbins, I'm told, does have and has had -- now, no matter what, after it's built a year or four years from now, naturally the EPA and everybody else is going to go in there to make sure that the elevator shaft didn't crash down, that if they said they're going to put in four different screws, it's four different screws and not two; and I think that our analysis happens to be wrong. And I believe that once Robbins has this permit now, they have it. And this -- this new -- and I guess it's called "operating permit" is very similar to occupancy permit, and that is just to make sure that it's built according to plans. It's not to go back to all these municipalities and have the structure built and say, "Okay, now we need your approval." So I don't think -- I happen to agree with you, that Robbins doesn't seem to be involved in this. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm not going to apologize for rising for a second time, because I wasn't through the first time. But that's okay. Let me just say one of the reasons why I'm in opposition to the bill, because that's what I wanted to rise and say. For two reasons. State policy in the State of Illinois clearly mandates the

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utilization of energy from trash. Through its Public Utilities Act and the Solid Waste Management Act, the General -- General Assembly encouraged the development of trash to energy plants as a way to conserve energy resources and to reduce reliance on land disposal of solid waste. We always will have solid waste. We know that. But here is what we are told. Now, hopefully, this is -- if it is correct, I think we should pay important attention to it. What we lose if the Robbins plant is, in fact, affected by this: we will lose over a half billion dollars in tax revenues to Illinois and local municipalities, over four hundred million in wages and salaries, over three hundred million in private capital investment, over seventy-five million in savings on unemployment benefits paid by the State, and over eleven million in State income tax revenues on payroll dollars. Now those figures may or may not be correct, but those are the figures that are being presented to us as dollars that the economic development aspect of this bill means to local communities in the State of Illinois. For that reason alone, if that is the case and if, in fact, the permit is affected by -- by this bill, which I think it is, I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Mr. President and my colleagues in the Senate, and thank you for your patience today. Thank you for sharing your views with me. I won't take a lot of time in closing. I think there's been a lot discussed so far. Let me only say this: We have an opportunity today to take a hard look at local site approval. We have an opportunity with this bill to say to those people who are going to be affected by incinerators in the future that you have a voice, you have something to say. And by giving them that voice, we will ensure that the decision that's made on

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the siting of an incinerator and the technology that is used is more likely to be safe and will be good for generations to come. I -- I urge you to vote Yes for this vote and send that message with me. Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 52 pass. Those in favor, vote Aye. Those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 13 Nays, 6 voting Present. Senate Bill 52, having received the required constitutional majority, is declared passed. Senator Collins, on Senate Bill 57? Senator Collins? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 57.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 57 has a twofold objective. It provides for a parent or parents who are terminally ill or incapacitated to petition the court for a standby guardianship for the care of their children, and it also provides for a guardianship for limited duration for those parents who wish to, for a temporary period of time - for example, go on vacation or leave the State for -- on a sabbatical or some other reasons that they may have to leave the State - it allows for them to petition by affidavit the appointment designating a specific guardian for their children during their absence for up to sixty days. I'd like to thank all of the people that signed onto this bill, and also the committee for their

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unanimous support of this bill. I don't know of any objections. I would be happy to answer any questions. If not, I would just seek a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

I -- I just -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd just like to ask the sponsor -- where's she at? You know, this is a great bill and it's a good idea. But why should we just limit it to people who are terminally ill? I think it even would serve better -- if -- if myself or anybody else were to die suddenly in an accident, there'd be more of a need for it than someone who is just terminally ill. I don't understand why -- why...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

...(microphone cutoff)...limited to those persons who are terminally ill. It's just that it covers those persons. And the reason I focused on that particular issue is because of the known cases of those people suffering and dying from -- from AIDS. And to give them an opportunity to have peace of mind to live out their last days, they can now go in and have this guardianship established prior to their -- to the death.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 57 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 56 -- 57, having received the constitutional majority, is declared passed. Senate Bill 60. Senator -- Mahar? Read the bill, Mr.

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Secretary.

SECRETARY HARRY:

Senate Bill 60.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. The Calendar -- description on the Calendar is exactly what the bill does. The committee amendment is -- has become the bill, and I'll just expand that it allows certified fire fighters II and paramedics to receive a half preference point per service year, a maximum of five; and a certified fire fighter III to receive one point per service year, with a maximum of five. And it also stipulates that no candidate may receive preference points if that would place that candidate above a military veteran on the eligibility list. This is an agreed bill between the fire protection districts, the Associated Fire Fighters of Illinois, the Fire Chiefs Association of Illinois and Chicago Local 2. I know of no opposition, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR CULLERTON:

Senator, you described it as an agreed bill. This sounds like something that normally would be negotiated, you know, in a contract with a municipal -- with a municipality. Did the Municipal League indicate they have any position on this bill?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Yeah. They're -- the Municipal League did not object. This only deals with the fire protection districts. That point -- that portion that dealt -- under the Municipal Code, dealt with the -- the candidate -- no candidate may receive preference points if that would place that candidate above a military veteran on the eligibility list. The Municipal League had no objection to that.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate Bill 60 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, no Nays, 4 voting Present. Senate Bill 60, having received the constitutional majority, is declared passed. Senate Bill 66, Senator Topinka? Out of the record. 80, Senator Madigan? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 80.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 80 amends the Small Employer Group Health Insurance Law that we passed, I think, a year or two ago. As a result of the discussion and the compromise agreement that had to be reached on the Small Business Employer Group Health Insurance Act, there was a stipulation in that bill that required an employer who had group insurance in force at the time and desired to go to the small employer group plan, it

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required that employer to drop his group health insurance coverage for a twelve-month period prior to enrolling in the small employer health plan. Now what this has turned out has obviously created problems, because most fair-minded employers do not want to leave their employers <sic> without insurance for a twelve-month period. And certainly that does not seem to be a fair way to proceed in an attempt to provide affordable health insurance to small businesses. So Senate Bill 80 removes the requirement that an -- that an employer has to go with -- for a twelve-month period without health insurance offer -- without being able to offer group health insurance to his -- his or her employees, and allows that employer to convert their group health insurance to the small business employer health plan. And that's basically what Senate Bill 80 does. I'll be glad to answer any questions...

PRESIDING OFFICER: (SENATOR WEAVER)

Is -- is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I believe it was last year or the year before, the Small Employer Group Health Insurance Bill was passed, and at the time it was passed, it was advertised as an opportunity to encourage -- companies that did not provide any health insurance to do so. We were going to eliminate mandated benefits for the small employer, allowing for a very basic health insurance program that could be purchased for a very low cost. Well, as it turns out, not very many people have decided to take advantage of this bill and -- of this law. The theory behind the bill was to get people who are not now providing insurance to provide insurance. We had, as part of that bill, this provision which said that if you currently had people in your employ and who had insurance, they could not switch to take advantage of this scaled-down policy. This, then, is kind of like renegeing on that deal. I certainly don't think that it's going to

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make much difference, because people don't seem to want to purchase the policies that are now being offered. And I would suggest that this, like many other bills this year that deal with health insurance, and for that matter, the medical system, are -- are going to be obsolete. I think we have to wait and see what's going to happen out of Washington, but I think that, for those of you who supported the small employer group health insurance, there was kind of an unwritten understanding; at least this provision was in there for that purpose. I'm not saying that there was -- there's anything wrong with introducing the bill. There's no -- there was never any promise that it was never going to be changed - I'm not suggesting that. But I'm just saying that that's what the theory was. And whether it be a good idea or bad, for whatever reasons, people seemed to have not taken advantage of the -- the law that we passed. And therefore, I don't think this is a good idea, and would vote No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. And I -- I concur with the previous speaker on -- on this issue, and what we have before us here is a piece of legislation that is designed, more or less, to give employees a lesser amount of insurance coverage. And we did come to an agreement when we passed that legislation a few short years ago. Now, we are talking about health care coverage for people working in these small industries or small business in the State of Illinois. And this is a problem not only in this State, but it's a national problem. And we should not be encouraging, through legislation -- that is, should not be encouraging legislation that would circumvent that law and at the same time place people in positions where they would not have proper health care coverage. This is a very serious, serious problem in this

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State and in the nation. And my good friend, Senator Madigan, now the Chairman, who sat in on those negotiations and dealt with that legislation, we should not be turning the clock back; we should try to hold things as they are and not place people in positions where they do not have health care coverage. And I would suggest very strongly to the Members of this Body, is that we do not place people who need just the bare minimum of health care coverage - do not place them in a position wherein they can lose benefits or in a policy that they currently have and let that -- let that small employer reduce the insurance that they are so entitled to. So this is a very terrible piece of legislation. It's very terrible at the time when we are trying to do something to give the twelve million citizens in Illinois the opportunity to have health care coverages. So I encourage a very strong No vote on Senate Bill 80.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

I rise in support of this bill for a couple reasons. I think Senator Cullerton mentioned the fact that not many people have taken advantage of this bill. I agree. Maybe not many aren't taking advantage of it, but there are employers in the current situation over the last two years, since this original legislation was passed, that health costs have skyrocketed to the point where employers can no longer afford to carry insurance for their employees. The question comes down to, in these small businesses: Is a standard plan like this better than no plan at all? And that's really what it comes down to. This is going to give employers the opportunity to keep benefits for employees that they otherwise would have to cancel. So I think this is a great bill, and I wish everyone should support it, because this is a bill to help employees, not the employer - help employees - of small

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companies.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Madigan may close.

SENATOR MADIGAN:

Thank you, Mr. President. Actually, I think all the previous speakers kind of made my point as to what -- why we need Senate Bill 80. And the whole point of the matter is that the current legislation requires an employer, if he desires to go to the small business plan, requires them to force their employees not to have insurance for a twelve-month period. And that's the big reason why the small business group plan, or no-frills plan, does not have much play, because the employers do not want to -- the fair-minded employers that have insurance of that nature do not want to place their employees in a no-insurance mode for a twelve-month period before that they -- before they can enroll in the no-frills plan. And the other alternatives that they have there to look at is reducing employment or not being able to offer their employees maybe a higher wage rate or other benefits that they may be able to do if they could convert to a basic, no-frills plan that affords the proper coverage to their employees. And it's as simple as that, Ladies and Gentlemen, and I would ask you to vote Aye on Senate Bill 80.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 80 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 35, the Nays are 18, 1 voting Present. Senate Bill 80, having received the constitutional majority, is declared passed. Senator Woodyard, 85? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 85.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Senate Bill 85 actually has a genesis going back, I guess, well over a year ago when the U.S. Supreme Court upheld a Wisconsin lawsuit basically saying that local units of government could regulate pesticides. Well, as you can well imagine, this had a ripple effect throughout many of the states in the United States, due to the fear that pesticides would try to be regulated by any unit of local government, sometimes without the technical or -- expertise of knowledge to be able to regulate those pesticides. As a result of that, a year ago Senator O'Daniel and myself sponsored a bill -- bill very similar to Senate Bill 85, and we failed to -- to win passage of that legislation. It was my opinion, due to the fact we did not pass that bill last -- last year, well, let's see what happens during the interim period of time. Are there units of local government that are really going to try to regulate pesticides? Well, lo and behold, there are approximately fifteen units of local government in the State of Illinois today who are trying to -- to do something to regulate pesticide. And what we're saying in Senate Bill 85, that we go back to exactly what we have done over a long period of years, and that's that the Department of Agriculture would have the -- the bottom line responsibility of certification, of regulation of pesticides in the operator licensure. That's basically what this bill does. And I'd be happy to answer any questions, or solicit your Aye vote on it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator O'Daniel.

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SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in strong support of this legislation. Last year we tried to move the -- the same bill pretty well, and then President Phil Rock said if you'll take Cook County out of it, we'll support you. So this year it takes it out. And you know, I -- I just think that if we tried to regulate pesticides in every little community and every township and all, it would be absolutely a nightmare. I think the Department of Agriculture should do this. And if we're concerned about underground water contamination, things of this nature, I think this is -- this is something that should be regulated, because there's a lot of small communities that don't have the expertise to regulate these. And I rise in strong support of this legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

I have an inquiry of the Chair. As I understand it, this bill preempts home rule powers of all home rule units in the State other than home rule units with a population exceeding two million, and I wondered if you could tell me whether or not that -- that type of language would require a thirty-six vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, the bill expressly calls for the exclusive exercise of home rule powers by the State, pursuant to Section 6(h) of Article VII of the Constitution. Consequently, the bill will require thirty votes for Senate passage. Is there further discussion? If not, the question is, shall Senate Bill 85 pass. Those in favor will be voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 43 Ayes, 6 Nays, 1 voting Present. Senate Bill 85, having received the

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constitutional majority, is declared passed. Senator Peterson.
87. Read the bill, Madam Secretary. 87. Senator Peterson, do
you wish this bill returned to 2nd Reading for the purpose of an
amendment?

SENATOR PETERSON:

Yes, Mr. President. I request leave to return the bill to 2nd
Reading for the purposes of an amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson seeks leave of the Body to return Senate Bill
87 to the Order of 2nd Reading for the purpose of an amendment.
Is there leave? Hearing no objection, leave is granted. Senate
Bill 87 is on 2nd Reading. Madam Secretary, are there amendments
approved for consideration?

ACTING SECRETARY HAWKER:

Senate Amendment No. 1, offered by Senators Watson and
Karpel.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, to explain the amendment.

SENATOR WATSON:

Yes. Thank you, Mr. President. This involves the
principal-in-charge issue. The bill originally passed out of
committee and came onto the Floor. We asked that it go back to
committee for an amendment, after meeting with the Urban League of
the City of Chicago and other reform groups, in an attempt to
satisfy some of their concerns about the principal-in-charge. The
intent of this bill -- or this amendment is the same, of course,
as the original intent of Senate Bill 87. The amendment spells
out that the principal has authority to set the hours of operation
and the hours for staffing the school. I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

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Thank you very much. I'd like to ask the Gentleman a question, if I might. Does this amendment include the supernumeraries that we just discussed a few minutes ago?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

There is some language, Senator, that involves the supernumerary.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer. Excuse me, Senator Demuzio. Do you have another question?

SENATOR DEMUZIO:

I was under the impression that -- that supernumerary language was going to come out of this amendment, and now that Senator Berman is on the Floor, perhaps I might yield to him for further questioning.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Let me explain what happened here and see if the sponsor wishes to take this out of the record. We had discussed last week - Senator Watson and I - that this bill, which deals with the principal-in-charge, had an amendment that strengthened the language of the principal-in-charge. That caused me no problem; I indicated that I supported it. However, there was language in there that tied this issue to the issue of supernumeraries. Supernumeraries is addressed in another bill which was also in committee today. And I suggested that in order to achieve the principals-in-charge purpose, that we ought not to mix the subjects. We had amendment submitted that would have taken off -- taken out the language on page six of this amended bill, that dealt with supernumeraries. For some reason, that

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amendment was not posted for today. Let me repeat that: For some reason, that amendment was not posted for today. I don't know if the sponsor would have accepted the amendment today. As of last week, it was my impression that he would have, in order to keep these issues separate. I have problems with that supernumerary language being in this bill. I don't want to go into the merits of it, but I do support the principal-in-charge -- bill. And I'm not sure what I'm going to do today on 3rd Reading, but I sure would like to suggest that the sponsor take this out of the record, take out the supernumerary language. Let's pass a clean bill, putting the principal in charge, and that would be my respectful suggestion to the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. I, too, am taken aback that this language is still in the bill. I thought we had an agreement, particularly after we spent some four hours at a very good meeting, as Senator Watson mentioned, at the Urban League in Chicago some two weeks ago. One of the main points we made is that the principals-in-charge should be a clean and separate bill, and I thought that we had agreed to pulling out the supernumerary language so that we could give this bill as much support as possible. I'd like to ask the sponsor what happened, because we just had this conversation a few days ago.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I appreciate the opportunity to try to -- shed some light on this. After discussions with the Urban League - and by the way, this is language that came from the Urban League; this is their amendment. And we met, as Senator Palmer

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has mentioned - several of us - with the Urban League in the City of Chicago a couple of weeks ago today, and the idea being that we wanted to do something in which the Urban League and the reform groups from the City could support. This was their amendment; this was their principal-in-charge issue; they came to us with this language. Now, let me read to you what the language actually says, and see if it's as onerous, as really, as you'd really think it might be. First of all, the principal shall make the final decision in selecting teachers to fill a new and vacant position based on merit and ability to perform in that position, without regard to seniority, or supernumerary status, or length of service. It also suggests that the principal does not have to give, necessarily, first consideration to a -- supernumerary teacher. Now I don't look that that language as being all that prohibitive. Some people, I think, just don't want to vote on a supernumerary issue, period. All I'm asking for is that the principal be in charge, and that's what this is all about. This is giving the principal the authority and to be in charge of the selection process of teachers in his school. And that's what this language is. We take the supernumeraries out? Sure. They should be out.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

I apologize for rising a second time, but, Senator Watson, I'm not sure that you and I were at the same meeting. That is not -- and I'm certainly not here to speak as a -- for the Urban League, but that is not what we agreed to. We said that there would be a principals-in-charge bill, period; that the supernumerary would be handled in another bill, and there are, in fact, two bills now before us. Senate Bill 87 was to be specifically the principals-in-charge. Now, you and I were at the same meeting,

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and this is not what we discussed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Watson, as you know, I -- I was also at that meeting, and I thought we had an understanding. I thought the agreement was that we would deal with the principals in charge, of the operating engineers and the food service staff in a separate bill. I was also surprised to learn in committee today that the supernumerary language was in this bill. I want to also request that we take the supernumerary language out of this bill, so that those of us who have been supportive of this issue since the beginning can continue to support the legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

END OF TAPE

TAPE 3

SENATOR COLLINS:

Senator Watson, not only was the language in violation - in this particular bill - in violation of an agreement that was made between yourself and -- and others represented at that meeting - of course, I was not at the meeting; didn't even know anything about it - but they were never even told. These people were sitting in that committee this morning when this amendment came up, and didn't even know. Senator, that's not fair. You didn't even extend them the courtesy of telling them. This -- this amendment is not -- it still has the supernumerary language in it.

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They was as shocked and surprised as we were when Senator Berman raised that issue this morning in committee, of amendment that was not going to be heard. When he raised it, they didn't even know it existed. And I think that was an insult and it was unfair. You ought to take this thing out of the record and we ought to put it in the form that it was supposed to be in, and let us move on about the business of giving the Chicago school principals the right to supervise all personnel in that school.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR CULLERTON:

Senator Watson, I have a question on -- I think it's on line 17, 18, 19 of -- of the bill. The language says that "The engineer-in-charge or "(the)" head custodian, under the supervision of the principal, shall be responsible for the duties of head custodian which are set forth in the 1986 National Custodial Methods and Procedures Manual of the Association of School Business Officials." I just wondered if you could tell me what that manual was -- was all about. And I'll just give you - while you're finding that language - I'll just give you by way of background: When -- when we first passed this Act a number of years ago, I was involved with -- kind of a negotiations over getting the proper language. And I met with the principals and with the operating engineers, and we came up with agreed-upon language, which talked about the engineer-in-charge being accountable to the principal, but basically, the engineer-in-charge being the one ultimately responsible. So if the pipes burst in the middle of the night, the principal wasn't

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in charge, such that he had to come and fix them; the operating engineer would do so. So maybe this language -- maybe this manual is the right way to go. It's just that I never heard of it, and I just wondered if you could enlighten me as to what that language is all about.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

That's to make sure that the people are actually expertise in what they do - they got to have some background, some training.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, I -- if you could just -- do you know what this manual is all about? What's the background? Where does it come from? Who -- do we use it in other situations in Illinois? Or -- does it apply to your district? Is this what they're using in your district...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson. Senator Watson.

SENATOR WATSON:

Well, I don't have the manual with me, Senator, so I don't really know. I can't really answer that. All we -- what I understand is this language has been in most all principal-in-charge issues, in most of the bills that we've had before us in regard to the principal-in-charge.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion on the amendment? All in favor of the amendment, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further amendments for consideration?

ACTING SECRETARY HAWKER:

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No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Woodyard, you wish to call Senate Bill 95? Senator Woodyard, 95? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 95.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Senate Bill 95 was suggested to us involving tax sales and the posture of the bill at this present time is to allow the multiple parcels to be listed in one publication. Also, it does contain a -- an amendment -- a couple of clarifying amendments, by Senator -- Senator Berman, who suggested in committee that also in addition to these publication notices, there should be the street address in -- and the city in which that person resided. Later, to clarify that amendment, Senator Carroll, on behalf of, I believe, Senator Berman, last week did add another amendment that basically says there is no liability if there is an error in that publication notice on the street address and -- and city involved. So, that's basically what -- what the thing does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 95 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 95, having received the constitutional majority, is declared passed. 96, Senator Barkhausen? Read the bill, Madam

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Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 96.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. I have two bills in succession here, both of which are initiatives of the Management Association of Illinois. The first, Senate Bill 96, creates a Grievance Procedure Utilization Act, which would allow an employer to maintain a grievance procedure in writing and would provide that no employee could file a civil action in State court based on a work-related dispute, unless and until the employee first utilizes the grievance procedure made available by the employer. There would be an exception to this requirement for remedies that are administrative in nature, under both State and federal law. We had some extensive discussion of this matter in committee. We amended the bill to reduce the time period during which the employee would have to pursue a grievance procedure before being able to go to court, reducing that down from one year to one hundred and eighty days. I'd be glad to answer any questions, and otherwise would ask for the support of my colleagues.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR PALMER:

Senator Barkhausen, one of the concerns that I had in

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committee on this bill, and I want to bring it up again, is that I had put in an amendment that would have required a grievance procedure to be distributed to the affected employees, and therefore not effective until thirty days after posted and distributed. This amendment was not attached to the bill. It seems to me that that is very fair, and I'm just wondering why there was a problem with adding this amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I - I don't mean to plead ignorance, Senator Palmer; I frankly don't -- don't recall specifically that suggestion. I -- well, you know, I wonder whether it was part of a broader amendment that may have been something to which we, on our side, took greater -- greater exception. I really don't remember that specific suggestion you said -- said that you made.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you. I would certainly like to add that amendment as a fairness issue. Are you agreeable to taking it back to 2nd and adding that? It's a very simple and positive amendment that does not change the nature of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, there's obviously another Chamber through which this bill would have to make its way, that of course is controlled by -- by your party rather than ours. I -- I assume that the -- the bill, if it makes it all the way through, as I hope it will, probably won't be in identical -- the identical form that we're looking at it right now, in any event, and there would be plenty

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of opportunity for such an amendment in the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 96 pass. Those in favor will vote Aye. Those opposed will vote No. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 26, none voting Present. Senate Bill 96, having received the constitutional majority, is declared passed. Senate Bill 97, Senator Barkhausen? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 97.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. As I indicated when I began my remarks on Senate Bill 96, these are two bills that sort of go together. Senate Bill 97, which actually, I'd point out to the Members, passed the Senate under -- under Democratic control forty votes to -- to eight in the 87th General Assembly, creates the Employment Record Disclosure Act, whereby employers would be protected from liability in situations where they are simply providing a truthful information with regard to the record of an employee at a -- at that employer, presumably a former employer. I'd be glad to -- it's a pretty straightforward bill. It's seeking, -- Mr. President, I'm -- have, I think, a fairly loud voice, but am trouble -- having trouble hearing my own voice. It -- it -- it does -- it does two things that I think are favorable to employees. It -- it makes it easier for a prospective employer to get accurate information on the record of that employee, and at

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the same time, it, I think, creates an easier and free-flowing job market, and will hopefully make it easier for prospective employees to find jobs by speeding the process of recommendations and information that might come from former employers. I seek the support of my colleagues.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton? The question is, shall Senate Bill 97 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 32 Ayes, 21 Nays, 1 voting Present. Senate Bill 97, having received the constitutional majority, is declared passed. 99, Senator Trotter? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 99.

(Secretary Reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. During the Governor's State of the State address, he indicated that he wanted to insure as we go into the next century, that we have a healthy State and that -- by that he meant he wanted to be economically healthy as well as its citizenry, and what he has done is he's given eighty-one million dollars to the program of the Healthy Kids/Healthy Moms <sic>, and what I've asked in Senate Bill 99, that the Department of Public Aid, which has been mandated to run that program, give this Assembly -- General Assembly, at least a report on how they would be spending the money and also the successes of that program throughout the year. There's other details, and I'm willing to answer questions, if

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necessary.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I speak in support of the bill, and as you'll notice, we had a very favorable roll call on it in our committee, because we do feel if money like this is going to be expended, we would like to know when and if and how, as well as are we getting, you know, the best bang for the buck, and I think Senator Trotter has addressed that. But I would like to ask a question of him, if I might. It's my understanding that you do still have some technical things to clean up, which the Department of Public Aid has agreed to in terms of it being done in the House and then coming back over here. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Yes, that's absolutely correct. I've met with representatives from the Department of Public Aid, and they agreed with the concept and the intent of the bill, and there are some little minor details that they're willing to go to -- let go to the House, and when it comes back to the Senate, I'll concur on those changes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

And do we have an understanding therefore that whatever comes back will be just these technical modifications and we will concur to those, but there won't be anything of a substantive nature or something we haven't seen yet, or don't like, that will come back on this bill?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Yes. Of -- of course I can't speak what the House will do, however, my intent is to bring it back just as it is. I think this -- the language here is really conclusive and definitive of what we need and the Department feels the same as I do.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question then?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he would.

SENATOR FAWELL:

With -- with that -- technical amendments that you are talking about, does the Public Aid then withdraw their objection to this bill? Did you get that straightened out with them?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Yes, ma'am. Right now there's really no objections; it's just that we have some -- some duplicative kind of things here and they just want to take that out.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 99 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 99, having received a constitutional majority, is declared passed. Senate Bill 104, Senator Petka? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 104.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 104 is an amendment to the Educational Labor Relations Act and also to the -- let's see -- the Public Labor Relations Act. What this bill provides is a procedure which basically is a direct result of two United States Supreme Court cases: one, the Beck decision, 1988; and more recently, Chicago Teachers' Union versus Hudson. These cases basically hold that a private sector union, which collects a fair share fee from nonmembers, must provide advance justification for the amount of the fee; a reasonably prompt, impartial hearing for nonmembers who object to the union fee assessment; and an escrow arrangement that preserves the funds for dissenting fair share payers while their objections are being adjudicated. What this -- Senate -- or Committee Amendment No. 1, which was adopted, requires labor organizations, at least fourteen days prior to the -- commencement of the first payroll deduction of fair share fees, to provide notice by mail and by posting to nonmembers, information about fair share fee and a right to file an objection. The reason for this amendment is very simple. That is that there are members of labor organizations who are, because of contracts that are signed and ratified by the board, who would ordinarily choose not to be members of the union. However, they -- they would prefer not to support a union agenda that they do not agree with, but are more than willing to support their local union and make fair share contributions to charitable organizations, if the contribution would have otherwise been used for partisan political purposes.

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For this reason, notice is given to these employers <sic> of the rights that they have under the Supreme Court decisions. I would ask for the adoption of this and support for Senate Bill 104.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. As a member of the Commerce and Industry Committee, I want to say to the Body that I am strongly in opposition to this bill. It is, in many respects, duplicative, and it's not clear why there is need for such a bill. There are numerous court cases already in place, rulings already in place, that have outlined how fair share monies, fees, should be assessed and how they should be collected. As we heard at committee meeting, from more than one labor representative, fair share is looked at, studied, and there is no reason to put this bill on the books and turn it into a law. We already have governance and accountability when it comes to fair share, and I am just wondering why we are even considering this bill. I think it should be taken out of the record and given a resounding No.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Petka may close.

SENATOR PETKA:

Well, thank you again, Mr. President, Members of the Senate. This bill simply puts into place something that the Supreme Court has held under the First Amendment guarantees of freedom of association, and it simply provides notice to each of the members of what their First Amendment rights are, and for that reason I think that a -- an Aye vote is the right vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 104 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 25, the Nays are 29, 1 voting Present. Senate Bill 104, having failed to receive the constitutional majority, is declared lost. Senator Woodyard, on 105. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 105.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This is one of evidently what has become a package of bills dealing with the birds and the bees and the fish and now, dead animals. Quite frankly, this has been a severe problem to those of us in agriculture, over the last several years. It has become increasingly difficult to dispose of a -- of a dead animal, and what Senate Bill 105 does allow is that dead animals could be transported to a landfill or composted at the scene of death, under rules that the Department of Agriculture would have to promulgate. There is a licensure fee involved with this bill for people who would transport dead animals. That's basically what -- what the bill does, and I'd be glad to answer any questions or -- well, maybe not too glad to answer any questions, but I would seek your favorable support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Do I understand that current law permits the disposal of animals by rendering, incineration in an EPA-approved incinerator or burial at a landfill, or on-site burial per EPA regulation?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, any further?

SENATOR CULLERTON:

Yes, there -- just one other question: This bill has an exemption for EPA landfills; why is that?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Senator Cullerton, did you say does EPA have to exempt something to -- for these to be put in a landfill? If that's the question, no; it's my understanding not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

No, I think there -- there is an exemption in the bill for EPA. I'm trying to find the language, maybe it's in the amendment. "Except for waste haulers" -- I think it's on page two, line twenty-two. I just wondered why that was in there.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

All right, Senator Cullerton, are you talking about the amendment or the -- or the bill -- the amendment?

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion?

SENATOR WOODYARD:

Wait a minute, wait a minute. We're still trying to find this.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Senator Cullerton, I -- either I have the wrong amendment -- I can't find what you're -- what you're referring to.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Now in Amendment No. 1, lines fourteen through eighteen, it amends the bill on page two. So it reads "An owner, operator, or animal collection service may convey dead animals to a licensed landfill facility when no rendering service is available. Such transport shall be direct and not in conjunction with other collection activities," and then we get to the amendment, "except for waste haulers collecting waste in which a dead animal is included incidental to the collection of such waste." Then it says "No license or permit is required for any owner, operator or caretaker to convey dead animals to a landfill facility licensed under the Environmental Protection Act." So why it...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

That is correct, Senator. Presently you can dispose of a dead animal in a -- in a sanitary landfill, but it's my understanding that -- that they have to be hauled in a differently certified -- by a differently certified hauler, and some of the landfills are certainly charging very exorbitant tipping fees when they accept animals from, like a fire, or something like that, and -- and basically, this language is saying if they're a federally licensed or a licensed landfill under the EPA, that they can accept those animals.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Woodyard, in downstate Illinois now, we have these -- these paper bags that we pay a dollar for and we put out by the curb with our leaves. Under this bill, can we throw in a dead dog and let them haul the whole thing away?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Well, it's my understanding, Senator, that these would not go into a compost -- a compost operation. Certainly not the larger animals at all, but would go into the landfill, but if you wanted to compost on your own farm, you could -- you could certainly do that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, it sounds like the answer is, if it's a small dog, you can do it. Is that -- is that right?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard. Is there further discussion? If not, the question is, shall Senate Bill 105 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 105, having received the constitutional majority, is declared passed. Senator Madigan, do you wish Senate Bill 123 to be brought back to 2nd Reading for the

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purpose of an amendment?

SENATOR MADIGAN:

Thank you, Mr. President. No, I do not. I wish to proceed with the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR WEAVER)

Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 123.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. First of all, let me explain why I did not withdraw the bill. It is the opinion that Floor -- the Floor amendment that was filed is not necessary to the bill, and -- and the language would -- in the bill addresses that problem. Senate Bill 123 amends the appraiser article of the real estate license law to raise the renewal fees for real estate appraisers from fifty dollars to a hundred and twenty-five dollars, and from seventy-five dollars to a hundred and twenty-five dollars for certified residential appraisers. This is a -- this language comes from the Appraisers Association. Department of Professional Regulation is in support of this bill. At this time, I know of no opposition to the bill, and I ask for its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Just curiosity: Have we in the General Assembly dipped into this fund over the last couple of years?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan

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SENATOR MADIGAN:

Thank you, Mr. President. Senator Demuzio, while we have dipped into these funds in the past, I do not know if we have dipped into -- specifically dipped into this fund.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

This is -- this is a pretty significant jump from fifty dollars to a hundred and twenty-five for real estate appraisers and for certified residential appraisers from seventy-five to a hundred and twenty-five. How do we justify going from fifty to a hundred and twenty-five, I guess would be my question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. As I stated previously, this comes from the appraisers; it is their request to raise their fees by this amount, and they feel this amount is necessary so that they can enact the provisions, or support or enforce the provisions of the Act governing real estate appraisers.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 123 pass. Those in favor, vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 49, the Nays are 5, 1 voting Present. Senate Bill 123, having received the constitutional majority, is declared passed. 124. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 124.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 124, quite frankly, is -- is fairly simple. It amends the Higher Education Students Assistance Act. It permits an Illinois student who receives a merit scholarship, to use that scholarship money towards any of the four service academies: the Naval Academy, the Army Academy <sic>, the Air Force, et cetera. Be happy to ask <sic> any questions. It was a request from a constituent.

PRESIDING OFFICER: (SECRETARY WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 124 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. Senate Bill 124, having received the required constitutional majority, is declared passed. Senator Berman, on 127? Read the bill, Madam Secretary. For what purpose does Senator Petka arise?

SENATOR PETKA:

Thank you, Mr. President. I just wanted to inform the Body that I may have had a conflict of interest on that last bill, but I believe that I voted because of the merits of the bill and not in any conflict. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 127.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Berman.

SENATOR BERMAN:

Take -- take it out of the record, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Take it out of the record, Madam Secretary. Senator Watson, on 135? Senator Watson, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR WATSON:

Yes, Mr. President, I would like to do just that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson seeks leave of the Body to return Senate Bill 135 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. On the Order of 2nd Reading is Senate Bill 135, Mr. -- Madam Secretary. Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor amendment No. 1, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, to explain the amendment.

SENATOR WATSON:

Yes, thank you, Mr. President. Senate Amendment No. 1 deletes everything after the enacting clause and becomes the bill. We've heard this in the Education Committee just a -- just a -- few short hours ago. The language limits the supernumerary rights of Chicago teachers, and the amendment limits the payment of salary and benefits to sixty days after a teacher becomes a supernumerary. If, within two years after the conclusion of that sixty-day period, the supernumerary obtains certification in a new area and is selected for a position by a principal, the supernumerary teacher shall regain all tenure rights and seniority status as if there has been no interruption in employment. Be glad to answer any questions, otherwise I'd appreciate your support.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson's moved the adoption of Amendment No. 1 to Senate Bill 135. Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment is adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, on Amendment No. 2.

SENATOR WATSON:

This is the amendment dealing with an immediate effective date. I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor of the adoption of Amendment No. 2 to 135, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Karpel? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 139.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 139 amends the Job Referral and Job Listing Services Consumer Protection Act to exempt non-for-profit organizations from the Act. At the present time, the educational, religious, charitable and civic

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non-for-profit organizations are exempt. This would basically allow all non-for-profits to be exempt. This was brought to my attention by a small -- well, by a business in, now, Senator Lauzen's district. It's a joint venture between five professional communications networks, and what they do is, they put out a newsletter for job seekers in the communications field, and they feel that by not being exempted from this Act, as their attorney reads the Act, they would have to have -- everybody that called up and answers an ad in their newsletter would have to have a contract signed with them. So they've been acting to -- to be -- asked to be exempted also. This bill came out of committee nine to nothing -- nine to -- eight to nothing, and I would appreciate an Aye vote.

PRESIDING OFFICER: (SECRETARY WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 139 pass. Those in favor will vote Aye. Those -- opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 50, the Nays are none, none voting Present. Senate Bill 139, having received the constitutional majority, is declared passed. Senate Bill 142, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 142.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 142 stipulates that -- that information regarding witnesses to traffic accidents, traffic accident reports and rescue reports may be provided for inspection and copying without

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constituting an unwarranted invasion of personal privacy. There was some concern about this in committee and -- and an objection was -- was raised. An amendment was offered that -- that satisfied those that were concerned and that further stipulates that information regarding the witnesses to the accidents and rescue reports may be provided by agencies of local government, without constituting a clearly unwarranted, per se, invasion of personal privacy under the Freedom Of Information Act. I -- I think we were able to resolve the concerns, and I would otherwise seek your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 142 pass. Those in favor will vote Aye. Opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 142, having received the required constitutional majority, is declared passed. Senator Geo-Karis, do you wish this bill to be returned to 2nd Reading for the purpose of an amendment? Senator Geo-Karis seeks leave to bring Senate Bill 149 back to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. On the Order of 2nd Reading is Senate Bill 149. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senators Carroll, Garcia and Smith.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll, to explain the amendment.

SENATOR CARROLL:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3 is an attempt, we believe, to correct

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some defects in the proposed legislation. This deals with when a child care facility does not have to be fully licensed, inspected and operated. Amendment No. 3 would say that that won't happen in the case of a -- a day care facility. Currently, by the way, all church-run for -- while at church service or church-related are exempt. This would say that in the case where they are offered to the members of the church, temple, mosque, or parish and are not-for-profit in a for-profit sense, then they could avoid some of the licensure, and I would move its adoption. Answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll moves the adoption of Amendment No. 3 to Senate Bill 149. Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. Excuse me. Senator McCracken, for what purpose do you arise?

SENATOR MCCRACKEN:

Thank you, Mr. President. I'm not sure whether or not to oppose the amendment; the committee also approved for the Floor's consideration Amendment No. 4, which I believe would have the effect of deleting Senator Carroll's language. I believe Senate Amendment No. 4 more comprehensively addresses that portion of the concerns raised by Senate Amendment No. 3. I believe Senate Amendment 4 is the better alternative.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Carroll will close.

SENATOR CARROLL:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. The committee passed this, I believe, on an 8-0 vote. Senator McCracken's was a little more controversial than that. I believe that this amendment cures some of the defects, and -- and the next one - I know we should not be discussing another amendment - goes into issues that this does not address. This is

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strictly aimed at saying that if it is not-for-profit and for its own members, it could be granted some of these exemptions, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further -- excuse me, he was closing. All those in favor, say Aye. Opposed, Nay. It appears that a roll call is in order. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. There are 27 Ayes, 19 Nays, 3 voting Present. Amendment No. 3 is adopted. Are there further amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen. Amendment No. 4 makes the following changes to the bill, or I -- I -- I should say, rewrites the bill by deleting everything after the enacting clause, as amended. Requires that in order to comply with this Section of the Statute, a program must be operated as an integral part of a ministry, as defined in the Internal Revenue Code. It must qualify as a Section 501(c)(3) organization. It also must provide -- and also must comply with all applicable State health, safety, and fire standards. Senator Carroll's amendment, which we previously adopted, in effect, would require not only that the program be operated in conjunction with a ministry, but that the persons working at the program also be members of that particular church or mosque or parish - whatever the language specifies. What this bill does, in the case of minors under three years old, is require that all -- or authorize that all persons employed in these programs be subject to a criminal background check; requires

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that if the program does not make the criminal background check, that all persons considering placing their children with that ministry shall be so notified of that fact. Also requires that prior to creation of the program, or starting the program, that the State Fire Marshal's Office inspect for compliance with applicable health and -- or safety standards. And also requires that there be at least an annual inspection thereafter for that same purpose. I believe this fairly addresses the issues that have caused controversy to this bill. It does not go so far as Senator Carroll's amendment. It does not require that the employees be a part of the particular church. However, I believe it does meet every objection which goes to the question of safety, which goes to the question of whether this in fact will be a not-for-profit organization conducting these -- these services -- whether it will be a not-for-profit organization which complies with the Internal Revenue Code. I believe this addresses fairly those concerns previously raised. I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken has moved the adoption of Amendment No. 4 to Senate Bill 149. Is there discussions? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this amendment. Not because, truly, that it -- it wipes out the amendment we just passed. If it were a better idea or something other than that -- what -- that it does, I would be supportive. Here's what bothers me about it: We have had numerous problems in the -- in the area of child care. It has been one of the most horrendous crimes perpetrated on people in Illinois, and I'm not accusing anyone specifically. Some of them happen to have been in my own area. Some of them were operated, in fact, by people supposedly of the most noble intent. So we created an idea that we had to have things for

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health/safety. We had to make sure there were meal programs. We had to make sure there were staff-patient ratios. These are the type of protections I think parents want when they come into a child care situation, particularly one that is operated for a profit. We did say, however, that when someone is going to church, temple, mosque or a parish, that those people, while they are attending an activity - obviously it's a different situation - they need someone to take care of their child while they are at worship or attending other functions of their particular religion. So we've given a waiver for those things that deal with health and safety, for those things that deal with staff-patient ratio, meals and so on. What we have said by the amendment already adopted is, if that religious institution, be it church, temple, mosque or parish, is conducting child care within its own ranks, not for a profit, not holding itself out to the general public, okay, we can understand that and say fire safety code is truly sufficient - the criminal background check must still be done - but fire safety code, things like that, are still sufficient, because it's the parishioners themselves who are doing it, and it's really for one of their purposes. What this amendment does is destroy all the protections we've given the people. This would allow a waiver of the criminal protection. They do not have to do background checks. Yes, they have to notify the families on a form that will be a hundred other things. They do not have to do criminal background checks. I don't like that. We've had that situation in Chicago - an area, happened to have been in Senator Berman's district - a terrible situation. I don't want to see that happen again. Secondly, we're saying, and they can do it for a profit. Well, that to me is not the function of the kind of day care we want to exempt that's involved with a religious institution. I think this is going a terrible way. If we were to adopt it, I think it is something we would live long to regret - that we have

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taken away the protection from people when they put their child into someone's custody. And if it's some kind of an institution that wants to do it for a profit, why not have life safety code? Why not have the appropriate staff-patient ratio? Why should we waive that for a profit? If it's for a religious institution for a religious purpose, that's fine, and we've covered that by Amendment No. 3. I think this goes exactly the wrong way, and would strongly oppose it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I speak in favor of Amendment 4, because it does far more than Amendment No. 3. Amendment No. 3 restricts the use of that day care center just to people in that parish, or that mosque, or that temple. That's wrong. This amendment provides for criminal checks. It certainly says that "A church that ministers daily to children under the age of 3 shall cause a criminal background investigation to be conducted by the State Police on every person who works at the day care" center -- "day care program." It also provides that if it does not do so, the church must notify the person who sends their child there - under the age of three. This is a not-for-profit matter. It's a church, and it's based under the definition the Federal Government -- Federal Revenue Code as to what a church is. I think this is a very good amendment; it covers the safety of the children; it covers inspection of the premises for fire safety and so forth, and I ask that you support this Amendment, No. 4.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, I think it is

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ironically appropriate that on the day that the Branch Davidians have chosen to reduce themselves to rubble that we are discussing the safety of youngsters in the care of a church organization. I think we are moving in the wrong direction with this bill. I think the amendments are in the wrong direction. I think the bill's in the wrong direction, and I urge you not to try to improve it; let's just wait till it comes to 3rd Reading and defeat it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further -- discussion? Senator McCracken, to close.

SENATOR MCCRACKEN:

Well, it's unfortunate that we have gotten to the point where religion can be maligned as freely as it is on this Floor. I understand the Branch Davidians are nothing to hold up to as a good model, but to lump those people who would like to have this bill with the Branch Davidians and raise the bugaboo of cults and everything, I think is an unfair statement. Let me tell you what the bill does, and maybe on reflection Senator Carroll and I do not disagree, because I think he misunderstands what's in this bill. First, the program has to be "operated as an integral part of a ministry by a church, as described in Section 501(c)(3) of the Federal Internal Revenue Code...". 501(c)(3) is a not-for-profit organization definition and applicability of the Revenue Code. We are not talking about two different things here. We also state in the amendment - and will require as a matter of law, if it passes - that all applicable State health, safety, and fire standards are maintained. Let me tell you how this differs from current law. It differs from current law in -- in a couple of material respects. Right now, these exemptions, even less strenuous exemptions, are in place for day care programs for children over three. So if you have a four-year-old child, under current law you may take that four-year-old child to a -- to a

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program which, under current law, does not have as much restriction, as much safety, as much regulation as we propose in Amendment No. 4. That's the current law. This law, for children under three, gives them authority for the criminal background checks; requires them to notify if they haven't done it for these people; requires them to -- to comply with life, health, safety laws specifically referenced in this amendment; requires the State Fire Marshal to inspect prior to its opening; requires at least an annual reinspection and the maintenance of those standards. So on reflection maybe we don't have a disagreement here. That's what the bill does; I move its adoption -- or its -- the amendment's adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken's moved the adoption of Amendment No. 4 to Senate Bill 149. All those in favor, signify by saying Aye. Opposed, Nay. Amendment's adopted. Secretary will call the roll. Those in -- favor of Amendment No. 4 to Senate Bill 149 will vote Aye. Those opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 19, 1 voting Present. Senate Amendment No. 4 to Senate Bill 149 is adopted. Any further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, since my colleague did such an eloquent job on Amendment 4, I would like to transfer the chief sponsorship to him, and I'll join him as a cosponsor of Senate Bill 149, with leave of the Senate.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis has moved to change sponsorship of Senate Bill 149 from Senator Geo-Karis to Senator McCracken. Without objection, so ordered. Senate Bill 157. Senator Hasara? Senator Hasara, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR HASARA:

Yes, Mr. President, I'd -- I would like to.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara seeks leave of the Body to return Senate Bill 157 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 157. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Hasara.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, on Senate Amendment No. 1.

SENATOR HASARA:

Thank you, Mr. President. Amendment No. 1 would amend the State Employees Group Insurance Act by adding a paragraph that would allow State employees to opt out of the State health care plan. It would save the State money. There would be a provision for the employee to opt back in, in case the insurance they went to was cancelled. I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. Mr. President, I know our rules have a number of reforms. I just wondered how far they might go. This amendment changes the title of the bill, and the new title is, "An Act in Relation to State Government". This bill started

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out as a Vehicle Code bill, talking about a uniform traffic ordinance numbering system. Now we have an amendment that talks about the State group health insurance plan. So, I wondered if we could just have a ruling as to whether or not the amendment is germane.

PRESIDING OFFICER: (SENATOR WEAVER)

I find that it is germane, Senator Cullerton. Any further discussion? If not, Senator Hasara has moved the adoption of Amendment No. 1 to Senate Bill 157. All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Watson, do you wish Senate Bill 159 returned to 2nd Reading for the purpose of an amendment?

SENATOR WATSON:

Yes, I would, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson seeks leave of the Body to return Senate Bill 159 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading, Senate Bill 159. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, to explain Amendment No. 2.

SENATOR WATSON:

Thank you, Mr. President. The amendment was voted out Be Adopted by a 9 to nothing vote. What we're trying to do is consolidate as many noncontroversial bills as we can into one, to

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cut down the number of bills on the Calendar. Senate -- or, the State Board of Education brought to us these particular provisions. Senate Amendment No. 2 does the following: it changes the criteria for determining whether a district is placed on the watch list; it rewrites the formula calculation method for lab and alternative schools; it prohibits the recalculation of State aid claims, unless an adverse court decision results in a change of EAV by greater than two hundred and fifty thousand or two percent of the district's EAV; it also repeals the authorization for a tax equivalent grant to the Chaney-Monge School District in Will County; it establishes a new reimbursement line item for home and hospital instructional services provided to the regular students. With this language, we've added four particular pieces of legislation into one bill, in hopes to expedite the process. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Watson's moved the adoption of Amendment No. 2 to Senate Bill 159. All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen, do you wish to return Senate Bill -- oh -- do you wish to call Senate Bill 160? Do you wish to call the bill? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 160.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 160 seeks to clarify the eligibility for charitable organizations to receive contributions under the Voluntary Payroll Deduction Act for contributions by State employees. This legislation is recommended to us by the Comptroller's Office to clarify the law. It is sought by the Environmental Fund of Illinois, which is an umbrella organization representing some twenty members, and it passed on an attendance roll call in the Executive Committee. I'd be glad to answer your questions, and otherwise ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 160 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 160, having received the constitutional required majority, is declared passed. Senator O'Daniel, for what purpose do you arise?

SENATOR O'DANIEL:

Mr. President, I'd like to have my name removed as a -- one of the chief sponsors of Senate Bill 149, as amended.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Leave is granted. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Ditto; same thing.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs has asked leave to remove his name as sponsor on 149. Is there leave? Leave is granted. 177, Senator Cullerton? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 177.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I present to you what I believe is -- now is agreed bill, which would prohibit sending a downed animal to a stockyard auction or other facility if the animal is unable to walk; requires the humane euthanasia, at the owner's expense, of the animal. If an animal becomes down in transit, it shall be responsible -- the responsibility of the carrier; and would increase the penalty for violations of this Act from a petty offense to a Class C misdemeanor. A "downer" is the term given cattle who are too sick or weak to walk without assistance. Most farmers and producers are concerned about animal welfare, and it's only the irresponsible ones that would depend on the sale of downed animals as part of their livelihood. The Illinois Department of Agriculture, specifically Dr. Bromwell of the Department, is supportive of the legislation, and we feel it would correct a situation in which a relatively few give an entire industry a bad name. As I indicated, I believe, that after the bill was amended in committee, it had the support of all interested parties. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator LaPaille.

SENATOR LaPAILLE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

I don't think so. He indicates he will.

SENATOR LaPAILLE:

Senator Cullerton, as the leading Senate Agriculture Committee member from Cook County, I have a few questions on your bill.

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Does this transport include animals that could potentially have pseudorabies or brucellosis?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Only if it was so bad that they couldn't walk.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

How about equine?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Same answer.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

A downed animal should be transported and segregated. How do you plan to segregate these animals? Personally, will you be segregating them?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Well, they just wouldn't be in the same vehicle as the animals that could walk. So they'd have their own little -- if they had to be transported, they'd have their own "downer" bus.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

Could it be a Blazer or a pickup truck? What -- which way would they have to be segregated? Or a pick-'em-up truck?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Cullerton.

SENATOR CULLERTON:

It doesn't really specify in the bill as to how they'd be separately transported, although they could be -- no, they -- the main thing is that they be separated from the animals that are well.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator LaPaille.

SENATOR LaPAILLE:

In conclusion, I would alert all of our farm community legislators to be very suspicious of Senator Cullerton's bill here. You could see that he was very evasive on questions, on -- with regard to equine, brucellosis, on pseudorabies. I would never trust a Chicago legislator when he's sponsoring something with regard to farm animals, and I would look very closely at this bill. Again, as the leading Senate Ag Committee member from Cook County, the Cook County farmers did not contact me on this bill, and I'd be very careful. Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Well, I certainly rise to support Senator Cullerton's bill. He does have a very good bill that's supported by the entire ag community, although I must tell you that I imagine he does have an ulterior motive on his bill. I think he is trying to get the endorsement and support of all of the beef and hog farmers in the City of Chicago, and if he can do that, that's fine with me.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 177 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, no -- none voting Present. Senate Bill 177, having received the constitutional majority, is declared passed. 180, Senator Cullerton? 180? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 180.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This is a minor change to the Child Passenger Protection Act. A more major change was included on an amendment, but that amendment failed in committee, and so, as a result, there's only two changes here. The Child Passenger Protection Act -- when we passed it, I think we were something like the twelfth state or so to have it, but since then all states have passed it. So every state in the nation has a Child Passenger Protection Act. So what we do here is, we make it apply, not just to the residents of our State, but also of all the other states. And also, we take out the part that talks about an exception in cases of medical emergency, but at the same time we keep in language that was worked out with an agreement with the Senate a couple of years ago, where if you're transporting a child under the age of four, the child restraint system -- and you're not the parent, you're not responsible unless the parent has provided a child restraint system. So we felt that with that provision remaining in the bill, that the medical emergency situation which could be a loophole, could be reasonably rejected. I would just point out also, that there are a number of -- there's an effort among a number of states to tighten up their

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child protection laws, and some would include even requiring seat belts in the rear seat, but that was an amendment which was not adopted by the Senate Transportation Committee. And so as a result, that's not included in this bill, and so as a result, this bill as I believe passed unanimously in the committee, and be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he'll yield.

SENATOR FAWELL:

Senator Cullerton, I -- I voted for this bill in the committee and I don't have any problem with this bill as it stands. Are you planning, or is anyone planning, if this bill gets over to the House, to change it into a -- a bill that perhaps requires helmets somewhere along the line or other such things?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

No. And -- and, as you know, if there is any amendments that are adopted by the House, they -- if they came back here, they'd go back to your committee. And I think the helmet law got about as many votes as my amendment did to this bill, which was not even a motion Do Pass. So you run a real tight committee and I don't think you have to have anything -- worried about. This is meant to stay this way without any amendments in the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 180 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Take the record. On that question, there are 36 Ayes, 7 Nays, 8 voting Present. Senate Bill 180, having received the constitutional majority, is declared passed. 183. Out of the record. Senator Palmer? Read the bill, Madam Secretary. 188.

ACTING SECRETARY HAWKER:

Senate Bill 188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. Senate Bill 188 would benefit small businesses by creating a recycled goods market. Individuals in small businesses would submit proposals to and be awarded grants by the Energy and Natural Resources, and to conduct the research and establish viable pilot programs, which would subsequently be funded in a very small way by ENR, out of current funds. There's no new money involved in this. This would then provide for locally owned businesses and provide entry level positions for unskilled workers, particularly those who have absolutely -- this would be their first job, and this is particularly for economically depressed areas. I would be happy to answer any questions on this, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator McCracken.

SENATOR MCCRACKEN:

Apparently the Department is neutral on this. I -- I worry, frankly, whether this doesn't dilute their mission. The Department already makes grants of these kinds, and in fact makes grants, in some cases, in amounts greater than fifty thousand dollars per grant. I understand the desire to bring whatever

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value this may represent to an economically depressed area. I just don't think it's consistent with the Department's overriding mission, and that is, I think, to fund grants which have a -- a likelihood of success as recycling programs. I -- I just don't see how anything but a dilution of that focus can occur if this bill passes. We already have scarce dollars going to these grant programs. These grant programs also go to areas that are economically depressed. Bellwood's gotten a grant recently; the City of Chicago has gotten a grant, or -- or more than that. So I -- I just believe that this would dilute what has to be the Department's primary focus, and that is funding these grants in hopes of finding something that's going to catch on so that it can become marketable.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. We just passed a bill, about an hour ago, telling Robbins that they can't build an incinerator. And why did they want to build an incinerator? For economic reasons, because they don't have any jobs, because it's the only business they can get down in Robbins, Illinois, is an incinerator. And now we've got a bill that encourages grants to depressed areas to start recycling businesses and we're saying we shouldn't give money to those areas? After telling this town they can't get any business, they can't build an incinerator? You know, who wants an incinerator in their town? You have to be pretty -- depressed as a city to want an incinerator. Now we've got a program here that'll help encourage jobs in areas like this, by having recycling. Seems to me that this is the least we owe that town after telling them they can't have an incinerator. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President, Members of the Senate. I -- I could really say ditto to Senator Welch's last -- I mean -- comments, because this bill makes sense. If we don't come up with something, and something very soon, to support local units of government, small units of government, we are going to somehow have many small communities across this State totally dependent upon taxpayers' dollars from other areas outside of their communities, because it lacked the necessary revenue-producing businesses in those areas to sustain itself. This makes good sense, and I think all of us have been talking over the years -- speaking over the years, since I've been here, about the need to -- to -- to encourage recycling and waste reduction in those areas, taking the -- exploring new technologies and new ways of doing that, and so I can't see a better use of these funds than to allow those local areas to do it, and at the same time create jobs for people, which would provide additional revenue for those particular areas. Otherwise, we're going to have to foot the bill one way or another, and I think we ought to pass this -- this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I concur with my -- my colleagues on this side of the aisle and also with some of the Members of that aisle who spoke in favor of this earlier, as -- as did Senator O'Malley. I just want to add that the Department is not only neutral on this bill, but they have also said that they already have the money to finance this -- this great project that we are proposing here today. And I just ask for everyone to vote Aye for this bill.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you. Will the -- will the Senator yield, please?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will.

SENATOR BUTLER:

I thought I heard -- Senator, I thought I heard you say that the money is there for this program. Unless they're wallowing around in extra money, what programs -- will any programs be hurt by shifting money in this direction? I -- I'm a little surprised that money is available for this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Senator Butler. According to the testimony by ENR at our committee meeting when this was presented, funding would be provided from the Solid Waste Management Fund that is already in place. So this is -- does not require new monies, and according to ENR, this is a -- becomes a mechanism to target projects of this nature. So it is not requiring new funds at all, and they're already set up to do this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Would the sponsor yield for a moment?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates that she will, Senator.

SENATOR O'MALLEY:

This -- this is the bill of which I spoke of earlier in the debate regarding Senate Bill 52, when Senator Smith made an

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inquiry of my intentions regarding the Village of Robbins. I want to say to everybody here in the Senate Chambers, that this is the kind of legislation that gives us the ability to help disadvantaged communities to become something other than the prey for developers of incinerators. This is precisely what this bill will do, will give a reasonable alternative, and I would encourage everybody to get behind it and support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Palmer may close.

SENATOR PALMER:

Thank you, Mr. President. Just a few brief remarks. It -- I'm sure that all of the colleagues here in the Senate want to see more recycling done, but it's one thing to feel good about recycling...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Palmer.

SENATOR PALMER:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

I failed to recognize Senator Maitland. Can you hold closing just a second? Thank you. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, for your courtesy, and I'm sorry that I perhaps was a bit late too, but Senator, I -- you know, I questioned this in committee. I'm wondering -- there are some grants now that are well above fifty thousand dollars, and if you addressed this, I don't -- I -- perhaps I -- I didn't hear you, but there is the chance that -- that some of these grants that are now well over fifty thousand for these same purposes. What effect would that have upon -- on this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Palmer.

SENATOR PALMER:

Senator Maitland, these are -- granting monies in -- on this program would be strictly up to the Department. This is seed money and nothing would exceed -- in fact, fifty thousand is the high end of this. It is not -- would not substitute for other programs.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

I -- I'm sorry, Mr. President, but -- but, Senator, I don't -- I don't think you perhaps understood my question. Maybe I didn't ask it correctly, but there are some grants now being made in these same areas in -- much in excess of fifty thousand dollars, I assume. And I think we ought to look at some of these, and the Members ought to look at some of these, where they are, because it may seriously affect a grant that you have already going in some of these areas that is well over -- well over fifty thousand dollars already.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer, to close.

SENATOR PALMER:

Thank you, Senator Maitland. It is my understanding that this will not affect those programs.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 188 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 11, 7 voting Present. Senate Bill 188, having received the constitutional majority, is declared passed. Senator McCracken, on 189? Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 189.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Thank you, Mr. President, Ladies and Gentlemen. This amends the Personnel Records Review Act; allows an employer to pay or not to pay for the time spent by an employee inspecting his file, if it's during working hours; specifies that succession planning documents are not reviewable under the Act; and deletes the term "clearly unwarranted" from the Section regarding concerns over privacy. I move its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

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SENATOR CULLERTON:

Yes. I have a question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR CULLERTON:

Now, as I understand current case law, although the Statute is silent, current case law says that an employer must pay an employee his wage while he's reviewing his file. So this reverses the case law; that's what the real intent is. That correct?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

I was not aware of the case law. The Statute was silent on it, and this is a policy matter, and I'm presenting this for the Body's consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further -- Senator Cullerton.

SENATOR CULLERTON:

Well, you know, I don't know personally either, but I was informed by some people who are opposed to the bill that the current case law says that they -- they must be paid when they're reviewing their own records. I don't have any -- I don't -- and this obviously would undo that. This would -- this would make it permissive. So if you -- if you think that employees ought to be paid while they're reviewing their records, then you'd want to be against it. If you -- because this changes that. If you think that it's up to the employer to make that decision, then you'd -- you'd be in -- in favor of it, I guess. With regard to the other provision - with regard to succession - I was just curious. Succession planning is a very important area in -- in -- in the problems of losing our manufacturing base, because there's a number of situations where a -- a -- say a family-owned business, the -- the -- the owner's children don't want to take over for him, so that the guy just gives the business up and we lose the manufacturing. And so there's -- there's a movement to identify these and try to help out these owners with succession planning, in many cases by having employees, you know, end up taking them over. And so I'm just curious why there's a specific addition here that -- to say that the employees can't find out about its succession planning. I -- I just wondered what the motivation was. Maybe you can -- can...

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Yes. Well, it seems to me that the personnel file is about the employee and whether it's accurate. He has an interest in that, which is recognized under the Act. Succession planning doesn't relate to the particular employee. I don't believe it should be discoverable under the guise of personnel records.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator McCracken may close.

SENATOR McCracken:

I move passage of Senate Bill 189.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 189 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 23 Nays, none voting Present. Senate Bill 189, having received the constitutional majority, is declared passed. Senator Cullerton, do you wish 206 returned to 2nd Reading for the purpose of an amendment? Senator Cullerton?

SENATOR CULLERTON:

Yes, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton seeks leave of the Body to return Senate Bill 206 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. Madam Secretary, on the Order of 2nd Reading is Senate Bill 206. Are there Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

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Floor Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, to explain Amendment No. 2.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This amendment was just approved by the Judiciary Committee this afternoon. It further refines the applicability of this bill, so as to limit its applicability. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Cullerton moves the adoption of Floor Amendment No. 2 to Senate Bill 206. All in favor, signify by saying Aye. Opposed, Nay. Floor Amendment No. 2 to Senate Bill 206 is adopted. Senator Cullerton, there's been a fiscal note filed, so we'll keep Senate Bill 206 on 2nd Reading. Are there any further amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

2nd Reading. 207. Senator Cullerton. Out of the record. Senator McCracken, 209? Out of the record. Senator O'Malley. 211. Out of the record. Senator DeAngelis, on 211<sic>. Senator DeAngelis, 211<sic>. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 221.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 221, as amended, doesn't quite do what is indicated on our Calendar. As amended, it simply states that the chief executive officer of an

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institution in Cook County which administers the GED test, can have his or her signature on the certificate. It's an agreed bill now.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 221 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 221, having received the constitutional majority, is declared passed. Senator Woodyard, for what purpose do you arise?

SENATOR WOODYARD:

Thank you, Mr. President. For the purpose of changing sponsorship of -- of a bill.

PRESIDING OFFICER: (SENATOR WEAVER)

What bill are you...

SENATOR WOODYARD:

I would like -- I presently am the primary sponsor of House Bill 904, and I wish to be removed as chief sponsor -- or lead sponsor, and give that bill to Senator LaPaille. And I would also ask that I remain as a sponsor of -- also of that bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard has moved to change the sponsorship of Senate <sic> Bill 904 from Senator Woodyard to Senator LaPaille. Without objections, so ordered. Senator Hawkinson, for what purpose do you arise?

SENATOR HAWKINSON:

Well, the Senator said Senate Bill 904 and that -- that is a bill sponsored by Senator Barkhausen. So I don't think the Senator can transfer...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. It was a House bill. I'm sorry. It was House

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Bill 904. Senator Hasara, do you wish this bill, 228, returned to 2nd Reading for the purpose of an amendment?

SENATOR HASARA:

Yes, Mr. President, I do.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara seeks leave of the Body to return Senate Bill 228 to the Order of 2nd Reading for the purpose of an amendment. Is there objection? Leave is granted. Madam Secretary, are there amendments approved for consideration on Senate Bill 228?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Hasara.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, to explain Amendment No. 1.

SENATOR HASARA:

Thank you, Mr. President. Senate Amendment No. 1 was suggested by the Chicago Department of Public Health. It's a fairly technical amendment, which clarifies some of the language in the original bill. I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator, I -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will.

SENATOR CULLERTON:

Senator, I understood that the Medical Society was opposed to the bill, as introduced. Does this amendment remove their opposition, as far as you know?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

This amendment does not address the concerns of the Medical

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Society, but they are working with the group that's behind this bill, and we hope that they will be able to work something out - hopefully by the end of the week. This amendment addresses concerns by the Chicago Department of Public Health.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Hasara has moved the adoption of Amendment No. 1 to Senate Bill 228. All those in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dunn. Thomas Dunn, on the... Out of the record. There leave to come back to 232 later today? Leave is granted. Senate Bill 240. Senator Mahar. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 240.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Bill 240 would prohibit the burning of landscape waste, in particular, leaves, in counties with a population over one hundred thousand. The legislator -- legislation has been introduced in response to concerns about the adverse health care effects caused by leaf burning. There are three exemptions in the bill, and they are: for agricultural burns; prairie reclamation burns; and fire-fighter training. And also I'd wish to advise the Body that Committee Amendment No. 2 exempts communities with populations of

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less than one thousand in counties of over a hundred thousand. I'd be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I rise in support of this legislation. Just like to bring to the attention of the Members of this Chamber that leaf burning releases chemicals which can cause cancer. Leaf burning releases carbon monoxide which can bring on heart attacks. Leaf burning can also start grass and garage fires, which tie up fire department resources, and these are the things that we don't need for our communities. We need legislation like this, and I ask everyone to support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. First of all, a ruling from the Chair. It's my understanding this exempts home -- home rule. How many votes will this take?

PRESIDING OFFICER: (SENATOR WEAVER)

Thirty votes. This bill expressly provides that home rule units may exercise and perform concurrently with the State any power or function of a home rule unit, pursuant to Section 6(i) of Article VII of the Constitution. Consequently, the bill will require thirty votes for Senate passage. Senator Jacobs.

SENATOR JACOBS:

To the bill: Would you describe landscape waste? As an example, would the burning of a log fire in a backyard - the old around-the-campfire thing, as an example - would that be included in the terminology of yard waste, 'cause there doesn't appear to be a good definition of yard waste?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Mahar.

SENATOR MAHAR:

That's not the intent of the bill, Senator Jacobs. In that -- the bill does not provide that definition. We'd be happy to clear that up, if that's your only concern. We'd be happy to clear that up in the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Yeah. I would -- I would like to see that cleared up, but then I also have another question. Is this -- would you consider this a -- a State mandate to the municipalities involved? I know -- I know that it does not include all municipalities, and that's probably -- if we're going to do it, it would probably be better if it served all the municipalities in the State of the -- State of Illinois. But is this a State mandates?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Yes, Senator Jacobs. We have drafted this bill as a mandate to local communities, but I might also indicate that there -- no funding would be required.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, that's one of my big problems I have with the bill. You say no funding will be necessary, but there'll be a lot of funding necessary, because -- the premise, I know, behind the bill, Senator, is that everyone compost. The fact of the matter is, that is not what will happen. In fact, everyone will attempt to dispose their leaves by either putting them in yard sacks and/or asking the municipalities to come up with some sort of a program

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to where they would have yard-side pickup, which would be very, very costly. I, for one, have accepted the Governor's pledge and his mandate to say No to State mandates. That's one of the reasons I oppose this bill, but I have one more reason why I oppose this bill, and I just offer it for the Body for what they -- they may think. I have talked to a lot of people who don't like leaves, but they love trees, and I think if we make it too difficult to dispose of leaves - and I know I've had this expressed to me by a number of property owners - then in the future if their trees were to die, or if they become too costly for them, they would not replace the tree, and I think that that is cutting off our nose to spite our face. And I would prefer to see the trees grow, and I just think that the bill is -- is really not well-written, as it sits, and ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Will the Senator yield, please?

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates that he'll yield.

SENATOR BUTLER:

Senator, you've kind of glossed over the fact that it is a State mandate -- excuse me -- and there is -- but there will not be funding. I just want to remind the Body that the last time we passed a leaf-burning mandate that it cost the communities an enormous amount of money, and it was exaggerated or exacerbated by the fact we made them do it immediately. I guess my question is: Is there -- when is the effective date? Is there a phase-in permitted, or allowed, so that they -- now they don't have to scramble at the last minute?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

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SENATOR MAHAR:

Thank you, Mr. -- thank you, Mr. President. The effective date is January the 1st of 1994, but there certainly is a mechanism by which they can phase this in, because there aren't going to be much leaf burning in January, '94, and that won't incur <sic> until the season of October or November of that year. I would also remind the Senator and the Body that we -- that these counties that are affected have had to have a solid waste management plan in effect to -- which would certainly take care of the consideration of this material.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I rise in strong support of Senate Bill 240, and I rise in strong support because I know that it is estimated that forty to fifty percent of our State's population are at high-risk candidates for chronic respiratory, cardiovascular and allergy conditions. This is a step in the right direction. It's something we need to do, something we ought to do. I would urge an Aye vote, and hope that this side puts green lights on.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR WATSON:

Senator, I understand that Madison and St. Clair County are impacted, and both of those reside in my district. Does this take into account the population density or just total population?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Mahar.

SENATOR MAHAR:

It's total population. Every county with a population of a hundred thousand or more; however, within those counties, communities of a thousand or less are exempted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

I'm sorry. I didn't hear the -- the last statement you made, though. If you could repeat that, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

In counties of a hundred thousand or more, communities with a population of one thousand or less are exempted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Well, does this -- what about the rural area then of that county? The rural -- you've got a community of a thousand or less, they're exempt. Now you've got the rural area that resides within the county, but isn't within the -- the city limits of a community of less than a thousand. Are they included? They are included. Well, what about fireplaces? I mean, we're -- I -- I think the definition of landscape waste is so broad that -- could you -- somebody burning an oak tree they chopped down in the backyard in their fireplace, could that be considered a violation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you. I would agree, and what -- Senator Jacobs brought up the point that we certainly are -- have no intention of banning

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fireplaces or causing fireplaces not to operate in the State of Illinois. That's absolutely not our concern, and I think that if this bill is successful and passes in the House, we certainly would agree to clean that up.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Thank you. I would -- I would hope you would, if -- if it does pass. The problem that I have is, Madison and St. Clair County, all the population density is along the river, and you've got a lot of the rural area -- a great deal of those two counties is rural, which, you know, would be negatively impacted and really aren't part of the problem. So I can -- I see what you're trying to do, but I can see some areas of my district that would be negatively impacted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Question -- sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates that he will yield.

SENATOR LUFT:

Senator, I live in a suburb that has vacant lots that are all wooded, and in fact, two weekends ago I spent about a half a day burning leaves. Would I have been in violation if my county is over a hundred thousand populations, by burning leaves in a rural area?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

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Any further -- Senator Collins.

SENATOR COLLINS:

I apologize. I had -- I was off the Floor, but I did notice this bill, and there were one question that I would like answered. If you've answered it before, I apologize. Would it affect burning of fireplaces in your home? I have four wood-burning fireplaces in my house, and I would -- most certainly would like to still be able to use them.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. That -- that -- that problem was already -- has been brought to my attention. It is not the intent of this bill, or myself, to ban fireplaces in the State of Illinois, and we would agree, should this pass, that that -- that would be tightened up.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

I'm sorry. There were a lot of heckling and jeering here. I -- you know, I don't know what they're jeering about, but did -- is it -- is it in here and you're saying you -- you will clear it up in the House? Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I have -- I only have two fireplaces. And I'm just curious -- I'd like to ask Senator Collins a question, if I might.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, I just want to say,

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as an old fireplace user for many, many, many years, that you don't burn yard waste in your fireplace; you burn logs. I would think that the definition of yard waste would be something you could rake up, and you sure can't rake up a reasonable log. I suggest we pass this good legislation on behalf of the public health of all the asthmatics of Illinois.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I, too, stand in support of this legislation. When some of the proponents of this legislation came to see me in my district office about this bill, initially I was very -- I wasn't too happy about sponsoring it or approving it, because it's what I would consider not my kind of legislation. But after hearing some of their stories of these little children who have died because of their asthma and some of their other respiratory illnesses being affected by this burning, I realized that I suppose there is something that we should do. I talked to them about amending it so that it wasn't statewide. We discussed amendments about the rural area in a county of over a hundred thousand, such as Senator Watson has brought up, and I think maybe that can be still worked out. But I do think we owe it to some of these people who have these tremendously debilitating illnesses and things like asthma. I think it's very important that we do something for them, and I would hope for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I think the flaw in this bill is -- although we do a lot of things by population in our categories, and I think Senator Luft pointed it out, and the reason the Farm Bureau is in opposition to this bill, is -- is, in some areas of

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the State, counties over one hundred thousand would be urban areas, but in other areas of the State, some counties that have over a hundred thousand people would have the vast majority of their territory be farms or rural area. And I think this is an issue of local control, and we ought to leave it to the counties to make the decision. And with all due respect to the Chair, I -- I can't think of an issue that would -- that more clearly preempts home rule and ought to require thirty-six votes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I concur with Senator Hawkinson, because the third amendment to this bill prohibits a home rule unit from being less restrictive than the State, and I think it would require thirty-six votes. But in my city, we have a certain time of the year which we -- when we permit the burning, and that's in November, and I do think it's a matter of local issue and the local control. And I think that's what we should follow, rather than putting more mandates all over the place.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Mahar may close.

SENATOR MAHAR:

Thank you, Mr. President and Members. When we passed, a number of years ago, the Illinois Environmental Protection Act, the purpose was for environmental protection. In particular, if I may quote, "To restore, protect and enhance the quality of the environment and to insure that adverse effects upon the environment are fully considered". While it's true that some local governments have taken the position that they wish to go ahead and burn leaves, the problem is that environmental damage does not respect political boundaries. One community can still --

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the smoke could very easily go into the next community. It is -- the point is well-documented and researched that uncontrolled leaf burning presents an unacceptably high risk to human health and an unnecessary deterioration in air quality. Although the Illinois Pollution Control Board, who has the right and responsibility to act on this -- they have not, even though, in their hearings, they, if I may quote, have said, "Evidence showing the detection of benzopyrene, a known carcinogen in leaves, should raise doubts even amongst the most adamant proponents of leaf burning". Although they have not taken the position themselves or taken the urgency -- or steps necessary to take care of this, they were in support in committee, as has retired Chairman Jack Dumelle. I think some of the other Members have brought up the -- the medical problems and medical history involved in this. I have circulated amongst the Members a recent editorial which, among other things, shows clearly that forty-two percent of Illinois residents currently suffer from allergies, lung disease and other cardiac complications. In that article, if you would take a moment to read it, you'd read about a tragedy where an eleven-year-old by the name of Jennifer Tank, upon returning to her neighborhood with her -- with her parents from a shopping -- from a -- going to a mall for shopping, the -- the neighborhood was consumed with smoke. Little did their neighbors know that -- that Jennifer was a chronic -- had chronic asthma. Within a half an hour she had collapsed in her father's arms and that -- that night she passed away. The purpose of this bill is not to provide restrictions, or -- is not about restrictions or mandates - it's about lives. And I know many instances we're down here trying to protect the environment from -- from others. In this particular case, I would suggest we're trying to protect ourselves from the environment, and I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

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The question is, shall Senate Bill 240 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, Nays are 16, 4 voting Present. Senate Bill 240, having received the constitutional majority, is declared passed. Senator Madigan, do you wish 252 to be brought back to the Order of 2nd Reading for the purpose of a Floor amendment?

SENATOR MADIGAN:

Thank you, Mr. President. Yes, I do.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan seeks leave of the Body to return Senate Bill 252 to the Order of 2nd Reading for the purpose of an amendment. Are there any objections? Leave is granted. Madam <sic> Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, to explain the amendment.

SENATOR DeANGELIS:

Mr. President, I'd like to defer to Senator Madigan on this amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

I didn't understand what you said, Senator. Senator Madigan, to explain the amendment.

SENATOR MADIGAN:

Thank you, Mr. President. First of all, I think we need to table Senate Amendment No. 1 to Senate Bill 252.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Madigan has moved to table Amendment No. 1 to Senate Bill 252. Is there any discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment's

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tabled. Further amendments?

SECRETARY HARRY:

Amendment No. 3, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan, to explain the amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Amendment No. 3 to Senate Bill 252 incorporates the language in Senate Amendment No. 1 and does numerous things, all of which are agreed to by the private detectives and the Department of Professional Regulation. I would be glad to answer any questions about it, but would ask for the adoption of Senate Amendment No. 3 to Senate Bill 252.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor of the adoption of Amendment No. 3 to Senate Bill 252, signify by saying Aye. Opposed, Nay. The amendment's adopted. Any further amendments?

SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose do you arise, Senator Jacobs?

SENATOR JACOBS:

Just a point of inquiry. Do you -- do you know what time we're going to be going to -- I've got two complimentary tickets to the Governor's party, and I just wanted to know if I'm going to be able to attend or not.

PRESIDING OFFICER: (SENATOR WEAVER)

If you have a friend, you might give them away. Senator Hasara, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR HASARA:

Yes, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Hasara seeks leave of the Body to return Senate Bill 258 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 258. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, by Senator Hasara.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, to explain the amendment.

SENATOR HASARA:

Thank you, Mr. President. This amendment clarifies and answers the concerns of some of our Members and some of the judges, and it says that when a DNA test does not exclude an alleged father in a paternity case, it makes it easier for additional parties to request additional tests. I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Hasara has moved the adoption of Amendment No. 1 to Senate Bill 258. All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Madigan, do you wish to recall Senate Bill 262 to the Order of 2nd Reading for the purpose of an amendment?

SENATOR MADIGAN:

Thank you, Mr. President. Yes, I do wish to recall Senate Bill 262.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan seeks leave of the Body to return Senate Bill

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262 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Mr. Secretary, have there been any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan, to explain Amendment No. 3.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Amendment No. 3 is purely technical and contains corrections and clarifications, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Is this -- could you tell me what amendment we're -- we're adopting?

PRESIDING OFFICER: (SENATOR WEAVER)

No. 1. No. -- no, excuse me. No. 3. Amendment No. 3. Technical in nature.

SENATOR CULLERTON:

And are there any other amendments on this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

There are two others filed for consideration.

SENATOR CULLERTON:

Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

This is Amendment No. 3. Is there any discussion on Amendment No. 3? If not, all in favor, signify by saying Aye. Opposed, Nay. Amendment No. 3 is adopted. Are there further amendments?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Madigan, to explain Amendment No. 4.

SENATOR MADIGAN:

Thank you, Mr. President. Senate -- Senate Amendment No. 4 represents the agreements between HMOs and limited health service organizations regarding the statutory deposits to be made with the Director, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all those in favor of the adoption of Amendment No. 4 to Senate Bill 262, signify by saying Aye. Opposed, Nay. The motion carries. Senate Amendment No. 4 is adopted. Are there further amendments?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate -- No. 5 addresses the concerns that have been raised that personal information submitted to the Director shall remain confidential, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of Amendment No. 5 to Senate Bill 262, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Are there further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 275. Out of the record. Senator DeAngelis, on 278. Out of the record. Senator Karpziel, on 280? Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 280.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 280 is really a very simple bill. What it does, in effect, is de-mandate the last two years of physical education in high school. It requires school boards to excuse eleventh- and twelfth-grade students from physical education courses, if the pupils request it. And if they request it -- to be excused for one of the following reasons: either participation in a sports program; enrollment in courses required for high school graduation; enrollment in courses required for college admission; and enrollment in courses for academic enrichment. What it does not do is allow them to just simply not take the physical education course and go out to run around the mall or something. You have to take another course to do that. At the present time school boards have the discretion to excuse them, but it has to be on a request basis, and at times -- there have been times when their -- their requests have not been granted. And I ask for your Aye vote.

PRESIDENT PHILIP:

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

SENATOR KARPIEL:

Oh, well, that was easy. I guess everyone has gotten a lot of mail on this, as I have. But I just want to say that we are the only state in the United States that requires four years of physical education in high school. We require eight years in -- in elementary; four years in secondary. And yet, we do not mandate four years of anything else. We only require two years of

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-- of math; two years of social studies or history. I think it's time that we de-mandated this program.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 280 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? And for the last time: Have you all voted who wish? Take the record. On the question, there are 19 Ayes, 34 Nays, no voting Present. Senate Bill 280, have not -- having not received the constitutional majority, is declared failed. Senator Cullerton.

SENATOR CULLERTON:

Yes. Mr. President, an inquiry of the Chair. You know that, I was shocked to -- to receive in the mail the other day a invitation from the Governor - a free ticket to his party tonight. I don't know if all the -- any other Democrats got it, but it said it's from five to seven. I wondered if you knew if he was going to extend that, and if there was going to be any alcohol served, or, you know, what the accommodations were.

PRESIDENT PHILIP:

Well, I'll tell you, the Governor's going to keep it a little late -- open for you wonderful Democrats. I know how you want to go over and support him, and we're going to get out of here pretty quick. If we keep the rhetoric down a little bit, we'll probably get a lot quicker. ...(microphone cutoff)...Bill 282. Senator Maitland. Read the bill.

SECRETARY HARRY:

Senate Bill 282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

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Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 282 limits the field to the amount that -- that the Scholarship Commission can reasonably ascertain will be funded in the program. In the past, the bill -- the -- the Statutes indicates that -- that the top five percent will be -- will be merit scholar winners. We have only funded about the first two and a half percent, and names have been -- letters have been going out to all of the top five percent, and this would be a tremendous reduction in their cost, and I would appreciate your support.

PRESIDENT PHILIP:

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

SENATOR MAITLAND:

Go.

PRESIDENT PHILIP:

All right. On the -- on -- on Senate Bill 282 -- the question is, on Senate Bill 282 -- pass. Those in favor will 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 53 Ayes, no Nays, 2 voting Present. Senate Bill 282, having received the constitutional -- required constitutional majority, is declared passed. Senate Bill 292. Senator LaPaille? Take it out of the record. Senate Bill 294. Take it out of the record. Senate Bill 310. Senator del Valle. Senator del Valle? Take it out of the record. Senate Bill 324. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 324.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

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Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This amends the Podiatry <sic> Medical Practice Act to provide that during the pendency and hearing of a judicial proceeding incident to a disciplinary action, that sanctions imposed upon the accused by the Department of Professional Regulation shall remain in full force and effect. This bill comes from the Podiatry <sic> Association, and I'd ask for your support.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Will the speaker yield -- sponsor yield?

PRESIDENT PHILIP:

He indicates he'll yield. Senator Trotter.

SENATOR TROTTER:

Yes. Senator Watson, is this -- from our analysis, seems like this is a restatement of a current law. Is there something in particular that you're trying to address here?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, I don't believe it's a reinstatement. It's just a clarification. I think there's been some lawsuit in which, not necessarily a podiatrist, but one of the professionals, has been allowed to practice while his particular charge against him has been pending, and this just clears that up - that we'll allow the Department to take that individual out of the practice while he's being -- he or she's being considered for some -- some sanctions in regard to their particular actions.

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Senator Trotter. Senator Trotter.

SENATOR TROTTER:

There was a Supreme Court decision that came out in December of 1992, and what this legislation does is actually restricts the jurisdiction of the circuit courts. And from what our -- you know, what our analysis is saying, that what -- what you're trying to do with this initiative, is actually unconstitutional. Because according to that report, it says that any restriction of a court's power of any -- to issue stays is just that -- unconstitutional.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, we don't determine the constitutionality of a -- of a particular law in this particular Body, but we are -- this -- this is in response to that lawsuit, and from what I understand, other professional -- professions are adopting similar language in their -- their practice Acts.

PRESIDENT PHILIP:

Senator -- Senator Trotter.

SENATOR TROTTER:

Well, exactly -- that's -- that's exactly what you're doing, though, here. You're actually trying to circumvent the court's decision that was made in December of 1992 against the Department of Registration and Regulations <sic>. And what we're trying to say -- is there not a separation of powers here? Can we, as a Legislature, actually circumvent what is happening in the judicial system?

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

We're not -- the attempt is not to circumvent the system,

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certainly. But it is to try and comply with -- with what the court's decision was in that case that you referred to. What happened is -- from what I understand is, the -- an accused individual filed a suit against the Department in -- allowing that particular individual to continue a -- in his practice. So let's say it was a pharmacist, and as a result of pending litigation against that individual by the Department, they had suspended his license. And I think that's the thing that should be done -- is that license should be suspended during that particular litigation. That's what this bill does. I'm very comfortable with it, and I feel that the Supreme Court, or any court will uphold it.

PRESIDENT PHILIP:

Senator Berman. Senator Trotter, again.

SENATOR TROTTER:

Doesn't this legislation actually limit the -- the powers of the circuit court? Again, according to the law, as it was written, it says we have determined that the power to grant injunctive relief in cases over which has jurisdiction is inherent to the circuit court. Consequently, we hold to the extent that it restricts the inherent power of the court to issue a stay where appropriate. That Section of the denial of the Dental Practice Act, is unconstitutional. So what you're doing right here, is you're restricting the powers of the circuit court, with this legislation, and that's unconstitutional, according to the law.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Well, again, I'll leave that up to a higher body - the Supreme Court. I -- what we're attempting to do here is keep bad doctors, bad pharmacists, bad practitioners, podiatrists, in this case, from practicing, and I think, Senator, that's something you ought

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to be for.

PRESIDENT PHILIP:

Further -- Senator Trotter.

SENATOR TROTTER:

Just -- just in closing, sir, my last question. The court already has the power to limit these -- these things from -- doctors from practicing, and I think this is a bad precedent, and here we're trying to - in this Body - you know, override and overrule the court system, and I would look -- ask for everyone to look at this legislation and vote No on it.

PRESIDENT PHILIP:

Senator Watson. Further discussion? Excuse me. Further discussion? If not, Senator Watson, to close. Senator Madigan. I'm sorry.

SENATOR MADIGAN:

Thank you, Mr. President. I'm sorry, but a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR MADIGAN:

Visiting with us today in the President's Gallery is Senator Todd Sieben, and I'd like him to be recognized by...

PRESIDENT PHILIP:

Fine. Will Senator Sieben please rise and be recognized by the Senate. Senator Watson, to close.

SENATOR WATSON:

Thank you, Mr. President. I've been told that on Senate Bill 601 we did similar language for the doctors. Now we're trying to do it for the podiatrists. I don't recall a whole lengthy debate or discussion on that particular issue during -- for the doctors. What we're talking about here is if we have an individual who's been charged or his license has been suspended, or he's under some

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sort of a litigation in regard to his license, I -- we feel -- I feel the Department ought to be able to withhold that individual from practicing while that case is being litigated. It's the idea being that if we've got a bad practitioner out there, that individual shouldn't be practice -- shouldn't be practicing. Whether it's -- while it's in litigation at all, and that's all this attempts to do. I ask for your support.

PRESIDENT PHILIP:

The question shall be, shall Senate Bill 324 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? Have you all voted who wish? Take the record. On the question, there are 34 Ayes, 19 Nays, 1 voting Present. Senate Bill 324, having received the required constitutional majority, is declared passed. Now with leave of the Body, I'd like to go back to Senate Bill 232 on page 9. Senator Weaver, as you know, has been up here all day. Leave is granted. 3rd Readings. Bottom of page 9, Senate Bill 232. Senator Weaver. Oh. Read the bill. Excuse me.

SECRETARY HARRY:

Senate Bill 232.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 232 would allow the exchange of records and information among subsidiaries under the same corporations. There exists many financial corporations with other business entities among their corporate family. This would allow the parent corporation to exchange its information while maintaining the original idea and genesis of the current Illinois law. One financial corporation would still be prohibited to

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exchange information with another corporation. I know of no objection. I'd appreciate a favorable roll call.

PRESIDENT PHILIP:

Further discussion? Further discussion? On the question, shall Senate Bill 232 pass, those in favor will 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 55 Ayes, no Nays, no voting Present. Senate Bill 232, having received the required constitutional majority, is declared passed. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Committee on Commerce and Industry - House Bills 700 and 2074; to the Education Committee - House Bills 243, 783, 816, 1695, 1935, 2077 and 2130; to the Committee on Environment and Energy - House Bills 425, 659, 666, 1707 and 1896; to the Executive Committee - House Bills 1313, 1411 and 2405; to the Committee on Financial Institutions - House Bills 420, 788 and 2038; to the Committee on Insurance, Pensions and Licensed Activities - House Bills 467, 706, 837, 1423, 1424 and 1768, Senate Amendment 2 to Senate Bill 207, and Amendment 1 to Senate Bill 603; to the Judiciary Committee - House Bills 443, 495, 978, 1091, 1219 and 1794; to the Local Government and Elections Committee - House Bill 554, and Amendment 4 to Senate Bill 128; to the Public Health and Welfare Committee - House Bill 553; to the Revenue Committee - House Bills 76, 317, 1122, 1166, 1295, 1376, and 1383; to the Committee on State Government Operations and Executive Appointments - House Bills 1092, 1120, 1457 and 1497; and to the Transportation Committee - House Bills 115, 418, 596 and 2227.

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Resolutions.

SECRETARY HARRY:

Senate Resolution 273, offered by Senator Topinka.

Senate Resolution 274, offered by Senators Berman and Stern.

And Senate Resolution 275, offered by Senators Stern and Berman.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Any further business to come before the Senate? If not, Senator Weaver moves that the Senate stand adjourned until 9 a.m. tomorrow. And hope that everybody would be on time. Thank you. Have a good time at the Governor's fund-raiser. 9 a.m. sharp. Senator Severns, what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDENT PHILIP:

State your point.

SENATOR SEVERNS:

On Senate Bill 80, I would prefer to be recorded No versus Yes. I erred.

PRESIDENT PHILIP:

The Journal will so indicate.

SENATOR SEVERNS:

Thanks.

PRESIDENT PHILIP:

The Senate stands adjourned till tomorrow at 9 a.m.

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