

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

39th Legislative Day

April 22, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Will the Members be at their desks, and our guests in the galleries please rise. Our prayer this morning will be by the Reverend David Baker, from the Ashland United Methodist Church, Ashland, Illinois. Reverend Baker.

THE REVEREND DAVID BAKER:

(Prayer by the Reverend David Baker)

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, Reverend Baker. Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Thursday, April 15, 1993.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz moves the approval of the Journal just read. There being no objection, it is so ordered. Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, I move that reading and approval of the Journals of Friday, April 16th; Monday, April 19th; Tuesday, April 20th; and Wednesday, April 21st, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz moves the postponement -- moves to postpone the reading and approval of the Journals, pending arrival of the printed transcripts. There being no objections, it is so ordered. Messages from the House.

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 Bill 52, 53, 362, 476, 1723, 1813, 2356, 2358, 2359, 2410.

All passed the House, April 21st, 1993.

We have like Messages on the following House Bills: 57, 767, 1300, 1832, 188, 494, 539, 593, 648, 1511, 1625, 1912, 2097, 2101, 2205, 2272 and 2290.

All passed the House, April 21st, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR WEAVER)

I'd like to remind the Membership that there are a great many House bills on 1st Readings that haven't been picked up by sponsor -- for sponsorship. You'll go through this list and try to notify the Secretary which -- which bills you wish to sponsor. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 45 is offered by Senator Hasara.

(Secretary reads title of bill)

House Bill 77, Senator del Valle.

(Secretary reads title of bill)

House Bill 152, Senator Syverson.

(Secretary reads title of bill)

Senator Mahar offers House Bill 242.

(Secretary reads title of bill)

Senator McCracken offers House Bill 267.

(Secretary reads title of bill)

Senator Watson presents House Bill 282.

(Secretary reads title of bill)

House Bill 349 is offered by Senator Cronin.

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(Secretary reads title of bill)

House Bill 360, presented by Senator Farley.

(Secretary reads title of bill)

Senator Fawell offers House Bill 383.

(Secretary reads title of bill)

Senator DeAngelis offers House Bill 419.

(Secretary reads title of bill)

House Bill 436, by Senator Mahar.

(Secretary reads title of bill)

House Bill 581, by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1097, by Senator Cullerton.

(Secretary reads title of bill)

Senator Ralph Dunn offers House Bill 1290.

(Secretary reads title of bill)

House Bill 1341, by Senator Lauzen.

(Secretary reads title of bill)

Senator Hasara presents House Bill 1372.

(Secretary reads title of bill)

House Bill 1601, Senator Raica.

(Secretary reads title of bill)

Senator Demuzio offers House Bill 1623.

(Secretary reads title of bill)

Senator Carroll offers House Bill 1624.

(Secretary reads title of bill)

House Bill 1626, by Senator Severns.

(Secretary reads title of bill)

House Bill 1646 is presented by Senator Fawell.

(Secretary reads title of bill)

Senator DeLeo offers House Bill 1679.

(Secretary reads title of bill)

House Bill 1687, Senator Cullerton.

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(Secretary reads title of bill)

Senator Collins offers House Bill 1716.

(Secretary reads title of bill)

House Bill 1718, offered by Senators Geo-Karis and Cullerton.

(Secretary reads title of bill)

House Bill 1728, by Senators Berman and Topinka.

(Secretary reads title of bill)

House Bill 1739, Senator DeAngelis.

(Secretary reads title of bill)

Senator Burzynski offers House Bill 1774.

(Secretary reads title of bill)

Senator Hawkinson presents House Bill 1778.

(Secretary reads title of bill)

House Bill 1781, Senator Hasara.

(Secretary reads title of bill)

House Bill 1963 is offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 1965, by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 2013, Senator Cronin.

(Secretary reads title of bill)

Senator Watson offers House Bill 2024.

(Secretary reads title of bill)

House Bill 2076, by Senators Donahue and Cullerton.

(Secretary reads title of bill)

House Bill 2079, Senators Farley and Butler.

(Secretary reads title of bill)

House Bill 2129, by Senator Hasara.

(Secretary reads title of bill)

House Bill 2157, Senator Fawell.

(Secretary reads title of bill)

House Bill 2182, by Senators Cullerton and Farley.

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(Secretary reads title of bill)

House Bill 2183, by Senator Hawkinson.

(Secretary reads title of bill)

Senator Rauschenberger offers House Bill 2230.

(Secretary reads title of bill)

House Bill 2242, presented by Senator Topinka.

(Secretary reads title of bill)

And House Bill 2265 is offered by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Mahar arise?

SENATOR MAHAR:

Thank you. Mr. President, if this is an appropriate time, I'd like to seek leave to change sponsorship of a bill. House Bill 932 - I would like to have shown as -- myself as being the sponsor, and removing Senator Topinka.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Top of page 2. Senate Bills on 2nd Reading. Senator Petka, do you wish to move the bill? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 499 <sic> (Senate Bill 246).

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, by Senator Petka.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Yesterday we adopted Floor Amendment No. -- or we recommended for adoption Floor Amendment No. 2, which basically becomes the bill. The bill is not related to what the title now shows. It -- it is what has been commonly referred to as the Home Alone Amendment. There was extensive debate in committee, and we had the -- the bill came out of committee, I believe, 8-1-1. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka moves the adoption of Floor Amendment No. 2 to Senate Bill 246. Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Butler. 498? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 498.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Butler, on 499? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 499.

(Secretary reads title of bill)

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

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President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cronin, on 615? Out of the record. Senator Karpziel, on 625? Read the bill. For what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Mr. President, did we just adopt the amendment on Senate Bill 499?

PRESIDING OFFICER: (SENATOR WEAVER)

He chose not to. Senator Demuzio.

SENATOR DEMUZIO:

I -- I will yield to Senator Cullerton. I think he had his hand up. I think he will pose the same question I did -- wish to.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Well, thank you, Mr. President. I think we ought to pull the rule book out. If -- if an amendment went to committee, was approved in committee and then comes to the Floor, the sponsor of the bill controls the bill. And I understand that if he doesn't want the amendment to pass - I understand that's what his goal is - but I believe that we can't just say, "I don't want to call it," and the bill, all of a sudden, moves to 3rd Reading. That -- that -- that bill cannot just all of a sudden move to 3rd Reading until we dispose of the amendment. And so I believe that the Gentleman would have to table the amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator, he chose not to call the amendment, period. Senator Butler.

SENATOR BUTLER:

Mr. President, I would table the amendment, then, please.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Butler moves to table Amendment No. 1 to Senate Bill 499. Those in favor, signify by saying Aye. Opposed, Nay. Motion carries. The amendment is tabled. Any further amendments?
SECRETARY HARRY:

No further amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cronin, on 615? Do you wish... Out of the record. Senator Karpel, on 625? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 625.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, by Senator Karpel.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpel, to explain Amendment No. 2.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 625 is the annual IDOT conveyance bill. Amendment No. 2 to 625, simply some additional conveyances.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor of Floor Amendment No. 2 will signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY HARRY:

Amendment No. 4, by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, to explain Amendment No. 4.

SENATOR DeANGELIS:

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Thank you, Mr. President. Amendment No. 4 is a conveyance -- potential conveyance of about three acres in Burbank, subject to the appraised value. I talked to the Governor's legal counsel on it and IDOT and so forth. Apparently the private appraisal is not satisfactory to DOT. So what they're going to do is negotiate it by going out and getting -- DOT will get appraisals, and if they can make a deal, they'll make a deal.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of Amendment No. 4 to Senate Bill 625, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben, Amendment No. 5.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 5 involves a conveyance in Knox County with the Department of Conservation and the adjoining land owner of about an acre and a half at the Snakeden Hollow Conservation site. It was approved in the committee yesterday, and I would move for the adoption of Amendment No. 5.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 to Senate Bill 625, declared adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Petka.

SENATOR PETKA:

Thank you again, Mr. President. With leave of the Body, I'd

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like to return Senate Bill 246 back to 2nd Reading.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Is there leave? Leave is granted. Senate Bill 246 will be on 2nd Reading. Senator Petka, on 779? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 779.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka. Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken, to explain Amendment No. 1.

SENATOR McCracken:

Mr. President, Ladies and Gentlemen, for technical purposes, I'm asking to adopt 1. I will then ask to adopt 2, which is the final version approved by the committee on this point. Therefore, I move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken's moved adoption of Amendment No. 1 to Senate Bill 779. Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Floor Amendment No. 1 is adopted. Are there further amendments?

SECRETARY HARRY:

Amendment No. 2, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Thank you, Mr. President and Ladies and Gentlemen. This is

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the substance of the agreement arrived at in the Judiciary Committee yesterday, or I should say the majority vote, whatever the correct term is. This would conform the library affirmative defense under the Child Pornography Statute to cover only those acts specified which could be committed in the course of a librarian's employment. For those of you who get nervous at the sight of Debbie Miller, she is in agreement with this. And if anyone received any alarmed phone calls from their librarians, I am authorized to tell you to ignore them. This is a very modest proposal, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Floor Amendment No. 2 be adopted. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment -- Floor Amendment No. 2 is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Jones, on 1024? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1024.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1025, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1025.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. ...(microphone cutoff)...purpose does Senator Maitland arise? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members in the -- Members of the Senate. In the gallery -- in the gallery on the Republican side are a group of young people from Champaign, the district of the Presiding Officer, Senator Weaver, from the Carrie Busey School. I would ask that they stand and be recognized by the Senate, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Springfield. Senator Cullerton, on Senate Bill 641. Do you wish to call the bill? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 641.

(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. This bill is supported by the Illinois Psychological Association. Illinois currently has a title protection Statute with regard to psychologists. It restricts the use of the title "psychologist" to those who are licensed under the Clinical Psychologist Licensing Act. What happened is that there's a Florida case, Abrahamson versus Gonzalez, where the Florida Statute, which is similar to ours, was -- was attacked in court, and the court ruled that the state could not prohibit people from advertising themselves as psychologists unless they have a Practice Act. So what this bill does is simply say that you cannot use the term "psychologist" unless you're -- you're licensed as a clinical

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psychologist. And we accepted an amendment which was requested by the Hospital Association, and that says that there's nothing in this Act that shall require any hospital, clinic, or any entity, for that matter, that provides health care services to employ or contract with a clinical psychologist licensed under this Act. That was at the request of the Hospital Association. As a result, I don't believe there's any opposition and be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Butler.

SENATOR BUTLER:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield, Senator Butler.

SENATOR BUTLER:

I'm sorry, Senator, I don't have my sheet with me. Did -- you handled 640 also. Did that pass?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

No, that was defeated in committee. There were two companion bills.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I rise in support of Senate Bill 641 and would join Senator Cullerton in asking the Body to adopt -- pass Senate Bill 641.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 641 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who

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wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 641, having received the constitutional majority, is declared passed. Senator Dudycz. 642, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 642.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 642, as amended, is an initiative of the museums and the park. What the bill would do, it would allow the Chicago Park District to issue bonds in the amount of one hundred and twenty-eight million dollars prior to January 1, 2004, for the sole purpose of building or rehabbing any museum under the control of the park district. These bonds shall be non-referendum bonds and shall be payable within twenty years, and the Chicago Park District Commissioner shall authorize such bonds by ordinance. The museums and the Chicago Park District have a detailed ten-year funding plan for the repairs and restoration of the buildings, many of which are at least one hundred years old. And this ten-year plan will also ensure the handicapped access under the Americans With Disabilities Act requirements and continue the role of the museums in educating our children. Now some of the -- or the institutions that are included in this -- in this bill are the Adler Planetarium, the Art Institute of Chicago, the Chicago Academy of Sciences, the Chicago Historical Society, the Du Sable Museum of African American History, the Field Museum of Natural History, the Mexican Fine Arts Center Museum, Museum of Science and Industry, and the John Shedd Aquarium. And I would be more than happy to answer any

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questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 642 pass. Those in favor will vote Aye. Opposed, 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 46, the Nays are 5, none voting Present. Senate Bill 642, having received the constitutional majority, is declared passed. For what purpose does Senator Stern arise?

SENATOR STERN:

Mr. President, I was too slow on the switch. I intended to vote Aye. Would you put me down? Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. WCIA-TV seeks leave to videotape the Senate. Is there leave? Leave is granted. Senator Topinka, on 666? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 666.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, this bill basically has no opposition at this time and addresses the issue of what happens in nursing homes and -- and intermediate care facilities for the developmentally disabled, so as to allow the people who are in there as clients to be able to go home in some kind of an orderly fashion, visit with, spend some time with their families and still maintain their bed space in these private facilities. The -- the -- an amendment worked out any problems of reimbursement that Public Aid had with this. We put a limit of

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thirty days, so it manages to cover holidays as well as weekends, and again, encourages a family environment so that these people are not totally cut off. As I said, there -- there are no opponents at this time. Public Aid has signed off, and I would ask a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wholly concur with what the sponsor of 666 has just said to us. After the amendment in committee, everything is all fine. And I certainly encourage my colleagues on this side to please support this bill. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there -- is there further discussion? The question is, shall Senate Bill 666 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 666, having received the constitutional majority, is declared passed. 671, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 671.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 671 adds the authority to issue life safety bonds and undertake life safety projects to the list of actions that can be taken by a new board of a consolidated district between the dates

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of the election and the time within which the -- the effective date of the new district. We made some adjustments in this Act a year ago. This particular feature was left out. This does not change, in any way, the -- the -- the conditions under which life safety bonds can be issued, and I would -- I know of no opposition and seek your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 671 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. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 671, having received the constitutional majority, is declared passed. Senator Fawell? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 672.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is really a -- a clean-up bill. Basically what it says is that the municipal library under the -- that is presently under the tax cap will have their levy of five percent or the cost of living and can go no higher, and the municipal -- municipality can have their levy. It is an agreed bill between the Municipal League and the libraries. Debbie Miller is the one who gave me the language, and I -- known of no objections. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Welch.

SENATOR WELCH:

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Well, I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR WELCH:

My question is: Is this an exemption for the tax caps in the suburbs? Is this going to allow for additional taxes?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

No. What happened in one of my communities, there was a -- that was under the tax cap, one of my library boards came in with a levy twelve percent more than what they had done the year before, and handed it to the municipal -- the municipality and said, you know, you've got to accept this. Needless to say, Lombard was not real thrilled about this, and -- and so what we're trying to do is set the rules - you know, you get yours; we get ours; don't -- don't try and take the other guys. The library is for it because they don't want to see the municipalities doing the same thing.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 672 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. On that question, the Ayes are 42, the Nays are 6, 5 voting Present. Senate Bill 672, having received the constitutional majority, is declared passed. 677, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 677.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 677 is the language needed to transfer the -- the eleven million dollars that we used to fully fund the nursing home grant program that passed out of this Chamber a couple of weeks ago. I know of no opposition, seek your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 677 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. On that question, there are 56 Ayes, no Nays, none voting -- none voting Present. Senate Bill 677, having received the constitutional majority, is declared passed. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

I was -- I was in the telephone booth when Senate Bill 641 was called. And if I -- and there was no vote on it. If I were here, I would have voted Yes on that bill.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect, Senator Geo-Karis. Senator Madigan, do you wish to return Senate Bill 680 to the Order of 2nd Reading?

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan seeks leave of the Body to return Senate Bill 680 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 680. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 3, by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan, to explain Amendment No. 3.

SENATOR MADIGAN:

Thank you, Mr. President. First of all, a point of personal privilege. Visiting with us today on the Senate Floor is a real glutton for punishment. Mrs. Diane Smith is with us. She's a newly elected member of the Woodford County Board and also serves on the Germantown Hills Elementary School Board. And I'd like the Body to welcome her to the Floor today.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Springfield.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Amendment No. 3 to Senate Bill 680 reduces the liability on the renter from twenty-five hundred dollars to a thousand dollars, reduces the charge for a waiver from ten dollars to five dollars, and inserts disclosure in advertising requirements, as drafted by the Attorney General's Office. And I would ask for the adoption of Senate Amendment No. 3 to Senate Bill 680.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will, Senator Jones.

SENATOR JONES:

Senator Madigan, what is the current collision waiver damage fee? What is it currently? I know you reduced the amount in the bill, but what is the current amount of the collision damage waiver?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Madigan.

SENATOR MADIGAN:

Well, currently, Senator Jones, you cannot sell collision damage waivers, as far as the current law. We're -- we talking about the bill or are we talking about the amendment?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, when a person rents a car, their liability -- I know we passed some legislation a few years ago. We put a cap on the amount that the renter would have to pay as far as liability is concerned. So what is the current cap that you are raising? What is that cap?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Okay. The bill - the underlying bill, Senate Bill 680 - raises that -- the bill, as introduced, raised that - what you're talking about - from two hundred to twenty-five hundred dollars. This amendment to Senate Bill 680 takes the twenty-five hundred down to a thousand dollars.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Just a question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR JACOBS:

On this, part of the problem I had was the twenty-five hundred dollars, and I knew that there was some effort to try to get it down to a thousand. Is this now pretty much agreed upon by all

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parties, the insurance companies and et cetera, and the new car dealers and the used car dealers and the car rentals and et cetera? Is this pretty much agreed upon?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Senator Jacobs, at -- at this point in time I cannot tell you that everyone is in agreement on this -- on this -- on the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question? Is this bill promoted by the rental car companies? Because they were limited by a prior Act in this Legislature to two hundred dollars for any costs and expenses incident to damage or loss, and now they're trying to raise it. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

I just caught the first part of that. But if she was -- as the question, as I understood it, the -- the bill is being brought by the small rental car companies, not including Hertz, and the car dealers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But your bill raises the limits, does it not, to -- is it a thousand dollars, by amendment...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator...

SENATOR GEO-KARIS:

...for liability of a renter - from two hundred dollars?

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Isn't that right?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw <sic>, on the amendment?

SENATOR JONES:

Yes. Thank you, Mr. President. Apologize for rising a second time, but, Senator Madigan, you indicated that in the amendment you lowered the amount from twenty-five hundred dollars to a thousand dollars, then also you -- you raised the amount that one would pay for the coverage. So are -- you said five dollars per day. And so, as -- with five dollars per day, that's -- that's a hundred and fifty dollars a month for a thousand dollars worth of insurance. That's almost eighteen hundred dollars a year for only a thousand dollars worth of coverage. That's quite a bit of money. Am I hearing you correctly on that?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. No... No, Senator Jones, you're not hearing me correctly. That could be. That could be, but what you're suggesting about was another alternative, which is not the amendment, which would make it mandatory. That was in a suggestion that was proposed by the insurance companies. We -- this is optional.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate Bill 680 pass -- no, Senate Amendment 3 to 680 be adopted. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. -- Floor Amendment No. 3 to Senate Bill 680 is

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adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Topinka. 684, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 684.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this -- this bill, which comes to us from Cook County State's Attorney Jack O'Malley, and -- and kind of spins off on the same theme as the recently put forth report from the Illinois Task Force on Crime and Corrections, seeks to expand the role of prison industries in the State of Illinois so as to create the ability to -- to give more inmates the ability to -- to learn a trade, to sell these products, to get money that is -- is engendered by this back into the prison system to support that -- that program, and ultimately to provide what could be a lower cost item for various units of government in the State of Illinois. It sets up a two-tier pricing system, which would be statewide, for products of correctional industries, and that would apply to State agencies, local governments, agencies of local government. Then it would -- it would establish the usual market price for open market sales for profit corporations, federal government, local governments and other states. This would be -- it does not seek to replace any type of business in the State of Illinois. This is usually furniture that is being manufactured. We no longer have any manufacturers of furniture in the State of Illinois. We also have

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a second part to this which would allow Cook County, which after the State of Illinois is the largest purchaser of -- potential customer of these products, to be able to procure surplus articles, materials, industry-related services, foodstuffs, supplies and things of that sort without soliciting competitive bids. We don't lock Cook County into having to buy these things. We just give them that option. It is conceivably a money-saving proposition. Now, I -- where does the money received from these purchases of correctional products? It would go into the Working Capital Revolving Fund, and it would be used by the Department of Corrections to pay for raw materials, to invest in new equipment, pay inmate wages, and also pay civilian salaries associated with the program. We don't touch GRF at all. What's good about this is, if you'll think in terms of how we pay a minimum seventeen thousand dollars a year per prisoner in the State of Illinois, this would help to mitigate some of these costs. Currently, we have seen money that inmate sales at this -- today, generate something like thirty-four million dollars with a profit of nearly 1.5 million dollars. We could generate some more money back for those prisons, at the same time alleviating what could be the stress and tension that goes on at a prison, hopefully making life a little easier for prison guards, 'cause I think we'd rather have inmates working productively at making furniture and other products, rather than taking out their anxieties on prison guards and putting them at risk. I think it's a good program, makes sense. It helps on any number of funds, and creates a work ethic for those who will be coming out and also gives them the ability to engender a trade. And I would ask your favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

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

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I have a few questions of the sponsor, if she would yield.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will.

SENATOR JACOBS:

First of all, Senator, where are the employers on this? As an example, you said that there are none in Illinois, and that's fine, but there are employers in other states and there's also people, I'm sure, who do sell those products vis-a-vis wholesale operations. How do they feel on this bill? Have you contacted them to find out how they feel on this?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

No employers have contacted us, thus. And I think it's probably because the prison industry goes out of its way to make sure that the kind of products it manufacturers is not in direct competition with employers and people who would be producing things for the State.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Senator, if we're -- we're training people - and that's the purpose, is to train people - and there's no one in Illinois that manufactures now and we're going to train these people for jobs, is this a bill to export our prison population once they get out of -- from the State of Illinois? Which may not be a bad idea, but is that the intent?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

One of the questions of -- that we have had in terms of losing businesses in the State of Illinois, including furniture company,

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has been an untrained work force and -- and a problem in -- in terms of the skills that are needed to do this. Now you would be able to -- to have a work force that were indeed trained and hopefully we could provide an incentive for those companies to return to Illinois, or new companies to come.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Just one final question, then a -- then a statement, I guess. If we're not taking bids and we're relying upon the cost basis of -- of the Department of Correction's prison industries, how do we truly know that we're getting the lowest bid?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

It's up to Cook County. This is the only place where you have the noncompetitive bid. They -- its -- we -- we leave it up to them, discretionarily. Right now, they -- they can -- they usually can go and buy these things that are already there. But by noncompetitive bid, it gets them directly in there. It's more of an incentive for them to use this. It does not make them do it by any means. They're -- they can still go out and get a higher-priced item, if they wish, from somebody else, or something that does not meet their needs.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, just in closing, I guess, that it appears to me that we're using the wrong system to train -- future employees. I think I would rather see it go through DCCA or through our job training programs or whatever to ensure that we have proper training for people for future industries, rather than going

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through our prisons in order to make those our future employees. The dollar should be spent before they get to prison, not -- not after or during their prison stay. I ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates that she will.

SENATOR SEVERNS:

Senator Topinka, when costs are figured into production, does that include inmate stipends?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Think -- we think it will.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

The Department didn't know the answer to that, and I'm just...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

It is our intent.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Mr. President and Senator Topinka and Members of the Senate, I'm -- I'm surprised especially that Senator Topinka, who's been a proponent of competitive bidding, would offer a bill or carry a bill that -- that not only condones but frankly, encourages

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noncompetitive bidding. Without soliciting bids, a county will not be able to determine if the goods or services that they are about to purchase are, in fact, the lowest cost. Now if State government was known for its efficiency, if State government was known for doing things at -- at the best price in the most efficient way, then perhaps this would be a safe assumption; that we could go out and bid without competitive bidding and know we're getting the lowest cost. But I don't think that's the case. The impact of this bill, in addition to the concern that I addressed, will clearly be negative on the businesses in the State of Illinois. Simply put, it doesn't matter if we have a furniture maker; we still have businesses who -- who sell and supply not only furniture goods, but foodstuffs and -- and all the articles that would fall under this bill. It seems to me that instead of being concerned with the businesses and industry of this State and economic challenges that face each and every one of them, we're more concerned whether or not the -- inmates are going to get their stipend and the Department of Corrections is going to be able to sell some goods. That is not the mission of the Department of Corrections; that ought not be the policy of this State. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of Senate Bill 684. I served, for the past year, as did Senator Dunn, on the Governor's Task Force on Crime and Corrections, and we listened to leaders of the business community, particularly from the Chicagoland area, who are involved in correctional industries. And the Task Force strongly recommended an expansion of correctional industries, and I'll tell you why. I understand the costs that the -- the prior speakers have talked about, but there

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are other costs involved at all. And one of the main costs is that forty percent of our inmates in -- in prison today are recidivists, and they're released after preying on our businesses and on our other citizens, and often, within a year or two, they're right back in prison. And what prison industries have shown is that if they develop a skill -- they develop a job skill, as they get through prison industries, that they are oftentimes hired by these same employers once they get out. And the business community that spoke to us was strongly in favor. The business community, now, was strongly in favor of expanding correctional industries not only because we give them a skill, but because when they get out, they're not then burglarizing those businesses; they're not then preying upon our citizens and our businesses. This was one of the strongest recommendations of the Task Force on Crime and Corrections, was to expand prison industries so that these folks, once they get out, are not preying upon our citizens and our businesses again. They try and go into areas that are noncompetitive. One of the areas they've been successful in -- in current correctional industries in is in training people in asbestos removal. We have a big industry emerging in that area, and they're not taking jobs away from anywhere else. But if we don't do this type of thing, we run out of space come next July - a year from July - and the people who are getting out are going to be preying upon the innocent citizens of this State again. So, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I have two questions that I might want to -- I wish to pose for the sponsor. One of those is: What happens to the monies that are generated as a result of the purchases? I assume

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they go back to the Department. And are they subject to the appropriations process? And how much business have we done last year, for example?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes, they are subject to the appropriation process. They're put into the Working Capital Revolving Fund. They're used by the Department of Corrections, which then pays for raw materials; they buy new equipment with that; they pay inmate wages, and they also pay the civilian salaries of those folks who come into teach these skills. There's no GRF money used, and we grant -- we give grant -- we just grant the Department of Corrections spending authority for the fund, but that spending authority then rests with the Legislature to agree to or not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well then, it's my understanding, then, that these inmates then are also paid a -- a wage for the work that they do. That's one question. And the next question is: Is this a statewide program, or is this only in the County of Cook?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Currently, the correctional program, which -- which, in terms of all the questions you are asking, we are not changing, in terms of how money is paid or how -- how the State takes money out from those salaries to help support the costs of the inmates. That's all in the law now, and that is statewide.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio, have you finished?

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SENATOR DEMUZIO:

Well, I spoke the last time this bill was up when the sponsor took it out of the record the last time, and it just seems to me that we are, again, doing more for those who are incarcerated than we are doing for those who are attempting to be in legitimate industry and enterprise in -- in Illinois. It's really unfortunate that we in our State have to pay eighteen thousand dollars per year for those prisoners who are incarcerated who are in minimum security settings, and twenty-three thousand for maximum security, and twenty-five thousand for those hundred and twenty or so that are on death row. It just seems to me that we are doing more economic development and more for the people who are incarcerated in the State of Illinois than we are doing for those who are attempting to be in legitimate businesses and to feed their families in this State. I don't think this is a good concept. I must say, Senator Hawkinson, I certainly agree with some of the comments that you have made. There's no question about that, and something, in fact, perhaps needs to be done. But I've seen so many bills here that have been to the -- that have accrued to the benefit of those that we've got incarcerated and not to those who -- whom we do not. And I don't think that this is a good idea at this time, and I would rise in opposition.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. I'd just like to point out that this is not a new idea. Prison industry has been around almost as long as prisons have been around. And why there are all these objections suddenly, becomes apparent, to me at least -- excuse me. If you look at the people opposing this, it's pretty obvious why they're -- why they are in opposition, although I must say it parenthetically, why the university professors of Illinois

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object to prison labor is beyond me, unless there's a lot of professors in -- in prisons, and I don't think that's the case. It seems to me that business wants this, and there's some breast-beating over there on behalf of business. And yet, I heard Senator Hawkinson say they totally support this. Here's a case -- here's a chance where you have to not only have prisoners do something productive, but also in the process, perhaps, learn a trade. I think we ought to vote for this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will, Senator.

SENATOR DEL VALLE:

Senator, how many inmates do we have in the prison system today, and out of those, how many are participating in the prison industries program?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Well, I -- I can't tell you how many inmates are in -- in the jails at present, though I think it's somewhere around thirty-two thousand, having just done a speech recently with Howard Peters. We only have one thousand three hundred and forty-one prisoners currently participating, but that's because you -- you can just do so much unless you expand the program. So, that's what this is trying to do.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Does your bill designate the increased revenue, as a result of

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the sales of goods, for the expansion of the prison industries program?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

It does not -- it does not specifically do that, but by virtue of the expansion of the program, with more people working and the way we have set this up in order to get these things sold, then more -- it would open the program up to more people because more people would be buying the stuff and more would be needed, and it would go around in a larger circle. That's what we are anticipating by this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR dEL VALLE:

Well, Senator, I -- I certainly understand what you're indicating is the intent, but I don't think this bill does that. I questioned the Department in committee, and they said that there are no guarantees that these dollars will be used in that purpose. So I -- while I agree with the intent, I don't think that that's what's going to happen. I don't think that we're going to get a dramatic increase in the number of inmates participating in the prison industries program, which is the direction that I think we should be going in, but I -- I don't see this bill doing this for us.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns, for a second time.

SENATOR SEVERNS:

I apologize, Mr. President, for standing for a second time, but in listening to the arguments of this bill, I'm just -- even if we accept, for example, the arguments that Senator Hawkinson made stemming from the recommendations of the Task Force, and even

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if we accept the merits that have been discussed, there's one very concerning element in this bill, and that's that we, by public policy, are condoning noncompetitive bidding. I don't understand why we, as a Chamber, and that my colleague and friend who is the sponsor of -- of the bills with me on the Purchasing Act, why we, by this Chamber, would adopt a policy that encourages that public dollars be spent without competitive bidding. It simply does not make sense. I think to do so is -- is shortsighted and -- and folly-thinking, and would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka, to close.

SENATOR TOPINKA:

Well, Mr. President and Ladies and Gentlemen of the Senate, I appreciate what Senator Severns has said, and she's quite correct in terms of the fact that I have always been a leader of competitive bidding, but we're talking here about prison industries. We're not talking about General Motors, where people are voluntarily going to jobs day in and day out, have access to their -- their unions and things of this sort. I mean, these people are not exactly willing guests of the Department of Corrections. I think the societal and the public policy impact of this far outweighs the question of competitive bidding in this very unique and -- and particular case. Prisons are not a -- a business or a hotel chain unto themselves. We have to deal with them differently; we do deal with them differently. In terms of Senator del Valle's comments, there is no question that money is a factor in expansion, but the money rests with our appropriation process. Once you put this into place, and we support it - and he agrees with the intent - then it's up to the Legislature to provide the appropriations. It provides -- I mean, everybody wins on this. We -- why we have task forces of all of our experts on corrections if we're not going to listen to what they recommend to

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us? And our experts say, and strongly say, as Senator Hawkinson suggested, that expansion of prison industries is the way to go. Why? Because we create skills for prisoners; we create a work ethic for prisoners; we hopefully will be able to -- to cut into that recidivism that currently goes on and keeps them from preying on the public when they get out, because they'll have an honest job to get an honest wage; we will protect and lessen the threat to prison guards who have to deal with that tense and anxiety-ridden situation of overcrowded prisons. Do we want to put them at risk? Is it far better to have a prisoner working a lathe than rather putting a hammer in the head of a prison guard? It helps in terms of money, because we provide a better deal for State and local government to be able to buy these things. And lastly, you know, it makes sense to everyone, I think, to encourage the people who are in prison to find a better life. And I would ask for a positive roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 684 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. On that question, there are 36 Ayes, 21 Nays, none voting Present. Senate Bill 684, having received the constitutional majority, is declared passed. Senator Sieben, do you wish to bring 718 back to the Order of 2nd? Senator Sieben seeks leave of the Body to return Senate Bill 718 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading is Senate Bill 718. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, by Senator Sieben.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben, to explain Amendment No. 3.

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SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 is a technical amendment to refine the language of the underlying bill to make it agreeable to the Governor's Office, the Bureau of the Budget and the bond professionals. And what it essentially does is, enables human service providers to obtain long-term funding on more favorable terms by providing a mechanism whereby payments may be made to the State agency directly to a bond paying agent for a payment to bond holders. Now this has no effect on the State's bond rating. It has no effect on the State's debt. What it'll effectively do, will allow those payments to be made directly through a -- to the service provider to a bond payer, and this mechanism -- the effect of this will be that now that community service provider will be able to have their bonds rated; they'll get an investment grade rating on their bonds, which should come in at a rate of five or six percent, as opposed to the current rate that they're paying - somewhere in the vicinity of eight and a half percent. So it's a win-win situation, and I would move for the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion of Amendment No. 3 to Senate Bill 718? If not, all in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Woodyard, do you wish 730 returned? Senator Woodyard seeks leave of the Body to return Senate Bill 730 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 730. Mr. Secretary, are there any Floor

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amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, by Senator Woodyard.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard, to explain Amendment No. 1.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Senate Amendment 1 to Senate Bill 730 - the bill itself deals with a pilot project on telecommunications for instructional purposes. The amendment simply puts Central Management Services into the loop of the advisory group that will be working with the State Board of Education to develop this pilot program, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is the adoption of Amendment No. 1 to 730. 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. 735, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 735.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. This -- this piece of legislation comes to us from the Cook County State's Attorney Jack O'Malley. We discussed it briefly earlier in the week, and some

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of the concerns that the Members had was in regard to the mandates - and this is a mandate - but we make sure that the funding is there, and we -- we actually put an amendment on that said if the funding isn't there, that, of course, they won't be required. The funding comes from drug school -- or Drug-Free Schools and Communities Act. The federal dollars is about twenty-three million dollars. It's made available to the State Board of Education to implement drug-free schools. What this does -- we have several cosponsors and -- and people that are concerned about violence in our schools, violence in our communities, and this requires that each school will development a curriculum and provide training to teachers for an effective instruction in the area of violent prevention and conflict resolution in grades four through twelve. The instruction must include the consequences of violent behavior, the causes of violent reaction to conflict and the relationship between drugs, alcohol and violence and nonviolent conflict resolution techniques. The idea being -- and we -- we are very pleased to have the support of the Center for Conflict Resolution, which is an Illinois not-for-profit corporation in the City of Chicago, established by the Chicago Bar Association. Their executive director, Jon Weiss, sent a letter to me endorsing this particular legislation and the concept. This group works now with several schools in the City of Chicago, and it has been very effective, and they feel very positive about this approach. We have a problem with violence in our communities; it's -- no doubt about it. Everybody wants to point their fingers to the inner-city problems, but it's out there in the rural areas. We're experiencing it in my district. This legislation is to hopefully let this type of -- of instruction set up a situation by which maybe they won't go to the trigger or the knife. Maybe they can work things out, talk things over. That's the whole idea and concept. And I appreciate your support.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'd like to pose a question, if I might, to the sponsor. Senator Watson, this instructional voluntary mandate is only available if there are private or federal funds available from... Who determines whether or not there is going to be private or federal funds, and are there such monies available now for school districts to implement this program if it passes?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes, they are, and we have talked to the State Board of Education. It's around twenty-three million dollars that's made available through the drug-free school -- Drug-Free School Program, and this money would be made available for this program.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

So, is your legislation then necessary in order for us to spend that twenty-three million dollars of money that the State Board of -- of Education has?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Is this necessary? Well, not necessarily, no. It's not necessary. I'm sure they'll find ways to spend it, but this is an effort to try to create a solution to a really major problem that we're having in our communities.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall Senate Bill 735 pass. Those in favor will vote Aye. Those

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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 49 Ayes, 6 Nays, none voting Present. Senate Bill 735, having received the constitutional majority, is declared passed. 766. Senator DeLeo? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 766 provides that -- the six hundred official court reporters in the State with same sick leave and annual leave as other State employees. Court reporters are paid by the State; they're members of the State Employees' Retirement System, and they receive health benefits from the State. This will make them equivalent to the other State employees. I ask for a favorable roll call. There is no opposition to this -- no known opposition to this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. My favorite subject - court reporters. Seems like each year we have some sort of a legislation that enhances their salary or benefits. Let me just tell you a little bit about what -- what court reporters now receive. The average salary of an official court reporter is thirty-six thousand seven hundred dollars, and on -- that's their salary. On top of that, they have what they call transcript incomes. And we've got court reporters - on top of their salary

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of thirty-six thousand seven hundred dollars average - we have court reporters making - one of them - ninety-five thousand dollars in addition to this particular -- to their thirty-six-thousand-seven-hundred-dollar annual income. We have at least -- of the six hundred of them, the vast majority of them make over ten thousand dollars in addition to their salary. Now, I understand what we're trying to do here is, of course, increase their benefits, but really this is going to be a burden on the State; this is going to be a cost to the State. There is a -- there is some concern as to how much this really will impact State finances. It's hard to put a handle on it. But whatever it is, it's an impact that we're going to have and the State's going to have to pick up. It's a obligation of the State to fulfill the responsibilities of -- of the salaries for court reporters and their benefits. I think that the -- we ought to take a close look at this, and hopefully have some opposition to it. The sponsor says there's no opposition, but I really think that maybe if people took a look at this, the vast majority of us here would agree that this needs to be rejected.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I rise in opposition to this bill. There's a lot more to this bill, I think, than has been raised, and let me give you a little background. Obviously, this -- the judicial system is a separate branch of government. Until two years ago, the judicial branch did not have a personnel policy of its own, and it was just assumed - and, in fact, it was true - that all those under the judicial branch operated with generally the same benefit plan that those of us in the other branches operated under. About a year and a half ago, the court instituted a new personnel plan. That is the job of the Supreme Court, and

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they adopted a plan that applied to everyone under the judicial branch. So what you're dealing with here is not just court reporters. There are many other players in the judicial system: all the employees of the Administrative Office of the Courts, and many other employees who -- who are paid under the judicial branch of government. The court, in my opinion, came up with an excellent plan dealing with vacation and sick time. It is true, it is not the same plan that we have under the legislative or executive branch, but it will not create such a liability to the State in paying for unused benefits. My objection to this bill is not whether we should give court reporters sick or vacation time or how we should pay them or not pay them; it is that we are preempting the Supreme Court's right to adopt a policy for its employees. And if you take court reporters out of their authority, you are going to hear from all the other hundreds of employees that come under the judicial branch of government who will not have the same benefits as court reporters do. I can tell you, there are already hard feelings with members of that system because the court reporters keep coming in and getting additional benefits that other employees do not have. So I think before you vote for this bill you should realize that you are preempting the right of the Supreme Court to set policy for its employees. They have chosen to do that, and whether you agree with what they have done or not in its policy, they do have the right to do it, and I feel we do not have the right to come along and just arbitrarily change it for one segment of their employee system. So I would urge a No vote for those reasons.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I rise in support of Senate Bill 766. There's a lot of State employees -- when we talk about

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salary, there's a lot of State employees that make more than court reporters; there's a lot of State employees that make less than court reporters. The fact remains -- court reporters' salaries are paid by the State, and they are entitled to the same benefits, as far as vacation time, as State employees. I would further respond that if there is legislation to correct the situation with regards to other employees in the court system that do -- that salaries are paid by the State, that we should entertain their request if they wish to bring something forth. But this bill addresses the court reporters. Finally, I would say that, yes, the Supreme Court did that, but this bill has been around. The bill was in committee; we heard it. The Supreme Court had -- has filed no opposition to this bill. So, I rise and join Senator DeLeo in support of Senate Bill 766.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I voted for this bill in committee; however, I'm going to vote in opposition to it here on the House Floor -- or Senate Floor today. I have a couple of questions. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. First of all, currently, I know in my judicial circuit, the holiday schedule for court employees for the -- those working in the judicial system are quite liberal. In fact, I think they have fifteen or sixteen paid holiday vacations already. Is this -- would this be in addition to that?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeLeo.

SENATOR DeLEO:

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No. No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Some of those holidays do not correspond with State holidays. So I -- I might suggest that they could, at least in downstate Illinois. Secondly, I guess that I would just indicate that right now the benefits that are afforded court reporters do vary from state to state -- or from county to county in regards to the type of equipment that's provided for those reporters, et cetera. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeLeo, to close.

SENATOR DeLEO:

Thank you, Mr. President. Just -- I'd like to just address a couple of remarks in closing. This is not an increase in benefits; this is not a pay raise. This is restoring to the court reporters what they had in 1991. They -- Senator Hasara said that we're taking this away from the Supreme Court. They're State employees. She said they're State employees of the Retirement System. They're State employees that receive health insurance. Why are we treating them any different? Ninety-seven percent of these employees are female. Ninety-seven percent of the State court reporters are female. Now, if we're going to -- they want health benefits, personal days, family care leave. And somebody raised a question that -- I had -- my wife is a former court reporter. She worked for the State of Illinois as a court reporter. There's a lot of work that goes in, a lot of hours. Senator Watson mentioned about transcripts. They have to go home and print transcripts and type up transcripts every evening. They're paid for the services that they do. This has nothing to do with salaries. I ask for basic fairness. Treat them as we

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treat every other State employee. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 766 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 33, the Nays are 21. Senate Bill 766, having received the constitutional majority, is declared passed. Senator McCracken, do you... Senator McCracken. Senator Barkhausen, on 840? Out of the record. Senator Mahar, on 851? Read the bill, Mr. Secretary.

END OF TAPE

TAPE 2

ACTING SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR WEAVER)

Let's have a little order, please. So we can hear the Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 851.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. In my community of Orland Park, park services are provided by a recreation department within the Village, and not a separate taxing body. However, a small portion

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of the Village, many years ago when it was still farmland, was annexed by a neighboring park district. This -- this area is no longer farmland, and it is now a residential property. What this bill would allow these residents to do upon a front door referendum, if they so wish, to de-annex from the park district so they would prevent double -- double taxation for the same service. I know of no opposition, and I would ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? The question is, shall Senate Bill 851 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 56, the Nays are none, none voting Present. Senate Bill 851, having received the constitutional majority, declared passed. For what purpose does Senator Dunn arise?

SENATOR T. DUNN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR T. DUNN:

I'd just like to remind the Body that we have a colleague who is ill, and he is a little bit on the older side, and unfortunately he is sitting at home, and you know when you sit at home there isn't a lot to do. I'm talking about Sam Vadalabene. I urge each and every one of you that has two minutes in his life to give him a call at home. I -- I've avoided that -- doing that for quite a while, unfortunately, but I did it yesterday. And I will tell you, you'll feel a heck of a lot better when you talk to Sam, because his spirits are good and he really misses the place, but the phone call would really do him a lot of good. So if you've got a minute during this next month and a half of craziness, give him a call.

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PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, Senator Dunn.

SENATOR T. DUNN:

Just one other thing: call his secretary and she can tell you his schedule, 'cause he gets dialysis two or three times a week, but the -- the call really would do him a world of good.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns, do you wish to return Senate Bill -- Senator Severns seeks leave of the Body to return Senate Bill 868 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. On the Order of 2nd Reading, Senate Bill 868. Mr. -- Madam Secretary, are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senator Severns.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns, on Amendment No. 4.

SENATOR SEVERNS:

Thank you, Mr. President. Amendment No. 4 simply corrects a drafting error in Amendment No. 3. It was requested by the Secretary of State's Office. I know of no opposition. Would urge adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. Amendment No. 4 is adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator O'Malley? Read 870, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 870.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin. Senator Cronin. Senator Cronin. Thank you.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. What Senate Bill 870 does is allow that -- or provide for additional language to our law, in effect provides that jurors may be drawn from such parts of the county and assigned to jury service as determined by court rule to be most favorable to an impartial trial and not to incur unnecessary expense or unduly burden the citizens of Cook County. I'd be pleased to answer any questions.

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 O'Malley, how would this affect the obligation to have an impartial jury?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

That's a -- that's a very good question, and -- and it deserves to be answered here today. What motivated me, Senator, to -- to bring this legislation was to address the convenience of jury service throughout the county; however, it's important that

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defendants have a fair and impartial jury. So when I originally introduced this legislation I -- I immediately contacted Chief Judge Comerford in Cook County and requested his involvement in the process of developing final language for this bill. As a result of that, representatives of his office have assured our staff that with this language and a recent Illinois Supreme Court case, they now can send jurors from my area to serve as conveniently as possible with certain exceptions. And those exceptions would be related to criminal cases at Twenty-sixth and California, and large civil award cases at the Daley Center. This is in conformance with a recent opinion that upheld the -- Judge Comerford's or -- or the rules of Cook County that was handed down by the Illinois Supreme Court on March 18th. That case, in particular, is called the People of the State of Illinois versus William Peeples.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. To the bill: the problem that that bill -- this bill has is we have a well-intentioned Senator who has a good idea. Why should people from the southwest section of Cook County travel all the way northwest when you have six or seven different subcircuits that they could go to? Why should they travel so far? Seems to make sense, but I think you're going to have an unintended situation. For those of you not from Cook County, obviously there are -- if you don't know, there are six circuits or subcircuits in Cook County in different sections. Now, we have taken care of the problem, whereby Twenty-sixth Street may have a good panel. Well, let me tell you the problem that we have that could happen in an area such as Rolling Meadows or Old Orchard and Skokie. You might have a situation that you don't want, where a minority, a

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black or hispanic, gets arrested out there and now he's going to have his fair and impartial trial. Well, by this language, you will have all of the area of Skokie or Rolling Meadows, which is -- heavily and predominantly white. And when you get that panel brought in, you'll have a panel of two hundred whites, and you may have an hispanic or a black defendant, and there is really no way that it would be truly representative in a criminal case. And I just don't see how, if you have this in here, that you're not going to have that situation coming up many times. And I think it would cause many, many problems and more problems than you're actually solving by this bill. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

SENATOR GEO-KARIS:

Senator, do I understand correctly that in your bill, that in counties of one or more million residents, jurors shall be assigned to jury duty at a courthouse nearest their home?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

I'm -- I'm sorry, Senator. I did not hear the question.

PRESIDING OFFICER: (SENATOR WEAVER)

It's pretty difficult for the Chair to hear the question, also. Senator Philip, will you take your conference to the anteroom. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, do I understand correctly that in your bill you provide that in counties of one or more million residents, jurors

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shall be assigned to jury duty at the courthouse nearest their home?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, again, it's very difficult to have heard at least the last part of your question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis, will you pull your mike up a little bit? Thank you.

SENATOR GEO-KARIS:

Now can you hear me?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes.

SENATOR GEO-KARIS:

All right. Again, I repeat, does your bill provide that in counties of one or more million residents, jurors shall be assigned to jury duty at the courthouse nearest their home?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

The bill was amended to address that.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator O'Malley may close. Excuse me. Were you -- did you have another question, Senator Geo-Karis? Just leave your light on, Senator.

SENATOR GEO-KARIS:

I've had it on, sir. I apologize. All I'd like to know from the Senator, what does the bill do, because with all the confusion and the rhetoric here, I'm not so sure. If you'll just tell me what the bill does.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator O'Malley.

SENATOR O'MALLEY:

Senator, the intention of the bill is to encourage, as much as possible, that people who wish to serve -- or who are called to serve in juries, shall do so at the courthouse most convenient to their residence.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I don't see anything wrong with this bill, and I rise to support it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley may close.

SENATOR O'MALLEY:

Ladies and Gentlemen, we've -- we heard a little bit of discussion about this bill. Let me only say that, in response to Senator Molaro, the case that was decided, People versus Peeples, and the opinion was handed down by the Illinois Supreme Court, addresses precisely what Senator Molaro was concerned about. This is a recurrent question in -- especially in the suburban parts of Cook County. I think most people in our area are willing to serve on juries, but sometimes find it extremely inconvenient. What this bill has attempted to do is take the first step in -- in probably what will not -- will be a number of steps over years to make sure that jury services is certainly fair, but also is convenient for those willing to serve on juries, and I would request an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 870 pass. Those in favor, vote Aye. Those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, the Ayes are 40, the Nays are 8, 7

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voting Present. Senate Bill 870, having received the constitutional majority, is declared passed. We're going to skip over all appropriation bills, with leave to come back to them later on today. Leave is granted. Senator Barkhausen. Excuse me. Senator O'Malley, on 881. Madam Secretary, would you read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 881.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President and Members of the Senate. What Senate Bill 881 does - will allow every school district in the State of Illinois to utilize noncertified personnel to supervise study halls, detention and discipline areas, and areas where distance learning transmissions are received.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 881 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? Madam Secretary, take the record. On that question, there are 46 Ayes, 4 Nays, 4 voting Present. Senate Bill 881, having received the constitutional majority, is declared passed. Senator Barkhausen? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 892.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Question of the -- question of the Secretary, Mr. President.
Is there an amendment filed?

PRESIDING OFFICER: (SENATOR WEAVER)

Madam Secretary, was there -- are there amendments filed?

ACTING SECRETARY HAWKER:

No amendments filed, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Do you wish to continue with the bill? Out of the record.
Senator DeAngelis, do you wish to return -- Senator DeAngelis
seeks leave of the Body to return Senate Bill 899 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 899. Madam Secretary, are there any Floor amendments
approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Farley.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Farley, on Amendment No. 1 to Senate Bill 899.

SENATOR FARLEY:

Thank you, Mr. President, and Ladies and Gentlemen of the
House <sic>. What Senate Amendment -- or Floor Amendment No. 1
is, is the immediate effective date for Senate Bill 899. I would
move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying
Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is
adopted. Are there further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, on Amendment No. 3.

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SENATOR DeANGELIS:

Thank you, Mr. President. When Senate Bill 899 was introduced, it was never the intent, under any circumstance, to violate the confessional or to, in fact, disturb the existing relationships, which we thought were covered by law adequately. In fact, our own Code of Civil Procedures covers that confidentiality, and case law under the First Amendment has upheld that confidentiality. However, because responsible people and some occasionally irresponsible people have addressed letters to the editor to the contrary, we are going to put Amendment No. 3, which clearly indicates that this bill does not violate any of the professional responsibilities of the clergy and does not violate the confidentiality of the confessional or of any other activity in which they're engaged in their professional capacity.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of the adoption of Amendment No. 3 to Senate Bill 899, 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. Senate Bill 900. Senator McCracken? Out of the record. Senate Bill 928. Senator Hall. Do you wish Senate Bill 928 returned to the Order of 2nd Reading, Senator Hall? Senator Hall seeks leave of the Body to return Senate Bill 928 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. On the Order of -- of 2nd Reading, Senate Bill 928. Madam Secretary, are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Hall.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall, on Floor Amendment No. 2. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment provides that the annexation of the East St. Louis Community College District 601 to Belleville Area Community College District 522, if the current scheduled November 1994 referendum to increase district 601's property taxes to full support of the district fails. Now, there's several other things in here, which I will go when the bill comes. Let me tell you, it's important that we make this move, because that -- in years past, over twenty years ago, the late Governor Ogilvie started that as an experimental college, because all the districts surrounding it, industry and everything, is that there's no tax base. In the meantime, the State has been supporting this for a number of years, and all the Members here on this Floor or in the Audit Commission know that the problem that they've been having down through the years. So that the bill is -- directs the State of Illinois to convey and transfer, and -- that provides the transfer of faculty and staff of District 601 to District 502 -- District 522. Community -- Belleville Area College has a larger enrollment in their satellites and with that than the University of Edwardsville in Illinois. They have over eighty some different subjects that you can take. They have a satellite in Granite City and a satellite in Redbud. We need to make this move so that we can get in and start getting some revenue. If the people in this district refuse at this election - they have no money - that it will -- because it's experimental, it'll go to Belleville automatically. But Belleville has made it known to all of us that if it's put on them without any revenue, they will padlock the school. We don't want that school padlocked. The school last year only graduated forty-seven students. You can see the great

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need for this, and I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall moves for the adoption of Amendment No. 2 to Senate Bill 928. Is there any discussion? If not, 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 Barkhausen, on 935. Do you wish the bill returned to the Order of 2nd Reading? Senator Barkhausen seeks leave to return Senate Bill 935 to the Order of 2nd Reading for the purpose of a Floor amendment. Is there leave? Leave is granted. On the Order of 2nd Reading is Senate Bill 935. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen, on Amendment No. 3.

SENATOR BARKHAUSEN:

Thank you, Mr. President, and Members. Amendment No. 3 to Senate Bill 935 deletes everything after the enacting clause. It creates a new purpose for an institution called the bank of financial institutions, and allows this institution to take on the responsibility of providing community reinvestment act -- activities for various types of savings institutions. I'd be glad to answer your questions. This was approved in our Financial Institutions Committee on an attendance roll call, and is supported by the Commission on Savings and Residential Finance. I urge your adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there discussion? If not, Senator Barkhausen moves the adoption of Amendment No. 3 to Senate Bill 935. All 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. Is there leave for Senator DeAngelis to handle 935 -- 937? Excuse me. Leave is granted. Senator DeAngelis seeks leave of the Body to return Senate Bill 937 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 937. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, on Amendment No. 3.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 937 is the bill that extends the surcharge. Floor Amendment No. 3 deletes everything after the enacting clause, and the bill becomes a shell bill. I urge its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'd like to pose a question to the sponsor, if I might. Will this, in fact -- since the bill originally indicated that it would sunset the surcharge, what is the -- what is the nature now of your technical amendment that guts everything? By -- in other words, if I'm voting for your amendment, am I saying that I wish to sunset -- I wish to sunset the tax on June 30th? Or if I'm

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voting No, does that mean I don't want the surtax to sunset on June 30th? And -- what -- what signal am I sending here by -- by -- by your -- adoption of your amendment?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Demuzio, you know full well, as I do, that the sunset would occur if we did nothing. The sunset would occur if we did nothing. This bill merely puts it in a posture that we can continue the negotiations on the potential extension.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is one bill that I really have a problem with sending out as a shell bill. I think there are some strong feelings in this Senate Body about how this money should be split up, and whether or not it's going to be made permanent. I think it's an issue that we should resolve amongst ourselves before we send it across the rotunda, in order to be able then to compromise with the other side of the rotunda. I would rather see us send over a bill that we stand strong on, united, joined as a unified voice from the Senate, rather than to ship it over to the other side of the rotunda and then negotiate it with that side. I -- I just don't think this is a good idea, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio. I'm sorry, I thought you were through.

SENATOR DEMUZIO:

I just wanted to finish by suggesting to you that a lot of what we do around here is -- is symbolism, and I think when you are -- you're striking everything after the enacting clause; however, you're leaving the title of the bill. That could leave a

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great deal of misconception out there among the voters. And so I think that this will have much more serious ramifications for a Member's voting record than simply voting for this bill and -- as a -- as a vehicle to send to the House. I just think you may have some problems with this after you adopt this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. On a point of personal privilege, Mr. President. I was wondering if the Senate would be so kind as to welcome Joe and Grace Squardo from Cicero. Their daughter is very active in the Cicero Chamber of Commerce, and they're visiting us in Springfield today. And they're up in the gallery behind you on the left.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate. Welcome to Springfield. Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield? Senator...

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he will.

SENATOR CULLERTON:

...just wanted to double-check to make sure that this really is a shell bill. There's -- on page 16, there's a change in the Statute that talks about any credit in excess of the tax liability for the taxable year may be carried forward, as opposed to shall be refunded. Is that -- does that have any significance, or is it just meant to -- to truly be a shell?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Cullerton, the intent of that - and please know this is not my bill - was technical.

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PRESIDING OFFICER: (SENATOR WEAVER)

If there's no other discussion, the question is, shall Senate Bill 937 pass. I mean -- excuse me. We're on 2nd Reading. Senate Amendment No. 3 -- Floor Amendment No. 3 to Senate Bill 937 be adopted. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. 3rd Reading. Senate Bill 940. Senator McCracken? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 940.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President and Ladies and Gentlemen. Senate Bill 940 would expressly exempt from taxation any landfill operation located within a forest preserve district. Currently in this State, and probably for all time in the future, there is only -- or, not all time in the future. Currently there are two landfills located in forest preserve districts; they're both in DuPage County. These landfills over the years have been the source of much contention between the parties. For example, a lawsuit was brought in DuPage County, initiated by a group of local citizens living around the Green Valley landfill, which, in effect, challenged the authority of the forest preserve to conduct these operations on its property. That case has been settled with scheduled closing of both landfills at some dates in the near future. I don't -- I don't know them exactly. At about the time this was going on, there was also a move by one of the local assessors to assess for value Green Valley landfill, which precipitates this legislation. Apparently the Department of

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Revenue, pursuant to an administrative law judge decision, has held that the landfill is accessible for value. Needless to say, this comes as a surprise to the landfill operator and the county forest preserve district. I might add that -- that the lawsuit, or the litigation, does not involve the operator. The named defendant is the owner of the property, the forest preserve district. I believe that decision is erroneous as a matter of law, and that, in fact, it has been always exempt and should remain exempt. And this is my reasoning. Under 19.6 of the Revenue Code, and I don't know the new cites, they're baffling me. It used to be Chapter 120/500.6 -- or, no, it's 500.19 <sic>. I'm sorry. All forest preserve property of any forest preserve district is exempt. There is no provision in that Section for making the property accessible for value under any circumstances. Section 507 of the Revenue Code requires that where property which would otherwise be exempt because of its ownership, can be assessed for value because of its use. However, pursuant to Section 507, that is assessed as a leasehold. Now, law is quite clear, and has been so for many, many years, that a license, as opposed to a lease, does not create an incident making the property susceptible to assessment. I'm not sure what analysis the administrative law judge entered into. I believe it's erroneous, as a matter of law. Now, there -- there is some controversy apparently about this. And the group around the Green Valley landfill is known as CHASE, and some of you may be familiar with that. CHASE was the group that initiated the quo warranto proceeding, which ultimately resulted in this settled lawsuit, which has dated the closure of these two landfills. I was a big supporter of CHASE. Senator Petka and I are the ones who put them onto the idea of a lawsuit, which our DuPage County State's Attorney litigated, resulting in the settlement. When they came to see me about this bill, I told them forthrightly that I did not

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support opposition to it; that I believed as a matter of law they always had been exempt and properly still are exempt; and that I thought that, while understanding their motivation, I could not agree that the law should be changed for the purpose of, in effect, penalizing these facilities. I was not the sponsor of the bill at the time; I am now. My opinion is still the same, and I ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. And -- I regret to -- to break in at this time, but I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR JONES:

Yeah. We are honored today to have the former President of the Senate, the great statesman, a great leader, one whom we all admire, and I think most Members on your side of the aisle and majority of the Members -- all the Members on this side of the aisle welcome him, because they indicated they would like to have him back as President. Let's welcome Phil Rock here.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rock.

THE HONORABLE PHILIP J. ROCK:

(Remarks by the Honorable Philip J. Rock)

PRESIDING OFFICER: (SENATOR WEAVER)

Good to see you, Senator Rock. On the Order of 3rd Reading, discussion on Senate Bill 940. Senator -- Senator McCracken.

SENATOR MCCRACKEN:

Yes. Could I take this out of the record for just a moment, please?

PRESIDING OFFICER: (SENATOR WEAVER)

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Out of the record. Senator McCracken, on 950? It's a recall. Do you wish to recall? Senator McCracken seeks leave of the Body to return Senate Bill 950 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 950. Madam Secretary, are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Floor -- Floor Amendment 3 makes some technical changes in response to concerns voiced by vocational education instructors. Provides local area workforce preparation councils shall function as coordinators, and not policymakers. Provides that these units are to review local workforce plans, rather than to certify them. Provides that these local units are to determine whether cooperative agreements have been negotiated based on council recommendations, and adds references to nonprofit community-based organizations. I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator McCracken has moved the adoption of Amendment No. 3 to Senate Bill 950. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Senate Amendment No. -- Floor Amendment No. 3 is adopted. Are there further amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator DeAngelis seeks leave to bring Senate Bill 960 back to the Order of 2nd Reading for the purpose of a Floor amendment. Is there objection? Hearing none, leave is

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granted. On the Order of 2nd Reading is Senate Bill 960. Madam Secretary, are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Mr. President, I move that we table that amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis moves that Senate Amendment No. 1 be tabled. All those in favor, signify by saying Aye. Opposed, Nay. The amendment is tabled. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hasara, do you wish to bring Senate Bill 967? Senator Hasara seeks leave to return 967 to the Order of 2nd Reading. Is there leave? Leave is granted. Senate Bill 967 is on 2nd Reading. Madam Secretary, are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Hasara.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, on Amendment No. 3.

SENATOR HASARA:

Thank you, Mr. President. This amendment clarifies and gets rid of some of the objections to this bill. We had an incident in my area where a dentist left town without giving his patients any notice and is now practicing again in Illinois, and the dentists say there is nothing in their Act that gives them any teeth to discipline him. The other medical Acts have a Section called abandonment of practice. So this amendment just adds abandonment

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of practice as a violation to the Dental Practice Act. I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is the adoption of Amendment No. 3 to Senate Bill 967. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 to Senate Bill 967 is adopted. Are there further amendments, Madam...

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading.

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken, on Senate Bill 998. He is in Rules. We would like to have leave to go back to that when he returns. Leave is granted. Senate Bill 1000. Senator Cronin. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1000.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1000 seeks to amend the Educational Labor Relations Act to provide that an employer's duty to bargain over specified matters does not include a duty to bargain over a decision to reduce the number of employees and the impact of a reduction of employees. Forgive me. Forgive me. Senate Bill 1000, as amended - as amended - would allow staffing changes involving support staff to take place at any time during the

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school year following a sixty-day notification for full-time employees who have been with the district for two or more years. Furthermore, Senate Bill 1000 would allow a district -- a school district to respond to a decline in State funding that is beyond its control - for -- for instance, midyear prorations of appropriations, which have occurred recently. Senate Bill 1000 seeks to protect the rights of honorably discharged employees by requiring a reasonable notification period while not requiring precious education dollars to be spent on employees who are no longer needed in the district. Finally, Senate Bill 1000 allows the release of a one-on-one aide - for example, a handicap child who has moved out of the district. I ask for your Aye -- Aye vote, please.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Over the past couple of years I've introduced legislation that has helped some of the ESPs and continues to try to make them, especially in downstate Illinois, first class citizens. And I think what this bill really does, it allows for these people, who currently do have one right, and that is to be told whether they're going to be brought back or laid off at the same time that the school teachers do, with the pink slip being in April. This bill allows that to take place anytime along the line. I think it changes the ball game, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. We had a great deal of discussion about this in committee, and it is a dilemma, but what it boils down to is that we, by voting for this, would create a second

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class citizenship for those people who work part-time in schools. These are the people who are the school aides, the -- the others who are there to assist the teacher. And what we talked about is whether or not they should have rights when it comes to being able to bargain about their own work position. What this bill does is to remove that right. And so the question you need to ask yourselves in voting - I hope, No - for this is whether or not that's fair. And I say it isn't. So I would hope that we would vote No on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I was involved in the negotiation between the school boards and the IEA on this piece of legislation. I think we reached about as close a -- a compromise and an agreement that you possibly could between those two organizations without everybody mistrusting the other one. What we tried to do is preserve the employees who work in a school district who have honorably served that school district well, and those that have been there for two years or more certainly deserve some notice in my estimation, and I think in the estimation of everybody. And we wanted to keep the sixty-day notice, which we have done that. I wanted to go further and say, how about those who work less than two years, we certainly should give them notice, and also how about part-time employees that have done well for the district. They don't have any notices now; they can be terminated at any time. So they were included in there, to at least be given two weeks' notice. I think that's fair, and I think that was a improvement to the bill, and everybody seems to agree with that. We felt that the dollars that we could save for a school district that would be a -- a reduction of the force during the term, because there was no need

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for that employee, served the district, served the schools, served the IEA employees too - precious dollars that could be used for educational programs for adjusting salaries in other areas, rather than having employees there that no longer, by agreement, are necessary. So we tried to make those changes, and that's basically what it does. I think it's a fair approach to preserve those people that are honorably there. We certainly didn't want to give somebody sixty days' notice and keep them there if they had a child abuse problem. We certainly didn't want to keep somebody and force them there to stay for fourteen days or two months, because they were stealing or they never -- failed to come to work or left early. So those dishonorable discharges, as they are currently allowed under law today, can be handled by the school board as they do. So that has not changed. And I do support, and I do ask for your support of Senate Bill 1000.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR CRONIN:

Thank you very much, again, Mr. President, Ladies and Gentlemen of the Senate. Senator Klemm said it well. And Senator Klemm made a genuine effort to reach a compromise on this bill. But I think what's going on here and what we're seeking to accomplish is to allow school districts some flexibility in managing labor issues, especially as these issues relate to the ESPs - the educational support personnel. This gives school districts a little bit of flexibility to -- to make a reduction in a work force in the middle of the term or during the school year with adequate notice provisions given - the sixty-day notice provision given. I think this is fair. I think it's reasonable. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1000 pass. Those in favor,

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vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Yes, 28 Noes, no voting Present. The bill, having received the required constitutional majority, is declared passed. Senate Bill 1034. Senator Hasara. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1034.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. This bill would provide that violations of the Cannabis Control Act or the Illinois Controlled Substance Act would require one of three things: if the defendant would be found guilty, he or she would be fined a minimum of eight hundred dollars; a minimum of a hundred hours of community service; or a minimum of forty-eight hours of jail time. This is part of the Governor and Lieutenant Governor's drug package, and I would ask for a favorable vote, would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this bill. If we look at the bill, what we're talking about is when someone is placed on court supervision. We've had this discussion before; we all know what court supervision is. After a judge takes a look at the offense, takes the background of the defendant, most of the time - I would say almost all of the time in -- in Cook County - they don't have

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convictions of this offense; otherwise, if they were convicted previously, chances are they wouldn't get supervision. So we're talking about first-time offenders, and we're giving them supervision. So now we're saying we're going to give a condition of that supervision, and it's one of three: either you pay eight hundred dollars, you do a hundred hours of community service, or a minimum of forty-eight consecutive hours of imprisonment. So basically what it's saying is, and here's the two options: forty-eight hours of prison or eight hundred dollars. So basically what it's coming out to, if you have money, you pay the eight hundred and you go home; if you don't have the eight hundred dollars, then you're going to jail. Now, the third option they have is a hundred hours of community service, which can also be a problem. So I submit to you that if you're poor and you don't have the money, and you get supervision like someone who's rich and has the money, the rich can pay the eight hundred dollars and the poor has to do the hundred hours of community service or they go to jail. And that's a terrible message to send, and I stand in opposition. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Senator Hasara, with all due respect, I -- I heard this bill in committee. I -- I remember having your witness there, and I know what your intention is, but this bill will have devastating unintended consequences in Cook County. Now, as -- as was previously stated, you're saying that anybody who has a -- who pleads guilty or is found guilty, or even placed on supervision, for any offense dealing with controlled substance, which could be possession of one joint of marijuana, has to have one of three things: a hundred hours of community service - that costs money, that costs the County money, and -- and in many cases, there's no

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room and that would not be available - or an eight-hundred-dollar fine. These people --- many of these people who are found guilty of drug cases are represented by the public defender. They do not have eight hundred dollars. They have signed an affidavit saying they do not have eight hundred dollars. And so, therefore, the third option is to spend two days in the county jail. It's a sentence. We're mandating that they have to spend two days in the county jail. There's no option. Now, that means that they are sentenced to the county jail. They are taking up a bed in the county jail. Now, in -- in Sangamon County, this might be a great idea. In Cook County, we are under a federal court order. They can only have a certain number of people in the jail. No matter what bond a judge sets - a judge can set a bond for a rapist for a hundred thousand dollars - no matter what bond a judge sets, if -- if there's not enough room in the county jail, a bureaucrat releases that offender -- alleged offender. All this bill will do will be to take a person who's charged with possession of marijuana, one joint, forcing them to take up bed space, so that a person charged with a heinous crime can go free. That's what it means to Cook County. I -- I can't make it any clearer than that. It's -- that's what it does. There's no -- there's no other way around it as I read the bill. I asked that there'd be a possibility of some amendment for you to reconsider it, but this would be devastating to -- to the criminal -- to the -- to the safety of the people in Cook County. It's bad enough as it is now that we have this overcrowding. You're going to take relatively minor cases and you're going to force them to -- to be sentenced, when otherwise they would get probation, and you're going to take up space and you're going to have people who are very serious offenders are going to be out on the street. It -- I don't think I feel any stronger about any other bill that's on the -- that I've read this year than this one, because it's exactly what it

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does, and it's just a bad idea.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says she will yield, Senator Fawell.

SENATOR FAWELL:

Senator Hasara, do you know what the penalty is right now for someone who is convicted of this offense?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

It would depend on the -- the specific offense, Senator. This covers a range of offenses.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

So, in other words, right now a judge could sentence a person who is convicted of such offense to -- to jail, or -- or -- or fine them. So it seems to me that this does allow the judge to have an option. We have not said you have to send them to jail. We -- no, it doesn't. It says... Senator Hasara, apparently, there is a problem. We are allowing the judges to either send them to jail, or fine them, or give them community service. Is that right?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Yes, that is correct. Let me try to answer some of the objections raised by Senator Cullerton. First of all, the State's Attorneys' Association is the group that requested the -- the jail

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option. The original idea included fine or community service. At the request of the Illinois State's Attorneys' Association, the optional jail time was added. Let me say just a couple of things: first of all, there are many cases in which a defendant has no money. That is definitely true. When I worked in the court system, even in many of those cases, the judge would set up a payment schedule of -- at something as low as five or ten dollars a week. And so, that certainly is an option that the judge has. And in many cases, even when the defendants don't have much money, that is an option that they will use, and -- and many of us would agree that that is a pretty good option. At least you have the defendant paying something in fine. The other thing I think that's important to remember is, if the courts are going to use this to let hardened criminals out of jail, that is ridiculous. Remember, there is a community service option in this bill. I did look at the options of community service in Cook County, because I knew that was a concern of Senator Cullerton. I have been assured that access to these programs is not a problem. That there are three large programs in Cook County; that there are vacancies in the program, and that that is an option that's available to the judges of Cook County. So, if in fact the jails are full, the judge does not want to put a defendant on a very low payment plan for a fine, there is community service. And I would say that if -- if you think that your constituents don't agree that two days in jail, an eight-hundred-dollar fine, or community service, is not a good idea for a violator of the Drug Acts, you better go back and ask your constituents again what they think. This is a very popular idea. Again, the State's Attorneys requested the jail time option, and I -- I hope that I've addressed some of the concerns.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Syverson.

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SENATOR SYVERSON:

Thank you. I rise in support of this bill, as well. This is an important piece of legislation for a couple reasons. First, this is geared towards that first-time drug offender - that fourteen-, that fifteen-year-old that needs to be sent a strong message. Two days in jail would certainly scare them. Community service is a -- another great idea. But, historically, all we have is some parent coming in and dropping the two hundred dollars, and the kid gets off scot-free. This is something that's going to drive a message home, and if the parents have to come up with a thousand dollars, it's going to be a lot -- the punishment's going to be a lot stricter. This is something that we need here in Illinois. The other thing that's good about this bill, it's a user tax. Let those people who are causing the drain on the system pay for it. This would raise additional revenue by having such a high fine. There's no reason why property taxpayers have to continue to finance these people's activities. So I think this is a fantastic bill, and I would urge its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. In Cook County, currently, there is a program with the Cook County Sheriff's Office. It's called the community service program. And what happens there is that the judges in Cook County who sentence their -- some of their lesser -- started out as a DUI program - DUI offender's were sent to this community service program. It was so successful -- such a -- such a success in Cook County that the -- the -- the judges -- the chief judges of -- of the circuit court decided to expand it to other offenses. The community service program -- the way I read the language, Senator Cullerton, I don't think that you should fear that -- that all these community service -- or potential

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community service participants will be sent to jail for forty-eight hours. Experience has shown - in the last six, seven years that I have known of -- of this program - has shown that the majority, or -- or almost unanimously, most of those people who are sentenced for these -- these lesser crimes that are assigned to the community service program are involved in such activities as -- as cleaning viaducts or -- or removing graffiti, or cleaning senior citizens homes or home for the developmentally disabled, or washing municipal vehicles, cleaning other equipment and other property. As a matter of fact, there is even, currently, a program between the Sheriff of Cook County and the -- the Illinois CMS where they are exchanging services for each other for surplus property. Very successful. I think that this is -- you're not going to be adding enormous amounts of people to jail. I think that Senator Cullerton was given the extremist view of -- of what this bill would do. I think this is going to be simply expanding a community service program, which has been enormously successful in Cook County, and I would strongly urge every other county in the State of Illinois to look at how it's worked there and apply something to your communities.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as I understand it, and -- and I favor your bill; I voted for it in committee. I think it addresses a real need in Illinois, and I applaud the Governor for bringing it. But as I understand your statements and -- and the history of this, the forty-eight-hour provision is at the request of the State's

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Attorneys' Association for downstate State's attorneys who do not necessarily have available community service programs and wanted this option. I happen to think, however, that Senator Cullerton is correct about the unintended consequences on the jail situation in Cook County. Right now, they are under federal court order, and you read the horror stories daily about the I-bond releases that an administrator has to make up there. Are you willing to consider an amendment in the House, which perhaps excludes from the mandatory jail time situations where a jail is under federal court order, or something of the like? So that you don't do something you don't want to do with this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Senator, I am always willing to consider anything that is a concern to part of the Body. However, I would say, I don't see anything that mandates a jail sentence. I am told that access to community service programs is not a problem in Cook County, and I -- I just -- I don't understand the big problem. If a judge can sentence someone to community service, why we're so worried about the mandatory jail, but obviously I am -- I am willing to talk to anybody about a concern.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton, for a second time.

SENATOR CULLERTON:

Yes. I apologize, Mr. President, to rise for a second time. But let me just say that I have no problem, and I think it's a good program that the Sheriff is running for the community service program. It does cost money, but it is a good program. And there might be openings right now, but there sure isn't going to be any openings after this bill passes, because this says that every offender who now is, in effect, getting supervision or probation

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for a drug case in Cook County will have to go either to the community service or to jail. There's not going to be enough openings. And if they -- if you want them to go there, if they have to expand the program, it'll cost the county more money. So they'll either have to spend a lot more money to expand the community service or they'll have to release somebody from the jail who's awaiting trial for a serious offense, so they can incarcerate somebody for forty-eight hours. And as far as, you know, amending a bill in the House, you know, first of all, I didn't hear a commitment, and secondly, you know, we used to make fun of the idea of, "I'll amend it in the House". You know, I don't think that's -- that's the place we can do it. I really think that we ought to defeat the bill. If -- if you want to take another House bill that amends the Criminal Code that comes over and work on this, I think it would be a great idea. But this is really going to have an unintended consequence in Cook County that's going to be devastating, and you're going to be sorry you voted for it, if you did.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara, to close.

SENATOR HASARA:

Thank you, Mr. President. I think this is exactly what we want to do. I think we want to send a strong, clear message - that if you use, you're going to pay. There is a third option of an eight-hundred-dollar fine. Courts everyday set up payment plans for a very low amount. So I think this is an excellent bill. I don't think we need to amend it. I think it's what our citizens want. I think that this is what we all want. I'm willing to amend it if that's what everyone wants to do, but I have a feeling that this bill's going to pass out of here as it is and will probably pass the House, because this is exactly what our citizens are saying to us, and this is what we've been saying.

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Let's spend a little at the front end for prevention so we're not filling up our State penal institutions, and that's what we hope will be a result of this bill. You take a first offender; you charge them eight hundred dollars, let them do community service, or serve two days in jail. And we hope that that will go a long way toward stopping some of the overcrowded prison problem that we have in later years. So this is a great bill, it does what we want it to do, and let's vote Aye.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1034 pass. Those in favor will vote Aye. 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, there are 33 Yes, 17 No, 7 voting Present. Senate Bill 1034, having received the required constitutional majority, is declared passed. Senator McCracken, we had leave a while ago to go back to Senate Bill 998. Is that your pleasure, Senator? Okay. Senate Bill 998. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 998.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. Senate Bill 998 would increase the probationary period for downstate teachers from two years to three years. Current law provides a three-year probationary period for Chicago teachers. Downstate teachers currently have a two-year period. There is, in the current law, an opportunity to extend the probationary period by one year, assuming adequate notice is given, pursuant to the

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Statute. This bill, in extending it to three years, would allow, in effect, for a two-year probationary period, and let me explain. Apparently after the first year or with one year remaining on the probationary period, if -- if that deadline is missed, it can result in litigation in trying to terminate the teacher prior to the end of the two-year probation period. Attorneys, I'm told, are advising school districts that if they have any doubt about the status or quality of the teacher, they should exercise their right prior to the one-year deadline. This would allow them some flexibility, and not require them to judge a teacher so quickly, but in effect, would give this two-year period before the potential for litigation arises in the third year. I move its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I would rise in -- in opposition to Senate Bill 998. Senator McCracken did explain very well what this bill does. It -- current law now is that there's a probationary period of two consecutive -- two school terms before a teacher is tenure, and present law does also allow a school district to extend that probationary period for a third year if they so choose. A probationary teacher can be dismissed for virtually any reason at the end of their second year of teaching, and quite frankly, I don't know that there's been any difficulty in deciding if these employees are competent over the course of two years. It would just seem to me that this is legislation that is -- that is not needed, and I would rise in opposition. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess I'm a little confused again, which I get quite often in this Body. I hear the other side of the aisle continually talking and some on this type -- side of the aisle continually talking about the poor state of affairs in the City of Chicago schools; that they are the worst schools in the nation. They are the worst of this, and downstate's been doing a pretty good job. So why now do we want to take the downstate teachers that seem to be working pretty good and put them into the same posture as the Chicago district schools? That seems to be contradictory. It seems to make no sense to me, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, the sponsor will yield, Senator Hall.

SENATOR HALL:

Why is the IEA opposed to this, sir?

PRESIDING OFFICER: (SENATOR WATSON)

Senator McCracken.

SENATOR McCracken:

My guess is they don't want the probationary period extended.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator McCracken, you may close.

SENATOR McCracken:

Thank you. Twenty-six states have a three-year probationary period. Of the states surrounding us, Kentucky and Wisconsin have three-year periods. The City of Chicago has three-year period. I believe a three-year period is warranted. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 998 pass. Those in favor

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will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On that question, there are 25 Yes, 30 No, no voting Present. Senate Bill 998, having not received the required constitutional majority, is declared failed. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR RAICA:

Actually, it's an observation, Mr. President, if I might. Yesterday, Senator Hendon, in an eloquent speech, actually asked us nicely not to use the term "other side of the aisle". And at least for the first four hours of today's Session no one used that, except Senator Jacobs, and we were -- you know, Pate met with us all yesterday, and asked us to be nice about it. So, Ricky, you better have a talk with Denny, because it was your guy who did it first. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Well, thank you. Next order of business is Senate Bill 1069. Senator McCracken. Out of the record. Senate Bill 1078. Senator LaPaille? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1078.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. I bring to you today Senate Bill 1078. We have worked on it extensively with Senator Hawkinson.

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It came out of the Judiciary Committee. We had an amendment that was put on, which basically is the entire bill. Right now, current graffiti is handled as a simple trespass. What this bill would do will seek two avenues for redress and restitution and penalty for graffiti. Number one, it'll impose criminal actions if the prosecutor decides to go criminally, and it would allow restitution and/or community service and/or fines up to five times the damages. The community service part is very interesting, because it would tell the offender that maybe you'll have to go out and clean up the graffiti that -- that you put on a building or a garage or a home or a CTA train or Pace bus, whatever. Number two, the funds would be used to pay a reward for people that were to call in, and call in regarding graffiti, if the people are apprehended and found guilty, there would be a reward to the person making that phone call. It's found that if people were to call in, the police normally can catch people that are doing this. This would be an incentive to pay them. And number two, the funds would also be used as a clean-up fund to assist in the cleanup of the CTA, as well as Metra and Pace for mass transit. It is totally permissive outside of Cook County. Therefore, if there was a problem in the City of Springfield, the Sangamon County Sheriff could create this type of a fund to assist people in Springfield, or in Decatur, the Macon County Sheriff. So it is permissive in the rest of the State. And it would also give the option to go with civil action, which would be regular punitive damages, treble damages, or a parental liability up to one thousand dollars, which is currently the law right now with parental responsibility. As I said, it is permissive outside of Cook County. This will begin to put teeth into a problem that is costing homeowners, especially in our southwest side community, as well as the northwest side community and throughout Chicago. I believe it's also starting to happen within suburban Cook County,

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and even here in downstate Illinois - begin putting some teeth into the law, and help residential owners, businessmen and mass transit districts begin recouping some of their costs. With that, I would move for its -- for its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Former Chairman of the State Democrat Party, Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. Now -- now that I have him where I want him, let me ask this question if I might of the sponsor. Every morning when -- when I come to Springfield from Carlinville, I pull out on Route 4, and I start north and there's an old railroad overpass there that has all kinds of graffiti on it. Would this bill apply to that, as well?

PRESIDING OFFICER: (SENATOR WATSON)

Will the sponsor yield? Senator LaPaille.

SENATOR LaPAILLE:

If it is -- if it's a mass transit railroad, which I doubt you have mass transit coming from Carlinville to Springfield.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, we don't, but if -- there might be a bill this Session that allows us that opportunity. You never can tell what Chicago and the CTA and the RTA are -- are going to do. It is a problem, and frankly it is -- it's a -- it's a nuisance to those of us who, in fact, have to look at that nonsense every day. So I would rise -- in spite of the sponsor, I would rise in support of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

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PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Woodyard.

SENATOR WOODYARD:

Senator LaPaille, I could not hear part of your presentation, and does this bill deal with fertilization or insemination of livestock? Does -- is that contained in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

No. The tax relief bill for farmers is coming up. I believe it'll be in Ag Committee next week, and I would ask everyone to please join me as a cosponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hall. Senator Kenneth Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just wanted to know why he did not make this statewide, but it's -- he's...

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

The penalties, et cetera, and the sentencing would be Statewide, but with regard to the clean-up fund, that would be at the discretion of the county sheriff if they want to embark on that, and the county board.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Klemm.

SENATOR KLEMM:

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Just a question. I -- my concern is about the use of the funds. Would there be excess funds perhaps that the city or somebody could start perhaps diverting to other programs that are not the intent of the -- of you or I or the legislation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

The way the bill is drafted, there would only be two -- two ways that they can use the fund: one, for the reward for people that were to call in, and if a person was apprehended and convicted; or number two, for the cleanup for mass transit, either in Cook County -- Cook County that would mean the CTA, Pace and Metra, and if it was downstate, if the county board adopted it, then it would be any mass transit cleanups downstate.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Just one further question then. Because it's five -- is it five times the amount of the fine or penalty?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR KLEMM:

Can't that -- could that develop such large amounts perhaps that we have the surplus?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

The potential is five times. The judge can just make it one time or two times. So, again, it gives discretion to the courts. It's not mandating the judge to do five times. He could put it -- peg it wherever he would want.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Klemm.

SENATOR KLEMM:

Well, thank you for the answers. I think it's a fine bill, and have the support. Thank you very much.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs. Further discussion?

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a comment, I guess. On April 1, Chairman LaPaille, you went on record as being for gaming on Greyhound transportation or on mass transit bus rides, and today, of course, Senator Raica hit us on part -- one half of Ricky Hendon's program of being nice to the other side and the other with the seating arrangement. Does this incorporate, A, the gaming on the -- the buses, or on the mass transit? And B, number two, does it -- does it really address the -- the issue that Senator Hendon brought up about the seating arrangement of Democrat-Republican-Democrat-Republican? Does it resolve either of those issues?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

No, but it would -- only on school buses.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Well, in our area, and I notice occasionally in Springfield, in some of the bathrooms on the walls are written names, phone numbers and relevant information. Now, is this considered

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graffiti if it's not on RTA property?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

I guess it could be construed to be. So you better watch yourself next time, Aldo, when you're in the -- when you're in the men's washroom over there.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will yield.

SENATOR HENDON:

I would like to know who would administer this fund?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

With regard to Cook County, if it's within the City, it's the Chicago Superintendent of Police; and within suburban area, it would be the Cook County Sheriff. Downstate, if there was a move by the county board, say if Sangamon County, then it most likely would be the county sheriff of Sangamon County.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

So the superintendent of police would actually -- these funds would go into a police deposit -- I want to know who will actually have the actual dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator LaPaille.

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SENATOR LaPAILLE:

The circuit clerk would first get the dollars, and then they would be appropriated to -- to either the superintendent of police or to the county sheriff, depending where the -- where the fine was imposed. And then they would create a special fund.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

At what point would the funds -- I have similar concerns that Senator Klemm raised, at what point would these funds be given to the CTA for the cleanup, or would they -- would they go to a special group for the cleanup? I want to know who will be in charge of this revenue once it's there, because we don't want the revenue diverted for some other cause if its intent is to clean up the graffiti.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

The funds would either flow, if it's within the city, to the CTA for mass transit cleanup, or for rewards for people that call in, if they are a Chicago resident and the crime was within the City of Chicago; if it's outside of Chicago within Cook, the RTA more than likely would get the funds, and then they would disperse those to Pace and to Metra for cleanup of commuter trains, as well as Pace buses, and secondly, the funds would go for rewards of people that were calling in from Cook -- suburban Cook County, and could not go anywhere else. That's -- that would be the only purpose.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Without going into the mismanagement that we currently have

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over at the CTA with their budget, without even going into that, I'm sure you're aware of the fact that the current service cuts that the CTA is planning and the service cuts that the CTA has already implemented, have had a -- a very negative impact on certain communities. Are there any guarantee that these funds will be spent fairly across the City of Chicago to remove graffiti all over the City of Chicago? Is there any guarantee on that line in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

END OF TAPE

TAPE 3

SENATOR LaPAILLE:

...(machine cutoff)...Hendon, if Clark Burris, the Chairman of the CTA, would like to violate State law and not use them for the purpose that we're putting forth here, well then that would be up to Clark Burris to violate State law. I don't think Clark Burris will violate State law.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator -- excuse me. Senator Hendon.

SENATOR HENDON:

I'll conclude with this, because I didn't -- I -- I didn't ask you that. I asked you, did you have the foresight to put within your legislation any guarantees. Now if you have them in there, tell me you have them in there. I don't want to hear what you think about what Clark will or will not do. Is there a guarantee in there that these funds will be spent fairly across the City?

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Because the service cuts aren't disbursed fairly across the City.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

The bill is very simple. It says that it shall be used for mass transit cleanup. The administration of the CTA, once they receive the funds, will decide where to use the cleanup. And I would think they'll try to go across the board. This is a fourteen-million-dollar problem that they're currently experiencing. The Chicago Tribune did a series regarding mass transit graffiti, not only with the CTA, but the RTA, Metra and Pace. So it would be used to clean up CTA buses, Pace buses or Metra trains.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Madigan.

SENATOR MADIGAN:

Senator LaPaille, a few days ago we passed a bill dealing with pigeons, and I'm a little concerned about how you define graffiti. If my pigeons fly over property owned by the RTA or CTA and something happens as far as an accident, could my pigeons be guilty of graffiti?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

If they meet -- if they meet the artistic standards set forth by the Illinois Supreme Court, then I guess they would be in violation.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator LaPaille, can you tell me why in the Democratic analysis they refer to residential property if this affects only mass transit units?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

It affects also residential property. Residential and businesses. Private property, as well as mass transit cleanup.

PRESIDING OFFICER: (SENATOR WATSON)

No... Senator Garcia.

SENATOR GARCIA:

It is, therefore, not limited just to rapid -- to mass transit violations or graffiti that takes place on that property?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

Correct.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw. Further discussion.

SENATOR SHAW:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, sponsor will yield, Senator Shaw.

SENATOR SHAW:

Senator, as it relate to residential property, how does -- how does one go about obtaining funds to get the graffiti off of the

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-- my house, let's say?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR SHAW:

How does -- who would -- who -- is anything in the bill that...

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

Through restitution, if they were to prosecute the person through criminal action, or through damages, through civil action. So the judge would order the amounts paid to the homeowner. He could set -- he could set the -- the fine and he can even impose punitive, where the person would even recover more than that and then it would go directly to the homeowner from the circuit clerk.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Now we -- we are establishing a fund that would be administered by the police and the CTA. Maybe I didn't see the person who spray-painted my house. How do I get into these funds to -- to help to recoup some money to get this off of my house? What's in the bill? How do I do that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

Quote -- the fund that we're talking about is for only two purposes. One, it would be rewards for people that were -- were to call in witnessing graffiti either on mass transit, homes or businesses and the person was caught and convicted. So, number one, the fund that we're talking about is for rewards, number one. Number two, it is for mass transit cleanup within Cook County

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or other mass transit districts downstate if the county sheriff or county board so wishes. It is not a clean-up fund, per se, for homeowners, because the fund would have to be almost limitless. What it does do is increases the amount of damages from current law that a judge can impose on people that do graffiti against residential or businesses, and then they would be paid to recover and redo their garages or homes, as well as punitive damages, where they might even get some additional restitution.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Maybe -- I think this is a good idea, but maybe when you get to the Senate -- when this bill -- if it gets out of here and gets to the House, maybe you should look at how a homeowner could tap in -- could tap into these funds to get -- because most time, people don't see -- it's done late at night, and no one is out and they don't see people spray-painting the houses. And maybe that homeowner -- it should be some provision in here where that homeowner could tap into the -- to that fund, and you might consider an amendment in the House where that they could do that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Or would you wish to respond? Senator LaPaille.

SENATOR LaPAILLE:

And we would be willing to do that. Especially if there were surplus funds in the cleanup fund, that would be a good way to do it. If the person -- if people could not seek civil action because it was done at night and you couldn't catch the person, perhaps there -- we could look at that when we get to the House.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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Thank you, Mr. President. Question for the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator LaPaille, with residential property, does your bill require community service?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LAPAILLE:

It's an -- it is an option that the judge would have. He would be able to seek damages, community service or punitive damages. So it is an option. We do not want to be telling the judiciary what they have to impose upon any person perpetrating graffiti.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

Well, to the bill, Mr. President: I would strongly urge Senator LaPaille to consider amending this bill in the House to see how we can require community service, because I think that that is probably the best deterrent that we could have out there in the neighborhoods. Your area has been hard hit. Our area has been hard hit. It's happening all over -- all over the City, and I really think that the best deterrent is -- is to see individuals who have been found guilty of -- of criminal damage to property out there painting the graffiti and serving the community in other ways. So I would strongly recommend that we consider looking at this in the House. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is

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one of the most sensible bills that I've heard about coming from the other side, and I certainly rise and speak in favor of it. And I'm sure the sponsor has looked into it very carefully, because no doubt when he was a youngster, he might have been involved in a little graffiti here and there. And therefore, now he wants to straighten out the record and absolve his conscience, and therefore, I'm all in favor of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator LaPaille.

SENATOR LaPAILLE:

In response to Senator Geo-Karis' statement: Senator Geo-Karis, I have to admit that when I was fifteen years old, myself and a good friend of mine were caught in an alley taking down Republican signs. But the police caught us, and they brought us back to our parents. So I am guilty of taking down Republican campaign signs, when I was fifteen years old. Not last year, no. Not last year.

PRESIDING OFFICER: (SENATOR WATSON)

That will probably appear on the transcript. Senator Palmer, further discussion?

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

A question. Yes, the sponsor will yield.

SENATOR PALMER:

Senator LaPaille, I don't have any real opposition to this bill. I am concerned about how -- whether you have a process in mind by which the accuser would be able to prove that the person accused was, in fact, the one who committed the offense.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

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The same -- the rules of evidence for both criminal and civil action would have to apply. So, just if you called in and said, "I think I saw Senator Alice Palmer writing on a garage," if the police investigated it, and there was no -- no evidence that you did, you would not be arrested.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski, for further discussion.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will yield, Senator Burzynski.

SENATOR BURZYNSKI:

Senator LaPaille, just a quick question. I know that several amendments have been suggested that -- that might be necessary to add in the House. If you choose to any of these amendments in the House, do you feel that -- that you'll have the appropriate amount of support in order to -- to gain those amendments' passage in the House?

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

Perhaps if you come over with me, we could work the Floor over there.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon, for a second time. I beg your pardon. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Well, I just wanted to make sure of that, because I've seen bills that are very similar or -- or very good quality bills that once they get to the House, they seem to disappear, and I wanted to make sure that didn't happen with your bill. But I'd certainly rise in support of it.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon, for a second time.

SENATOR HENDON:

Thank you, Mr. President. The intent here is good, but this bill is clearly flawed, poorly drafted, has technical errors, and I'm certain that we're going to see this little fund later on as a bail-out fund for the CTA, and I -- I just urge you to vote No because of that, even though it is a noble idea. Other than that, it has a lot of problems in the bill. Very poorly drafted by the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

No further discussion? Senator LaPaille, to close.

SENATOR LaPAILLE:

I would ask Senator Hendon if he even read the bill. And in closing, I thank the other side of the aisle - excuse me, I'm not supposed to say that - for their support. As you can see, Senator Hawkinson, Senator Cronin are chief cosponsors with me. I think it's time to put some teeth into our anti-graffiti -- laws in Illinois. It gives the option to downstate communities - Decatur, Springfield, Bloomington, wherever - if they're experiencing problems, to partake of this new law. I ask for your support and move its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1078 pass. Those in favor will vote Aye. 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, there are 53 Yeas, 2 Nays, 1 voting Present. Senate Bill 1078, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, do you wish -- 1087. Do you wish to call? Out of the record. May I have the attention of the Senate. We

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have been averaging about five bills per hour. So, at this rate, we have twenty more hours of work, so just be prepared to be here until midnight tonight. We will be recessing shortly until 1 o'clock, but... 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 Appropriations - House Bill 1963; and Amendment 9 to Senate Bill 320.

To Commerce and Industry - House Bill 1679.

To Education - House Bills 77, 242 and 2230.

To Environment and Energy - House Bills 436, 1290, 1341 and 2183; and Amendment 8 to Senate Bill 770.

To Executive - House Bills 267, 335, 419, 1623, 1624, 1626, 1716, 1728, 1739, 1778, 1781, 2082, 2182, 2265; and Amendments 7 and 8 to Senate Bill 900.

To Financial Institutions - House Bills 1687, 1718, 2079.

To Insurance, Pensions and Licensed Activities - House Bills 1299, 1774 and 1848.

To Judiciary - House Bills 21 <sic> (71), 360, 383, 1109, 1253, 1298, 1344, 1372, 1453, 1790, 1808, 1907, 2013, 2129 and 2420.

To Local Government and Elections - House Bills 1097 and 2024; and Amendment 13 to Senate Bill 130.

To Public Health and Welfare - House Bills 45, 152, 282, 2076 and 2242.

To State Government Operations and Executive Appointments - House Bills 581, 1441, 1601, 1643, 1901 and 1965.

And to Transportation - House Bills 349, 1646 and 1906.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

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SENATOR RAICA:

Thank you, Mr. President. If the Chair feels this is the appropriate time, I rise on a point of committee announcement. Thank you, Mr. President. The Committee on Local Government and Elections will meet immediately following the recess of the General Assembly for today in Room A-1 of the Stratton. That's the Committee on Local Government. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. State Government Operations and Executive Appointments will not meet immediately upon adjournment. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

The Committee on Transportation will not meet. We got all our work done and it is not necessary.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, the Senate Financial Institutions Committee has similarly been very efficient in the conduct of its business and does not need to meet today.

PRESIDING OFFICER: (SENATOR WEAVER)

Any other announcements? After the conclusion of House -- Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I'm just -- rise to say that the Executive Committee meeting that was scheduled for this evening to hear resolutions has been canceled, and we will hear those resolutions at a later date.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Just to remind everybody that the Health Committee will not meet tonight as scheduled.

PRESIDING OFFICER: (SENATOR WEAVER)

The Secretary will be reading in House bills, but there's no necessity for the Members to be on the Floor, so we -- after the House bills, we'll be recessing till 1 o'clock. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 187, offered by Senator Welch.

(Secretary reads title of bill)

House Bill 252, Senator Petka.

(Secretary reads title of bill)

House Bill 256, Senator Mahar.

(Secretary reads title of bill)

House Bill 296, Senator Rea.

(Secretary reads title of bill)

House Bill 323, Senator Petka.

(Secretary reads title of bill)

House Bill 458, Senator Fawell.

(Secretary reads title of bill)

House Bill 480, Senator Welch.

(Secretary reads title of bill)

House Bill 575, Senator Tom Dunn.

(Secretary reads title of bill)

House Bill 610, Senator Shaw.

(Secretary reads title of bill)

House Bill 685, by Senator Tom Dunn and others.

(Secretary reads title of bill)

House Bill 690, Senator O'Daniel.

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(Secretary reads title of bill)

House Bill 696, Senator Petka.

(Secretary reads title of bill)

House Bill 757, Senator Welch.

(Secretary reads title of bill)

House Bill 779, Senator Philip.

(Secretary reads title of bill)

House Bill 800, Senator Dudycz.

(Secretary reads title of bill)

House Bill 941, Senators Woodyard and Mahar.

(Secretary reads title of bill)

House Bill 948, Senator Smith.

(Secretary reads title of bill)

House Bill 949, Senator del Valle.

(Secretary reads title of bill)

House Bill 973, Senator Tom Dunn.

(Secretary reads title of bill)

House Bill 1038, Senator LaPaille.

(Secretary reads title of bill)

House Bill 1040, Senator Philip.

(Secretary reads title of bill)

House Bill 1043, Senator Palmer.

(Secretary reads title of bill)

House Bill 1045, Senator Philip.

(Secretary reads title of bill)

House Bill 1071, Senator Klemm.

(Secretary reads title of bill)

House Bill 1075, by Senator Klemm.

(Secretary reads title of bill)

House Bill 1129, Senator Topinka.

(Secretary reads title of bill)

House Bill 1147, Senator Smith.

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(Secretary reads title of bill)

House Bill 1024, Senator DeAngelis.

(Secretary reads title of bill)

House Bill 1205, Senator DeAngelis.

(Secretary reads title of bill)

House Bill 1257, by Senator McCracken.

(Secretary reads title of bill)

House Bill 1364, Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 1396, Senator McCracken.

(Secretary reads title of bill)

House Bill 1464, Senator Topinka.

(Secretary reads title of bill)

House Bill 1743, Senator Farley.

(Secretary reads title of bill)

House Bill 1748, Senator O'Daniel.

(Secretary reads title of bill)

House Bill 1804, Senator Topinka.

(Secretary reads title of bill)

House Bill 1886, by Senator Topinka.

(Secretary reads title of bill)

House Bill 2057, Senator Smith.

(Secretary reads title of bill)

House Bill 2102, Senator Stern.

(Secretary reads title of bill)

House Bill 2109, Senator Welch.

(Secretary reads title of bill)

House Bill 2117, Senator Topinka.

(Secretary reads title of bill)

House Bill 2123, Senator Philip.

(Secretary reads title of bill)

House Bill 2245, Senator Maitland.

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(Secretary reads title of bill)

House Bill 2262, by Senator McCracken.

(Secretary reads title of bill)

And House Bill 2352, by Senator Mahar.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis, for an announcement.

SENATOR DeANGELIS:

Thank you, Mr. President. The Revenue Committee will meet promptly at 12:30. We can be out of there in five minutes if everybody shows up.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand in recess until the hour of 1:00.

(RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

On page 3, on the Order of Senate Bills 3rd Reading, we'll start on Senate Bill 268, go right through the appropriation bills. The Membership will be in their -- at their desks.

PRESIDING OFFICER: (SENATOR WATSON)

Our intention is to go to 3rd Reading and to do appropriations' bills. We'll start on page 3. Senate Bill 268. Senator Weaver? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 268.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 268, Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 258 <sic> (268) is the annual appropriation for the Universities Civil Service System in the amount of nine hundred and five thousand four hundred dollars. If there are any questions, I'd be happy to answer them; otherwise, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 268 pass. Those in favor will vote Aye. 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, there are 54 Yes, no Nay, no voting Present. And Senate Bill 268, having received the constitutional majority -- required constitutional majority, is declared passed. Senate Bill 311. Senator Maitland? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 311.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 311 appropriates one billion one hundred and twenty-nine million one hundred forty-three thousand eight hundred dollars. It is the omnibus human services bill, and I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Carroll.

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SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have some problems with this bill in its current form. And rather than ask questions, let me just suggest to you what the problems are. First of all, this is an omnibus human services bill, and within it, there are issues for example, in the Department of Alcohol and Substance Abuse. Could we have a little bit of order, maybe? Some of the Members are having a little trouble hearing.

PRESIDING OFFICER: (SENATOR WATSON)

Certainly. We'd like to have a little order.

SENATOR CARROLL:

Why, thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Take your conferences off the Floor, please. Little order. Thank you.

SENATOR CARROLL:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

You're welcome. Especially the House Members.

SENATOR CARROLL:

They're terrible. The -- in the Department of Alcohol and Substance Abuse, the problem has been that if they continue to give the nine-percent across-the-board rate increase for their providers, then they will have to eliminate about five thousand two hundred and seventy-five people from treatment services, as the budget currently exists. We happen to have proposed a different way to handle it to make sure that those people still receive treatment. We feel that treatment comes before a nine-percent rate increase. This bill, as it now stands, will not do that. Additionally, two thousand fewer Medicaid-eligible clients will be served in the Department of Alcohol and Substance

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Abuse. We have problems also in other areas of this bill. Can we try again, Mr. President? It's getting a little hard.

PRESIDING OFFICER: (SENATOR WATSON)

Well, we've got school groups coming in. That -- that creates a little bit of it.

SENATOR CARROLL:

Okay.

PRESIDING OFFICER: (SENATOR WATSON)

But we'd like to have a little more order, please.

SENATOR CARROLL:

Let me just say, Mr. President, that, for example, in the area of Veterans' Affairs, we will not be able to open the Anna Veterans' Home, in order to spend more money at Quincy and at some other place - I think it was Manteno. At the two of them: Quincy and Manteno. And -- and everybody knows that the home in Anna clearly also should be opened at this time, and it seemed improper, I believe, to have reduced the funding for Anna in order to go over the Governor's budget for Quincy and Manteno. I think there are a lot of problems that we are creating in passing this bill in this form. There are issues of the McMillan lawsuit, the Boggard lawsuit that I do not believe are adequately addressed in this omnibus bill, and suggest that it is not in form for passage at this time.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in opposition to this omnibus bill, 311. Earlier today, Mr. President, this Chamber passed a law -- passed to -- that would send people to prison for two days if they didn't have enough money if they were caught with a little bit of marijuana, and there's nothing necessarily wrong with that, but at the same time, we're cutting opportunities for

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people to get treatment. Now you can't just send people off to jail and not give them opportunities to get treatment. This bill cuts treatment for over five thousand two hundred and seventy-five non-Medicaid eligible people. That's a coldhearted cut at a time when we're making it very, very difficult for people to get off of drugs. We're giving them more time in the penitentiary if they're on drugs. And there are a lot of things in this bill, and all of the other ones that are going to be proposed, that I have problems with, but I'm not going to stand up on each and every one of them out of a courtesy to my friends; I'm not going to do that. But I'll say a few things that I have to say about it now and try to get it all out at one time. A number of these bills contain pay raises; pay raises for people who are already making - and I have it here - forty thousand dollars, fifty thousand dollars, sixty-two, sixty-one, forty-four, twenty-nine thousand dollars a year. And maybe they do deserve the pay raise, Mr. President, Ladies and Gentlemen of this Body, but if you're going to cut DCSF <sic> (DCFS), if you're going to cut people who need help because they have a mental disability, if you're going to cut job-training programs for people who do not have a job, I say it's wrong to give anybody a raise at the same time, while your cutting the training opportunities for those who have no job at all. I would rather see people who do not have a job get an opportunity to get a job, than give a raise to somebody who's already making thirty thousand dollars a year or fifty thousand or sixty thousand dollars a year, because they already have a job. At least they can manage because they're working. That's in this legislation; it's in this appropriation. You can't run from it; you can't hide from it. If it's tough times, it should be tough for everybody, and I contend that it's harder and it's tougher on the unemployed; it's harder and it's tougher on the homeless; it's harder and it's tougher on the people who don't have the opportunity; it's harder

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and it's tougher on people who have these children with these problems; it's harder and it's tougher on the public aid mother and public aid recipient than it is on somebody making sixty thousand dollars a year. So it is wrong to give anybody a raise - anybody - at this time, if we're trying to be fiscally conservative or fiscally responsible. It's simply wrong to give anyone a raise; therefore, I will be voting against every, single one of these appropriations that includes a raise for anybody. And I ask everyone in this Chamber to do the same, because it is wrong for us to do anything else, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

Well, thank you very much, Mr. President. I rise on a point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR PETKA:

Sir, it is my distinct pleasure and high honor to have the opportunity to introduce the Thompson Junior High School U.S. -- United States history honors class. They're up in the President's Gallery, along with my very good friend, Tom Fletcher, county board member of Kendall County, who's their teacher.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Well, welcome to Springfield. Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...very much, Mr. President. While we're on that order of business, I, too, have a group that is visiting with us in the Capitol, a group that's on the Republican side in the gallery, from St. John's School in Carrollton, the seventh and eight grade students. They're here with Mary Kay Ketchum, and I would wish the Senate to recognize our special

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guests from Carrollton. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Well, very good. Will our guests please rise, and welcome to Springfield. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President, to speak to the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Proceed.

SENATOR SEVERNS:

Mr. President and Members of the Senate, there's components of this bill that are troubling in light of the fact that we all know the problem of alcohol and substance abuse has increased. I don't know how many of you have businesses and have given increases or have been given increases over the last few years, but let me just tell you what the rate provider increase totals. In this budget, in the FY'94 budget, the increase would be nine percent. In FY'93, the same providers received a ten-and-a-half-percent increase. In FY'92, these providers received a nine-percent increase. So, nine percent in FY'92, ten and a half percent in FY'93 and nine percent again in FY'94. What is the effect of the rate increase this year with this passage? It will mean that five thousand two hundred and seventy-five fewer non-Medicaid eligible clients are served. It seems to me that after the rate providers received a twenty-percent increase in the last two years, that maybe we could just hold them steady; we could freeze their rate for one year so that the people, the taxpayers, the citizens of this State that we're supposed to be serving could be served. And yet, this bill doesn't do it. This bill will have the net -- net effect of denying needed services to clients who have already signed up, who are waiting, but will not be served because we decided, rather than serving the client that is in need, that we would give the rate -- providers another increase for the third

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year in a row. I think that's bad public policy, and I would urge no support on that measure.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland, to close. If not, the question is, shall Senate Bill 311 pass. Those in favor will vote Aye. 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 32 Yes, 4 No, 20 voting Present. Senate Bill 311, having received the required constitutional majority, is declared passed. Senate Bill 313. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 313 makes appropriations and reappropriations for Capital Development Board and the Illinois -- the Build Illinois projects and programs in the total amount of a billion seventy hundred and forty-seven million two hundred and forty-six thousand dollars. If there are any questions, I'll be happy to answer them; otherwise, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

There is no discussion, and no one wishing to speak. Therefore, the question is, shall -- I beg your pardon. Senator Carroll.

SENATOR CARROLL:

Parliamentary inquiry, Mr. Chairman. Since this -- or, Mr. President. This is the bond authorization bill; therefore, I

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believe it would take a three-fifths vote.

PRESIDING OFFICER: (SENATOR WATSON)

That is correct. Thirty-six votes will be required. Senator Weaver, do you wish to close?

SENATOR WEAVER:

Excuse me, Mr. President. I -- I was reading the omnibus Capital-Build Illinois bill on 314, rather than 313.

PRESIDING OFFICER: (SENATOR WATSON)

We're on Senate Bill 313. Senator Weaver.

SENATOR WEAVER:

This is the bond authorization for general obligation bonds. If there's any discussion, I'll be happy to answer them, but there'll be many changes made in the next few weeks, and so it really doesn't matter what level we go out. So that I would move adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Seeing no discussion, the question is, shall Senate Bill 313 pass. Those in favor will vote Aye. 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, there are 46 Yes, no voting Nay, 8 voting Present. Senate Bill 313, having received the required constitutional majority, is declared passed. Now Senate Bill 314, Senator Weaver. Read the -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 314.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I apologize. This is the

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appropriation for the Capital Development Board, the Build Illinois projects, both new projects, reappropriations and new money, in the amount of a billion seven hundred and forty-seven million two hundred and forty-seven thousand dollars. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to answer some of the questions, I guess, maybe more on this side of the project -- of the aisle. The project added to the Governor's recommendation - and maybe Senator Weaver could answer this as a question - I understand that the amendment adopted in committee or approved in committee added a project at the University of Illinois for some nine million dollars for which the Governor has not saw it fit to put it in his budget, nor found any funding mechanism for that project. Someone suggested in committee - probably me - that maybe it was a pork building, and I think it was me. Senator Maitland indicates it was, and knowing me, I'm sure it was, 'cause I know it was. But if it's not even a pork project building, the nine million add-on is over and above the Governor's budget request. And has the Governor found a way to fund that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll, I'm surprised you'd have anything to do with pork. Senator Weaver.

SENATOR WEAVER:

On the Floor Amendment 8, it's only four million, Senator Carroll. The other projects are Senator Dunn and Rea for sixty million for a max prison, and the other program is for funding equipment purchases, I believe, in the law school and ...(inaudible)...Hall. Those are the -- those are the equipment

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programs. The other is a purchase for the Natural History Survey, which we feel is a real bargain in buying a really fine hospital that's been abandoned, to convert for the use in the Natural History Survey.

PRESIDING OFFICER: (SENATOR WATSON)

Senator...

SENATOR WEAVER:

In essence, there'll be many millions of dollars saved by this purchase and -- and remodeling.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll.

SENATOR CARROLL:

Thank you. Mr. President, just for purpose of clarifying the record, I, of course, voted against what looked like pork, in the -- in committee. And I guess what this is is, Members should make up their choice or their minds on -- on what's important. The Governor did have a task force on prison overcrowding and did recommend a super max facility, and the Republican amendment did add sixty million dollars for a unnamed location for a super max facility for the prison system; again, no way figured on how to pay for it. But other than the super max prison concept where the site is not known, the only addition to the bill were five sites known in Senator Weaver's district, the University of Illinois, for a tune of nine million dollars, all of which was without the Governor's recommendation. And I'm -- I'm just concerned that we have no way to pay for the bonds that would pay for this, and we should be very careful in voting accordingly.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. Well, I would rise in opposition. This includes two million dollars for purchasing equipment for the new Law Building

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at the University of Illinois, so we can have some fancy desks and some mahogany gavels and a few chairs that are comfortable. Two million dollars into the education budget going to the law school at the University of Illinois is not my idea of helping education. I think that there's probably a lot of schools around the State that could use two million dollars' worth of equipment. I think we are generating enough lawyers in the State as it is - more than enough. And if we want to put a cap on something in this State, I think that maybe that's where we should start with caps, and I think a good way to start is by not making it more comfortable for people to go to law school. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. I really don't see any sense in building buildings if you're not going to put equipment and furnish them. If they're not usable, why build them? Years ago these -- this -- this money was appropriated to build these buildings. So this is just equipment money so that they can be usable. Many of these projects are high on the list, some higher than that which the Governor's recommended. So I would appreciate a favorable roll call on Senate Bill 314.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 314 pass. Those in favor will vote Aye. 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, 35 voting Yes, 10 voting No, 12 voting Present. Senate Bill 314, having received the required constitutional majority, is declared passed. Senate Bill 315. Senator Maitland. Senator Maitland. Excuse me. Mr. Secretary, please read the bill.

SECRETARY HARRY:

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Senate Bill 315.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you very much, Mr. President, Members of the Senate. Senate Bill 315 is the omnibus economic development bill, and it currently stands at one billion fifty million six hundred and eighty-five thousand three hundred dollars. And I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. We had a long debate this morning on a bill that Senator Topinka offered, talking about the importance of making certain that we provide all the training that we can for the prisoners in our prisons. Well, the very one agency in the State of Illinois that does the best job at training and retraining, Prairie State 2000, an agency that has been nationally recognized for its efforts, is being cut unnecessarily and unfortunately in this bill. I think it's an unwise move and just wanted to alert the Membership.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. In the -- in our honorable Governor's address, he talked about putting children before concrete, putting people before buildings, and this particular amendment does exactly the opposite, because it takes away very valuable, needed job-training programs from this State. We just got through passing a bill that builds buildings and pours

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concrete and puts up structures, and I believe right now, and I'm sure the Governor can -- can hear these proceedings. I don't know if he listens to all of them. I don't think I would if I was Governor. But if he were listening, I know that he would be disappointed in his own party's leadership on this issue, because it goes against what he said he was going to do and what he said he was all about. And I urge a serious No vote from all fair-minded people of both parties on this issue, simply because it takes away job training from people who need it the most. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me just maybe amplify a little bit - I know everybody's -- wants that at this point of the day - on what the problem is in Prairie State 2000 in the amendment. We've talked about training; we've talked about retraining. We've talked about industry; we've talked about retooling industry. As Senator Severns said, and I think every Member of this Senate, and the House, agree, the most effective agency putting the most money for work -- at work for businesses to create jobs and create industry for Illinois, at the least cost to the taxpayer, has been Prairie State 2000. So what does this bill now do compared to that which the Governor suggested? Takes a million and a half dollars - a million and a half dollars - from the grants for retooling and retraining; not operations cuts, but actually takes away money, a million and a half dollars from retooling and retraining. That is not the message we should be sending out in economic development.

PRESIDING OFFICER: (SENATOR WATSON)

No further discussion? Senator Maitland, to close. The question is, shall Senate Bill 315 pass. Those in favor will vote

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Aye. Opposed, vote Nay. The voting is open. All those -- or, have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Yes, 10 Noes, 14 voting Present. Senate Bill 315, having received the required constitutional majority, is declared passed. Senate Bill 316. Senator Butler. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 316.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 316 is the budget for the Office of the Lieutenant Governor, and it currently stands in the amount of four million four hundred and ninety-five thousand seven hundred dollars. And I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any questions? Seeing none, the question is, shall Senate Bill 316 pass. Those in favor will vote Aye. 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 50 voting Yes, 1 voting No, 4 voting Present. Senate Bill 316, having received the required constitutional majority, is declared passed. Senate Bill 317. Senator Philip. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 317.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senate Bill 317 is the annual budget of the Office of the Governor. It currently stands in the amount of seven million five hundred and ninety-five thousand five hundred dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 317 pass. Those in favor will vote Aye. 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 53 voting Yes, no voting No, 2 voting Present. And Senate Bill 317, having received the required constitutional majority, is declared passed. Senate Bill 318. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 318.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 318 is the OCE for DMHDD and currently stands at -- at nine hundred eighty-six million three hundred sixty-nine thousand four hundred dollars, and I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Daniel, for what purpose do you arise?

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

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Please state your point.

SENATOR O'DANIEL:

In the gallery to -- on the Democrat side to the rear gallery here, there's the Albion Grade School Honor Society, with their chaperone and instructors. I'd like for the Senate -- for them to rise and the Senate to recognize them.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Will our guests please rise. This is Carter Hendren's hometown, our chief of staff. The Republican chief of staff's hometown students here. So welcome to Springfield. Senator Severns, on Senate Bill 318.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. We all know that in this State we are being ruled by large part by court decree, and it would seem to me that some of the cuts that were adopted yesterday in this budget would only fly in the face of the court decree. Specifically the Assertive Case Management Program that was cut will leave countless individuals without the service that both we said they would be given and they've expected to receive. The answer that we've not received from the Department or -- or from the authors of the amendment was what -- what's going to happen to these individuals. The court decree has told us loud and clear what it expects of this State, and I think it's unfortunate, by the adoption of the amendment and subsequently this bill, we endanger ourselves, but most importantly, the clients that we're supposed to be serving, and should expect another court decree.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just want to echo the sentiments of Senator Severns. We are under a court decree to take care of

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the mentally ill in this State. And every time the Director came before us, he said that he needed more money because more people were having problems in Illinois than ever before. But yet, what does this amendment do? It cuts the -- this vital area that is much needed in this State. And where would these people go? Seven hundred and thirty-one individuals will be put out back into your districts, and back into your districts to become part of the homeless, to commit crime, to get involved in all type of activity that is totally unnecessary, just because we don't have the sensitivity to at least maintain the funding at this current level. This is wrong. Every time we start Session here we have a minister or a priest or a preacher or a rabbi, and he gets up there and he prays over this Body. And he prays that we will have compassion, and that we will care for the people of this State and that we will have some kind of humanistic approach to each other. And everybody says, "Amen." Which means, "I'm in agreement." And as soon as the priest or the rabbi or the pastor or the preacher sits down - as soon as he sits down - we begin to cut those very same people that we just prayed over. I believe we should just stop having the man of God stand up there if we're going to just turn around as soon as he sits down and cut the poor and cut the mentally handicapped, cut DCFS, cut everybody that cannot help themselves. That is not what they pray for. That is not what you say "Amen" for, and I beg everyone in this Body to vote No on this key issue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland, to close.

SENATOR MAITLAND:

Well, thank you very much, Mr. President and -- and Members of the Senate. I thought maybe - I thought just maybe - yesterday we might have gotten this straight, Senator Hendon. First of all, I'm not even going to respond to most of what you said, because

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you need a course -- Course 101 in State budget. Because first of all, you don't know how to read the budget. Okay? We're not cutting anything from last year. Everything here represents an increase over last year. And I will tell you again today, as I told you yesterday, you signed on two weeks ago to a budget adjustment that cut this Department by fifty million dollars. And don't tell me you didn't sign onto it, because the news releases that went out across this State admonished the Republicans for failing - for failing - to support a budget reduction, a responsible budget reduction by Democrats who were trying to get a State budget under control. Whether you voted for that or not, those amendments were filed; you brought those to committee, and the only reason you didn't vote on them, because you didn't have the votes to pass them. That's the reason they -- they went nowhere. You did not have the votes. You were signed onto a fifty-million-dollar reduction in this budget. These adjustments represent seven million dollars. We are phasing in rate increases. Senator Severns, my gracious, you and I talked about this on this Floor yesterday. This is a responsible approach, and this is the first step in a three- or four-step process on this budget, and we will continue to negotiate it. And why do we want to stand on this Floor and make enemies with one another - make enemies with one another - when we know the process is ongoing? These, we believe, are responsible reductions. And, Senator Hendon, your comments on this budget, just most inappropriate. I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon, he was closing. He was closing, Senator. Senator Hendon, state your point.

SENATOR HENDON:

...(microphone cutoff)...point, my friend, is that I am not your enemy, would never be your enemy. I am a Christian. I will

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-- make no enemies, but I'm going to fight very diligently for the mentally -- people who have problems, for the -- for the poor. I'm going to do that. And if -- if -- if you -- if -- if you decide that I'm your enemy because of that, then you have to answer to your God because of that. Okay? Now my point of personal privilege is that I never - I personally never - signed on to those fifty million welfare cuts, and I -- and I am -- I am saddened by the fact that you say that I did. Now if someone else over here did, you name them by name, but you'll never see my name associated with those cuts, because I didn't sign onto them. And I never would, and I never have.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Thank you. Senate Bill -- the question is, shall Senate Bill 318 pass. Those in favor will vote Aye. 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 34 voting Yes, 5 voting No, 17 voting Present. Senate Bill 318, having received the required constitutional majority, is declared passed. Senate Bill 319. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 319.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 319 is the OCE for the Department of Public Aid and currently stands at six billion ninety-eight million nine hundred eighty-five thousand dollars, and I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

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Any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First, Senator Maitland, let me make a comment. And I -- I don't like doing it by name, but as we said yesterday - as we said yesterday - your numbers grew every time you talked about our plan, which plan we recognized was wrong and withdrew, not because we didn't have the votes in your committee. We offered amendments yesterday, knowing we didn't have the votes in committee. One day it's three hundred million; one day it's four hundred million; one day it's six hundred million. My God, if it goes a week from now, it'll probably be a thirty-billion-dollar reduction in a twenty-eight-billion-dollar budget. But let's talk about what's in this bill. If you want to talk about what's wrong with the bill, this is probably one of the most abusive things I have ever seen in this Senate. What are we not funding in the Department of Public Aid? Well, we are not funding one of the best programs created in government, Healthy Moms/Healthy Kids, to an area where it should be funded. I know you're going to say this was an increase, but let's look at what works and what doesn't. What works is when you have a primary care physician - read the papers this morning - who takes care of people. That's effective health care and that's cost-effective health care. It keeps people out of emergency rooms, out of useless tests, out of doubling and tripling the amount of time they go and take X-rays and things like that. So what does this do? Of course, it cuts a portion of the money spent to create a primary care system. It also cuts transportation so people can get there for health care, and it cuts the community health centers, so that the people who actually go out and get people into the program will not be there to provide for the program. Additionally, it -- it challenges government by taking money out of hospital inpatient care and

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long-term care. Let's talk about this for a moment. When we had suggested an amendment several weeks ago, it was said, "You may, in fact, by that amendment be delaying the payment cycle." What are we doing? This bill, as now amended, takes almost twenty-three million dollars out of the payment cycle for hospital care. Are you concerned about hospitals getting paid? I am. They are. Most people are. But this says they're getting paid too fast; we're going to take longer to pay them. What do we do with nursing homes? They must be better off than hospitals, says this bill, because here we're taking forty-nine million dollars out of the money paid for long-term care, which clearly - clearly - has to extend the payment cycle. And if it does not - if it does not - then it means we must be saying we're cutting their rates. Well, the federal courts have already said to Illinois, "You're not paying an adequate rate." And the federal government has said, under the Boren Amendment, if you are not paying an adequate rate and you cut that, then you will be penalized federal dollars - all the dollars you get - by trying to reduce, for budgetary reasons, payments for hospitals or nursing homes. That's exactly what this bill does with it -- its amendment. And how we could suggest passing this makes no sense to me. If, by some chance, you claim it does not violate the Boren Amendment, which it does, then the nursing home component violates the Boggard case which says we must give adequate mental health care to patients, and we have not been doing so. This flies in the face of logic. It flies in the face of good health care and paying our bills on time. It is absolutely the wrong way to go, and I would urge that this not pass.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First of all, let me say that I do

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understand the budget. I can read a budget. I served on the budget committee in the City Council for two years. I also served as the secretary/treasurer of the Cook County Forest Preserve for three years, and I was well commended by the Republican members of the County Board for my work. We had three tax cuts, three years in a row during my tenure. So I want to point that out. Now, having set the record straight on my ability to read and understand a budget, let's talk about what our Governor said in his address about Healthy Moms/Healthy Kids. He said it was the most important initiative that he's had during his tenure as Governor. The most important. And what do you do? You go and you slash it forty-two percent. Healthy Moms/Healthy Kids. So what are we saying to the healthy moms and the healthy kids? We're telling them, "Be unhealthy." We're telling them, "Go ahead and die." That's what you're telling 'em. Not just that, but you cut 6.3 percent from transitional assistance. You're reducing hospital reimbursement, inpatient care, which also hurts the downstate hospitals' ability to get physicians. You've cut a number of things that are going to put us in violation of the various decrees of which the courts have ordered us to do. You've cut the HMOs, and just yesterday - just yesterday - on Economic and Fiscal, of which I sit, along with the great Senator Donahue, they requested a nine-percent increase in the State's HMO and add straight down the line, except for Senator Lauzen, we voted to give it to 'em. But at -- at the same time, we cut it from the poor people, we cut it from the people who cannot fight and stand up and defend themselves. So you can say what you want; you can play with the numbers. And there are all kinds of ways to say, "Oh, no, we're not hurting the kids." But your own Governor - the Governor of this State - is saying you're hurting the children of this State by cutting his Healthy Moms/Healthy Kids Program. You know you're doing it, and it is wrong to say, "Well, down the

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road, we're going to fix it." Well, I'll tell you about down the road. Sometimes "down the road" - it never comes. Sometimes what you put in today, stays in today. That's why we got to fight it today; we have to fight it tomorrow. And if comes down the road, I'll be there fighting it then.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns, further discussion.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senator Maitland, I've been a little surprised that you keep talking about the amendments that we offered yet withdrew, but when I looked at this budget again, especially this amendment, if I had my name on it, I'd want to talk about something else as well. So I'm not surprised that you're trying to divert the dialogue here today not to what we're voting on, but to something that -- that we considered. Again, when we realized that we had some difficulties, we withdrew our amendments, and I think the Republican Party would have been smart to withdraw their amendment yesterday on this particular bill. With health care costs escalating, with every family - nearly every family in this State - either suffering from or knowing someone who is affected by the high cost of health care, it seems unbelievable to me that the proposal -- total proposal that you put together yesterday - you in the Caucus - cut one hundred and forty-nine million dollars, and out of that one hundred and forty-nine million dollars, you cut one hundred and nine million dollars just in the health care line. One hundred and nine million dollars out of a one-hundred-and-forty-nine-million-dollar cut, cut just in the health care line. Now what does that mean to our communities? Well, to your community and mine, it means that the hospitals that are already receiving only fifty-four cents reimbursement on the dollar, their rate is going to go lower. It means their pay is

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going to be later. For the long-term care providers who are already wondering how they're going to survive both the granny tax and the rates and the low rates and the late payments, it's only going to get worse. For anyone who's involved with an HMO, this is also an amendment with bad news. At the time that all of us have concerned citizens who have made the trip to Springfield today to speak about the need for greater attention to health care in Illinois and have had their rally down on first floor today, we send to them - but more importantly, we send the message to citizens across this State - that health care is not a priority on the list of the Republican budget today. Health care took the biggest hit: One hundred and nine million out of a one-hundred-and-forty-nine-million-dollar cut, with the amendments that were adopted yesterday in committee. This budget, in particular, is shameful. I would urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

WICS-TV asks leave to videotape today's Session. Do they have leave? Leave is granted. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I concur with what has been said about -- by most of my colleagues on this side of the aisle, but I'd also like to reiterate that yesterday I went to the Appropriations Committee to also amend this bill that would provide adequate funding; not really adequate funding, but funding to the level that the Governor made a commitment last year that we would fund the Earnfare Program. I think most of us who ran for office this year and some of the candidates that didn't win used the Earnfare Program somehow in their campaign speeches. It was a successful program; it is a successful program. We know it gets people off of aids, and turning them from tax consumers to taxpayers. We all acknowledge that. That amendment would have -- right now, that program is

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only serving -- less than six percent of the eligible clients. It was surprising to -- to the Governor, as well as myself, when the call went out from Public Aid. There were just hundreds of responses from across the State from both private and public agencies, who wanted to participate in this program and offer these people jobs and training. But due to a lack of funds, we could not meet that demand. I had hoped yesterday that that amendment would go on and that we would be -- move on about the business to provide jobs for those people, and training for those people who wish to work. Well, Ricky Hendon talked about on down the line we may have -- you said that you will have another chance. I would hope, because I'm giving you another chance, and that is a bill that I started in the House and, of course, over here and we worked out an amendment in the House. It has now passed the House; it is over here - Senate <sic> (House) Bill 1716 - gives us another chance to - House Bill - another chance to fund this program without additional State funds. So I hope that inasmuch as you turned down this amendment, you don't have no other alternatives, that you would take that in consideration and pass, unanimously, House Bill 1716 when it is called for a vote in committee and on this Floor.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you -- thank you, Mr. President and fellow Senators. I am particularly disturbed by this bill. We have, for good, bad or indifferent, spent a lot of time in this Session talking about education. When I look at this - the cutbacks for Healthy Moms/Healthy Kids - I am reminded that successful education does not take place just within the classroom, the schoolhouse. It is a factor of how well a child manages outside of the classroom, how healthy that child is, how adequate that child's ability to have a

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quality of life is; the access to health care, the access to those other kinds of quality of life matters that make it possible for every child to go to school and be successful. When we reduce the funding for Healthy Moms/Healthy Kids, particularly with regard to case management, which is really the crux of this - the ability to pull together all of the services, all of the measures that provide for those children - when we cut back on transportation and access to health care, we have diminished the possibility that numbers of our children will succeed in school. I hope that we will vote against this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. And I suppose this is the -- the bill that causes the most amount of concern and -- and -- and I understand that. Let me just respond to Senator Carroll and Senator Severns, and I -- I don't want to lose my -- my -- my cool here, but I want to take you back two weeks ago to the committee hearing. I thought -- I thought we handled that situation extremely well. It doesn't take a rocket scientist on this side of the aisle or that side of the aisle to draft amendments to do certain things. To even suggest, Senator Severns, that you didn't know what you were doing doesn't make any sense to me or anybody else. You are all too bright over there. If it looks like a duck, quacks like a duck, walks like a duck; it's a duck. You totally - totally - destroyed the Healthy Moms/Healthy Kids plan. Took all the ducks out - all the ducks out. You totally eliminated two hundred and sixty-six million dollars in this area. Hospitals and nursing homes: That was all gone. That was all gone. You destroyed it all. And to stand here on this Floor and to suggest that more reasonable adjustments are destroying the entire system doesn't make much sense to me --

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sense to me. You and Senator Carroll have been in this process a long time and you understand it. You blew it. You sent out a news release statewide admonishing Republicans for not supporting your budget. You offered one amendment, if you recall, the week before in Corrections, and it was even a faulty amendment. You know. It was wrong, and you knew that. What we are doing here, we support strongly Healthy Moms/Healthy Kids. The Governor is right. You are right. But you sat in committee with me and others, and as we questioned Director Bradley - and Director Bradley is an excellent director - we really didn't get the answers that we needed to determine whether or not that much money could be spent in the program - a worthwhile program; one that's going to save us millions of dollars down the road. Absolutely, without question. This is a logical adjustment. We have adjusted the rate increase for hospitals and nursing homes. We don't believe, Senator Carroll, we have given them those increases. So therefore, this is not a reducing of the rate increase, because there isn't one yet. We start January 1. This is a budget we can handle. We are compassionate here, too. But we also know that we have to live within certain limitations, just as Senator Carroll's news release suggested that he sent out across this State; that we must get our fiscal house in order. That's what we are attempting to do here. I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 319 pass. Those in favor will vote Aye. 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, 31 voting Yes, 18 voting No, 8 voting Present. Senate Bill 319, having received the required constitutional majority, is declared passed. Senate Bill 320. Senator Maitland. Mr. Secretary, read the bill.

SECRETARY HARRY:

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Senate Bill 320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The current level for the OCE for the Department of Corrections is seven hundred and thirteen million six hundred and forty-four thousand eight hundred dollars. I would be happy to answer any questions; otherwise, I'd move for its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. It costs this State between seventeen and twenty thousand dollars a year to keep a person in prison. In the Appropriations Committee - and I have total respect for Director Peters - in Appropriations, we attempted to get one small, piddling amount of money of one hundred thousand dollars for a Scared Straight Program that would keep children from going into the penitentiary in the first place. If we had kept ten of them out of jail, we would have saved the State of Illinois, or in the future saved the State of Illinois a hundred thousand dollars. Just ten, out of a program of which we could have taken five hundred children that are on the verge of ending up in the penitentiary. Just take them to the penitentiary and show them what it's like so maybe they wouldn't go, and it failed. I want to thank my Republican friends who voted for this initiative. I want to thank the ones who voted Present. And I just hope that in the future that the Chairman and I can get together and sit down and work this matter out. Because it's better to get them before they go in the penitentiary than for us

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to spend seventeen to twenty thousand dollars to keep them there once they get there. And if they stay five years, we've spent a hundred thousand dollars -- a million -- almost a hundred thousand dollars - I was correct - on that one prison. And it's not worth it.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Donahue, to close.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 320 pass. Those in favor, vote Aye. 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 49 voting Yes, no voting No, 7 voting Present. Senate Bill 320, having received the required constitutional majority is declared passed. Senate Bill 321. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 321.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. For the OCE for the Department of Children and Family Services is nine hundred and three million two hundred and ninety-seven

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thousand nine hundred dollars, and again, I would hope for a favorable roll call and answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 321 pass. Those in favor will vote Aye. 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 52 voting Yes, 1 voting No, 4 -- 4 voting Present. Senate Bill 321, having received the required constitutional majority, is declared passed. Senate Bill 322, Senator Hasara. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 322.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 322 appropriates four million seven hundred and twenty-four thousand one hundred dollars for the State Board of Elections. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 322 pass. Those will -- in favor, vote Aye. 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 49 voting Yes, 3 voting No, 4 voting Present. Senate Bill 322, having received the required constitutional majority, is declared passed. Senate Bill 342, Senator Fitzgerald? Out of the record. Senate Bill 506, Senator Maitland? Senate -- out of the record. Senate Bill 511, Senator

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Maitland? Senate Bill 512, Senator Maitland? Out of the record.
Senate Bill 513? Out of the record. Senate Bill 514? Out of the
record. Senate Bill 515? Out of the record. 516? Out of the
record. 520? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 520.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate.
Senate Bill 520 is the OCE for the Court of Claims and is
currently at -- at a level of nine million eight hundred and
sixteen thousand five hundred dollars. I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate
Bill 520 pass. Those in favor will vote Aye. 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, there are 51 voting Yes, no voting No, 7 voting Present.
Senate Bill 520, having received the required constitutional
majority, is declared passed. Senate Bill 521, Senator Maitland?
Read the -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 521.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

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

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Senate Bill 521 is the awards and claims and appropriation for the Court of Claims. It is in the amount two million one hundred thirty-seven thousand one hundred twenty-one dollars. I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 521 pass. Those in favor will vote Aye. 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 52 voting Yes, no voting No, 5 voting Present. Senate Bill 521, having received the required constitutional majority, is declared passed. Senate Bill 524, Senator Donahue? Read the bill, please, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 524.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Senate Bill 524 is the Community College Board rate bill, and I would move for its support -- adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Questions and discussion? Senator Welch.

SENATOR WELCH:

Well, I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says she will yield, Senator Welch.

SENATOR WELCH:

Senator Donahue, I thought we'd changed the rate structure last year. Can you tell me what effect this has on the community

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colleges in my district? Do we get more money? Do we get less money?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

We -- it changes every year, Senator Welch, and it's -- depends on the amount of money that goes into the equalization grants.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Do I get more money?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

No, I won't say that. As long -- at this point in the -- we don't have an amount of how much is in there, so it just sets the rate bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Will this formula benefit the private colleges in Illinois?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue will yield. Senator Donahue.

SENATOR DONAHUE:

Thank you. It's community colleges, Senator Demuzio. It has nothing to do with the private colleges in this State.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

I just wanted to see if you knew what you were carrying. Thank you very much.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue, to close.

SENATOR DONAHUE:

Thank you, Mr. President. I most certainly do, Senator Demuzio.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 524 pass. Those in favor will vote Aye. 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 53 voting Yes, no voting No, 5 voting Present. Senate Bill 524, having received the required constitutional majority, is declared passed. Senate Bill 525. Senator Weaver? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 525.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 525 provides appropriations for grants and the ordinary, contingent expenses of the Board of Higher Education, the Illinois Math and Science Academy, in the amount of eighty-one million nine hundred and thirteen thousand seven hundred dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver will yield. Senator Weaver.

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SENATOR PALMER:

Senator Weaver, according to my analysis, this budget reduces the minority recruitment, retention and educational achievement grants by a hundred and fifty thousand dollars. I'd like to know why that is a reduction. It would seem to me that that is something that we should be supporting an even larger measure.

SENATOR WEAVER:

Well, this is just returning this -- next year's budget to this year's level, Senator Palmer.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Another question, please.

PRESIDING OFFICER: (SENATOR WATSON)

Proceed.

SENATOR PALMER:

Senator Weaver, I couldn't hear you very well before. Did you say that funds have been increased to the Math and Science Academy?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

No. On the -- all these grants have been reduced to the 1993 level. On the Academy on Science, there was provided a one-percent increase for salary adjustments of one percent.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

To the reduction in the bill: Given the rate of inflation that all programs are facing, the consequences -- even though it takes it back to last year's budget or 1990, whatever, the effect of it is to reduce the options for numbers of students who need

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this kind of program to prepare them for college, and I think this -- this is a tragic mistake and I am really very sorry to see this cut back. I think it's wrong, and I intend to vote No for this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me address the issue. And I think, Senator Weaver, you may have given the wrong impression when you spoke. I won't say that you misspoke, because I know you would never do that. And maybe -- maybe Senator Maitland ought to listen to the debate on this - Senator Maitland - because -- since we seem to operate government by press release rather than action, or so the Republicans would like to think. This is a bill they took down to last year's spending level. What Senator Maitland has opposed in all these amendments is amendments -- in all these bills, was when amendment suggestions were made to bring things down to last year's spending level, and we were told "No, no, no, no, no, no, no, no. You can't do that. That would destroy government." Where can we do it? Why, we can do it when it comes to minority recruitment. That's what Senator Weaver now has in his bill, based on the amendment that Senator Maitland handed -- handled for him in committee. That's okay. Not other agencies that would destroy government. So we no longer have to do anything increased in minority recruitment, retention and educational achievement. What did the board say? They said the effect will be less minorities will receive any type of tutoring. What else did we do? Well, we said the same thing, by this amendment - not we, you - on economic development grants. Those who get the very few manufacturing and technological center grants that we have, will have to do with less. We either have to reduce the number of awards or reduce the award per grant. Same thing. All of a sudden we've eliminated entirely the pharmacy

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program and cooperative work study alike. But what we -- did we do? We did add money for Math and Science, for the professors to get a pay raise. Not enough to tutor kids who need it, but professors to get a pay raise. That's not the right way to be going.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I have good news and bad news. The good news is, this is the last time I'm going to get up and say anything on appropriations today. That's the good news. The bad news is, this is a bad, bad, bad bill. That's the bad news. A lot of us -- seem to have forgotten the fact that Governor Edgar received twenty percent of the African-American vote. Twenty percent of the black vote. Governor Edgar got that because people believed him when he came around and said all these wonderful, beautiful things. Former Governor Thompson used to always enjoy fifteen, sixteen, twelve percent of the African-American vote. Every time he ran. I know, because I as an independent Democrat, a number of times, was right there saying, "Let's go with Jim Edgar, he's alright. Let's go with Jim Thompson, he's alright." I was always able to find a Republican or two that was worth supporting. Always. But on this, what are we doing? We're taking educational dollars from the minority community, from minorities, which -- who will go into these Chicago Public Schools which you claim are so bad and need help. Now you want to take the money away from the -- the -- the young people who will go into those schools and work on those schools, to fix those schools. Out of this great big multibillion-dollar budget, this little seven hundred and fifty -- sixty-five thousand dollars just had to go. And it is not at the '93 levels; it is below the '93 levels - below the levels. So what are they going to do? If you

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don't educate them, if you won't train them, you know what you're going to have? You're going to have another LA. That's what you're going to have. Because, when people are frustrated, when people are desperate, when people have no other way to turn, they turn to negative activity. And if the streets of Chicago go up in flames tomorrow, you will be rushing in here with a program. Let's help them. What's wrong with them? Why wait until trouble to fix something? Why sit there and cut, cut, cut in every area, on every program that can help people lift themselves up?

PRESIDING OFFICER: (SENATOR WATSON)

Well, the bad news is, we've got six more people who want to speak now. So, Senator Hendon, will you...

SENATOR HENDON:

I'll wind it up, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you.

SENATOR HENDON:

In my conclusion, I can talk till I'm blue in the face and that's not like it's real far to go, but it is wrong - it is wrong - to continually cut every program for minorities, every program for downstate, every program for people who are trying to help themselves and having trouble to do so. It is wrong. It is wrong, and I urge a No vote on this matter.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, prior to moving for the previous question, I'd like to ask Senator Hendon how he voted on the County Board President's race last time.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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Thank you, Mr. President. I'm -- apologize for rising a second time, but I just noticed in this bill that money from the pharmacy programs will be eliminated and that the primary institute affected is the Osteopathic Hospital, which is in my district. I'd like to ask Senator Weaver if he would answer a question for me.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver will yield. Senator Weaver. Actually Senator Palmer, excuse me.

SENATOR PALMER:

Sorry.

PRESIDING OFFICER: (SENATOR WATSON)

Ask your question.

SENATOR PALMER:

Yes. Senator Weaver, I can't tell from my analysis, but does this completely eliminate the pharmacy program at Osteopathic Hospital?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Senator Palmer, this eliminates the new initiative. There's still, in all these programs, at least 1993 level funding.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

I'm sorry, I have to pursue this since this is in my district. As I understand it, the pharmacy program was to be a new initiative at Chicago Osteopathic, so that the effect is that it does, in fact, eliminate the initiative. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

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You are correct.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I'd like to address, briefly, the issue of salary increases for higher ed. There is a terrible disparity right now between salaries of State employees and salaries of university employees. I am not talking about professors; I'm talking about other university employees. In the Appropriations Committee, President Ikenberry assured us that one of his major goals was to try and help the disparity, and so these increases are not just professor increases. They -- we have had commitments that they will be increases for university employees, and there are many of them that are terribly underpaid. I would like to make that statement. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll, for a second time.

SENATOR CARROLL:

Yes, Mr. President. I apologize for that, and I don't know if this should be a parliamentary inquiry or not, but that's tongue in cheek. There is no four-year pharmacy program in Illinois currently. This is the only one that has been suggested. That -- these funds for a pharmacy program would then create for Illinois students the ability to go in-State for the four-year degree. Currently, Illinois students have to go out-of-State to get a four-year degree. And in most of your pharmacies in Illinois, they are therefore hiring kids who had to have been trained out-of-State in order to get a four-year degree. Why we would want to eliminate the only potential program - only potential program - in Illinois for a four-year pharmacy degree, to me makes no sense at all. Now, again, I don't think that was a parliamentary inquiry, Mr. President, so let it be a comment.

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PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. I think there is a lot of confusion about the one percent. There have been amendments added to every institution of higher education that is State-supported through these various amendments. It's up to the institution on how they use that money. But for the most part, it's going to be used to give salary increases to those who are making less than twenty thousand dollars a year. For -- for many years, the employees of higher education have been getting from thirty to ten percent less in the same job category as State employees. Every time we try to play a little catch-up, we catch hell from you, Howie, and you're one who likes to see parity, but we're not catching up. We never get the parity. This is a small, very small attempt to come to some parity, and I'd move for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 525 pass. Those in favor will vote Aye. 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 32 voting Yes, 12 voting No, 12 voting Present. Senate Bill 525, having received the required constitutional majority, is declared passed. Senate Bill 526. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

If we please, maybe it's time for a verification.

PRESIDING OFFICER: (SENATOR WATSON)

That's certainly in order. Mr. Secretary, will you -- Senator Carroll has requested a verification. Will all the Senators be in their seats? Mr. Secretary, will you please verify the

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affirmative votes.

SECRETARY HARRY:

Following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, Cullerton, DeAngelis, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, McCracken, O'Malley, Peterson, Petka, Raica, Sieben, Syverson, Topinka, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll, do you question the presence of any Member?
Senator Carroll.

SENATOR CARROLL:

And I will -- thank you. Thank you, Mr. President. Is Senator Barkhausen here?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen...

SENATOR CARROLL:

He made it.

PRESIDING OFFICER: (SENATOR WATSON)

...is in his seat.

SENATOR CARROLL:

Is Senator Raica in the room?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica?

SENATOR CARROLL:

The flag is good enough, okay. This...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica is in the phone booth.

SENATOR CARROLL:

Is Senator Ralph Dunn?

PRESIDING OFFICER: (SENATOR WATSON)

Ralph Dunn is in his seat.

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SENATOR CARROLL:

Okay. Senator Karpziel?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel? Senator Karpziel? Doris Karpziel? Strike her name.

SENATOR CARROLL:

...(microphone cutoff)...Peterson?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson?

SENATOR CARROLL:

I'm sorry, Senator Cullerton.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton? Doris Karpziel has returned. Please put her name back on the roll call. Senator Cullerton? Remove him.

SENATOR CARROLL:

Thank you, Mr. President. It seems like we've been able to get everybody back to the Floor.

PRESIDING OFFICER: (SENATOR WATSON)

Good work. On a verified roll call, the Ayes are 31, the Nays are 12, I believe it was. Can we get that -- the Nays were 12, 12 voting Present. On a verified roll call, Senate Bill 525, having received the required constitutional majority, is declared passed. Senate Bill 526. Senator Philip? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 526.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

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

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This is the budget for the Judicial Inquiry Board. It's three hundred and thirty-two thousand one hundred dollars. It's up a little bit over last year, about eighty thousand for two investigators. Be happy to answer any questions, and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 526 pass. Those in favor will vote Aye. 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, there are 50 voting Yes, 1 voting No, 4 voting Present. Senate Bill 526, having received the required constitutional majority, is declared passed. Senate Bill 527, Senator Donahue? Read the bill, Mr. Secretary, please.

SECRETARY HARRY:

Senate Bill 527.

(Secretary reads title to bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 527 provides for grants and the ordinary and contingent expenses of the Illinois Community College Board and the State Community College of East St. Louis. The total is two hundred and forty-one million seven hundred and twenty-two thousand two hundred dollars, and I would move for its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Any questions? Seeing none, the question is, shall Senate Bill 527 pass. Those in favor will vote Aye. 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

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question, there are 54 voting Yes, no voting No, 4 voting Present. Senate Bill 527, having received the required constitutional majority, is declared passed. 528, Senator Woodyard? Read the bill, Mr. Secretary, please.

SECRETARY HARRY:

Senate Bill 528.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This is the Illinois Student Assistance Commission appropriation in the amount of four hundred and eight million eight hundred and ninety-four thousand eight hundred dollars. I would move for its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Are there any questions or any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Members of the Senate. I guess -- probably best to do this as a question to the sponsor of the bill. As...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard will yield, Senator Carroll.

SENATOR CARROLL:

Thank you. As -- as amended, the bill, it appears, will not provide the grants per student as suggested by the allocation by the Board of Higher Ed, which means just a three-percent reduction per grant, as opposed to the six-percent reduction per grant, and at the same time, not cause those families that have a four-person family, one child in college, but who have income of fifty-two thousand dollars a year, would suddenly get zero grant at all. Where there -- we had proposed that there be a phaseout over

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fifty-two thousand dollars, the middle-income family. That would have cost 7.9 million dollars to reduce their grants by only three percent each, and still allow those family of four, one person in college, over fifty-two thousand, to receive some award, even though declining. As this bill now stands, it seems either they will have to take a six-percent reduction or fall over that cliff, or something, and -- and I wish I could get an answer.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Yield to Senator Maitland.

PRESIDING OFFICER: (SENATOR WATSON)

Excuse me. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senator Carroll, I think on this one, both sides of the aisle have the same concerns. You and I both know that we don't -- we don't control the allocation or the methodology used in determining these grants. We have suggested, both you and I, in our respective positions on the committee, that the Commission look favorably upon making some adjustments. Those negotiations are ongoing with the Board of -- with -- with Dr. Wagner and others, and I don't believe and you don't believe, I don't think, that we should make any statutory change in this methodology, but rather ask the Commission to go back to the drawing board and give us a plan that more equitably -- allocates the dollars that we have available to us.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll.

SENATOR CARROLL:

...(microphone cutoff)...Mr. President, Members of the Senate. Let me just say that maybe my problem with it is slightly

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different. We both had the Commission do allocations. I agree we do not have to pass a statute, although we can indicate, here on the Floor, legislative intent, which I think is important. But those numbers that we have run, both sides know them, show that it would cost 7.9 million dollars over the allocation by the Board of Higher Education, the dollars the Governor granted, to require only a three-percent reduction per grant, and not have people fall off over the cliff at fifty-two thousand. So, this is short. And interestingly, unlike using General Revenue funds themselves, these are paid out of a fund held separate, that, according to the Economic and Fiscal Commission, has a surplus balance of forty-two million dollars, not only as we speak, but projected for next year. So that the money would clearly be there to pay for both the lesser reduction for each student who gets a grant and to maintain some grant for those middle-income people. We did not propose using General Revenue funds to fund this program, as you had done in your amendment, but rather use that non-GR fund so to do, and I think we are harming the people we are trying to help by going this way.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator Palmer.

SENATOR PALMER:

On Senate Bill 527, the green light mistakenly was pushed. I'd like to be recorded as voting Present on that bill.

PRESIDING OFFICER: (SENATOR WATSON)

The records will so record.

SENATOR PALMER:

. Thank you.

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PRESIDING OFFICER: (SENATOR WATSON)

Thank you. No further discussion? Senator Woodyard, to close. The question is, shall Senate Bill 528 pass. All those in favor, vote Aye. 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, there are 42 voting Yes, 3 voting No, 10 voting Present. Senate Bill 528, having received the required constitutional majority, is declared passed. Senate Bill 529. Senator Weaver? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 529.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the annual appropriation to the Trustees of the University of Illinois, in the amount of seven hundred and twenty-two million a hundred and nine thousand dollars. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 529 pass. Those in favor will vote Aye. 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 47 voting Yes, no voting No, 10 voting Present. Senate Bill 529, having received the required constitutional majority, is declared passed. Senate Bill 532. Senator Ralph Dunn? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 532.

(Secretary reads title of bill)

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senate Bill 532 appropriates funds for the SIU Board of Trustees and contingent expense for FY'94. The current level, two -- two hundred and forty-four million three hundred and eleven thousand two hundred dollars. I move its adoption and urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any -- any discussion? Seeing none, the question is, shall Senate Bill 532 pass. Those in favor will vote Aye. 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, there are 47 voting Yes, 1 voting No, 5 voting Present. Senate Bill 532, having received the required constitutional majority, is declared passed. We'll move on to page 8. Senate Bill 872, Senator Carroll? Out of the record. 873? Out of the record. 874? Out of the record. 875, Senator Hall? Out of the record. 876, out of the record, Senator Carroll. 877, Senator Hall? Please read the bill, Mr. Secretary. Beg your pardon. Out of the record. 882, Senator Hall? Out of the record. 944, Senator Maitland? Please read the bill, Mr. Secretary. Senate Bill 944.

SECRETARY HARRY:

Senate Bill 944.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 944 is the annual budget for the Board of Regents and

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it's in the amount of two hundred fifty-five million three hundred and sixty-eight thousand two hundred dollars. I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 944 pass. Those in favor will vote Aye. 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, there are 51 Yes, no voting No, 6 voting Present. Senate Bill 944, having received the required constitutional majority, is declared passed. Senate Bill 945, Senator Carroll? Read the bill, Mr. Secretary, please.

SECRETARY HARRY:

Senate Bill 945.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the ordinary and contingent expenses for the operations of the Board of Governors' system of a hundred and thirty-five million seven hundred and seventy-four thousand General Revenue, eighty-eight million and 175.9 thousand in other funds, for a total of two hundred and twenty-three thousand <sic> nine hundred and forty-nine dollars -- nine hundred and forty-nine thousand nine hundred with a moderately hostile amendment of a .8% rate increase -- pay increase, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 945 pass. Those in favor will vote Aye. Opposed, vote No.

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The voting is open. Have all opened <sic> who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Yes, no voting No, 2 voting Present. Senate Bill -- pardon me, Senate Bill 945, having received the required constitutional majority, is declared passed. Senate Bill 946. Senator Philip? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 946.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would like to ask leave to consider Senate Bill 946, 947, 948 together to save a little time.

PRESIDING OFFICER: (SENATOR WATSON)

Leave has been asked to hear...

SENATOR PHILIP:

Same -- same subject.

PRESIDING OFFICER: (SENATOR WATSON)

Leave has been asked to hear 944, 940 -- I beg your pardon, 945, 946 and 947. Okay, 945 -- 946, 947, 948. Is that -- are we capable of doing that, Mr -- is leave granted? Leave is granted. Proceed.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 946 is district office allowance - eight million nine hundred and nine thousand; 947 is contingency expense - twenty-two thousand <sic> nine twenty-two; 948 is legislative support agencies - eleven million six hundred and twenty-six thousand. Be

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happy to ask <sic> any questions and ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there discussion? Seeing none -- we've got to take a roll call on each one? Would have been -- I'll tell you what we're going to do, we're going to take them one at a time. Senate -- the question is, shall Senate Bill 946 pass. Those in favor will vote Aye. 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 51 voting Yes, 1 voting No, 3 voting Present. Senate Bill 946, having declared -- having received the required constitutional majority, is -- is declared passed. Senate Bill 947. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 947.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 947 pass. All those in favor will vote Aye. 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, there are 51 voting Yes, no voting No, 6 voting Present. Senate Bill 947, having received the required constitutional majority, is declared passed. Senate Bill 948. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 948.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 948 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Yes, no voting No, 6 voting Present. Senate Bill 948, having received the required constitutional majority, is declared passed. Senate Bill 953. Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 953.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 953 is as stated by the Secretary, in the amount of twelve million four hundred eighty-two thousand two hundred and thirty-one dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 953 pass. Those in favor will vote Aye. 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 52 voting Yes, no voting No, 5 voting Present. Senate Bill 953, having received the required constitutional majority, is declared passed. Senator Donahue, for what reason do you arise?

SENATOR DONAHUE:

Thank you. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR DONAHUE:

Today we've had the opportunity -- you've seen a number of Girl Scouts on the Floor that have been working as Pages and there have been a number -- they come from all over the State in various

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councils, and I had the pleasure of having a chance to speak with them this morning, and they've been enjoying seeing government in action and they've seen a lot of action today, and I'd just like to have them be recognized by the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Welcome to Springfield. We've enjoyed having you. Senator Philip, for what reason do you arise?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR PHILIP:

Yeah. We -- we have a birthday lady on our side of the aisle, the lovely Senator from the great City of Quincy. She's thirty-nine years old, once again. We're very happy and pleased that she is here. She represents her district extremely well. I think we have some birthday cake. So if somebody will cut the birthday cake and pass it out, we'll all have cake and coffee and celebrate her twenty-ninth birthday again. Congratulations.

PRESIDING OFFICER: (SENATOR WATSON)

Happy Birthday, Laura. The cake is right over here by the door. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I'm glad that the -- Senator Philip corrected himself. Laura is only twenty-nine today. We certainly wish her a Happy Birthday. And along with Laura, there's another gentleman -- there's a gentleman who's having a birthday today. Believe it or not, forty-one years of age, and that's Jim Owen from our staff. Happy Birthday to Jim and to Laura.

PRESIDING OFFICER: (SENATOR WATSON)

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What are we having for Jim? Happy Birthday, Jim. Laura doesn't look a day older than twenty-five. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Well, thank you, Mr. President. Again, on a point of personal privilege. I'd just like to say, I -- I thank Senator Geo-Karis for mentioning that I share a birthday with our staff person, Jim Owens, and I just think that I should deserve some of your sympathy, as well, for having to share a birthday with Jimmy. And...

PRESIDING OFFICER: (SENATOR WATSON)

Moving right along. Senate Bill 1099. Senator Weaver? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1099.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the annual appropriation to the State Universities Retirement System, in the amount of a hundred and one million four hundred and sixty-six -- thousand two hundred dollars. It's not enough, but I'd appreciate a roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 1099 pass. Those in favor will vote Aye. 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 52 voting Yes, 1 voting No, 3 voting Present. Senate Bill 1099, having received the required constitutional majority, is declared passed. We're going to go to the top of the

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Calendar on page 2, Senate Bills 3rd Reading. This could -- this may very well be the last time that we go through this order of business, so I would suggest to those Members to call their bills. We are also going to allow those individuals who are wanting to amend their bill, to amend it and then proceed with 3rd Reading. Senator Cullerton, on Senate Bill 17? Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 17.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you. I believe I need to take this back to 2nd Reading for an amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Would you mind if we took it out of the record for just a moment? We'll get back to it.

SENATOR CULLERTON:

Sure.

PRESIDING OFFICER: (SENATOR WATSON)

Okay, thank you. Committee Reports.

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Local Government and Elections, reports the following bills: Senate Amendment 5 to Senate Bill 45 Be Adopted; Amendment 13 to Senate Bill 130 Be Adopted; Amendment 2 to Senate Bill 538 Be Adopted; Amendment 1 to Senate Bill 892 Be Adopted.

Senator Mahar, Chair of the Committee of Environment and Energy, reports Senate Amendment 8 to Senate Bill No. 770 Be Adopted.

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Senator DeAngelis, Chair of the Committee on Revenue, reports Senate Amendment No. 2 to Senate Bill 387 Be Adopted; Amendment 3 to Senate Bill 473 Be Adopted; and Amendment 4 to Senate Bill 558 Be Adopted.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Well, now, we'll go to Senate Bill 17. Senator Cullerton, do you wish to have this bill returned to 2nd Reading for the purposes of an amendment? We'd like to have a little order. We're going to 3rd Reading. I'd suggest that all the Members be in their seats. We'd like to move through the -- the business as rapidly as possible. All Members in their seats. Please take the conferences off the Floor. All right. Senator Cullerton, do you wish to take this back to 2nd Reading for an amendment? Senator Cullerton seeks leave of the Body to return Senate Bill 17 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 17.. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton, to explain his amendment.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is a technical amendment which changes the effective date. I move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments, Mr. President.

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PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 17. Senator Cullerton. On the Order of 3rd Reading, Senate Bill 17.

SECRETARY HARRY:

Senate Bill 17.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. The amendment that was just on was at the request of Senator Barkhausen, who is the Chairman of the committee. This bill deals with the Rule of 78's, which is a method by which interest is calculated when someone prepays a loan. The purpose of the bill is to prohibit the use of the Rule of 78's because it is really an archaic method by which interest is calculated. It's now easily done to calculate interest on an accrual method, and that's what the bill does. Now, it's -- it's true that there is a Federal Statute that has passed, that we were made aware of in committee, and it may be that we have to change the -- the bill, with an amendment, to conform to the Federal Statute. We have not yet found out, or drafted such an amendment, but I would indicate right now that I would be willing to do so when the bill goes to the House. Be happy to answer any questions and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 17 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 voting Yes, 23

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voting No, 4 voting Present. Senate Bill 17, having not received the constitutional requirements for voting, is declared defeated. Postponed Consideration has been asked for by Senator Cullerton. Senator Geo-Karis. Senate Bill 34. Senator Welch? Senator Geo-Karis.

SENATOR GEO-KARIS:

On a point of personal privilege. Mr. President...

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR GEO-KARIS:

When -- I thought there was Senate Bill 34 when I looked down, and I looked up, it was Senate Bill 17, which I was interested in and I would have voted Yes. But anyway, it's postponed.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 34. Senator Welch. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 34.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This creates the Local Government Energy Conservation Act and the Community College Conservation Act, as well. This follows along the same guidelines that we set up last year when we passed a Conservation Act for elementary and secondary schools. It allows for private contracts to be entered into. Those contracts are guaranteed to save money before they're entered into. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall

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Senate Bill 34 -- Senate Bill 34 pass. Those in favor, vote Aye. 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, there are 53 voting Yes, no voting No, 1 voting Present. Senate Bill 34, having received the required constitutional majority, is declared passed. Senate Bill 45. Senator Raica? Read the bill, Madam Secretary. Senator Raica, is this a recall for an amendment? Senator Raica. Senator Raica, do you wish this bill to be returned to 2nd Reading for the purpose of an amendment?

SENATOR RAICA:

As soon as my -- there you go -- absolutely.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica seeks leave of the Body to return Senate Bill 45 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 45. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 5, offered by Senator LaPaille.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. This amendment was unanimously approved today by the Senate Local Government and Elections Committee. What it basically would do is put into the Home Equity Assurance Program, which is a State law, that no commissioner, or family member of a commissioner, or an employee or family member of an employee of a home equity assurance program would be able to receive any financial benefit, either directly or indirectly. In our area, Senator Raica and I, there's a Southwest Assurance Program where a Commissioner has steered some business to a family

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member. We're seeking to close up that loophole that's in current State law. I will take any questions and move for its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator LaPaille, we'll go ahead and proceed now on 3rd -- beg your pardon. Senator Raica, we will go ahead and proceed on 3rd Reading. Senate Bill 45. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 45.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I'd like to thank Senator LaPaille for all his work. This is a bill which pertains actually to a part of -- or most of Senator LaPaille's district and a part of my district, and what Senate Bill 45 does is, this Act will establish a pilot project area consisting of the Southwest Guaranteed Home Equity Program within Chicago, which will be the only area eligible to hold a referendum on establishing the program. This actually establishes a Neighborhood Security Patrol Act. The goal is eventually to open up the program citywide. Once a referendum is approved, all taxable property within a program area will be taxed at a rate not to exceed .41 percent of the EAV. On a -- a seven-member

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governing commission shall establish an open-bidding process for private security candidates, from which the Mayor shall appoint the commission within sixty days. If the Mayor has not made the appointments, the Governor shall appoint the commissioners, with advice and consent of the Senate. The reason this actually came to the Senate is, the Southwest Federation, Jean Mayer and her organization, has attempted on, at least, four or five occasions to contact the Mayor of the City of Chicago or one of his representatives, without much success, and just as she came to this Body and asked Senator Dudycz and then Senator Lechowicz for help with the Home Equity Program, she came to both Senator LaPaille and myself for assistance in establishing this program. And with the permission of the Chair, I'd like to defer to my colleague on the other side of the Floor, Senator LaPaille, and ask him to say a few opening comments also.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille, would you like to close, possibly, or you...

SENATOR LaPAILLE:

Yeah, that's fine.

PRESIDING OFFICER: (SENATOR WATSON)

Let's do that. Senator Stern, for what purpose do you arise?

SENATOR STERN:

Mr. President, will the gentleman -- one of the gentlemen yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica will yield, yes.

SENATOR STERN:

I was not aware, Senator Raica, until I just found it in the analysis, that these patrols can be armed. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

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That's correct.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Stern.

SENATOR STERN:

Although they are not police, nor have they had police training, they may carry a weapon, but may not arrest, apparently.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

Senator, my -- these individuals are licensed by the State, and my information is they have the power to detain. In other words, they can detain, just as anyone can, an individual or an alleged offender until the police have arrived and then turn over the offender -- or the alleged offender to the police department.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

Yeah. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, Senator Shaw.

SENATOR SHAW:

The -- my question was on the same line of the previous speaker. There is no -- they will not have police powers?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

That is correct.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer. Further discussion?
Senator Jones.

SENATOR JONES:

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

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PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will yield, Senator Jones.

SENATOR JONES:

Senator Raica, in this bill you indicated that these civilian personnel -- patrol persons would be able to carry arms. Am I correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

For the third time, yes.

PRESIDING OFFICER: (SENATOR WATSON)

Any other consideration? Senator Jones.

SENATOR JONES:

Yes. Now, could you tell us, how much training will those individuals have? Will they go to the police academy and have the training? Will they be at the State, 'cause to give a civilian a -- a gun on the street, even though I know what you're attempting to do, and they may not have any arrest powers -- but how much training will be done for these individuals? What about background checks? What about psychological tests? Could you tell the Body about this aspect of it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

Senator Jones, they will have more training than the Chicago aldermen, carrying their weapons now.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer. I beg your pardon. Senator Jones.

SENATOR JONES:

Well, if they're going to have one more day than a Chicago alderman with training, then one more day -- and their aldermen

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receive no training whatsoever, I think -- I know what the intent is, but I think it's a very dangerous precedent we are setting here, to give civilians the power to carry guns, even though they are -- will be patrolling. But it's a very serious, serious undertaking here, and without the proper training, you're going to end up with -- with persons being shot and killed, and I don't -- I don't think we should be about the business of arming the citizens to patrol our community. It's a very bad precedent.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. I would ask that you take a very close look at this bill. I can understand the concern and even fear that citizens have in a community against the rampant crime. But, we are State Legislators and we have no business giving the right to a private police force, armed police force, to patrol a neighborhood and to have de facto police powers. This is not our responsibility, and we ought to be very fearful of doing that. I think we should vote No for this, resoundingly. It is not the appropriate position for us to support what amounts to almost a small vigilante practice.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will. Senator Fawell.

SENATOR FAWELL:

Senator Raica, I happen to live in -- in an unincorporated area, and a lot of the people in my area were very concerned about the fact that the Sheriff was the only one that was patrolling our area for the simple reason that we did not have municipal services

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available. What I did a few years ago, and -- and the bill passed and is now the law -- we passed a levy, similar to, I believe, what you're trying to do, and we took that levy and we have hired off-duty sheriff people and off-duty policemen, who have all of the necessary training, to come and patrol our area for us. In fact, we do it through the -- our -- our township board, who actually contracts with the Sheriff and the -- and the -- and the policemen. Is that similar to what you are talking about?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

Senator Fawell, the answer is yes. Let me -- if I may, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Sure.

SENATOR RAICA:

In the bill, page 2, line 26, this is to answer Senator Palmer and the fears of Senator Jones. It's in quotations - "Security firm" means a private company licensed by the State of Illinois to provide security services, whose employees have been -- have all been registered and licensed by the State, and which carries sufficient insurance to cover all claims against the firm, indemnifying the municipality, county, sponsoring organization, and all participants. In addition, Mr. President, this community is -- just like the other areas in my district, have asked the Mayor of the City of Chicago for additional police protection in our community because of the increased crime rate and emphatically have been told no. This program has been established by this community in the past. It was up for renewal. The City of Chicago refused to listen, or did not get back to these individuals. These individuals came to Senator LaPaille and myself and asked us for our assistance and that's exactly what we

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are attempting to do here.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to call something to your attention, and I'm sure that the President remembers that when he was in the House - and, Jones, you ought to remember that. We had a gentleman there by the name of Webber Borchers. He said he was the first Illini, and I tell you, he had a bill that he wanted to arm all the legislators for their protection, and the next day, in a big headline in the newspapers, it came out "fine, let 'em all have it and have a shoot out among themselves". So -- so, you got to be careful if you're talking about doing things like that around here. That's not a good idea.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, Mr. President, it's my understanding that the people of the community that is to be affected by this had requested this bill. You have a bipartisan sponsorship of it. It's my understanding that the Mayor of the City of Chicago supports this legislation. The Fraternal Order of Police supports this legislation. Outside of this Chamber, I don't know of anybody who is opposed to it, and I would just hope that we'd keep the rhetoric down and -- and vote our districts.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Palmer, for a second time.

SENATOR PALMER:

Thank you, Mr. President, and I apologize for rising for a second time. But when persons are armed, that is more than rhetoric. We should take the time. I am very concerned about

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this bill because of the potential for catastrophe. Senator Fawell made a very good point. There are other options to protecting a community. She gave one instance. There are others. But for us to move from nothing to arming a private police force is wrong. When I look through my analysis, and I have sat here looking for it, I don't see any relationship between -- to any higher police authority. Not to the Chicago Police, not to the State Police, not to anything. This is a private army, and I think we should not vote for this.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

You know, Mr. President, and Members of the -- of this Body, I have a very hard time sitting here listening to Senator Kennedy Hall -- Kenny Hall and -- and Senator Palmer. When Kenny Hall stood up here, as many -- I've been here seven years, and asked for police protection for Joliet, the taxpayers of this State paid for that protection. The people in my district, the people in your district, the people in LaPaille's district paid for that protection. This is protection that's going to be paid by the people in our district, not by the people in your district, and they're not arming the citizens in their area, they're hiring people who already have the authority to carry a weapon. They're already working in Jewels and Nationals or -- or at the airports, or at -- downtown at the civic center or any place else. And, Senator Palmer, they're probably working in your district and half of them are your constituents. But now you're going to sit here and say we're arming the militia in our areas but we can't let them have guns. The State hired them already; they're licensed by the State. All the people in my district and Senator LaPaille's district want to do is hire them. That's all. You know what? We want to put them to work. Does that ring a bell out there to

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anybody? We want to put these people to work - Senator Palmer, work - in our district.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Geo-Karis, the last speaker.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, what this bill is trying to do is provide some additional support. Our policemen in Chicago have plenty to do at the present time. The fact that this is a pilot project, I understand, and the fact that the people in that area would be able to hold a referendum on establishing the program, should make us support this goal. Because let's not kid ourselves. I have been of the opinion -- when President Clinton said that he's going to have a hundred thousand more policemen all over the country, I was of the opinion, perhaps, he should send people who are in the services, instead of terminating them, to the various big cities to help combat gangs. If people want to protect themselves and are willing to pay by referendum, let them do it. There's nothing wrong with this bill and I urge favorable support.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DUDYCZ:

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

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, we have some special guests from your district. We have some students in the gallery behind the Democratic side of the Chamber. We have the students from the All Saints Academy in Breese, from Clinton County. I'd like for -- for you to recognize them and have them stand up and be recognized.

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PRESIDING OFFICER: (SENATOR WATSON)

Well, it's one of the finest groups of young people I've ever been associated with. The All Saints Academy from Breese, home of former Senator Jim Donnewald. Would you please stand and be recognized? We're pleased to have you with us. Thank you. Senator LaPaille, to close.

SENATOR LaPAILLE:

Thank you, Mr. President. To give everyone a little history on this legislation: Last November there was a advisory referendum in an eighty-square-block area of the Marquette Park community, which is totally within my Senate district. And eighty-five percent of those homeowners, on an advisory referendum, said, "Please create a special use district and tax us to hire a security firm, which is licensed by the State." So people that are saying that civilians that are going to be carrying guns is going to be a vigilante group, are totally wrong. Once again, they don't read legislation in the Illinois State Senate. It says that they would hire licensed security firm. They would be taxed approximately forty-five dollars a year for the security firm to basically ride up and down streets and alleys. They can then call the Chicago Police Department, the Police Department can come out. They could detain a person, but they cannot arrest. They have no arresting powers. The Marquette Park community that wants this is a biracial community - a biracial community. Alderman Virgil Jones is the person that is supporting the Neighborhood Security Patrol Program that Senator Raica and I are sponsoring, because he represents the Marquette Park community. What has happened is that the City has not created the special use district. The community has come to Senator Raica and myself and has said, as they did with home equity, "Please give us some relief. We want to have this district created, put it into State law, so it's done." That is

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why we are here today. And as one that lives in that community and has had a possible home break-in, an attempted home break-in and a car break-in - happened to me twice since Thanksgiving - I can venture to say that a lot of communities, not only in Chicago, but throughout the State, will become -- going to this type of an approach to help their own police force with the increased criminal element that's occurring within all of our communities. I want to commend Senator Raica for the fine job he has done with Senate Bill 45. We've also put protections in on the home equity program, for conflict issues, that we just amended before this. This is a bill where an eighty-square-block community has said, "Please let us pay for a security firm, licensed security firm." That's all it says. It's a biracial community, and their alderman is Alderman Virgil Jones that is in support of this. I ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 45 pass? Those in favor will vote Aye. 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, there are 48 voting Yes, 7 voting No, 3 voting Present. Senate Bill 45, having received the required constitutional majority, is declared passed. Senate Bill 66. Senator Topinka? Senator Topinka, do you wish this bill returned to 2nd Reading for the purpose of an amendment?
SENATOR TOPINKA:

Yes, I do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka seeks leave of the Body to return Senate Bill 66 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 66. Madam Secretary, are there any Floor amendments approved for consideration?

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ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka, to explain her amendment.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, Amendment No. 3 to Senate Bill 66 would require the Department of Public Aid, in cooperation with the Department of Public Health, to develop and implement a reimbursement methodology for all facilities participating in the Alternative Health Care Delivery Act. This means that the Department of Public Aid would have to pay for Medicaid clients who receive services from postsurgical recovery centers. This would also provide that no facility or portion of a facility might participate in this demonstration program as a postsurgical recovery center, unless that facility had been licensed as an ambulatory surgical treatment center, hospital, or skilled nursing facility for at least two years. This also reduces the maximum length of stay in a postsurgical recovery center from seventy-two hours to forty-eight hours, and the -- we continue to keep the provision therein, that a doctor can request a longer stay for therapeutic reasons, if necessary. This would also limit the size of a postsurgical recovery center to no more than twenty-five beds, and that is the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Collins.

SENATOR COLLINS:

I'm not sure, Mr. President, if this is the appropriate time, but I would like to have my name removed from the -- as cosponsor of this bill, because I have from very reliable sources that President Clinton's program will not fund Medicaid for these kinds of centers, and for that reason, I cannot support this bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Is leave granted? Leave is granted. On the amendment, Senator Topinka. Do you move for...

SENATOR TOPINKA:

I would seek its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Topinka. On the Order of 3rd Reading, Senate Bill 66. Madam Secretary, will you please read the bill?

ACTING SECRETARY HAWKER:

Senate Bill 66.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

Right. Before we start, apparently, Senator Dudycz would like to be added as a cosponsor of that bill. So if -- if I could do that verbally.

PRESIDING OFFICER: (SENATOR WATSON)

Leave is granted.

SENATOR TOPINKA:

Okay, thank you. This would seek to create the acute care -- I mean the Alternative Health Care Delivery Act. We've heard this bill in various versions before. It -- it has the support of the Illinois Department of Public Health. The Illinois Department of Public Aid is neutral on it. If I might ask that there be some order in the Chamber, as -- as opposed to the whistling. It is an

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important bill. I think a lot of people have interest in it.

PRESIDING OFFICER: (SENATOR WATSON)

I would concur with that remark and I...

SENATOR TOPINKA:

Thank you very much. Anyway, the Illinois Department of Public Aid is neutral on it, and I say that in order to assuage any folks who had a misrepresentation in a circular that was passed out by an organization in opposition to this bill yesterday, which have told me point blank it was a misrepresentation. So please understand that IDPA is neutral. It has no fiscal impact to the State at all. We have now removed birthing centers from it, which originally was in the bill. Senator Hasara had a -- a bill on that of her own. Subacute care centers which was also a result of the Acute Care Task Force which met, that developed this bill and created a pilot study for recovery care centers, that we passed last year under the direction of then Senate President Phil Rock. Those have all been taken care of. What this now does is establish recovery care centers. There would be fifteen of them which are models. They would be in a pilot project that would self-destruct in five years, if they did not work out. There would be -- they would -- they would be spread out regionally, as per a formula that was created by the Acute Care Task Force, which represented all of the major health care providers and those who would have an interest in this in the State of Illinois. It is -- we would have no more than three of these recovery care centers in five geographic areas. Also, too, we -- with this amendment, we have asked IDPA to create a Medicaid reimbursement rules process. It doesn't exist now because we don't have this under licensure. We also hope for federal HCFA monies for Medicare. It is our intent that indeed it -- these -- these recovery care centers be covered by Medicaid and Medicare, and I wish to establish that as legislative

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intent. And would note that, in previous incarnations of this bill which have passed and have gone into law, we already provide charity care. I think everybody knows fairly much about this. They've been lobbied to death on it. I'd be willing to ask for any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Trotter.

SENATOR TROTTER:

Would the sponsor yield for questions?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, Senator Trotter, Senator Topinka will yield.

SENATOR TROTTER:

Okay. Senator Topinka, would there be an emergency room component to these centers?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

I'm not sure that I heard you. It's -- it's so noisy in here, you were rather soft.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TOPINKA:

I know it has to do with emergency rooms, but I couldn't hear the other part.

SENATOR TROTTER:

Is there an emergency room component to these centers?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

No, there is not.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

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SENATOR TROTTER:

Can you just walk off the street into one of these surgery centers? How do you get there?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

You make an appointment, as you would with any other physician, to schedule a surgery.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

You're saying these are doctor-referred programs?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

I would think that anybody going to a surgical center of any kind, whether -- unless it be under emergency circumstances, would be referred by a physician and -- and would make an appointment, you know, to have some idea why they -- they wanted to have surgery. Most people don't just conjure that up on their own.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

But that's the point I'm trying to make, Senator. You're saying unless there's an emergency. So you can't -- these are -- don't deal with emergencies. These are basically referrals through doctors through their office.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

You are dealing with a basically healthy person who is coming for, more or less, a minor surgery that might require pain control

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or some other level of acute care that would be the result of that type of a surgery.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

So this falls in the category of elective surgeries versus emergent care, 'cause -- again, I'm just trying to get some clarity here.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

Not necessarily.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Okay. Are there any other models like this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

Yes, there are. Twenty states now have some version of this.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Do you know if any of those are -- are Medicaid or Medicare reimbursed?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

It's my understanding that there are some on the West Coast and also some on the East Coast that -- that are indeed Medicaid covered.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Trotter.

SENATOR TROTTER:

Okay, I'm -- you wouldn't know specifically? Because I've heard just the opposite, that there are none that are Medicaid or Medicare reimbursed.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

There are none that are Medicare, because that's the federal program, but there are Medicaid because states have gone on, in this type of a pilot project, and have done exactly what we're doing here.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Yes. Well, I -- I will end my questions here. I'm in opposition to this bill. The other day I rose in support of Senate Bill 228, which was birthing centers, and at that time I said if you really were dealing with health care reform, if you're really dealing with good health care initiatives, there were three components that you had to have, and one of those components was accessibility, affordability and also necessity. These -- this -- these centers that you're proposing here falls in none of those categories. They're not affordable. No one can just walk up there and use their Medicaid card and use them. They're not accessible to everyone. Okay? And there -- definitely, there's no necessity for them. There are hospitals that already administer this kind of care. What happens is -- is just the opposite; this exasperates the problem that we already have here in the State of Illinois, and that problem being is that our hospitals are at risk because they're not getting funded properly, and as a consequence of that, we've passed legislation in which we now get Medicaid

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reimbursed dollars - seven hundred and thirty-five million dollars - from the federal government to pay for our hospitals. What these hospitals -- or what these centers will do, will skim off those dollars that are needed to keep these hospitals viable. There's a certain formula which hospitals are funded by. One is they're funded by tax dollars, which are Medicaid dollars; they're funded by private, third-payer insurers; or they're funded through some kind of foundation, as the Catholics have their hospitals, the Mt. Sinai is one that the Jewish religion funds, and so on. But -- but there are those other hospitals - the private hospitals - that get their funding from two sources, those third-party payers and Medicaid dollars. If these centers, as you're proposing, come into operation, what's going to happen is they're going to further erode away that money base from these other hospitals that give full coverage, full services, that these centers do not have to provide. These centers that you're proposing here will totally tear down what we're trying to do here in the State of Illinois, and that is give adequate health care to all of its people, not to just those who have insurance and who have money. So what I see here is that this bill doesn't need to be passed. It's duplicative in -- in nature and is something that we're dealing with that is just a health care boutique that people are going to. Medicaid will not fund these programs, because you, as legislators, would not allow them. No one's going to allow someone to go into these surgery centers to sit up and watch cable TV and eat filet mignon and recuperate two or three days in a row. We would not allow Medicaid dollars to do that. Sixty-six dollars a day, the per diem that you're getting from these hospitals and from Medicaid, would not fund these projects. This is a bad initiative, and I would like to see it killed.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of Senate Bill 66. I agree with Senator Trotter on one thing, and I don't know whether it was at his request or whose request, the birthing centers might have been removed. I would've liked to have seen them incorporated in this. It's one of the reasons why I voted the way I did yesterday on the birthing centers, 'cause I -- we thought we could do it all in one bill. But I think that this is a good bill, and I think it's -- it's an appropriate day for this bill. We had a number of senior citizens and other groups down today, reminding us of part of the problems that we have with the health care system, and part of that problem is availability and the other part of the problem, of course, is the high cost of health care. I think this is a step in the right direction. I think it's a step toward good sense, common sense. It's my understanding, in fact, that most -- the only people, other than some of the individuals that I've heard here on the Floor of the Senate, that is really in opposition to this is the Illinois Hospital Association. But it's also my understanding that they are the ones that are standing prepared that the minute this bill passes, to jump into this business. Is that correct, Senator? Have you heard that same position?

END OF TAPE

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PRESIDING OFFICER: (SENATOR WATSON)

I guess that's a question. Senator Topinka.

SENATOR TOPINKA:

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It is my understanding, and we have talked to numerous hospital administrators who wish to get into this business should this bill pass. They don't wish to be in contention with their professional organization. Ingalls Memorial Hospital has been very open about it. We've had an administrator from Bloomington call in saying, you know, "What's holding this up? Let's get started on this." The original concept came out of Sycamore, Illinois. This has appeal straight across the State. So what you are saying is -- quite true. And I would agree with you, Senator Jacobs, birthing centers should probably have been in here, but Senator Hasara had it in her bill. And we can all -- you know, we can combine it or we can do it independently. I also voted for that for the same reasons as I will be voting for this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, she will, Senator Geo-Karis.

SENATOR GEO-KARIS:

One of the -- one of the main objections that has been given to me by my hospitals is that these new centers, these demonstration centers -- recovery care centers will not take Medicaid nor Medicare patients. Now, is it the intention of this bill, and you as the sponsor, is it your intention that this bill shall mandate to these recovery centers that they must take Medicaid or Medicare patients?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

Yes, it is my intent, and I -- and I would make that very,

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very clear. That is also one reason why the Department of Public Aid is not in opposition, and they are fully aware of our amendment, which makes them develop a reimbursement plan. So I do expect Medicaid coverage. They are not opposing that in any -- in any way.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I have a conflict, because I am a member of a hospital board, but I will vote my conscience. I do think you have places downstate that need help. I do think this bill might be a bill in -- in the right direction, as Senator Jacobs said, and I will support it, because I -- I do feel also that as long as the Medicaid and Medicare patients are taken, then we cannot say that they're taking away from our hospitals that are already overloaded with Medicare and Medicaid patients for post-recovery work.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, she will, Senator Palmer.

SENATOR PALMER:

Senator Topinka, in the 1970s the State of Illinois had a State Health Planning Commission. One of its mandates was to make sure there was a rational bed count in the State of Illinois so that no hospitals -- so that there were -- was not an overflow of beds in the State of Illinois to jeopardize hospitals. I am wondering, in particular, and given the state of affairs with respect to health care in Illinois, how will this affect the cash flow to hospitals from private-pay patients, number one; and

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secondly, will these recovery centers be prepared to pay the hospital tax assessment, as onerous as that may be? And do they come under some kind of regulatory body, or are they under the same regulations as nursing homes, for example?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

Well, first of all, I think that the -- the recovery care centers -- which we have not addressed the hospital assessment program, which, by the way, ceases to exist as of July 1st anyway. So it's almost a moot question as we move along here, 'cause I don't see it being renewed. But I think that the recovery centers would certainly be as much of a party to paying that as the hospitals were to paying for on-site nursing homes for the six-and-a-half-dollar amount of money that nursing homes that are off-site from hospitals are paying and which hospitals are not touching now. In terms of your 1970 report, in terms of a...

PRESIDING OFFICER: (SENATOR WATSON)

Could we ask for a little order.

SENATOR TOPINKA:

...in terms of a study of the number of beds, all of that is contingent on the Illinois Health Facilities Planning Board's certificate of need process. They determine who has beds, how many beds, what those beds are used for, and the recovery care centers would fall under the certificate of need process. So they would be the ultimate determinant, just as they are. In terms of a cash flow of private-pay patients, they take their business wherever they want to because they are private pay.

PRESIDING OFFICER: (SENATOR WATSON)

Could we have a little order, please. Why doesn't everybody just get in their seat and listen to the legislation and be brief as possible, and we'll get moving. Further discussion? Senator

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Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka will yield, Senator Welch.

SENATOR WELCH:

Senator Topinka, there are five areas for these demonstration projects. The only one that would apply to my district is the rural areas. What are the criteria to determine locating these demonstration projects? Are they mainly going to be way south of Springfield? Is that the idea? Or do you have an idea?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

That's all done through the Health Facilities Planning Board, again with the certificate of need, to show and see where is the need, and also dependent upon the number of applications and where those may be located. It's -- it's -- in your case, it -- well, we would have three in the City of Chicago, three in suburban Cook, three in the collar counties, three in downstate cities larger than fifty thousand, and three in rural areas. And the object of that exercise was, you know, for reasons of a pilot project, to be able to accumulate the necessary comparative data on how these impacted in all sorts of different markets throughout the State, so we would be comparing apples with apples and -- and have some idea.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Senator, you said there were three in each area, or two? Amendment No. 3 says two.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Topinka.

SENATOR TOPINKA:

That's already in Statute. That came in under the subacute care bill that Senator Rock put through, and we have these birthing -- I'm sorry, we have these fifteen centers, these models, that would be throughout the State.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I think a few moments ago I heard Sycamore - the community of Sycamore - entered into the debate, and I just wanted to stand. I wasn't planning on speaking on this issue, but I have spoken with all of the hospitals in my area, and they are opposed to this particular measure. The Medical Society and the members of that and the doctors and the clinics might be supportive, but certainly my local hospitals are not supportive. And I would encourage a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter, for the second time.

SENATOR TROTTER:

I apologize for rising to debate a second time; however, I just had a couple more questions. Senator Topinka, would -- are any of these sites that you're proposing, are they in medically underserved communities, or are they across the street from hospitals, or...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

When -- when the members of the Acute Task Force on Health Care Delivery met, we put that kind of an emphasis on underserved areas that would be throughout the State, but again, this will fall to the Health Facilities Planning Board, which ultimately

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make that determination.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

And if I may, just want a little clarification. On the language restricting participation to institutions that have been in business for at least two years, simply -- simply does what? I don't understand that language. Restricting participation in institutions that has been in business for at least two years.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

It limits the applications, I mean, for acceptance to those facilities which have already served as ambulatory surgical centers for two years, and that includes hospitals, those that are freestanding and all of the others that would fit that definition. So they would be in a position to be able to apply. Again, we have tried to limit the scope of the bill in order to try and make this more acceptable to the opponents.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Senator Topinka, to close.

SENATOR TOPINKA:

Well, Ladies and Gentlemen, I think we have to look -- look at health care as something that is changing around us. We see what's going on in Washington. We -- we look at the high costs. I think we see our public consistently paying more and more out-of-pocket expenses for the health care dollar. This particular program can save people money, provide more convenience, provide a more homelike setting. Wherever it has been put around the country, no hospital has fared poorly; in fact, most have gone into the business or have become partners in some capacity. And I would like to close by noting that I did contact the Federal Trade

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Commission of the United States, which stated, "Senate Bill 66 would permit a marketplace test of how well these kinds of alternate -- alternative facilities could serve consumers and of how they would affect competition in the delivery of health care services. We believe this effort may promote competition among different ways of delivering health care services and increase the range of options among which consumers can choose." And I would just submit that if you're against competition, you won't like this bill; if you believe competition breeds lower costs and a better product, this is for you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 66 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Yes, 20 No, 5 voting Present. Senate Bill 66, having received the required constitutional majority, is declared passed. Committee Reports, Madam Secretary.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees:

Referred to Executive Committee: Senate Amendment No. 9 to Senate Bill 900.

Re-refer from Executive Committee to the Rules Committee: Senate Amendments 4, 5, 6, 7 and 8 to Senate Bill 900. Filed April 22nd, 1993.

PRESIDING OFFICER: (SENATOR WATSON)

We will proceed through the Calendar on page 2, under Senate Bill 3rd Reading. Senate Bill -- 87. Senator Peterson, do you wish this bill to be returned to 2nd Reading for the purpose of an amendment? Senator Peterson does. He seeks leave of the Body to

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return Senate Bill 87 to the Order of 2nd Reading for the purpose of an amendment. Leave granted? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 87. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR WATSON)

Do we have leave of the Body to have Senator Peterson discuss Senator -- the amendment? Leave is granted. Senator Peterson.

SENATOR PETERSON:

Thank you -- thank you, Mr. President. Amendment 2, Senate Bill 87, takes out the objectionable supernumerary language that was in Amendment 1. This is an agreed amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 87. Senator Peterson. On the Order of 3rd Reading. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 87.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Just a point of inquiry. I had a similar situation earlier where I had an amendment on a bill and then we went right to the

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bill. And I know that last year we -- our rule would have required intervening business. I understand that we don't have that requirement anymore, but I know a number of people were a little confused on the bill that I had. They -- they thought we were voting on an amendment again. So just -- just wanted to clarify that that is the fact, that the rule does not require us to have any intervening business, and to let everybody know that we are on 3rd Reading. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

That is correct. We are on 3rd Reading. Appreciate you bringing that to the attention of the Body. Senator Peterson. Madam Secretary, did you read the bill a third time? Okay. Senator Peterson, on...

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 87 makes the building engineer, security personnel and the food service manager, and all employees under them, accountable and under the supervision and direction of the building principal. This bill is supported by the Chicago Principals Association, the Chicago Urban League and the Leadership for Quality Education. I ask for an affirmative vote on Senate Bill 87.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I stand in support of this bill. The language that caused us some concern has been taken out, and it's purely a principal-in-charge measure. I'm glad to hear that Senator Peterson has stated that the Chicago Principals Association supports the bill, because they've been prominent by their absence from the deliberations in committee on this measure. I hope that they recognize that this increases their responsibility, and all of us hope that they will carry it out

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accordingly. I stand in support of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson, do you wish to close?

SENATOR PETERSON:

Thank you, Mr. President. To Senator Berman's inquiry: I do have a letter from Bruce Berndt, the President of the Chicago Principals Association, supporting 87. They did this at one of their governing board meetings, and I would like an affirmative vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 87 pass. All those in favor will vote Aye. 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, there are 57 voting Yes, no voting No, 1 voting Present. Senate Bill 87, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 128. Senator Raica? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 128 -- Senate Bill 128.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, I'd like to thank Senator Stern for cosponsoring the bill with me. This is the agreed election bill, which passed out of committee. What it actually does is combine -- combine a number of bills, ones that I sponsored, Senator Jacobs, LaPaille, Syverson and Senator Stern. Basically what it

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does, it -- the -- Amendment 1 gutted the bill and became the bill. It specifies that various holidays for using in determining the first and last days of the filing periods. Another one requires that the campaign finance documents are due at the State Board of Election by the end of the business day. Another one that Senator Jacobs had; it was permissive language. Senator LaPaille had one that would have restored the Cook County circuit court committee, which was inadvertently repealed last year. Senator -- or Syverson had a portion of the bill which would require an election authority to promptly display inside a voting booth the proper method to write in a candidate for office. And Senate Amendment No. 2, which was sponsored by Senator Stern, allows individuals to vote absentee in person without limitation. And I would just ask a Aye vote from the Members.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Raica, you wish to close? I'm sorry, Senator. Senator Molaro.

SENATOR MOLARO:

Yeah. This is just a -- a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, Senator.

SENATOR MOLARO:

Yes. I don't know the rules, but I was just asking, for expediency's sake and also for intelligent voting, is there a way that we can have leave to replace Senator Gary LaPaille with his young son, Joseph LaPaille, if that's proper at this point? Leave is granted. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica, to close.

SENATOR RAICA:

Senator Molaro, do you have twenty-six other little kids that could vote on that side? Mr. President, just for expediency, I

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would just ask for an Aye vote on the bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 128 pass. Those in favor will vote Aye. 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, Madam Secretary. On that question, there are 52 Ayes, no Nays, no Members voting Present. Senate Bill 128, having received the required constitutional majority, is declared passed. Senate Bill 129. Senator Raica? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 129.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. With leave of the Body, I would like to ask Senator Dudycz, who's the other chief sponsor, to open statements on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is leave granted? Leave is granted. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill -- as amended, Senate Bill 129 contains provisions of various legislative measures. First of all, it contains legislation that was originally in -- language that was originally in Senate Bill 555, which would allow the use of Special Write-in Absentee Voter's Blank Ballots for the General Assembly -- or, excuse me, general primary. The ballots, which are currently allowed for the general election only, are used if an election authority has not yet finalized the ballot within sixty days of the general election, due to an error in the

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recount, printing, mishap, et cetera. The special ballot, which allows the voter to write in candidates for office, is sent out to military and overseas voters sixty days prior to the general election in order to ensure enough time for its return to the election authority. This language was requested by the Department of Defense Overseas Voters' Assistance Agency, as was the contents of Senate Bill 556, which would require election authorities to ascertain voter eligibility within twenty-four hours of receipt of an application for an absentee ballot by the military or overseas voter. Would require that official absentee ballots for military and overseas voters be mailed out within twenty-four hours after the ballots have been prepared. Currently it says "immediately"; this just adds "twenty-four hours". Would require an election authority to accept absentee ballots from military and overseas voters up to seven days after an election. This also was requested by the Overseas Voters' Assistance Agency so that the ballots cast by the military and other personnel that are overseas would be able to be counted by the authorities. It also contains the contents of Senate Bill 557, which would correct an inaccurate reference to the Federal Voting Assistance <sic> Act of 1955, making the reference instead to the Uniformed and Overseas Citizens Absentee Voter -- Voting Act. It's technical, and it's -- also contains provisions included in Senate Bill 843, which would remove the requirement that a petition signer provide his or her state of residence on a petition form. You know, as we sign our petitions, as we circulate them, the people who sign the petitions are required to put "Illinois" on those petitions. This would just remove that requirement. I don't think that there's any objection to that by the State Board. And finally, it contains the contents of Senate Bill 844, which would remove the prohibition against duplicating absentee ballot applications and allow the Illinois State Board of Elections to design and

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distribute a uniform statewide absentee ballot application. Local election authorities would still be allowed to design and distribute and accept their own applications, but this -- this language would also make them accept the statewide uniform application as well. This would make it easier for the statewide candidates to be able to have standardized ballot absentee applications. One more thing. Senator Shaw added, in Senate Floor Amendment No. 3, language which would provide that any elected public official who pleads guilty to a criminal offense under State of federal law would constitute a resignation, effective at the time the plea agreement was made. This amendment was prompted by the controversy surrounding the Chicago City Clerk who recently had resigned, but at the time, he pleaded to a guilty -- to a felony, yet refused to sign <sic> office until he was to be sentenced in July.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. I think Members should really take a look at this bill. Although the previous one was an agreed bill coming out of the Senate Local Government and Elections Committee, this one was not. What this bill says is that ballots can be counted a week after election night. So, there's many of our legislative races and other races around that people are winning with maybe thirty votes, et cetera. What this bill would say is that you may have to wait an entire week for all of those ballots to come from overseas to really know if you were the winner or not. Number two, I would submit to you, is that when you have an opportunity to have ballots counted a week after election day, you are increasing the possible fraud to try to skew an election one way or another. I would say that come election night, as has been the tradition in Illinois for -- since we've started voting in

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Illinois, the ballots are counted and either at 12 midnight or 3 a.m. or 4 a.m. in the morning, you know if you won or if you didn't win. I don't think we want to put into Illinois a system like the Philippines, where you wait one week, two weeks, three weeks to find out who won while they're waiting to count the ballots. So we don't need the Philippine style of elections in Illinois, and I would hope that this bill is resoundingly defeated.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, actually my remarks reflect what Senator LaPaille just told you. I would just say to you that I recognize that this aspect of the bill, which permits ballots to be counted which are postmarked by midnight on election day for seven days thereafter, goes contrary to our traditional ballot counting process. I -- I believe I am correct in saying that this is a federal request that we put this into our law. Federal, schmedederal. I think it is dead wrong and I think we should not be complying with that. We are going to have unsure results, insecure totals; we're not going to know for many days. We'll have litigation. I think Illinois should take the lead in persuading the federal government that they are in error on this one.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

Are -- Senator, are you familiar with the -- you just went

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through an election in -- in Cook County. Are you familiar with that process that take place in the -- like school boards and mayors and trustees in the -- outlining Cook County?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica. Senator Dudycz.

SENATOR DUDYCYZ:

Senator, this -- this legislation applies specifically to primary and general election, not those municipal elections.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

They have primaries in the -- in the suburbs, as well as in the City. But, to the bill. But I -- and -- and I think the sponsor have good intentions, but this -- many -- I think this would affect many elections outside of Chicago and downstate, because many of these people that were elected the other day - last Tuesday, as a matter of fact - were sworn in - trustees and so forth. And I think this would affect those elections. Now some of those races in the -- in the south suburb were very close, but under this bill, you're saying that you would have to wait for -- those people would have to wait for seven days and -- before they knew whether they had won or not. I think this is a bad concept, and I think that what you are doing here, you would -- you're opening the door for fraud. We have come a long ways. We have a came a long ways, in terms of cleaning up the election process. And we have honest elections all over Illinois now, somewhat. But where you're going to tell somebody they can come in and virtually vote seven days after -- after the election, that is a bad concept. Certainly this bill should be defeated, and I -- I don't think that anybody - anybody - and the people -- all the Members of the General Assembly should take a close look at this bill, because in your townships, your municipal elections, I

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think this impacts on those municipal election. And some of them are close. People don't come out in some of those elections, and I think it would -- those elections would be affected by this bill if it's passed. I ask for a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DUDYCYZ:

Mr. President, this just -- just to correct some misconceptions that may have been mentioned earlier. You know, this will not affect the overseas voters time when they vote. All this would do is, would allow the ballots which have been punched and have been put in the mail, would allow them to be counted. Talk about disenfranchising voters; some of our most disenfranchised voters are those overseas, military men and women, who are serving our country and who wish to participate in the electoral process. What we are trying to do here is just to give them the time to -- to get those ballots in; not to vote after everyone else does - to continue voting as they had in the past, but to give them the additional time to submit those ballots so they can be counted. And I ask your affirmative support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 129 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 26 Ayes, 26 Nays, 5 Members voting Present. Senate Bill 129, having not received the required constitutional majority, is declared failed. Senate Bill 130. Senator Raica. Do you... Senate Bill 183. Senator Cullerton. Read the bill, Madam Secretary. Senator Cullerton, do you wish this bill returned to the -- to the Order of 2nd Reading for the

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purpose of an amendment? Senator Cullerton seeks leave of the Body to return Senate Bill 183 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 183. Mr. -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 4, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This amendment changes "shall" to "may" and "shall" to "should". This is at the request of Senator Hasara. I move for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. On the Order of -- Senator Cullerton, on the Order of 3rd Reading is Senate Bill 183. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 183.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

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

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bill that we started to debate a few days ago. It's a Chicago Bar Association bill dealing with allowing, perhaps, low-income or childless couples to obtain a divorce quickly and -- and less expensively. And the only question that was raised during the debate was the issue of a brochure that the bill called for to be printed so that people could have a knowledge of what the new proceeding was. And so, Senator Hasara and I talked about this brochure, and we checked with our respective county clerks. What we decided to do was to -- concerning the brochure -- was to make it permissive; that is, the brochure may be made available by the circuit court clerk. Now in our case in Cook County, Aurelia Pucinski does want to utilize this procedure and will have a brochure. The benefit of the bill is that the brochure then -- it's spelled out in the bill what should be in the brochure. But it is optional. If your county clerk doesn't want to -- or if you circuit court clerk doesn't want to utilize this, they don't have to. The bill itself then is -- is not only not controversial, but it's a very good idea, to allow for people to get a simplified dissolution. If they have been separated for at least six months, if they have no children by the marriage, and if they have agreed to a property distribution, this will make it easier for them to do so. So I'll be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Cullerton, to close.

SENATOR CULLERTON:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

On that question -- the question is, shall Senate Bill 183 pass. Those in favor will vote Aye. 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, Madam Secretary.

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On that question, there are 56 <sic> Ayes, no Nays, no Members voting Present. Senate Bill 183, having received the required constitutional majority, is declared passed. Senate Bill 206. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill is a relatively minor change to the Criminal Code. This comes as a suggestion from our Chief Judge in Cook County, Judge Fitzgerald. Also worked with the Treatment Alternatives to Street Crime organization, TASC. And we also adopted an amendment, a -- it was offered on the Floor and was approved by the Judiciary Committee. What this is designed to do is to take one specific crime and make it eligible for treatment under the TASC program. Now the TASC program is a -- as I indicated, it's a supervised licensed program designed by the Department to be an alternative for incarceration, but there are some criteria that have to be met. If there's -- if the crime is a crime of violence, they're not eligible. If they are charged with very severe Class X offenses, if they're -- have ever been convicted of residential burglary, they're not allowed to be eligible. But what this specifically talks about is that if someone's alleged to have possession with the intent to deliver one to five grams of cocaine - and a gram is only one little sugar packet - if they're alleged to have possessed, with the intent to deliver, one to five, under current law they're not eligible for the TASC program. And the Judge has indicated to me that he thinks that there's a lot of

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people who would be eligible, that ought to be eligible, that are not because of this Statute. We do have a note from the Department of Corrections that indicate that there might be up to two hundred and fifty-eight offenders who could be accepted from prison at a cost savings to the Department of about twenty-one million dollars over a five-year period. So I think this is reasonable. We did offer an amendment that says that this is restricted to between zero, obviously -- one to five grams, which I think is a very -- obviously very small amount. We're not talking about dealers here; we're talking about people who have -- are an addict and they would be eligible for this program, but they're not now because of the way the law is. So, again, I believe we've cleared it with everybody who might be opposed, and be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Petka.

SENATOR PETKA:

Senator, what was the fiscal note that was filed in connection with this -- this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Senator, I have a Corrections impact note-fiscal note, dated April 20th. I think that's probably the latest. And it talks about -- I'll just read from it. It says: "By excluding"... "By excluding Class 1 felony offenders, it reduces the population reduction by two hundred and fifty-eight offenders and reduces the associated cost savings to the Department for alternative

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placement by 21.2 million over five years." So it -- it gives -- it's kind of a menu as to who it would -- what the -- what the fiscal impact would be. The obvious impact is that it -- it will make eligible people who are not now eligible to get the TASC program. But I -- I don't know if I can, by the nature of this fiscal note, tell you exactly how much money would be saved. They, for example, talk about all Class 1 offenders; this doesn't apply to all Class 1 offenders. So...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

I -- I recognize -- I've just seen a copy of the fiscal impact note from the Department of Corrections. But perhaps along the same vein, if we are going to be giving more and more offenders the option of an alternative to a -- a felony conviction in being placed in a program, wouldn't this necessarily mean that we would have to have more individuals hired to -- who would be able to treat these people? And that's the -- that's the vein that I -- that I'm asking for. I recognize it'll cut down on incarceration costs, but what I'm suggesting or asking is, will -- will the same number of those who are involved in -- in drug treatment right now - people - treat this increased number of offenders who are now eligible? Or do you anticipate that it'll be requiring more professional counselors and guidance counselors and the like to handle?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

I believe that's a very good question. In other words, there's going -- if there's going to be more people diverted into the TASC program, then it's going to cost the TASC program more money. And so any savings would only be the difference between

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the incarceration costs and the -- the TASC program. Now -- and I believe there would be. I know that the cost of incarcerating somebody is expected to be somewhere around eighteen to twenty thousand dollars a year. I'm sure that doesn't cost that much under the TASC program. So there would be some savings, but I don't know how much, and I also am not positive whether TASC is funded by the State or whether it's funded by the county. I'm sure there's got to be some State funds involved. But the overall effect of the bill will clearly be to save some money, because there won't be as many people going into the State penitentiary.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Perhaps the final question. Senator, do you -- with the amendment that was adopted, does this remove all sellers now? We're just talking about those who are charged with the crime of possession with the intent to deliver - that all sellers are now removed?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Yes. As I understood it, the way the bill was -- even was introduced initially, it only affected that one Section, Section 401(c), which talks about possession with the intent to deliver. So I thought that that was what it was limited to initially, and then we adopted an amendment in committee that said anybody -- for any offense that's not -- that's non-probationable, they are not eligible. So that was grams starting above six. Between six and fifteen grams of cocaine, they -- that -- since that's not probationable, they would not be eligible for this. So that the effect, with regard to the -- with regard to cocaine, would be that only between one gram and five grams, which, as I said, is a

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-- a gram is a packet of sugar -- size of a packet of sugar -- those are the only ones with regard to cocaine that would be now eligible for this program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I -- I have -- do not have a copy of the amendment before me, but my staff tells me that certain low-level drug dealers are not exempted, and I -- just -- I'm relying on you. Are they exempted or not? That's all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, to tell you the truth, I believe that it was -- I might be mistaken here, but I believe that it was your staff that drafted the amendment. So I -- I'll tell you what. I'd like to take it out of the record, so I can answer that question, because I -- I don't know the answer to it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the record. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. There will be an Executive Meeting, like in five minutes, in Room 212. We have to handle one amendment. We will be back -- it will take us maybe ten, fifteen minutes, if everybody is on time.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. The Senate will stand in recess for fifteen -- until the hour of... What does that clock say up there? Until 4:45. That clock is in error up there. 4:45. And would ask the Members, please, just to be at ease, because we're going to be right back on the Floor continuing with -- with 3rd Reading.

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Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Well, I'd like to make a parliamentary inquiry, if I might. A one-hour notice is pretty small, but five seconds' notice is a little bit too much. Now, what do our rules say about the notice with respect to committee hearings?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, the notice of the meeting was -- was posted on the official hearing board one hour ago. Senate stands in recess until the hour of 4:45.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCYZ)

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Karpiel, Chair of the Committee on Executive, reports Amendment No. 9 to Senate Bill 900 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCYZ)

Messages from the House.

SECRETARY HARRY:

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

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

House Bills 344, 609, 655, 1005, 1229, 1239, 1488, 1657, 1798 and 2330.

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Passed the House, April 22nd, 1993.

We have like Messages on House Bills 332, 537, 544, 712, 791, 1645, 1705, 2004, 2027, 2198, 184, 412, 630, 911, 1591, 1724, 1771, 1957, 2114, 2336, 457, 460, 699, 703, 1355, 1749, 1938, 2148, 2308 and 2397.

All passed the House, April 22nd, 1993. From Anthony D. Rossi, Clerk of the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolutions 287 through 292, all introduced by Senator Hall.

Senate Resolution 293, by Senator Shaw and all Members.

And Senate Resolution 294, offered by Senator Geo-Karis. They're all congratulatory and death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. ...(microphone cutoff)...Bill 206 was taken out of the record right before we recessed. Senator Cullerton, are you ready to proceed? Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Parliamentary inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

Is it -- is it in order for a motion to adjourn at this time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

That motion, Senator, is always in order.

SENATOR DEMUZIO:

Well, I just want to know if this was a good time, but I'll withdraw it for the moment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Cullerton, are you ready to proceed? Senator Cullerton.

SENATOR CULLERTON:

Mr. -- Mr. President, the bill was taken out of the record because Senator Petka asked me a question. I don't want to proceed until Senator Petka's on the Floor. So if you want to, we can take this out of the record again, go to the next bill. Well, he's here, so I -- I would like to proceed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senate Bill 206. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. We were just debating this bill, and Senator Petka asked me a question, and I want to answer it as best I can. What the bill does, to refresh your memory, is to expand, in a minor way, the eligibility for the TASC program for certain people charged with either possessing with intent to manufacture or deliver, or manufacture and deliver a controlled substance - a very small amount. That is, in the case of cocaine, up to five grams; in the case of other substances like heroin or morphine, up to fifteen grams. And he asked the question of whether or not there still is someone who could be charged with manufacture, they could still be eligible for TASC, and the answer is yes. However, it was testified in committee that -- by the lady who heads the TASC program that since we're talking about this small number of grams, it's more likely than not that they are not someone who is a dealer or --

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someone who is a manufacturer of these controlled substance. And the other point that I think is important: We were talking about people not going to jail and instead having the TASC program; it's also true that people get probation. In fact, all of these offenses that we're talking about are probationable. And so what we have then, apparently, is a situation where somebody is getting probation, but they're not eligible for the TASC program, which is -- which is a program where we try to rehabilitate people who are addicts. So I think for that reason alone, this is an improvement under the current law. As I said, I believe that it's been crafted and amended a couple of times now to -- to really get at the -- the -- the few people who might be addicts who might benefit from this program who are not now eligible. So, once again, I'll offer the bill and ask for any -- offer to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Petka.

SENATOR PETKA:

Thank you. Once again, will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will.

SENATOR PETKA:

Okay. Now, Senator, you said an awful lot during that presentation. Just so I get to the heart of this matter in as short a time as possible. This bill will permit low-level drug dealers, low-level drug manufacturers and those who are charged with possession with intent to deliver, in terms of very small amounts of -- or relatively small amounts of drugs, it would give them the opportunity to walk away without having a conviction. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

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SENATOR CULLERTON:

Did you say, "without having a conviction"?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Yes, without having a conviction. That's what TASC is all about. You send them to the program, the sentence is suspended, and then they walk away without a conviction.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CULLERTON:

Okay. I -- in explaining this bill, let me tell you where it came from and -- and try to walk through it. The Chief Judge of the Criminal Division in Cook County called me and told me that there was a problem. There are people who are charged with intent -- with possession with the intent to deliver small amounts of cocaine, and he said they're not eligible for the TASC program, and he thought that they ought to be eligible. These are people who are now either going to jail or receiving probation. And even though they might be receiving probation, they're not eligible for the TASC program. He thought that they ought to be eligible. So I took this bill to the Judiciary Committee. We worked with the committee. We amended it in committee, and we amended it on the Floor, after going to committee. And I think now it's -- it's as limited as it ought to be and as it possibly can be. It doesn't allow anybody to be eligible for TASC for a non-probationable offense. It applies in the case of cocaine for a very small amount - five grams or less. And if you've ever seen Howard

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Peters, the Director of the Department of Corrections, give a speech about the overcrowding in jails, he takes out a little packet of sugar and waves it and says, "This is one gram; this is what we have people in our jail charged with." So that's what it's about. I don't think it's a very risky vote. I -- I think it's a reasonable bill, especially in light of our prison crowding system, and be happy to -- I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 206 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. ...(microphone cutoff)...that question, there are 31 Ayes, 20 Nays, and 6 voting Present. Senate Bill 206, having received the required constitutional majority, is declared passed. Senate Bill 207. Senator Cullerton. Senator Cullerton, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Cullerton seeks leave of the Body to return Senate Bill 207 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 207. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This amendment was proposed and adopted in the Insurance Committee. It was drafted by the Illinois Life Insurance Council as a potential compromise with Resolve of Illinois, which is the main proponent of the bill. And although I think Resolve still has some

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questions about the -- and concerns about the amendment, I -- I believe that we should adopt the amendment and proceed to pass the bill. And then, perhaps, if there's some other future negotiations that can result in agreement, so be it; but for now, I'd like to adopt the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes. This is an amendment that was suggested by the Illinois State Bar Association that corrects some parts of the bill that they found objectionable, again dealing with the adoption bill. I move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senate Bill 209. Senator McCracken. Senator Cullerton. Withdraw that 209. Senator Cullerton, Senate Bill 207. Mr. Secretary, on the Order of 3rd Reading, read the bill.

SECRETARY HARRY:

Senate Bill 207.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. As I indicated, this bill deals with adoption. It was put together by the Resolve of Illinois, and we worked also with the Chicago Bar Association Adoption Laws Subcommittee. The controversial part of the bill, I think, was dealt with by the amendment that we just adopted, and basically what that amendment said is that for an adopted child to be covered with insurance from the date of birth, the insured must, within thirty-one days of the birth of the child, enter into and submit to the insurer in a court of competent jurisdiction the pre-birth arrangement that provides for the adopting parent to assume financial responsibility, be granted by a court an interim order of adoption vesting temporary care of the child in the insured, and provide to the insurer a copy of the interim order of adoption. If this is not done -- well, I should also say that coverage would terminate if the adoption petition is denied or withdrawn. The goal here is to have a level playing field for people who are adopting children so that their health insurance could cover the cost of that -- the birth of that child. And with this amendment, we do have the support now of the Illinois Life Insurance Council. The other portions of the bill require persons paying for the expenses of the biological parent to present to the court a final accounting for the expenses. And I believe with that it's an agreed bill, with the exception, as I said, that Resolve might have some concerns still about the amendment that we adopted. And I would ask for an Aye vote and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Cullerton, to close.

SENATOR CULLERTON:

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Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 207 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 56 Ayes, no Nays, and 1 voting Present. Senate Bill 207, having received the required constitutional majority, is declared passed. Senate Bill 209 is on a recall. Senator McCracken, do you wish Senate Bill 209 to be returned to 2nd Reading for purposes of -- amendments?

SENATOR McCracken:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken seeks leave of the Body to return Senate Bill 209 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 209. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 6, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken, explain your amendment.

SENATOR McCracken:

Thank you, Mr. President and Ladies and Gentlemen of the Body. Amendment No. 6 is technical. It rewrites subsection (c) of Section 25 of the bill. Currently, the bill is stated implying that an authorization from a parent may be required. That's not correct. It is consent, and not authorization, and this amendment makes that change. I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Any discussion? If not, all those in favor,

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say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR JACOBS:

Yeah. Just a point of parliamentary procedure or a clarification. I filed an Amendment No. 7 to the bill, which I think would make it a lot easier for a lot of us on this side of the aisle to vote for, and I just wondered what happened to that amendment. Was it filed too late? Was it untimely? Or is it just a dead issue? What the amendment does, it just expands a little bit the notification procedure, which would make it easier for us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

It's my understanding, Senator Jacobs, that your amendment was filed late, and it's still in Rules. Senator Jacobs.

SENATOR JACOBS:

Thank you. It's my understanding, under the rules, that a timely amendment is any time prior to the 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken, on the Order of -- Senate Bill 207, 3rd Reading. Strike that. 209, 3rd -- 3rd Reading. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 209.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

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SENATOR McCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen. This bill would provide for notification of either parent or legal guardian, where a minor, under the age of eighteen, would seek an abortion. Requires forty-eight hours actual notice; if that is not possible, after a reasonable effort, constructive notice is required, which is defined as mail. In that case, the forty-eight-hour waiting period is commenced at the time the -- the notice is mailed, not at the time of receipt; the time the notice is mailed. There are nonjudicial bypass provisions here. Where the enumerated exceptions are met, notice is not required. Those exceptions are: medical emergency, as defined in the bill; where a parent or legal guardian waives the notice in writing; and if the minor declares in writing that she is a victim of sexual abuse, neglect or physical abuse by either parent or legal guardian. If a claim of abuse is made or an allegation of abuse is made, the physician is already under law a mandated reporter. That duty is unaffected by this bill. In that case, however, any investigation, under current law already, is required to be confidential. The Department cannot disclose the basis of its information. There are penalties for fraudulently filling out the notice form. There are penalties for any person who intentionally performs the abortion on the minor without the notice or proper exceptions applicable. And the information provided is required to be filed with the Department in the case of abortions that are given without the notice.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. If I may, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Sponsor indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator McCracken, as you know, I think it was yesterday or the day before, I spoke to you personally on the -- on the Floor and I just mentioned that I would have to ask you these questions and have it read into the record before I can, you know, at least vote on this bill in good conscience. I guess I have problems -- I had problems with the two points of exemptions. I mean, medical emergency I could almost accept, you know, with no problem. And I -- and I asked you a question -- one of the exemptions is the parent has the right to -- to -- or -- the parent having waived their right to notice of an abortion and consent of the -- and the minor's consent. I guess the way I -- I understand that is that I don't physically want to be present, or whatever, when -- when my child has the -- has the abortion, so I fill out an affidavit and give that -- and my daughter, however, would give it to the physician. The problem that I would have with that - or the problem I did have - is let's just say that the -- this girl would have a hard time telling her parents, and rather than telling her parents, the guy next door signs this affidavit and it's notarized, and the physician actually doesn't know that that document was -- was -- was falsified. Are there any safeguards to prevent some type of situation like that from occurring? Because there are a lot of individuals who are seedy individuals who would like to possibly sign that affidavit to protect this girl and have -- let the girl have an abortion. What -- what protection does the physician have, and what safeguards are put into place so a falsification of the affidavit wouldn't occur?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

The physician is not required to verify the information

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independently, and any physician who provides an abortion in good faith in compliance with the Act or apparently in compliance with the Act but who does so in good faith is not liable.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. To the sponsor, once again: I guess the third exemption says if the minor declares in writing that he or she is a victim of sexual abuse, neglect, or physical abuse by either parent, - in quotation, it says from amendment - custodial parent or legal guardian. I guess my -- my question concerns -- I think you addressed, but just for the record: I just want to make sure that that physician who's -- who's being told that either the parent or the guardian sexually abused that child is going to be dealt with in one fashion or another. And I think your statement was that he will be dealt with in another portion of another law, but not exactly under this law. Can you just explain for the record?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. Under current law, physicians are mandated reporters to DCFS in the case of their having received allegations or have reason to believe of abuse. And that is unaffected by this law, and as I say, anonymity is required under the law, and DCFS could not make a disclosure to the parents how the allegation came to light.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Of the sponsor, one final question. On line 16, I think it's page 5, under Penalty, Section -- or

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25(a), as in apple, states, "Any person who intentionally performs an abortion with knowledge that or with reckless disregard as to whether the person under <sic> whom the abortion is to be performed is an unemancipated minor or an incompetent without providing the required notice is guilty of a Class A misdemeanor." So in other words, what you -- what you said, I think, previously, which was my first question, is that a physician who in good faith, or whatever, performs the -- the abortion would not be guilty in this particular case, so long as that physician didn't know that that document was falsified. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR McCracken:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As I indicated a little bit earlier, we, on this side of the aisle and many of those of us who take more of a pro-choice stance than what perhaps this bill allows, I think would have been able to -- to vote for this bill and be a little more comfortable with at least making that determination if, in fact, the notice would have been broadened. One of the problems that we have is, all too often anymore, with some of unwanted pregnancies by the young people today, one parent or a -- a stepparent or a parent too often is involved with that pregnancy. That raises, to me, a very, very serious problem. You're asking, in many cases, a young woman to go ask the father of the child, who happens to be her father, whether she should be allowed to have an abortion or not. I think that's an unfortunate circumstance. We can say always that we will change that or -- or they don't have to go to the

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father; they can go to the mother. Well, the mother, normally in those cases, or in many of those cases, is a witting or unwitting accomplice. Our amendment simply would have added that an adult family member means a person over eighteen years of age who is a parent, grandparent, sibling, aunt or uncle of the minor, whether by whole blood, half blood, marriage or adoption, and includes a stepgrandparent, stepparent or stepbrother or sister. It just broadened it a little bit. I think sometimes we have to have the alternative. I think the amendment would have made the bill much better - would have made it much more palatable for me. And I think the way the bill stands now, I most certainly will have to vote at least a Present on what maybe would have been my first vote along these lines, mainly because of the fact that I, as a father of six children and a grandparent of eleven, I understand the -- the family unit and the need for that family unit to be whole and to be strong. And I feel that I have one of those. But I also deal on a daily basis, in many cases, with fathers who have impregnated their daughters. And I find that atrocious and I find that this bill plays into the hands a little bit. And, therefore, I'll be voting Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Our analysis, Senator, says that this Act does not provide a judicial bypass provision. Would you explain that, sir?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

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Yes, it contains a nonjudicial bypass provision; those three exceptions stated in the Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand the bill has been amended, and I just want to make sure what still is in the bill. Are the following still in the bill: That the Act would provide the exceptions to the notice requirement if; one, a medical emergency exists; two, when the abortion is authorized in writing by a parent or legal guardian; and three, when the minor declares in writing that she is a victim of sexual abuse, neglect or physical abuse by both parents, legal guardian or custodial parent, and when this occurs... Those are still in the bill, are they not?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

Senator, the allegation of abuse can be satisfied by making the allegation as to either parent, not both parents. That's a change. And there is no requirement of parental authorization, only notice. So that last amendment just cleaned up the language in talking about the waiver of notice.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What if she, the minor, was sexually abused by a brother or a cousin?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

The exception relates to abuse by either parent, guardian, or -- legal guardian, I'm sorry.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, the exception does not apply if she were raped by a brother or abused -- criminally abused by a brother or a cousin? Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

It didn't seem that some of the considerations underlying the exception requirement would be applicable in the case of abuse by someone other than a parent. I would think a parent and a child would both want to know that happened.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I do hope that when the bill goes over to the House that there's specificity about any criminal abuse by any relative to be included. I -- the pro-life people have been adamant about this, and they haven't always been fair to some of us who have supported some of their legislation. In fact, they've been very critical and caustic. And much as they have been critical and caustic, I forgive them, for they know not what they do. But I do feel the bill is a step in the right direction, because I am a person who believes in family unity and I do feel that there should be provision for notice to the parent. And I do feel, also, that the exceptions should remain in the bill and perhaps amplified when they go across to the House, because any -- any person who is raped by a relative, any -- particularly any young person, is really in trouble and sometimes they don't know who to talk to. And I might tell you that the doctor who was murdered in Florida

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was performing abortions on children who were ten and eleven years who were raped or victims of incest. But I do support this bill and hope that it will be cleaned up a little more in the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, this is a very serious bill we are debating here. I am somebody who has raised many children, three of them girls. They are now certainly old enough to be making these decisions. But I feel very, very strongly that we cannot legislate the kind of trust in parents that we are trying to do here. I understand the anxiety of those of us who are parents, the feeling that -- that this will ensure that my children will look upon me as a reliable guide and a rock to trust. That is not necessarily true. Putting aside the kinds of situations we have discussed here, where the child's father is the father of the fetus, let's examine just how hard it is for young women who love their parents to confide this kind of situation to them; how strongly they would feel that they are disappointing those parents, so severely that they cannot make themselves confide. I think, in most cases, a young woman, from thirteen to eighteen, is going to tell a parent. I believe it's going to happen. But I think it is urgently important that we not try to force that confidence by passing a law to do so. I have statistics here which indicate that sixty-two percent of members of the Academy of Pediatrics oppose laws requiring the consent of parents. Now, I understand this is notification, not consent. Am I correct, sir? Yes. But I think that's an important point. Pediatricians know their patients. The American Medical Society -- Association has rejected parental notification or consent laws, stating that they are a violation of the physician-patient relationship and can cause minors to suffer from serious physical

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injury. I believe what is meant by that is that many young women, to avoid the scene, the -- the terror, the anxiety, the stress of confiding this situation to a parent, might go for an illegal abortion, might try to induce an abortion herself. These are serious family relationships that we are injecting ourselves into here. I think it is inappropriate for us to do so. I -- I ask you to reexamine your own family relationships and say to yourself that you cannot force trust by passing laws. I ask your No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As many of you know, I am usually considered a -- a pro-choice vote, but I do plan on voting for this bill and -- and there's -- are several reasons why, and I'd like to tell you about at least a couple of them. I happen to serve on the Infant Mortality Commission, and I also serve on the Advisory Board for my DCFS region. The average age of an unwed mother in this State right now, throughout the State, is fourteen years old. I have seen children as young as nine who are eight and nine months pregnant. They were young white suburban girls. This happens to be an issue that is prevalent throughout the entire State. What we are really talking about are thirteen-year-old kids getting pregnant. I have a daughter, who like -- like Senator Stern, also happens to be grown and far beyond this age that I have any concerns about her. And anyway, she's married to begin with. But the bottom line is, I have a granddaughter that lives with me, who is now eight years old. That means in another five years she could easily be in eighth grade and be facing these same kinds of problems. I have a grandson living with me who is fourteen. The average age of the father is fifteen years old in this State. Means that the boys really got the girls pregnant when they were freshmen in high

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school. What is happening in my district and throughout the State is that the boys are passing the hat, getting the money necessary for the abortion, and then the two of them are ditching school and finding some nice, cheap place for that girl to have her abortion. That's dangerous. This is an operation. I have four children. I've been there, guys; you haven't been. It is something that the parents have the right to know so that they can support their daughter in this decision. People tell me, "Well, they tell their parents anyway." That's not true. Ask any high school counselor and you will find that it is not true. I think this is a good bill. It has got a way to take care of the situations where incest has taken place. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Like some who have expressed the concern earlier, I have a real concern that no judicial bypass is contained within the proposed legislation, but a concern because that would suggest that the proposed legislation is unconstitutional. And I would wonder why we're trying to do anything here that we already can readily assume is unconstitutional. But if we need some evidence to question the constitutionality, I would only suggest that we go back to 1983 when legislation that mirrored this legislation, except that that legislation contained a judicial bypass but failed to meet the federal standards that was expected to be inherent within that judicial bypass. After several years and over one million dollars in taxpayer cost - after several years of litigation and over one million dollars in taxpayer cost - in the fall of 1992, the courts determined that it could not be implemented because it was lacking with the judicial bypass. Now, that legislation contained the judicial bypass and was considered that it could not be

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implemented - considered by the courts. In 1990, the U.S. Supreme Court, in the Akron and Hodgson decision, ruled the unconstitutionality of similar legislation. I think the evidence suggests, Senator, that this is unconstitutional, and it would make me wonder why we're here debating it when the question and the evidence has been clear. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further... Senator Jacobs, for what purpose do you arise?

SENATOR JACOBS:

Point of parliamentary procedure, sir.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR JACOBS:

Getting back to Senate Amendment No. 3 <sic> (7), Senate Rules 5-1(b) states that a principal sponsor controls a bill, and the Senate rules do not specifically address whether a sponsor may move the bill from 2nd to 3rd Reading while a Floor amendment is pending without first disposing of the Floor amendment. Therefore, according to Senate Rule 12-2, Robert's Rules of Order govern this situation because they are not inconsistent with the Senate rules. And according to Robert's Rules, Section 5, a motion to amend a bill is a subsidiary motion; therefore, once it is before the Senate, it must be adopted or rejected by a vote or otherwise disposed of before the Senate may take up the main motion of moving the bill from 2nd to 3rd Reading. Therefore, I, at this time, ask that the Committee on Rules be discharged for further consideration of Senate Amendment No. 7, and to -- failure to do so I think violates not only the rights of me as a Senator, but I think it violates the constitutional rights of all of the other people to be heard on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator, that amendment is not in order, and the Secretary has

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been instructed to put the motion on the Calendar. Further discussion? Senator Collins. Senator Jacobs.

SENATOR JACOBS:

Excuse me. If I might, just to follow through on that. I think that that is not correct, and I ask an appealing -- appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Question is, shall the ruling of the Chair be sustained. All in -- all those in favor of sustaining the ruling of the Chair will vote Aye. All those opposed to sustaining the ruling 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, the Ayes are 32 and the Nays are 25. Having failed to receive the necessary three-fifths negative votes, the appeal fails and the ruling of the Chair is sustained. Senator Collins.

END OF TAPE

TAPE 6

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I have received, I guess from the pro-choice people, numerous phone calls and -- and letters and -- and have been called outside of the Chambers to speak on this issue. But I've made my position very clear, and neither will I change my mind. However, this particular bill, I think, lack the -- because of the amendments, lack the necessary protection for those children who are victims of incest, either by their parent or relatives, and it also lack the necessary protection for those children who tell their parent

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and go home and possibly can become abused. I don't see any sanctions there that would discourage parents from coercion or from intimidating the child not to proceed with their right to go on with the abortion. For me, it is not a question of whether or not the child should have the right to have the abortion, but it is a question of whether or not a parent should have the right to assume the financial responsibility for a situation like this once things go wrong. And I can give you case in point. Very good friend of mine, daughter, fourteen years old, went to the clinic, had an abortion. Not because of malpractice or carelessness, because it happens sometime, she went home alone and she hemorrhaged and she almost died. She had a very liberal mother, and all she had to do was to have -- that parent would have been notified and someone would have been there with that child to get her to the hospital before we found her almost dead. Consequently, for six weeks she stayed in the hospital. She had no insurance. There were two -- four other kids in that family, two of them getting ready to go to college. The other kids couldn't go to college. She lost her home, trying to pay for this bill. Now there is something fundamentally wrong with this. And I've told the pro-choice people that; that to be notified ought to be my right if I have to pay the bill. It's simple as that. But the amendments you have on this bill and the other stuff you have in this bill, I'm opposed to it. But because I support the basic issue here, and that is the right of a parent to know that a minor is going to have the abortion - not consent, but to know that they're going to have it - and this bill ought to have been pure and clear to that point and the protections there to ensure that that child would be protected in incest cases and in cases where the parent would try to intimidate or coerce that child from giving up that right to have that abortion if she wanted to have it. And if this bill was in that form, I would be voting Aye. But

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it isn't. I will be voting present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Pate Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I was just sitting here and thinking for a change and normally I wouldn't be getting into this debate. But, you know, I can't think -- and I have an adopted daughter and an adopted son, and I can't think of a more serious thing that a parent would want to know than if your daughter might be having an -- an abortion. But just -- just think about this: In -- in our school districts back home, if -- if my child went to the nurse and wanted an aspirin, in our school districts - most of them - they would call the parent and ask permission to give them an aspirin. If you want to get married under age, you have to have the parent's permission. If you want to join the military under age, you have to have the parent's permission. Well, I'll tell you -- and I think you should. I think, in my own judgment and being a parent, to have my daughter have an abortion, I shouldn't -- we shouldn't be notified as the parent? Well, I'm going to tell you one thing: If you're a parent and you don't want notification your daughter is going to have an abortion, you're not much of a parent, quite frankly. We ought to -- we ought to forget about this; we ought to vote for this and the parent ought to have the right to know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have been sitting here listening to the debate and thinking back to the time when I was a dean of students and spent a great deal of time with young women who were agonizing over the decision to have or not to have an abortion. We spent a lot of

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time sitting on the floor while these young women wept and tried to decide about what should happen to the rest of their lives. Senator Jacobs made an attempt to put on this bill what might have been a reasonable and rational addition - to allow a young woman, who is making an agonizing decision, to go to someone else. I have been a counselor. I have been a teacher. I am the mother of a daughter. I am an aunt. I have many women - young women - in my family. This is not something for us to legislate. We cannot make this decision for this young woman. We've spent a lot of time talking about minors. Let's look at the other end of the spectrum as well: Those who are seventeen years old, just short of being at the end of being a minor. These are young women who are in college. These are young women who are working. These are young women who are finishing high school. This is a tough choice. I know it is. And for all of you who are parents who are sitting in this audience, think what you're asking -- what this bill is asking to do. A young woman who has made the tough decision, has found her way to a doctor whom she can trust, and you are saying, that doctor has to call home and check with you. That's not a good way to help a daughter, a niece, a friend, someone under your care. That is not a good way. I say we vote No on this and let's think about it and come back with something better than this draconian bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR MCCRACKEN:

I -- I believe the case of sexual abuses is adequately addressed in here. The definition is very expansive as to what constitutes sexual abuse. I believe the safeguards that many of the opponents feel is necessary are actually here. I respectfully do not agree to an amendment which would have expanded the universe of who may be notified. I do not believe there are

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substitutes for parents, because I believe parents and daughters have a fundamentally unique relationship. I think that goes without saying. I respectfully request an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 209 pass. Those in favor will vote Aye. Opposed, 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. On that question, there are 32 Ayes, 17 Nays and 6 voting Present. Senate Bill 209, having received the constitutional majority, is declared passed. Senator O'Malley. On the Order of 3rd Reading is Senate Bill 211. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 211.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 211, as amended, does two things. First, it amends the Fire Protection District Act -- Act to provide that if a vacancy occurs on an elected board of trustees, the vacancy shall be filled by the elected board within sixty days. The second thing it does, it allows an appointed board of trustees of a fire protection district to become an elected board by ordinance of the fire district board or by ordinance of the appointing authority - in this case, the township board. Incidentally, this is limited to fire protection districts - this second aspect - to fire protection districts that are wholly contained within a single township. It does not apply to fire protection districts that straddle more than one township; in which case, the appointing

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authority is the county.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Any discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

I would appreciate a Yes vote on this. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 211 pass. Those in favor will vote Aye. 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, there are 56 Ayes, no Nays, no voting Present. Senate Bill 211, having received the constitutional majority, is declared passed. Senator Maitland. On the Order of 3rd Reading, Senate Bill 227. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 227.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 227 essentially does -- does three things. It prohibits the location or expansion of a hazardous waste disposal site over a mine shaft or a tunnel or near an active fault. Secondly, in counties of less than one hundred and fifty thousand, it prohibits location or expansion of hazardous waste disposal facilities, solid waste disposal facilities or regional pollution control facilities within one and a half miles of a -- of a municipality without approval of the municipality's governing body. And thirdly, it prohibits location or expansion of a solid

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waste facility or a regional pollution control facility over a mine shaft or a tunnel or near an active fault in the earth's crust unless it is shown that engineering measures have been taken to ensure the structural integrity of the facility. Been a lot of -- of debate and discussion on Senate Bill 227. A lot of people have had concerns. We have made numerous, numerous changes in the bill. We -- I'm not going to suggest to you that we have completely satisfied everyone. We have committed to the Municipal League, who has a minor problem now - they had not come to us before - that we will address their concerns when this -- when this bill reaches the House. But I think there's been...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Excuse me, Senator Maitland. Can we please have some quiet on the Floor. Senator Maitland.

SENATOR MAITLAND:

I believe there has been sincere effort by a lot of people in making this bill an acceptable bill, and I -- I would seek your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yes. I'd like to ask a question of the sponsor, if I might, please. Senator Maitland, what...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR DEMUZIO:

...does the approval of the municipality within a hundred and -- what does this do to local siting question? Let's put it that way. What does it do to 172?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

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Senator, that's -- that's -- that's a good question. You and I both were cosponsors of that original bill. This is not in 172. It is an extension, essentially, of 172.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I don't wish to be obstinate, but can you tell me what the extension is?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, you and I -- again, we are -- we are calling for essentially municipal -- municipal approval in 227. In Senate Bill 172, it was county approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

I guess my question is, then, if I -- does that mean now that I have to both get approval for a regional pollution control facility by both the county, and if it's located in a municipality, and the municipality? Currently it is just the -- the county, is it not? And they establish the criteria in the geology and things of that nature. Is this now a -- another lair?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, clearly if it's within these parameters, yes, you have to -- you -- you have to get the cities, in addition -- in addition to the counties.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

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Then it is the county that has the principal and primary responsibility still, as it is in the existing Statute. And if this is located within the municipality within a -- two hundred feet of a fault, then they also have to have -- no, then they also have to have the approval of the -- of the city. Can you tell me, are there any regional pollution control facilities in -- outside of the County of Cook?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Yes, there are.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, can you tell me where they're located? Just -- just quickly, so I know if that's going to be applicable to -- to me or -- or not?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, just -- just to clarify, we're first of all talking -- on this particular issue, we're talking in counties under a hundred and fifty thousand. That narrows, I think, the scope to a great extent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

I know, but that includes all of mine, so... What I'm -- what I'm trying to determine is -- what's the process now that you're attempting to change, other than allowing local municipalities the same approval that we have granted to counties under 172?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Maitland.

SENATOR MAITLAND:

Senator, I know of one -- one specific case where there is the possibility of a solid waste site being located immediately adjacent to a community. It is over an abandoned mine shaft. It is exactly on the road that divides the city from the rural area. We have narrowed the scope of this, which will allow for the additional level of approval; that being a municipality. We believe -- we believe -- I believe, I believe Senator Welch believes, who's a cosponsor of the bill, that -- that this is necessary because the county could approve over the objection of the municipality.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Then, one final question. If I have a regional pollution control facility that is located within a five -- within five miles of three municipalities in the same county, would I then have to obtain approval from those three municipalities in addition to the county?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, five miles has nothing to do with it. It's a mile and a half, and that's one of the areas of concern that the Municipal League has brought to us. And we could resolve that, if they would have come to us sooner, and we plan to address that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Pardon me, Senator, but I misspoke. I meant -- let's assume you had three municipalities within a mile and a half, in a

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county. All three of those facilities <sic> then must approve. So then, in other words, they have veto power over the -- over the county siting question. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, I think while you were talking to your staff, I was answering your question, and that is correct. And that's one of the concerns that the -- the Municipal League had no problem with this until they read the bill. They just didn't get into the act soon enough, and they came to us after our last committee meeting. We plan -- we plan to -- we -- we plan to work with them. We indicated we will, and we think we can resolve this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I just want to repeat what I said the other day, in terms of the -- when we discussed incinerator -- incinerator siting, and that is that we're placing so many restrictions on the siting of solid waste disposal, that we may be building a huge problem in the future as we narrow our options down. Solid waste is going to be a major, major problem in a matter of the next ten to fifteen years, and the more we place these restrictions, the bigger the problem is going to be when -- and the bigger the problem it's going to be, I guarantee you, for anybody sitting in this Chamber and has to decide on -- on how to -- on how to undo some of the harm we're doing right now in placing all of these restrictions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR MAITLAND:

Thank -- thank you very much, Mr. President and Members of the

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Senate. As I indicated earlier, we have drafted and crafted this legislation very narrowly, and this is a -- an issue that is -- is critically important to downstate rural Illinois. I was with Senator Demuzio, one of the sponsors of Senate Bill 172. I -- I believe in that siting process. I think that is -- is reasonable, fair and proper. This addresses some of the concerns we have with some of our small communities downstate. I seek your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 227 pass. Those in favor will vote Aye. 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, there are 50 Ayes, 5 Nays and no voting Present. Senate Bill 227, having received the required constitutional majority, is declared passed. Senator Thomas Dunn. On the Order of 3rd Reading, Senate Bill 231. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 231.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is an attempt to give a little bit of protection to our neighborhoods, and this bill creates the offense of residential drug solicitation. And what it says is that if an individual operates within a thousand feet of a residence and knowingly distributes or -- offers to purchase a controlled substance or knowingly offers to distribute a controlled substance, that that individual will be...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Excuse me, Senator Dunn.

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SENATOR T. DUNN:

Sure.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR T. DUNN:

Thank you. That that individual will be guilty of a Class 2 felony. This is -- position of the Department of Corrections is neutral on this bill. And this bill will make it easier to prove a sale or an offer to sale a drug in a neighborhood. And I'll be happy to answer any questions, if there are any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Dunn, to close.

SENATOR T. DUNN:

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 231 pass. Those in favor will vote Aye. 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, there are 52 Ayes, 2 Nays, and 2 voting Present. Senate Bill 231, having received the required constitutional majority, is declared passed. Senator Mahar. On the Order of 3rd Reading is Senate Bill 275. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 275.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Bill 275 would allow the Department of Mental Health to use up to two percent of

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its funds appropriated for State-operated facility operations as if the funds were appropriated for community services and programs. Provides that the Department must notify the Governor and the General Assembly as to the amount, line item and need for such a transfer of funds. A couple of days ago we learned that -- that an amendment was needed for the Department to support this bill, and we added the following language: "provided that the Department staff to patient ratio is at least equal to the national average for facilities serving a similar population...". With that, I'd be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Prior to the amendment, what this bill would, in fact, have done would have afforded the Department the opportunity to transfer two percent of its personnel costs into agencies that provide home community care. If -- the amendment now indicates that that transferability now can only occur if the patient ratio is at least equal to the national average for facilities serving a similar population. I am told that the current national average for staff ratios for state-operated facilities is 2.07, while in Illinois it's 1.56. In 1988 Illinois ranked forty-fourth in ratio of staff to patients with a ratio of 1.5 to 1, and the national average was 1.84 to 1. Under this amendment I doubt very seriously if the transferability under those circumstances would be available; but, nevertheless, if in fact it is, what we are attempting to do here is to circumvent the appropriations process, and we continue to deinstitutionalize the institutions. I think this legislation is unneeded, and I would ask that Members who are concerned about it, that they vote in the negative. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Any further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I wonder if the sponsor would yield to a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will. Senator Ralph Dunn.

SENATOR R. DUNN:

Senator Mahar, do you know -- I have two facilities - two mental health facilities - in my district, do you know what their staff-to-patient ratio is? One is the Chester Mental Health and one is the Clyde L. Choate Mental Health Center.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

I'm sorry, Senator Dunn. We don't have that breakdown by facility.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dunn.

SENATOR R. DUNN:

Yeah. I would -- I would say, you know, it's kind of risky. What's the national average today could change tomorrow or could change next week or could change somewhat. I'm not sure that the two facilities in my district that -- they are transferring some people out now, and there are people, I'm sure, in institutions who need to go back to the communities, but just to give the Department carte blanche authority to move people out of the -- out of a facility like that into a community, that kind of worries me a little bit. And I'm going to be voting No on the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Raica.

SENATOR RAICA:

Mr. President, a question of the sponsor, if I may.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

He indicates he will yield. Senator Raica.

SENATOR RAICA:

Thank you. Senator Mahar, I don't know if I'm correct in this assumption, but the way I read this is this bill would help move those residents out of State facilities into community-based settings. I think, and again, correct me if I'm wrong, that if -- let's just take Howe, which is out where we are. If -- if the money -- if the patient is moved from a State facility into a private facility, I think the money would follow that -- the State money would follow that patient to a private facility, which means we can't fill that bed in the State facility. And -- and -- I mean, we -- that's money that we would have for a State -- for another patient there, but we can't use 'cause that money followed that patient. It's not there for that patient. In other words, if I had -- Patient A gets transferred out of a State facility and goes to a private facility, that money follows Patient A to that private facility, which means I can't put another Patient A in there because that money followed the patient. So if I have ten beds or fifteen beds open, I transferred those patients, I can't fill those fifteen beds, because I don't have the money. And if that's the case, I just -- I mean -- I mean, you're -- the sponsor is just a great guy, but I'm just -- Bill, I'm just afraid that we may have a lot of openings in State facilities that may either be closed and/or we're not going to be able to fill those spots with other patients. And if that's the case, I just have a real reservation - at least the way I read it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For further discussion, Senator Rea.

SENATOR REA:

Thank you, Mr. President. A -- a good sponsor, but -- and the amendment has improved the bill, but I'm also very concerned,

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adding one other item, not to repeat what has already been said - is that this formula can also change. And if this formula changes, this means that monies can go from existing facilities there that already they do not have the monies that are necessary to provide the -- the staff support. And I would ask everybody to vote No on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise in opposition to this measure, and I oppose it primarily for the reason that it's bad fiscal policy. No matter what any of us feel about the goal of -- of this legislation, we should not proceed because fiscally it is fraught, in my opinion, with folly. There is no agency in State government that is permitted this kind of transfer authority. In the instance of -- of this Department, they would be able to transfer over seven and a half million dollars just in the personal service line without giving the General Assembly any prior notification and without oversight and without approval. To my friends, especially on the other side, who are also sponsoring the GAAP legislation, this flies in the face of generally accepted accounting principles. I think it's bad fiscal policy ever, for any reason, to permit public dollars to be expended without necessary oversight. No matter what you feel about the issue and the goal inherent in this legislation, we ought not approve it because the fiscal policy has so many difficulties. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I serve on the Mental Health and Developmentally Disabled Commission and have for the past eight

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years. I hate to tell you, Senator Severns, but we are mandated by the federal courts to do this. We cannot -- we are violating the civil rights of patients that we are keeping in institutions if they are not harmful either to themselves or to society. We are mandated that we must indeed put them in the community. What we are talking about is the transfer of funds so that we can set up the CILAs, so that we can set -- the community independent living arrangements. I have a number of them in my district. I've got one, frankly, that's just going up in my neighborhood. These are people that are mentally ill. They are manic depressives and schizophrenics. We do not allow them just to go helter-skelter. They are indeed made -- we -- we do have staff; we do make sure that they are properly taken care of. But these people have the right, according to a federal decision, federal court decision that was handed down about ten years ago that we have not been paying much attention to. They have the right to live in a community, and if we keep keeping -- if we keep all the money in the hospitals and in the institutions, we don't have enough money then to set up the community CILAs to put these patients in. Now, you know, we're going to be right back in court again if we keep this up. Believe me, this is not only a good bill, but it is one that we should definitely pass to make sure that we don't end up in court, having a federal judge again telling us what we're supposed to do. I -- I solicit an Aye vote, and we'd better get on with this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Ladies and Gentlemen. Senator Mahar, in principle, I fully agree with the need for and support for residential environments. What I question, and I'm very concerned about, is the process by which we would find the money

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for this, and there are other models. It's not as if the State does not have partnerships with private organizations, nonprofit organizations and so forth. There are many models within the State system. There could be RFPs; there could be other kinds of -- of partnerships. But what this is asking us to do is, next time around, to appropriate money to the Department of Mental Health and then to leave it to them somewhere in that budget to decide that two percent of that money would go to unnamed organizations without any oversight from this Body. I think that's bad policy. I wish that there had been more attention paid to this. I would support community-based residential housing for mental patients. I think it's the right way to go, but this is not a good piece of legislation for that end.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For further discussion, Senator Cronin.

SENATOR CRONIN:

Yes. Thanks very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill, and I'd like to point out to the Members of the Senate that what Senator Mahar is doing here, and the proponents of this legislation, is -- we're trying to do something that many health -- many mental health advocates have wanted, and that is to funnel resources into community-based independent living arrangements. The Ray Graham Associations of the world, the Misericordias. I mean, these are organizations that need flexibility, and we want to give the Department the flexibility to be more responsive to the needs of mental health, not the needs of those who seek to have centralized bureaucratic ways of delivering mental health care. This is a good bill. The mental health advocates support it. The Department of Mental Health wants it, and I urge your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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SENATOR MAHAR:

Well, thank you, Mr. President and colleagues. I'm a little surprised, in some respects, at all of the discussion that's taken place on this bill, seeing that two years ago, without the amendment, the bill passed with absolutely no opposition at all. But nonetheless, we have a problem in -- in assisting those that are mentally ill in the State of Illinois, those that are in our hospitals right now, maybe classified as those needing long-term care and also those that need only short-term care. The problem we have and the -- the inadequacy we've -- we've demonstrated in funding for community programs is that, if the people are discharged from the hospital, they still need treatment. As they go into the community setting, they still need programs. All this is doing is allowing the Department the flexibility to have some of that money -- as -- as the individual leaves the institution, the money track with the individual so that they can maintain a foothold in the community and be responsible citizens. As far as where, Senator Palmer indicated that -- that maybe these places that would receive the money might be just any type of program, these are -- that's not the case. These are programs that are currently community providers under contract to the Department of Mental Health. They are reluctant to take these patients as they're discharged unless they get some more funding. So the patients -- that's how they become homeless. With that, I would close and -- and ask that -- that we do something right for those people, mentally ill, that are discharged and point out that only 41.4 percent of the Department's budget goes to the community setting, and it's inadequate. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 275 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record. The -- the -- on that question, there are 25 Ayes, 28 Nays and 4 voting Present. Senate Bill 275, having not received the required constitutional majority, is declared failed. Sponsor seeks Postponed...(microphone cutoff)... On the Order of 3rd Reading, Senate Bill 292. Senator LaPaille. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 292.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. This bill was before the Senate Commerce and Industry Committee. There were some suggestions for change. Basically what this bill would do, would make it permissive throughout the State of Illinois for county clerks to require the renewal of assumed name certificates every three years. The problem here is occurring in Cook County. Since the Act was enacted in 1941, it has never -- there has been never a renewal mechanism. So, right now, the Cook County Clerk's Office has over five hundred thousand assumed names on file for corporate purposes. What the County Clerk in Cook County, at least, wishes to do, if this bill is passed and signed into law, is begin a mechanism to begin requiring renewal. Senator Klemm had some requests that we put in the bill; that there would be a published notice that this massive renewal process was going to take place. We also took care of it through amendment, by requiring that if a entity had filed after July 1, 1992, that they would not have to -- refile for another five years. And what's being done is an attempt to try to clean up this mass of files that are sitting in Cook County, over five hundred thousand assumed business names.

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There's mechanisms here to protect. If a person does not renew, the -- the name will be held in the title division of the county clerk's office for approximately five years, I believe. And it would at least allow the County Clerk of at least Cook County, who will avail himself of this, to begin cleaning up this massive amount of assumed business names that, for all intents and purposes, many of these corporations have already either closed due to death or -- or have failed. So with that, I would be available now for questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Stern.

SENATOR STERN:

Would the Gentleman yield for a couple of questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Stern.

SENATOR STERN:

Senator LaPaille, it's been a long time since I was a county clerk, and I only remember that there were thousands and thousands of these documents. Remind me now, when a person files for a -- an assumed name - the Bye -- Wee Nursery Care or something - there's no restriction on someone else using the same name, is that not correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

I'll have to plead ignorance, Senator Stern, as that I really don't know on that. I have never been a county clerk, and never wish to be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Stern.

SENATOR STERN:

I believe that I am correct on that. So that what it really

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is is a great bureaucratic boondoggle, in any event. What is the charge for filing an assumed name?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

The renewal process will be only five dollars, and there will not be a -- a requirement, as it is when you originally file, to also put a public notice in a newspaper. So for any of the renewals, it will simply just be a five-dollar renewal with no publication. However, if it's a new filing, you will still have to put the notice for the first time in the newspaper, but then five years hence, when you're up for renewal, you would not have to publicize.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Stern.

SENATOR STERN:

Yeah. I -- I only want to make the point - I -- I'm not going to make a big deal out of it - but this is kind of one of those things that government does which offers nothing. The individual who is filing the name advertises in the paper and assumes that he's got some protection on the name, but, in fact, he has nothing, except the fact that he has paid the county government the amount of the filing and paid the newspaper the amount for printing it. I -- I leave it up to you, folks, whether you want to vote for this kind of nonsense. Either way. Either way.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. First a question and then just a comment. Senator LaPaille, is this -- has this bill been requested by Cook County Clerk David Orr?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator LaPaille.

SENATOR LaPAILLE:

...(microphone cutoff)...got it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Okay. My -- my comment is: You know, I understand the purpose or the thrust of the bill and -- and certainly all of us want to clean up files, but if we can put ourselves in the shoes of small business owners, where -- just consider some of the forms that they have to fill out in the normal course of their business. If they're a small company, small corporation, they have an 1120 - that's both federal and State; they have a 1040 - both federal and State; they have a 941; they have a 940; they have a W-2; they have W-3s; they have W-4s that they have to file; they have unemployment compensation forms. Here's one more that people have to keep track of every five years. I realize that the burden is small, but each piece adds to the -- the pile that people have to take care of. So I -- I would be opposed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I rise in support of this bill. I think we're making it much more complicated than it is. We had -- much of the discussion you hear on the Floor, we did have in committee, and the amendment that Senator LaPaille added, in fact, speaks to much of the discussion that's going on now. It's really very simple. The idea is that we have a backlog since 1941 of some five hundred thousand files. Now you can look around this room and see all the piles of paper we have on our desks and just imagine what it would look like if we had that much since 1941. So all this is, is a housekeeping measure, and I don't think we

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need to complicate it. And I would hope that we could support it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LaPAILLE:

Yes. In closing: Senator Lauzen cites his opposition. Senator Lauzen is from Aurora, Illinois, which is not Cook County. So I would suggest this is a permissive bill. So the Kane County Clerk would decide if they want to avail themselves of this or not. You may not have a large problem, as we do in Cook County with over five hundred thousand names. So, it would be an individual clerk's decision to do this. So this is a permissive bill. It's a good administrative bill, upkeeping to -- to get the files up to date in Cook County. Again, if you're not from Cook County, more than likely, your county clerk will -- may not even avail themselves of this bill. So, I would ask for its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 292 pass. Those in favor will vote Aye. 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, there are 23 Ayes, 30 Nays and 5 voting Present. Senate Bill 292, having not received the required constitutional majority, is declared failed. I would admonish the -- the Senators that we have quite a bit of business left on the Calendar, and if you wish to go home early tomorrow, we would like to keep the rhetoric down to a minimum. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well -- well, while we're on the order of admonishment, might I just ask the Chair that -- it just seems to me that the last two or three bills, it's been sort of a rather quick and abrupt end to the -- to the voting. I was wondering if you might not be as quick on the trigger, as you have been known to be in Chicago, and

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be a little more tolerant with our Members.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Those comments are duly noted, Senator. I would ask the staff, remove all conferences off the Floor, and I would ask that all Senators be in their seat. On the Order of 3rd -- 3rd Reading, Senate Bill 294. Senator LaPaille. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

Yes. Senate Bill 294 would require that, in Cook County, the jury list shall be prepared from a combined list of both the Illinois driver's license holders and the legal voters in the county. Right now they currently just pull from legal voters in the county. This would expand the number of possible jurors, and it would make the court -- the administration of the courts there much more easier. So I would ask for its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Question of the sponsor. What about...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor -- sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

What about drivers who have driver's licenses, but are not citizens?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

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SENATOR LaPAILLE:

I am told that a person that holds a driver's license is a legal resident.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But, Senator, you and I know that they may be a legal resident, but if they are not an American citizen, they're not entitled to vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LaPAILLE:

Yeah. What we wanted to do is expand the -- the potential jurors that are polled in Cook County. I'm told that in several other counties, counties use both the jury -- use both the voters' list, as well as the drivers' list. And if there is a issue with regard to citizenship, I would think that the attorneys for both sides -- it would be one of the questions that they would ask the potential juror. So I would ask for its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 294 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay and no voting Present. Senate Bill 294, having received the required constitutional majority, is declared passed. Middle of page 4. Senate Bill 340, Senator Fitzgerald. Out of the record. Senate Bill 341. Mr. Secretary, read the bill. Out of the record. On the Order of 3rd Reading, Senate Bill 376. Senator Karpziel. Out of the record. Senate Bill 384. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

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Senate Bill 384.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 384 codifies into law a procedure that is currently used in Cook County, and that is the income approach to the assessment process. Now the reason that we want to codify this is -- let me tell you what happens in reality. When the Assessor of Cook County decides to do this and he takes an assessment that it's a certain level and then he determines because of the income to lower it, the person that makes the appeal gets the lowered assessment; however - however - it will still show as an underassessment, and therefore it triggers a higher multiplier. So what happens, the person who gets their assessment lowered gets a benefit, all those other people who don't end up paying more because that lowered assessment results in a higher multiplier. Senate Bill 384 is designed to recognize this by law; that that is a valid -- valid system of assessment and that it ought to be then -- the property ought to be recognized as being at the value that it is, rather than an undervalue. I've been asked from some people from downstate if -- if I would be amenable to have them included in this bill, and I said when it goes over to the House, be more than happy to have them included in this process. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to point out for the Body that the Department of Revenue is in opposition to this bill. They have a circular. And it's not much of a surprise on one of

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Senator DeAngelis' bills, I guess, but nonetheless, the problem with the bill is that it rewards a poor manager by giving him a tax break. If you have two buildings side by side with more than seven units, one fellow is running it, has got it fully occupied, takes care of his tenants and is making money; the guy next door doesn't take care of the building, doesn't have very many tenants, same neighborhood, he gets a tax break because he's a poor manager, because he doesn't have the gross income that you do next door when you have a good manager. So this is kind of a innovative bill, rewarding bad management. A tax-break-for-bad-managers bill, probably it should be renamed. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

He indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator DeAngelis, we talked about this bill often in Revenue, and I want to give an analogy and see if that is -- if it's correct. If I owned an apartment building, for example, and I did not rent two apartments for some period of time, then is this bill saying that, on the basis of that, I have lost revenue and therefore my assessment should be adjusted? Let me continue with this. Since this is not a residential bill, it is strictly a corporate building bill, then it seems to me that we are giving some advantages and some exemptions to companies that we as homeowners, as owners of apartment buildings, are not privy to. Am I correct in this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis. Senator DeAngelis.

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SENATOR DeANGELIS:

Thank you, Mr. President. Senator Palmer, let me correct something that the Department of Revenue says. This practice is currently being done. This is not a new classification. It is a classification in the fact that we're putting it into law. But this activity already exists. The problem is that that person will get that, but you'll get your homeowners -- your residential increase because the multiplier's going to go up because it will not show as an assessment; it will show as an underassessment. The Assessor of Cook County has the prerogative of bringing a property down when the income does not support the assessment. The problem is that when it happens, you get punished, and that's the purpose of this bill. Now, if an apartment - to answer your question more specifically - if it only has two apartments vacant, I don't think it's going to affect that assessment. But, you know, if that apartment is totally vacant, it's not going to do much good to keep the property tax bill way up there, because nobody's going to pay it anyhow.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I appreciate the sponsor's intent; however, the bill does not do what the sponsor intends it to do, if I've heard what the sponsor intends correctly. How's that? Let me explain. As I understand it now, the assessor has several criteria that the assessor may use when assessing property; one of which is the income approach, one of which is the sales approach of what other sales in the area as a test of fair market value. This, in effect, says that only this income approach truly applies, and that, therefore, these properties -- according to the Chicago Tribune article of February 25th, that assessments in downtown Chicago could drop to as much

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as fifty percent of their assessed value. Now, the assessor does and can take into it, as one of the criteria, what the income is; but this is saying, basically, that that will be the criteria. That fifty percent reduction does not affect the multiplier, according to the Department of Revenue, and they said, on April 8th, that it would -- that the Department of Revenue would still be required to use sales ratio studies. And I'm not -- this is not in the letter, but that means not income ratio studies; it says sales ratio studies in determining the multiplier. So this would have no affect on the multiplier, but let me tell you what it would mean. It would mean a hundred and twenty-five million dollars less for the Chicago public school system; sixty-five million dollars less for the City; thirty-two million dollars less for the County; and twenty-five million less for the park district, if in fact, as the Tribune stated, the assessments drop, because of this mandate, fifty percent. The only thing that the County could then do to make up that revenue is to -- is to change its classification system once again and put that burden on to the homeowners, or add it to other income-producing property, because you'd have to make up that two hundred million -- two hundred and fifty million dollars somewhere. This is exactly the wrong way to go if you're talking about trying to cap taxes being paid by residents. All you're doing is adding to their burden by direction of the General Assembly, and that's got to be the wrong way to go.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Dudycz <sic>, before this gets runaway, I will refer you to page 2, line 31, which validates this process as a method of determining the thirty three and a third percent. And the Tribune -- I called the Tribune after that article and a

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subsequent story appeared which showed that they were in error when they made that statement. In fact, the person that wrote the article on that, I had an extensive conversation with him, because they too followed the so-called shift. When in reality the taxes will go down. But they'll go down on all people because the multiplier will go down, not just on the person who was successful in getting the adjustment made downward because the income showed that the taxes -- that the income didn't support the assessment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Senator DeAngelis, I didn't have the privilege of speaking to the writer at the Tribune, nor the article - maybe if you can get it for me. But what you said, unfortunately, is not logical. If the multiplier goes up - if you're right - that means everybody gets stiffed, everybody gets hurt, to the tune of two hundred and fifty million dollars, because the only way to replace it is to use your value, that thereby would say Cook County is underassessing these buildings. The multiplier would go up. And my bill goes up because you take my equalized value times the rate, which means you take my assessed value, equalize it by using the multiplier. That would raise my equalized assessed value, by your just raising the multiplier, and you take that times the rate. My taxes go up.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Carroll, you know, the problem with property taxes is they're very complicated. Senator Dudycz, what I would like to do, because we're boring the rest of the Body, I would like to take this out of the record and talk to Senator Carroll, with the thought of sometime in the future coming back. But let me point

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out to you, a multiplier only goes up when an underassessment occurs. And under Cook County law, when the assessor brings the assessment down because the income is down, the value stays up here. Now, let me give you a classic case. The Sears Tower, which is market value of a billion two hundred million. It's assessed at two hundred and twenty million, which then in Cook County shows over a billion dollars of underassessment. And if you don't think the homeowner is paying for that, I'll show you another trick. I'll -- I'll take it out of the record and come back to it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Take it out of the record. On the top of page 5, Senate Bill 387. Senator DeAngelis. Senator DeAngelis. 387. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 387.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

I would like to bring it back to 2nd to gut the bill. I would like to have leave to bring it back to 2nd, and an amendment is approved to gut the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis, do you wish this bill returned to 2nd Reading for purpose of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 387 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 387. Madam Secretary, are there any Floor amendments approved for consideration?

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ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis, explain your amendment.

SENATOR DeANGELIS:

Yes. This bill created some controversy, so what I did is I went ahead and gutted it. Now there's a problem that exists between the hotel industry, the Department of Revenue and McCormick Place. I intend to send a bill over to the House. If they can't resolve the problem, it'll die there.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If there's no discussion, all those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, Senate Bill 387. Senator DeAngelis. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 387.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it does exactly what I said. The bill is basically a shell. If they can resolve their problems, and there is one, then the bill will come back to us. If not, it'll stay there. It will repose in the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

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SENATOR CULLERTON:

Yes. I think sometimes shell bills are necessary when agreements haven't been worked out yet. But I just wondered, Senator DeAngelis, if you could tell us, what is the official policy on shell bills this year under our new rules?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

There is no policy.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator DeAngelis, to close. The question is, shall Senate Bill 387 pass. Those in favor will vote Aye. 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, there are 54 Ayes, no Nays and 1 -- no -- no voting Present. Senate Bill 387, having received the required constitutional majority, is declared passed. Senate Bill 437. Senator Demuzio. Senate Bill 447. Senator Barkhausen, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Barkhausen seeks leave of the Body to return Senate Bill 447 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 447. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 4, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 447 amends the Code of Civil Procedure and several related Statutes to address a concern of healthcare providers as a result of a recent

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Appellate Court decision in the -- in the 1st Appellate District. Amendment No. 4 makes the same changes to other Statutes -- Sections of our Statutes that it makes to the Code of Civil Procedure. It's technical in nature, and I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading -- Senator Barkhausen, on the Order of 3rd Reading is Senate Bill 447. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 447.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. As I started to explain in explaining Amendment No. 4 to Senate Bill 447, the bill addresses a problem raised by a recent 1st District Appellate Court case known as Almgren versus Rush Presbyterian St. Luke's Hospital, wherein the -- the court held, among other things, that the hospital could not communicate with its own employee physician in the process of seeking to develop a defense of a -- a medical malpractice lawsuit against it without going through formal discovery proceedings. This decision makes -- in -- in our judgment, makes nonsense out of what is known as the Petrillo Rule that, in general, requires that one does have to go through formal

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discovery in seeking to interview a physician. However, it makes no sense to impose this requirement in a situation where a healthcare provider is sued under a theory of respondeat superior as a result of the actions of its own employee physician. In such a situation, the hospital should surely be able to -- to communicate, to interview its own employee without the -- the necessity of formal discovery in that limited circumstance. The bill also makes clear that a healthcare practitioner can communicate with a professional liability insurer. I'd be glad to answer your questions and would otherwise urge the passage of Senate Bill 447.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there -- is there any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Barkhausen, I'm not clear on this bill. It seems to me that this violates patient and client confidentiality -- physician-patient confidentiality. And according to my analysis, it says that the care and treatment is not restricted to the care which is -- has caused the injury, but this opens the door for a discussion of any of ailments or conditions that the patient may have. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, I don't believe so, Senator Palmer. I think we're looking at the same language. And reading part of it, it says, "right to communicate at any time...with his or her own counsel...concerning any care or treatment...provided, or assisted in providing to the <sic> (any) patient".

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

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SENATOR PALMER:

That's my point. It says, "patient", not "plaintiff" - "patient".

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, just -- just to further make the same point that Senator Palmer was making. I think, Senator Barkhausen, you're reading from page 2 of Amendment No. 1, and you read one of the Sections, but then the next Section is, "a healthcare practitioner shall have the right to communicate at any time and in any fashion with his or her present or former employer..." So, the point is that -- that you -- you raised -- you raised the issue that was -- that the problem was caused by this -- this case, Almgren versus Rush Presbyterian. Our only point is that the -- that the cure here is way too broad, and it -- it goes way beyond what you intended it, I think, to cure. So, we will send our comments over to the House and hope that they will take them into account. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BARKHAUSEN:

I'd simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 447 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 Nays, 1 voting Present. Senate Bill 447, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, Senate Bill 452. Senator Cronin. Out of the record. Senator Madigan, for what reason do you rise?

SENATOR MADIGAN:

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Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR MADIGAN:

Visiting with us this evening in the visitors' gallery are the parents of our Parliamentarian, Mr. and Mrs. Hadfield. Would you welcome them to the Senate?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise. Welcome to Springfield. On the Order of 3rd Reading, Senate Bill 473. Senator Berman. Madam -- Madam Secretary... Senator Berman, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Berman seeks leave of the Body to return Senate Bill 473 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 473. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 3 amends the bill so that it incorporates language suggested by the Chicago Bar Association committee dealing with this subject. And the subject of the bill is the right of mortgage holders or lienholders who do not receive adequate notice on tax sales, to be able to redeem and reinstate their prior positions, avoiding this tax sale. The -- there is agreement on this wording for the present time. It's been understood between all of the players - the Mortgage Bankers, the Downstate Mortgage -- the downstate tax buyers, the Cook County

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tax buyers and the Chicago Bar Association - that their discussions about this wording will continue in the House, but they are in agreement that the bill should be amended and moved out tonight. I move the adoption of Amendment No. - 3? - 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, Senator Berman, Senate Bill 473. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 473.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. As I've just explained, this is -- addresses the needs of lienholders and mortgage holders in tax sales who do not receive adequate notice of the sale. Conversations and discussions will continue to take place between the interested parties. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. Chairman. Senator Berman has said it accurately. Those people who were not, by whatever reason, omitted -- who were omitted from the prior negotiations are on board and will be part of the ongoing negotiations when it hits

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the House. And I would assume, Senator Berman, that in the event a brouhaha develops, the bill will not probably find its way back. Okay.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Berman, to close. The question is, shall Senate Bill 473 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays and 1 voting Present. Senate Bill 473, having received the required constitutional majority, is declared passed. On the middle of page 6 of the regular Calendar, Senate Bill 530, on the Order of 3rd Reading. Senator Mahar. Senator Mahar on the Floor? Take it out of the record. Senate Bill 533. Senator Madigan. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 533.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 533, as amended, addresses the problems currently faced by the Department of Insurance through its public employee pension division in ensuring proper oversight of the five hundred and seventy-three public pension funds and retirement systems. First of all, it establishes a graduated fee to be paid by individual pension funds for the phaseout of GRF funding for that division of the Department; it establishes the Public Pension Regulation Fund for the receipt of fees; mandates automation of division operation; expands the investment authority of five hundred and fifty-eight

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suburban and downstate police and fire fighter pension funds; expands and clarifies the division's authority to monitor and regulate pension fund investment activities, and then -- and Senate Amendment No. 3 establishes procedures for QILDROs. Supporters of this bill are the - except for the QILDRO - are the Associated Fire Fighters of Illinois, the Fraternal Order of Police, the Illinois Police Association, the Illinois Police Benevolent and Protective Association, the Illinois Police Pension Fund Association and the Illinois Professional Fire Fighters' Association. I would be glad to answer almost any question in regard to Senate Bill 533.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR JONES:

Senator Madigan, the portion of the bill that expands the investment authority, which is run by the Department, does that also fall into compliance with the legislation that we passed as relate to emerging managers or brokers? And I know we've had a lot of discussion on this issue over the years, but I -- I wanted to know whether or not -- it falls into that category. But would you be amenable -- if it doesn't have that language in there, as relate to the brokerage firms, would you be amenable if we put that language in in the House?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Certainly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Jones.

SENATOR JONES:

So that -- you can ask your staff: Does it fall into the category - I know this is just on the brokerage end - but does it fall into the category as relate to the emerging managers as we expand this investment authority?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

There's no direct reference to that in the bill, Senator Jones.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR JONES:

Then if we could -- would you be -- you would be amenable if I would talk to the House sponsor to see if we could include such language in there, because we are talking about several hundred millions of dollars, I know, as relate to, you know, and I like to have all parties in this State to at least have the opportunity to participate. So I'd like to work with you on that, and the House sponsor, on that language.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Will sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

What we're voting on right now - does this include Amendment No. 3 that was passed out of committee yesterday?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

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SENATOR MADIGAN:

...(microphone cutoff)...does, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Body, I don't know. You know, I learned something yesterday. This Bill -- 533 about pension - I guess it's the form of a shell bill. Anyway, yesterday, about 3:30 or 4 o'clock, we had a committee meeting - I don't know exactly what time it was - and a bill -- and part of the bill that was adopted, and now we're voting on it now, it's called - and I think you better understand this - it's called Qualified Illinois Domestic Relation Orders. Now the way the law is in Illinois, if you're married and you go through a divorce and your spouse comes up and part of her decree or part of the order -- and part of the order is that your pension - just like in the Legislature - becomes marital property, there's a court order issued. Well, the only way your spouse can get that money is after you retire or you quit and you get it, then you're under the court order. They have no right on the law now - the court nor the lawyers, to protect their fees - have no right to go in and serve the pension fund. So they can't serve the pension fund. All they have to do is wait till the pensioner gets it or he retires. Now what the law is in being changed is that now your spouse can go to court, make this marital property and now go serve it on the funds and make the funds have to be liable for all the administration of it. So what basically it does - so you understand this - is that -- what you're getting at is that if you are married and you wind up getting a divorce and it's a part of the property settlement and they go out and they serve it on the pension fund. Now you go out and remarried and you have another family and you pass away. Well, your new spouse doesn't get it.

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Your children wind up with a smaller percentage because it's already under court order, and your new spouse gets nothing if your children are minor. And it's all with the pension fund. The second thing it does is you wind up where all the administrators - there's about twenty-two public pension funds... In committee yesterday, the Illinois State Bar Association and the Chicago Bar Association stated in committee that all the public pension funds were on this amendment. Well, I called -- I -- I submitted in committee that they weren't. I called and I talked to twenty out of twenty-two. The other two I couldn't find because they're in a convention. Twenty out of twenty-two told me they oppose this. Twenty out of twenty-two. The other two weren't around. They oppose it because of the increased cost of administration. They oppose it because it's going to do undue burden. Now -- so what you got is, you got a situation where you're going to have all kinds of spouses, all kinds of heirs coming in and now they're going to be able, by court order, to lay it on the pension funds. The pension funds aren't going to know what to do. They have to get two or three extra employees just to figure out what's happening with this, and you're going to have a major problem, and you're going to increase the cost. So what you're going to have is, I'm going to pay, or other pensioners are going to pay for the marital problems that -- that other pensioners have. And it's a very, very dangerous bill. And I submit to you that none of us are pension experts, but when ninety-five percent of the public pension funds come out and say that they're against this legislation and it's brought to us at 4 o'clock in the afternoon before we're ready to vote on it, I don't think we're doing our duty. I think we have a duty to take this amendment out, sit down with these people and find out what's going on. I have five freshmen out here who come and tell me how sad it is that our State pension funds aren't funded. Well this is going to cause a

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big undue burden, and they're asked to vote on it when it's laid on them just five minutes before voting. And I think this -- this bill should be defeated because of Amendment No. 3. Thank you.

END OF TAPE

TAPE 7

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator McCracken.

SENATOR MCCRACKEN:

Thank you. I was the sponsor of that amendment, and as I explained to the committee yesterday, this is not -- does not purport to be a final product. Now, I was not at all of the hearing on this bill; I was in another committee, but when I got there, I had gotten the impression that most of the systems said they weren't in favor of the bill. I -- I certainly have never told anybody that the systems are in favor of this bill. However, what -- what we have here is a concept whose implementation is long overdue. All -- all private pension plans in the United States are preempted in this field by federal law. Federal law has a similar vehicle for the division of pensions as marital property. Now, there are things that are unique to the State pension systems and -- and local pension systems, all the public systems, which, of course, makes them a different animal and -- and which, I think, obligates us in good conscience to try to sit down and address those differences. We have talked to a lot of the systems, as I explained in committee yesterday. Frankly, this has been years getting to the table. We felt we've gotten good cooperation with this and we ask that we be given the opportunity

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to continue that discussion. I explained that position to the committee yesterday; it agreed to approve the amendment for consideration. I make no claim that, as written now, any particular system agrees with this, but the discussions have been fruitful today and we're asking for the opportunity to continue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise because I agree with the last speaker, the sponsor of the amendment. From a -- from a very selfish point of view let me point out to you, this amendment doesn't affect your particular position as a party to a divorce case. Your -- your pension is an asset and the court has the power to order you to turn over payments. The question that's involved in this is, how should it be actually carried out. Through an order upon you to direct the pension fund when you get your payments, et cetera. Let me suggest to you that this is a -- an important question. One of these days, some judge, federal or State, may make a ruling which very well may hurt our pension funds because these judges aren't part of our pension funds. Let me suggest to you that the best way to approach this is within the legislative process. I'm going to vote for this because I want us to play the role of deciding how this is going to work in the best way, not only for the parties to the divorce case, but more importantly to the people that participate in our pensions, namely us. And therefore I think it ought to -- stay alive to continue these discussions. I was involved in some of these discussions a year ago and two years ago; we weren't able to solve it, but we ought to keep trying. I'd rather us do it than some judge do it. I'm going to vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair would request the Membership to keep the debate to a

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minimum. We have four speakers left on this bill. Senator Fawell.

SENATOR FAWELL:

Just very quickly. I happened to be one of those wives who was left after thirty years of marriage, and whose husband had one of these pensions. You know -- believe me, judges take very good care of themselves in a divorce. After thirty years of marriage, I got nothing. I think it's about time we took care of this situation. I think, you know, wives who are married for a considerable amount of time certainly deserve something out of the pension. Part of their salary, part of our salary goes into these pensions...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Pardon me, Senator. Pardon me, Senator Fawell.

SENATOR FAWELL:

...and I think its about time that we got this situation straightened out. For those reasons alone, I would vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Stern.

SENATOR STERN:

Mr. President, my remarks are not unlike Senator Fawell's. I believe I was on Senator McCracken's bill that was -- originally dealt with this. A woman from our county who had been married for a long time to a gentleman who was the chairman of the county board and then was abandoned, found she had no access to his IMRF pension. And I think every woman in this Chamber, at least, should vote for this, and I think those of you who recognize the justice of a woman's claim to a -- at least a look-in on the pension that she assisted in earning, should also support it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Fitzgerald.

SENATOR FITZGERALD:

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Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Fitzgerald.

SENATOR FITZGERALD:

Senator McCracken, does this, in any way, increase the liability of the pension funds? Would they have to pay out any monies that they otherwise wouldn't have to pay in any circumstances?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan. Senator Madigan defers to Senator McCracken. Senator McCracken.

SENATOR MCCRACKEN:

By billions and billions and billions and billions of dollars. No. No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

If a pensioner currently -- if he passes away, his spouse now would not get anything. But wouldn't his spouse get something if he passed away if this bill is adopted? And wouldn't that...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR MCCRACKEN:

Survivor benefits aren't -- are -- are not affected. But I think your point is, do they get to draw on their half sooner than the pensioner otherwise would be available to draw, and I believe the answer in the current bill is no. The answer is and always has been intended to be no. The last discussions I've participated in I thought some of the State's systems agreed that the answer was no. But clearly, it is intended to be benefit neutral.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR MADIGAN:

First of all, I want to thank Senator McCracken for making Senate Bill 533 interesting. And other than that, I would ask for its passage, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 533 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 6 Nays, and no voting Present. Senate Bill 533, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis, on Senate Bill 536. Do you want it called? Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 536.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, this bill authorizes the Illinois Department of Transportation or a county board, to enter into agreement with the public utility to use the utility's right-of-way for a bikeway, and further clarifies that the right-of-way must be in excess of a hundred and ten feet in width and used for electrical transmission lines, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

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Thank you, Madam Chairman. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield.

SENATOR JACOBS:

Our analysis shows, Senator, that this authorizes the county board to use highway construction funds for the construction. Is that still in there or has that been taken out?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

That is still in there, sir. Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

I just wonder if maybe -- I have no qualms with the bill, you know that, we've talked about it, but I -- I just wonder if maybe somewhere along the line we would make that permissive to where they could rather than would.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It is permissive, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 536 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all who voted who wish? Have all who voted who wish? Have all who voted wish? Take the record. The vote is -- on that question, there are 58 Ayes, no Nays, 0 voting Present. Senate Bill 536, having received the required constitutional majority, is declared passed. Senator Karpel, on Senate Bill 538? Do you wish the bill returned to 2nd Reading for the purposes of an amendment?

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SENATOR KARPIEL:

Yes, Madam Chairman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel seeks leave of the Body to return Senate Bill 338 -- 538 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 538. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Karpiel.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel, to explain your amendment.

SENATOR KARPIEL:

Thank you, Madam President. The amendment was requested by the Chicago Board of Education, and it allows the Board to operate under career service procedures.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Karpiel, on Senate Bill 538. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 538.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

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Senate Bill 538, as amended, allows an -- a municipality to abolish the civil service commission by referendum, the way it was formed. And in addition, with the amendment we just put on, it allows the Chicago Board of Education to operate under career service procedures.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any questions? Senator Karpel, to close.

SENATOR KARPIEL:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. The question is, shall Senate Bill 538 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all who voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, 2 Nays and no voting Present. Senate Bill 538, having received the required constitutional majority, is declared passed. Senate Bill 549, Senator DeAngelis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 549.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I would like to have leave of the Body to have that bill returned to the Rules Committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

That bill is -- or that -- leave is granted. Senate Bill 549 is returned to Senate Rules Committee. Senate Bill 552. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 552.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn - Ralph Dunn.

SENATOR R. DUNN:

Thank you... Thank you, Madam President. This is a Dunn-Dunn bill. So we are both on it. And the bill provides that the reduced assessment for all property shall be in effect for the remainder of the assessment period after it's assessed, rather than just residential. Requires disclosure of all parties of all evidence fourteen days prior to the hearing on appeal. We changed the bill. Deleted -- it deletes the disclosure requirement, and it's not in its original form. I'd urge adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Just so I get this on the record, does this apply statewide, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

It does, yes...

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR R. DUNN:

Appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate -- those -- on the question, there -- on Senate Bill 552 -- oh. The question is - sorry - shall 552 pass. Those in favor will vote Aye. Opposed, No. The voting is open. Have all

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who voted who wish? Have all who voted wished? Have all who voted wished? Take the record, Mr. Secretary. Senate Bill 552, there are 58 Yeas, no Nays, and none voting Present. Senate Bill 552, having received the required constitutional majority, is declared passed. Senator DeAngelis, on 558. Senator DeAngelis, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 558 to the Order of 2nd Reading for the purposes of an amendment. Is there any objection? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 558. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis, to explain your amendment.

SENATOR DeANGELIS:

Thank you. This is a committee bill, the product of two years of work. Amendment No. 4 is to put back in something that was inadvertently left out when the bill was drawn up.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion on the amendment? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further -- further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on the Order of 3rd Reading is Senate Bill 558. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 558.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. First of all, I would like to thank all the people from the private sector and from the public sector who are not -- not General Assembly people who voted -- who worked on this for several years. This bill is a product of several years' work, authorized by the Director of Revenue for the recodification of the Property Tax Act. The bill is basically non-substantive, but it is user-friendly. There's a lot of clean-up work done on those Statutes. There was a lot of work, a lot of study, a lot of preparation, a lot of writing, and I would be happy to answer any questions. If not, I would urge that Senate Bill 555 be passed -- 558.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 558 pass. Those in voting -- those in favor will vote Aye. Opposed, No. The voting is open. Have all who voted wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays and none voting Present. Senate Bill 558, having received the required constitutional majority, is declared passed. Senator Karpziel, on Senate Bill 577? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 577.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Thank you -- thank you, Madam President. Senate Bill 577

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amends the DuPage -- the Airport Authority Act, and it says that in counties with a population of six hundred thousand that are contiguous to a county with a population over two million - that applies to DuPage - and within a Metropolitan Airport Authority, which is known around here as the DuPage Airport Authority, that the county auditor shall maintain a continuous internal audit of the operations, financial records of the agents, departments and divisions of the airport authority. That's what it does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Seeing none, if -- the question is, shall Senate Bill 577 pass. Those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the -- take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays and none voting Present. Senate Bill 577, having received the required constitutional majority, is declared passed. Senator Woodyard, on 586? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 586.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. Senate Bill 586 has several components to the -- to it. One of those components being that it would eliminate the requirement of having court reporters in administrative hearings, that they could use just recordings. It also clarifies the authority of the State Fair to establish a State Fair and treasury fund within the -- the Treasurer's Office to receive and disburse monies in connection with activities at the State Fair. It also permits Department of

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Agriculture to lease its facilities for activities at the State Fair. It creates a new fund in the treasury for the revenues realized from the Illinois State Fair, and it adds language that the managers of the State Fairs, both at DuQuoin and -- and Springfield, would have to have confirmation of the Senate for their terms. Also the effective date of this would be July -- or, on the provisions of the bill dealing with the State Fair would have an effective date of July 1, 1994.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. Any discussion? Any discussion? Whoops. Senator Trotter.

SENATOR TROTTER:

Just -- just one question. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator indicates he'll yield. Senator Trotter.

SENATOR TROTTER:

Yes. Does the deletion of a shorthand reporter requirement put any State employees out of work?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

It's -- it's my understanding that those people are contract people anyway and that -- there would -- actually, as far as a full-time job, no. It saves the -- the Department about eighteen thousand dollars in a year's time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Any further discussion? If not, Senator Woodyard, the question is, shall Senate Bill 586 pass. Those in voted -- those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays and none voting

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Present. Senate Bill 586, having received the required constitutional majority, is declared passed. Senate Bill 590. Senator DeAngelis? Oh. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I'd like to make an announcement, if I might.

PRESIDING OFFICER: (SENATOR DONAHUE)

Go right ahead.

SENATOR PHILIP:

I want to personally thank Senator LaPaille for ordering pizza from one of the most famous pizza houses in the United States, certainly one of the most famous pizza houses in Illinois and in Chicago. And we have in the Minority Office and in my office pizza from Palermo's. We certainly appreciate that and we're going to enjoy it, and thank you, Senator LaPaille.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Senator Philip. Due to unforeseen problems, there will be a twenty-dollar surcharge on the following Senators: Senator Collins, Hendon, Palmer, del Valle, Trotter, Garcia and Shaw. Twenty-dollar surcharge for the pizza.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis, on Senate Bill 590. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 590.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis. Senator DeAngelis.

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SENATOR DeANGELIS:

Thank you, Madam President. This is a bill that has received a lot of attention, so I'd like to have some order.

PRESIDING OFFICER: (SENATOR DONAHUE)

Continue, Senator DeAngelis.

SENATOR DeANGELIS:

Senate Bill 590, as amended, addresses a big problem - what is taxable real estate and what is non-taxable personal property. And everyone, from the critics to the proponents, agrees that this is a real problem. Since the personal property tax replacement tax was established in 1979, confusion has grown among assessors, local governments and taxpayers. For example, since 1988, local governments of McLean and Diamond Star Company have been litigating a sixty-million-dollar difference opinion as to what is taxable and what is not. Senate Bill -- 590, as amended, creates that standard, and would use the 1970 standard for determining whether property is real or personal. 1970, if you'll all remember, was the year the new Constitution decreed the abolishment of the personal property tax. And I think Senator McCracken was the one that asked the question, "Isn't the law" -- "Isn't that the law now?" I think it is, but it's not clearly spelled out. This spells it out so that the assessors and taxpayers in the future will clearly understand. This point is extremely critical. The amended bill - the amended bill - clearly makes the application of the bill prospective - prospective. For example, between 1970 and 1979, Grundy County, Zion Township in Lake County, and other areas reclassified lots of property from personal property to real estate. In this bill - in this bill - we are not modifying or -- or superseding those actions. A number of school superintendents have written you and said this would reduce their property -- taxes dramatically. That is flat out wrong - flat out wrong. Local governments will not be hurt by

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this bill. In fact - in fact - the Cook County Assessor's Office is okay on the bill, and I can assure you that would not be if they thought it would reduce present evaluations. The Taxpayers' Federation has been working on this since 1981. In fact, I have their first manual they put out back in 1981. And from year to year, they have talked about helping out to correct this problem, and from year to year, everybody said "There's a better time ahead to do it". There never seems to be a perfect time, and so the Federation and I decided we ought to address the issue this year. The property tax is complicated, I know, and several questions have been raised about the bill. So when this bill gets out of the Senate, the Federation and I will commit to continue talking with local governments and others to try to resolve the questions and differences, while this bill is in the House. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator DeAngelis. Are -- is there any discussion? Senator Jacobs. Senator Jacobs.

SENATOR JACOBS:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Whenever I first saw this bill I thought, boy, this is -- this is a good bill, because I've had a problem in my area with a floating restaurant that was classified as personal property and there was a court case that had to be resolved in order to find out whether in fact it was truly personal property, or if in fact, that it was real estate property. And in the interim, they had to fight both ends of this -- this spectrum. So I thought, boy, this is really going to help me resolve issues like this in the future. But what really seems to be the problem is, the same problem exists today as existed before this bill was introduced, is that there is no clear definition and no clear description of what in fact is real and what is personal property.

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And still the bill, as we see it, will generate just more litigation, which really causes a lot of problems, because during that litigation -- we all know our rules of our great Department of Revenue that continues principal and interest while these debates are going on. So I thought this was really, really going to be a good deal, and in fact, Senator, I wanted to be on it and I even thought about being a cosponsor, but as I get more into the bill, I think that it -- it really does very little and doesn't, in fact, give a good delineation, and I think it's going to cause as many problems as what it's going to -- cure. So, I -- I'm -- I stand opposed to this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I want to commend the Taxpayers' Federation and Senator DeAngelis for -- for getting into this. I have no problem with trying to address a solution to the definition of what's personal and what's real estate - what's personal property and what's real estate. The thing that bothers me is the timing, and the flip side of that same coin: Do we, as the State, stand ready, have the resources, have the will - the commitment - and the political will to solve the concurrent problem once we solve the problem of the definition? And what I mean by that is this: If we define what is not real estate in a broader sense than what presently exists, there will be a decrease in local assessed valuations, there will be a decrease in local property tax revenues. The State, today and tomorrow - the balance of this year and probably next year - is in no shape to respond to the potential substantial lost income that this new definition may generate. The reason we committed Senate Bill 38 back to Rules is the recognition that we don't stand ready today to adequately fund schools and reduce the reliance on local

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property taxes. We did that in a responsible manner of recommitting Senate Bill 38. I suggest we would be irresponsible to move Senate Bill 590 forward because we don't stand ready to help the local communities that stand to lose substantial monies if we redefine real estate evaluations. I suggest that we vote No on the bill, that the discussions continue to take place, but it has to be at two levels: one, definition; and two, the State ready to help those local communities that have a reliance on property taxes that may diminish as a result of a new definition. I suggest a No vote...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, if the prior analysis was accurate - and that is what I think many of our school districts and local governments and -- and we Senators have feared in -- in opposing this bill - we would continue to oppose it; but you clearly stated in your opening remarks that this is intended to be prospective, to apply to new assessments, new property, new investment in the -- in the State of Illinois. Do I understand that by that you do not intend to reassess property that is currently assessed as real estate and assess it back to personalty so that there will be a loss of assessed value to our districts? And then I have one follow-up question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

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Senator Hawkinson, the answer is Yes. In fact, if you...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

The answer is Yes. In fact, in the amendment to Senate Bill 590 it clearly indicates that in the last parts of it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Understanding that, then, I -- I have read the last amendment, and I have some concerns which I have expressed to the Taxpayers' Federation about the clarity of it and whether, in fact, it does -- it does make certain that there will not be that kind of reassessment; but I know I have the pledge from them and from you, and I'd like you to reaffirm for the Body that in the House you will continue to work to make it clear that the intent of this bill is prospective and is not to go in and reassess property that is currently assessed as realty.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

I affirm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Let me point out for the Body the number of opponents to this. It sounds like this is a -- universally acclaimed bill because the Taxpayer Federation is for it, but it's not. The opponents include: the Fair Assessment Information Resource Committee - FAIRCOM - the Large Unit District Association, the Illinois Education Association, the City of Chicago, Grundy County, La Salle County, Will County, the County

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Assessment Officers Association, Illinois Association of County Officials, the Illinois Department of Revenue, the Illinois Municipal League, the Illinois Valley Junior College, and Joliet Junior College. In looking at the language in the bill, the Department of Revenue pointed out that the bill is inconsistent. The bill would have assessors classify new property based upon forms prior to 1970, even though it would result in treatment different than that accorded to like-kind property classified prior to 1979. The Department goes on to point out that the standards the bill attempts to implement are illusory. The reason to that is, there were no rules or regulations issued by the Department prior to the date set in the bill. The Department claims, and it is probably very true, this will result in a great deal of litigation. It seems to me that this is an extremely complicated bill. It seems to me that we should kill it now. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. -- Madam President and Ladies and Gentlemen of the Senate, this bill is a very bad bill and I'll tell you why. When you make these sophisticated machines that are considered now real estate, personal property, there's no tax from them. So what happens? The real estate property owners are going to be taxed more. This is a terrible bill because -- much as I love the sponsor, I cannot agree with him at all. He says it's going to be prospective. So you take my county, we have a nuclear plant. So it's prospective - it won't bother any of the machinery; it's been there before, that's been considered real estate. But the minute the -- Commonwealth Edison puts in a new machine in there, now that's personal property, even though it's worth about ten or twenty or fifty million dollars. Now the assessed value -- the monies that

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will be taken away from our respective areas is very substantial, if this bill is passed. And let me tell you, it will hurt the farmers, it will hurt the small businesses -- through the increased rates, and it will hurt the homeowners' real estate. And this business of "Well, we want to straighten out the assessors" - there's nothing to stop assessors from making decisions adverse to us in the future. So I don't see how we can support a bill of this nature. As Senator Welch very ably said: It's too complicated to work it here; it's -- we're not prepared to handle it. Because we got to keep in mind how much less tax is going to to be coming into an area because of the passage of a bill like this. And...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR GEO-KARIS:

I can tell you right now that I have had letters from all over. Eureka College opposing it, because this bill seeks to narrowly define what is real property, which will result in a great loss of tax dollars, much to the detriment of schools and other taxing bodies across the State. And incidentally, the Taxpayers' Federation is made up of the biggest companies in the -- in Illinois. What about the small business owner? What about the residential owner? What about the farmer? Aren't we going to consider those people? I submit to you this is a bad bill, and I speak against its passage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President and Members of the Senate. I rise in support of this legislation. You know -- and I agree that if everything stays as is and -- that we -- it would cost education a lot of -- a lot of money, but I think what everyone's doing is

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losing sight of what this bill really does. If we don't do something to compete with our adjoining states that -- that have these breaks for businesses, then we won't -- we won't have to worry about the -- the sixty million or whatever it is, or six hundred million, that we're going to lose, we're going to lose the business. And so, you know, I think, you know, we have to realize that people working and businesses in the State is really what creates jobs and really creates revenue, and I think if we don't do these things to compete with other states that we're going to fall by the -- by the wayside. You know, and we don't have a -- a nuclear plant in our part of the State. We nearly had a nuclear dump, but now we don't have that. But I think we have to -- have to look forward and hope that we can do something to increase businesses in this State and try to generate more revenue, not only for our schools, but for everything else and be competitive, and I support this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator O'Daniel. Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. You know, the corporations -- when we did away with the personal property tax we ended up with our corporate personal property tax -- replacement tax, so corporations have been paying for a long time for what you would say we didn't pay for as property tax. When I buy a piece of machinery - let's say a press or a punch press, or something that's large - I have to, because of the operation of that machinery, bolt it to the floor of the -- of my factory, because as it operates it creeps across the floor. So, if I bolt that down, it now becomes real estate? Now, come on, that's not right. And yet, I'm still then paying corporate personal property tax replacement to the State Government - I'm doing that anyhow. So really if you want to be fair and honest this way, what we used to

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do and - as I think as the sponsor's trying to do now, is at least put it in the proper perspective - is at least when we buy machinery that's used for the product that is not part of the building, not part of the -- of the facility's structure itself, should not be taxed as real estate. That's a phony tax. And I think what they're trying to do is make it so that in the future we get down to the way we did it before and yet not strike out the corporate tax we're paying as a replacement. So when you say that this is going to be taxed again, that's really a windfall. That really hurts Illinois manufacturers that can use those dollars to create some jobs, to create some opportunities. I mean, this is silly, because I pass those taxes on. And every time you put a tax on a business in Illinois, we end up putting the tax onto the people, because we got to share it. And I think it's a good bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Klemm. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. You know, no one would disagree with Senator Welch that this is a complex bill, but I think that in the members -- as the members of the Revenue Committee studied this, and we came to the conclusion that this -- we would recommend this to the Body as a whole as Do Pass. So it is complex. People having studied it came to the conclusion that it should be recommended do -- Do Pass. Also another thing that recommends this is Jim Nowlan's substantial experience in this area. He's brought it forward; he's done an enormous amount of work incorporating a lot of other people's help. The final thing is, the most frequent criticism that I've heard about this bill is that we got a problem, we may be assessing these wrong, but it would cost too much to correct it. And I think that the Members of this Body believe that despite whatever the cost is we want to do things that are right in the State of Illinois, so I recommend

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that we vote Yes on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President. Just a comment on -- on this bill. I intend to vote for it, but with the proviso that I think this bill still needs some work on it. I can not tell from talking to our staff and to Department of Revenue whether the bill presently, as amended, is prospective or not. The concept of what Senator DeAngelis and the Taxpayers' Federation is trying to do certainly needs to be done, but I don't think any of us on the Floor of this Senate want to be in a posture of possibly reducing the equalized assessed valuation of a county by two-thirds, and that could have happened had this amendment not been put on that bill. It would not have done that in -- in very many counties in the State, but I'll give you an example. Nobody can tell me at this point in time the impact of Senate Bill 590 on -- on my district, on any county in my district. And so thus, we are traveling some rather unknown waters. But my feel, and in talking to proponents of this bill, is that they certainly understand that this bill does need further work on it. They've agreed to do that, and I'm satisfied, and I hope -- Senator DeAngelis, if that isn't worked out to where it will be prospective that -- and it's clear that it's prospective and it doesn't impact on past litigation and equalized assessed valuation cases, I hope that thing dies over there. And anyway, with that proviso, I -- I intend to vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Woodyard. Senator Geo-Karis, for a second time.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I

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apologize for arising a second time, but I think this is the first time I've done it this Session. Let me point out something to you. I'm pledged to property tax relief - real estate property tax relief. When you take these sophisticated pieces of machinery which are attached to the ground, attached to the building, and are real estate, and you make them personal property, you increase the real estate taxes for the homeowner and for the small business people and the small industries. I have the highest respect for Jim Nowlan, but he represents the Illinois Taxpayers' Federation, and if you check with the -- who their members are, they are the big companies. I'm in favor of business. I voted for caps on pain and suffering. I voted to repeal the Structural -- Structural Act. I voted for business consistently, but this is wrong. If you -- if you're not committed to real estate tax -- property tax relief, then, go ahead and vote for this. I'm committed to real estate property tax relief and I feel this bill negates that, and I still speak against it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Madam President. I don't know where to begin with some of the questions. But, Senator Geo-Karis...

PRESIDING OFFICER: (SENATOR DONAHUE)

Begin quickly.

SENATOR DeANGELIS:

Whether this bill passes or not, the technical equipment you're talking about will still be assessed by the Department of Revenue in the same manner - same manner - 'cause they're the ones that have the guidelines. This bill does not affect what you're talking about; it doesn't affect any of the property that currently is there that's been assessed. Now I know why you may want to vote No, but please vote No for the right reason. Let me

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just tell you, Senator Welch, that analysis that you sent out, you ought to put a date on when it was done. I think you will find that analysis was prior to the amendment. In fact - in fact - the analysis points out to the repeal of Section 18.1, totally - totally - incorrect. 18.1 is still in there. And regardless of the items, you could never possibly - never possibly - list the items, in terms of describing them, as personal or real property. But let me tell you why we put prior to 1970 in there, because prior to 1970 people had to put on their forms all these items, and from that we got a history of what's personal property and what's real property. You cannot legislate all the various types of property. No way. But let me tell you, you cannot continue with the system like we have that is totally litigious, which allows many people to go ahead and assess in any manner they want to. And you know, Senator Klemm said it, those companies are paying a personal property tax replacement, and then they get banged again, this time as real property. That's not fair. Let me just tell you in closing, four years ago I worked for two years on trying to get Inland Steel to put the greatest state-of-the-art steel mill in the State of Illinois. And then, their property tax department came to see the State of Illinois, 'cause they own considerable property. Here was a plant, five hundred million dollars, sophisticated equipment, they said, "How are you going to tax us?" And you know what the answer was? "Depends on the assessor." "Depends on the assessor." That was not a good answer. Let me read you one little thing which caused this bill -- let me read you one little thing - a House resolution that was passed by both Houses -- by the House of Representatives: "WHEREAS, The personal property tax on corporations was abolished...", and it goes through when it was. "WHEREAS, The lack of specific statutory definitions don't exist..." da ta da ta da ta; "WHEREAS, The assessment of personal property as real property

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could lead to business property owners paying millions of dollars in additional taxes", on and on. Okay, at the end it said, "we will" -- "we are asking, because of those reasons, the Department of Revenue of the State of Illinois, to report back to this Body". You know when? Would you like to know when we told them to report back to this Body? Okay, I'll tell you when it was.

PRESIDING OFFICER: (SENATOR DONAHUE)

Bring your remarks to a close, Senator DeAngelis. Come on.

SENATOR DeANGELIS:

It was -- it was April 1st, 1992, and nobody's heard one darn word from them on this topic, and this bill is that response. And I will pledge myself to continue taking that local input. But, folks, let's not keep a system that's unjust and let it continue and continue. I urge your favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver, for what reason do you arise?

SENATOR WEAVER:

It seems like the red light is on...

PRESIDING OFFICER: (SENATOR DONAHUE)

That's what I said. Bring...

SENATOR WEAVER:

...above -- right behind you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is -- thank you, Senator. Question is, shall Senate Bill 590 pass. Those -- those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On Senate Bill 590, there are 35 Ayes, 20 Nays, and 1 voting Present. Senate Bill 590, having received the required constitutional majority, is declared passed. Senate Bill 597. Senator Mahar. Senator Mahar? Out of the record. Senate Bill 603. Senator Fitzgerald? Yes. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 603.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Senate Bill 603 is a very simple housekeeping bill. It proposes to establish a hundred-dollar renewal fee for doctors applying for a license and for doctors applying for a renewal without examination within twelve months of the expiration date of their license, and I would be open to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 603 pass. Those in voting -- those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, on Senate Bill 603, the Ayes are 57, the Noes are none, none voting Present. Senate Bill 603, having received the required constitutional majority, is declared passed. Senator -- Senate Bill -- Senate Bill 680. Senator Madigan, do you wish the bill read? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senate Bill 680, as amended,

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corrects legislation that was passed a few years ago as a result of some abuses that were being done on the consumers by some rental car agencies. As a result of that law, most of the small rental car companies and the numerous new car dealers who also rent automobiles have been unable to recover any more than two hundred dollars for the cost of repairing or replacing a vehicle that had been damaged by a renter of that vehicle. That bill that we passed in 1988 was supposed to be model legislation that was proposed by the NAIC and was adopted by the State of New York, and shortly followed thereafter by the State of Illinois. To date, New York and Illinois remain as the only states that have enacted this model legislation. All forty-eight states -- the other forty-eight states currently allow what basically Senate Bill 680, as amended, is trying to do. Basically what we're trying to do and what we've tried to do is find some middle ground between the insurance companies and the small rental car companies. Senator Cullerton, cosponsor, Secretary of State George Ryan and myself have had several meetings in trying to work out what we believe to be a fair solution. Senate Bill 680, as amended, provides that a person who rents a car shares in the responsibility for paying for the damage that they may cause to a rental vehicle. Under Senate Bill 680 that renter would be responsible for up to one thousand dollars of damage rather than the current two hundred dollars. The remainder of that cost would be borne by that particular rental company. The vast majority of people who rent vehicles have physical damage on their personal insurance policies that would cover that first one thousand dollars of damage if it should occur. For those persons who do not have coverage, they can choose to purchase a waiver to cover that liability. That liability, or that waiver, would cost a maximum of five dollars a day. At a five-dollar maximum rate, Illinois would have the lowest -- the lowest cost for damage waivers in those forty-nine

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states, if this bill were to be passed. At the request of the insurance companies, the bill has been amended to include language that would ensure that insurance companies will have ample time and ample opportunity to inspect any damage to a vehicle. At the request of the Attorney General, language has been included requiring that the cost of the five-dollar damage waiver be listed in any advertising that lists the price. Again, that waiver would be optional. I would like to tell you though, at this point, that we've tried maximum effort to effect a compromise and tell you that there is an agreement to this bill; however, I must tell you that there are some insurance companies that still continue to oppose this bill because they may have to pay a thousand dollars rather than the current two hundred dollars. Senate Bill is -- 680 is supported by the Car and Truck Rental Association, Budget Rent-a-Car and the New Car Dealers Association. I'd be glad to answer any questions to this bill, and would ask for its passage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Madigan. Any discussion on the bill? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. We had some very good discussion in the Insurance Committee on this bill. I voted No the first time, and I still stand in opposition to the bill, even after the amendment. I stand because I think that this is a bill that a Yes vote hurts most of our constituents, and let me tell you who I mean by that. When we increase the collision damage waiver limit from two hundred dollars to a thousand dollars, the cost of that increase is borne by every insured person in the State of Illinois, because the insurance companies are going to have to increase their rates for everyone's coverage. When I say everyone, I mean everyone's automobile coverage. That was the testimony by Allstate Insurance

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in the committee. What I suggest the proper approach is, is if -- because of the nature of the people, either the people that operate car -- rented cars or the circumstances involving rented cars, the answer is probably to increase the -- the rental rates for the people that rent those cars. When you increase from two hundred to a thousand the collision damage waiver, it's not the people that rent the cars that are going to be picking up the tab, it's everybody that has automobile insurance throughout the State. Most of my constituents who own cars probably never rent a car. They own a car; they buy insurance; they pay for it. A Yes vote on this bill is going to cost those kinds of people more money. I don't think they ought to be paying more money. That's why, in -- in support of the consumers, I would vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Senator Berman spoke on the -- I guess what's called the macro problems with this. I -- I have a couple of questions of the sponsor on a couple of micro issues.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

Okay. I asked this in committee, but I want to ask it here on the Floor. Someone walks in with -- they get the car and they go out, they're at a stop sign, somebody comes and just rams the back of them. It's obviously not their fault. They bring the car back. Are they responsible for the damage up to a thousand dollars - the person who rented the vehicle, even though the accident was not their fault?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

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Thank you, Senator. I don't suppose that's any different from any other accident of that nature. If you are driving your car - your own car - and someone hits you in the rear end while you're stopped at a stop sign, the party responsible for that would pay that damage. In the interim, if you're involving with subrogation, yes, you could be subject, if your -- you could be subject to that damage subject to your deductible.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Another quick question. Do they also -- would they -- is there a confession of judgment clause on these contracts? The ones I saw yesterday did not have one. Do they still have to go to court and prove that -- prove their case to be able to get a judgment and get their thousand dollars?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

I believe the answer to that in Committee was yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

...a quick question. If I go out and I rent the car with a credit card and now I come bring the car back and there's damage, can they put it to my credit card or do they have to go out and still prove their case? Or can they take my credit card to the thousand-dollar limit and just charge it against me without going to court and get that judgment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

No.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- Senator Madigan. No. Okay. Senator Jones, further discussion?

SENATOR JONES:

Yes. Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR JONES:

Senator Madigan, in your remarks as relate to those persons who do not have liability insurance and you indicated that they would be able to pay five dollars per day for coverage?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

That -- thank you, Madam President. Senator Jones, that is a maximum, up to five dollars a day. It's fifty cents per one hundred dollars of coverage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jones.

SENATOR JONES:

So -- so therefore, if it's fifty cents per one hundred dollars, see, so therefore it would be five dollars per thousand, and as I calculate that, that's -- that's about one thousand eight hundred dollars a year for liability insurance and -- if you analyze that figure, and that is a astronomical figure for liability insurance. I -- I don't know how you arrived at that figure, but this is something that I know that the consuming public will have to pay and -- as a result. We who carry automobile insurance don't pay nowhere near that amount. The worst driver in the world don't pay that much for insurance. So I don't know whom they are trying to gouge with this particular figure, but, I mean, you know, this is disastrous. I don't know

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who agreed to -- who wants this bill? Who -- I mean, who wants this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

First of all, Senator, the -- that's a maximum rate, five dollars a day. Again, it's fifty cents per one hundred. We have put in model, if you want to call it that, but, language from the Attorney General's Office. They drafted the language for adequate disclosure to the potential consumer or renter, both in advertising and in printed form on that collision -- or on that rental car form, to disclose - wait a second, Senator, let me finish - to disclose that. Again, that -- that is an optional coverage. They do not have to purchase that coverage. That will be specified in the advertising. And as I said before in my opening remarks, if a person -- if a person decided to purchase the maximum at five dollars a day, that would still be the lowest -- the lowest rate in the United States for collision damage waiver, and that would include forty-nine states if this bill were passed and to become law, including Illinois. The only state that would be excluded would be the State of New York. In all the rest of those states, Illinois would have the lowest rate on an optional basis. For example, in California, it's a maximum, mandatory rate -- or, excuse me, mandatory rate to rent a car in there -- in the State of California at nine dollars a day. And it's mandatory; it's not optional.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Well, in response to your remarks: Are you trying to imply that Governor Burriss is in favor of this -- I mean, I'm sorry, I mean the Attorney General, Roland Burriss, is in favor of this

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bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

I did not suggest that.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MADIGAN:

Thank you, Madam President. I think -- I think we've pretty much covered it. You know, in Chicago - in the City of Chicago - before this legislation was -- this current legislation was passed, there was eighty-three small rental car companies, small businessmen, trying to make a living in the rental car business. Today, there's forty-three businesses, rental -- small rental car companies in Chicago. Almost half of those companies have gone out of business since the enacting of this legislation. There's been numerous articles, that perhaps we have moved too fast and too hard on this. Granted, there were some abuses. This does not -- this legislation does not open the door to those abuses, but gives the opportunity for the small rental car companies and for new car dealers in small communities where there are not rental car franchises, to be able to provide a service to the consumer at a competitive price. I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 680 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? One more time. Have all voted who wish? Take the record. Senate Bill 680, having not received -- oh! Sorry. On that question, there are 24 Ayes, 33 Nays and none voting Present. Senate Bill 680, having not received the required constitutional majority, is

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declared failed. Postpone? Okay. Senator Sieben, on Senate Bill 718? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 718.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 718 amends the Bond Authorization Act and creates the Human Service Provider Bond Reserve Payment Act. What this bill does then is -- enable human service providers to obtain long-term funding on a -- on more favorable terms by providing a mechanism whereby payments may be paid by the State agency directly to a bond paying agent for payment to the bondholders. The language of the bill has been worked out with the Governor's Office and with bond counsel. I know of no opposition to the bill and I move for its passage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 718 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, Mr. Secretary. On that question, there 56 Ayes, no Nays and none voting Present. Senate Bill 718, having received the required constitutional majority, is declared passed. Senate Bill 730. Senator Woodyard? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 730.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. Senate Bill 730 is one of the components of the legislative agenda of the Illinois Farm Bureau this year. It's part of their chief package as introduced. And it's a bill that I wonder why we haven't done this in the past. It deals with requiring the State Board of Education to develop plans to -- to implement a pilot project that would involve approximately ten projects over the State of telecommunications for education, and as Senator Demuzio is waving at me, I would move for its passage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. Roll -- is there any discussion? Seeing none, the question -- excuse me. Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, is this in the Governor's budget?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

No, it is not, and I was going to mention that in my opening remarks. The effective date on this is the 1994-95 school year. If we can get an appropriation this year, fine, but we actually do not need that until next year.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Question is, shall Senate Bill 730 pass. Those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays and none voting Present. Senate Bill 730, having received the required constitutional majority, is declared passed. Okay. If I could have your attention, please. We're going to go back to page 2 on the Calendar. At the top of the page on 2nd Readings, there is Senate Bill 246, offered by Senator Petka. It was read earlier today a second time. Mr. Secretary, are there any amendments filed?

SECRETARY HARRY:

Amendment No. 3, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken. Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Madam President and Members. Senator Petka's bill, 246, would have made baby-sitting a felony, and we decided -- we decided that was too harsh, so I am seeking to delete -- I am seeking to delete that portion of the bill which makes baby-sitting punishable by death.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka. Senator Petka.

SENATOR PETKA:

I certainly would move for the adoption of Amendment No. 3, but not for the reason cited, so I would...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Petka. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you very much. As a matter of parliamentary inquiry. I -- I didn't hear you. Is this -- is this bill being brought back to the Order of 2nd for the purpose of an amendment? Is that what we're doing?

PRESIDING OFFICER: (SENATOR DONAHUE)

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No. No, Mr. -- Senator. It's on the Calendar on 2nd Reading.

SENATOR DEMUZIO:

Well, it's my understanding, we adopted the amendment. It was read -- it was -- it went to 3rd Reading, according to my Calendar, this morning.

PRESIDING OFFICER: (SENATOR DONAHUE)

No. It was held on 2nd, sir -- Senator. Senator Petka.

SENATOR DEMUZIO:

Well, my...

SENATOR PETKA:

The -- the amendment is friendly to the bill, and I urge its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Any further discussion? Senate -- Senator Petka moves that -- Senate -- moves the adoption of Senate Amendment No. 3 to Senate Bill 246. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PHILIP:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR PHILIP:

Thank you, Madam President and Members of the General Assembly. We're coming down to -- winding down. I just wanted to make a few short comments. I think we've done extremely well. I have been here, as you know, seventeen years -- going on seventeen

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years. I can never remember going through 3rd Readings four times. We have just done that tonight. In my judgment, everybody has had more than an opportunity to hear their bills. Now, I hope that everybody will be here sharp in the morning. We're going to go to Postponed Consideration. We're going to do a few more 3rd Readings, but my intent is to get out of here early tomorrow, so all of you can have kind of a semi-long weekend. So please be here early and sharp, 9 a.m.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 49, offered by Senator Raica.

(Secretary reads title of bill)

House Bill 218, by Senator Stern.

(Secretary reads title of bill)

House Bill 814, Senator Klemm.

(Secretary reads title of bill)

House Bill 1259, Senator Woodyard.

(Secretary reads title of bill)

House Bill 1569, by Senator Maitland.

(Secretary reads title of bill)

House Bill 1571, by Senator Maitland.

(Secretary reads title of bill)

House Bill 1806, by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 1854, by Senator Madigan.

(Secretary reads title of bill)

Senator Raica offers House Bill 1900.

(Secretary reads title of bill)

House Bill 2163 is presented by Senator Berman.

(Secretary reads title of bill)

House Bill 2280, by Senator Raica.

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(Secretary reads title of bill)

And House Bill 2375, by Senator Raica.

(Secretary reads title of bill)

1st Reading of the bills, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Senators Watson and Fawell have filed a motion with respect to Senate Bill 129; Senator Molaro has filed a motion with respect to Senate Resolution 286.

PRESIDING OFFICER: (SENATOR DONAHUE)

Place the motions on the printed Calendar. Is there any further business to come before the Senate? If not, Senator Geo-Karis moves that the Senate stand adjourned until 9 o'clock tomorrow morning, April 23rd. Senate stands adjourned.

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