

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDENT PHILIP:

The hour of 9:30 having arrived, the Senate will please come to order. Members will please stand, and our friends in the gallery, please stand. The prayer today will be by Pastor Witkop, Faith Lutheran Church, Springfield, Illinois.

PASTOR WITKOP:

(Prayer by Pastor Witkop)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Friday, May 7th; Tuesday, May 11th; and Wednesday, May 12th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journals, pending the arrival of the printed transcripts. There being no objections, so ordered. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

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

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Today in the President's Gallery, straight up there, we have ten students from -- Lake Villa Intermediate School, who are in Springfield for the 1993 All-Illinois History Exposition. Each student has a project in the exposition, on a topic of Illinois history. The students are Steve Arendas, Megan Cole, Scott Veckey, Morgan Bailey, Vincent Yarmoska, Justin Japczyk, Abbie Honaker, Katie Gaffron, Christy Reese and Mariah McElroy, and

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

they're up in our gallery, and I ask you to help them -- help...

PRESIDENT PHILIP:

Would they please be -- will they please rise and be recognized by the Senate. Resolutions.

SECRETARY HARRY:

Senate Resolution 421, offered by Senator O'Malley.

It's congratulatory, Mr. President.

PRESIDENT PHILIP:

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

SENATOR MAHAR:

For the purpose of an announcement, Mr. President.

PRESIDENT PHILIP:

Make your announcement.

SENATOR MAHAR:

The Senate Environment and Energy Committee, which was to meet tomorrow at 1 o'clock, I think, has been cancelled, and I would like the Senate Calendar to so reflect.

PRESIDENT PHILIP:

All right. We're going to go to House Bills 2nd Reading. The bottom of page 26. And we're going to pass over the appropriation bills. House Bill 69. Senator Hawkinson. Read the bill.

SECRETARY HARRY:

House Bill 69.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Have there been any Floor amendments -- been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDENT PHILIP:

3rd Reading. House Bill 203. Take it out of the record. House Bill 258. Senator Fawell. Senator Fawell. Senator Fawell. Take it out of the record. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Mr. President, a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR SIEBEN:

Ladies and Gentlemen of the Senate, it's my privilege this morning to introduce to you one of our former colleagues. State Senator Calvin Schuneman is here visiting today, and Cal gave me the opportunity to come to the Senate. He served in the General Assembly for eighteen years. He's here visiting again today, and taking care of some personal business in Springfield, and I'd like you to welcome back State Senator Cal Schuneman.

PRESIDENT PHILIP:

Cal, very nice to see you. House Bill 443. Senator Fawell. Senator Fawell. Take it out of the record. House Bill 508. Senator Sieben. Senator Sieben. 508. Take it out of the record. House Bill 532. Senator Watson. Senator Watson. Take it out of the record. House Bill 641. Senator Jones. Excuse me. Senator Hendon. Take it out of the record. House Bill 701. Senator Woodyard. Take it out of the record. House Bill 767. Senator Barkhausen. Senator Barkhausen. Take it out of the record. House Bill 770. Senator Donahue. Take it out of the record. House Bill 797. Senator Farley. Senator Farley. Take it out of the record. House Bill 898. Senator Maitland. Senator Maitland. Take it out of the record. House Bill 1009. Senator Ralph Dunn. Senator Ralph Dunn. Take it out of the record. House Bill 1194. Senator Klemm. Take it out of the record. House Bill 1202.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Cullerton. Take it out of the record. House Bill 1235.

Senator Hawkinson. Read the bill.

SECRETARY HARRY:

House Bill 1235.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Have there been any other Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. House Bill 1300. Senator McCracken. Senator -- Take it out of the record. House Bill 1302. Senator Donahue. Take it out of the record. House Bill 1313. Senator McCracken. Take it out of the record. House Bill 1319. Senator Cullerton. Take it out of the record. House Bill 1426. Senator Donahue. Senator Donahue. 1426. Take it out of the record. House Bill 1643. Senator Dudycz. Read the bill.

SECRETARY HARRY:

House Bill 1643.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 1854. Senator Madigan. Senator Madigan. Take it out of the record. House Bill 1900. Senator Raica. Take it out of the record. House Bill 1922. Senator Peterson. Take it out of the record. House Bill 1941. Senator Raica. Senator Raica. Take it out of the record. House Bill 2062. Senator Raica. Take it out of the record. House Bill

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

2132. Senator Dunn. Senator Dunn. Take it out of the record. House Bill 2152. Senator Farley. Senator Farley. Take it out of the record. House Bill 2163. Senator Berman. Senator Berman. Take it out of the record. House Bill 2242. Senator Topinka. Take it out of the record. House Bill 2262. Senator -- Senator McCracken. Senator McCracken. Take it out of the record. House Bill 2375. Senator Raica. Senator Raica. Take it out of the record. House Bill 2408. Senator Barkhausen. Take it out of the record. House Bill 141. Excuse me. We're going to start on House Bills 3rd Reading. The bottom of page 6. Now this is the final passage, so let's all get in our seats and pay attention. House Bill 930. Senator Watson. Senator Watson. Take it out of the record. House Bill 935. Senator Topinka. Read the bill.

SECRETARY HARRY:

House Bill 935.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, House Bill 935 amends the Criminal Identification Act to change the definition of "domestic crime" for purposes of reporting, to crimes committed between family or household members. It basically sets up a standardization of forms to be used by police departments to ask more questions in terms of domestic violence, such as, "Was there a firearm on the premises involved at the time of this?" "Were there children present?" And so on. All the groups that come together in the Coalition on Domestic Violence have supported this. We've also taken on an amendment from Senator <sic> Homer, which addresses the issue of campus security and domestic violence. And I don't know of anybody, at this

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

point, who is against the bill, but I would certainly be happy to answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall House Bill 935 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. House Bill 935, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The next bill is 936. Mr. Secretary. Senator Barkhausen? Senator Barkhausen? Senate <sic> Bill 936? Take it out of the record. Senator LaPaille? House Bill 967. Senator LaPaille? Out of the record. Senator Sieben? I'm sorry. I'm sorry. Senator Hendon. Senate <sic> Bill 976. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 976.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. This bill will give the student on the Board of Higher Ed the right to vote in full membership. I'm joined by Senator Sieben in supporting this measure, and I ask for a Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Hearing none, Mr. -- Senator Hendon, to close.

SENATOR HENDON:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Thank you, Madam President. I just ask for an affirmative vote, along with Senator Sieben. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 976 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, 1 Nay, none voting Present. And the bill, having received the required constitutional majority, is declared passed. Senator O'Malley. Take it out of the record. Senator Cronin? Out of the record. Senator Klemm? House Bill 989. House Bill 989. Senator Klemm. Mr. Secretary, would you read the bill?

SECRETARY HARRY:

House Bill 989.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. House Bill 989 amends the Public Infrastructure Act to authorize new variations of relatively small dollar amounts of financial assistance to local governments and public entities. The funds can be used to either enhance their access to financing or reduce financing costs associated with local public infrastructure projects. Many small local governments today face major problems in financing some of their community infrastructure projects, and this would be a limited, small way of helping them in the small communities in Illinois to at least meet those requirements. The loans are repaid back into a revolving fund, which -- be used for additional lending, and I think it's a program that certainly will help a lot of our Illinois cities, and I ask for your support.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Madam President. Let me ask the sponsor a question, if I might. I think this is a -- a very laudable program of making loans and grants to local entities. Could the Senator tell me from what pot of money, and where is all this money that we're going to have to make these loans and grants?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

The money comes from the Build Illinois capital development funds -- Capital Revolving Loan Fund, excuse me, which is already set up. The limit is a hundred thousand dollars per loan; so it's small amounts of dollars.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess that's my point. The fact of the matter is, is that there isn't any money. The fact is this is a very laudable program. We're raising expectations to local government, saying that we're going to give them loans and grants for medical facilities and public health clinics, and to assist in the financing of public infrastructure for health, safety and economic development, and there isn't one dime in the budget for this, nor there -- is there one dime anywhere in State Government for this type of activity. It's a very laudable program, but I wish everybody would know that if you're going to vote for this, there isn't any money to fund it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Well, it seems to me -- thank you, Madam Chairman. It seems to me that what we're talking about are -- are -- is a -- loan revolving fund, and it says that DCCA is authorized to coordinate with IDFA, the Illinois Rural Board <sic> (Bond) Bank, IFDA, IHDA, EPA and all other federal and State agencies. Part of the problem that I've seen in the past is that everybody has a little pocket of money; nobody's got a big pocket. If DCCA can manage to get these coordinated so that we do have a large enough pocket that we can dip -- have our -- our local -- our local governments be able to tap into, rather than have them scattered here, there and yonder, that nobody knows about, that -- that this bill makes a lot of sense. I think it's -- it's an idea that's long overdue. Senator Demuzio, I know you, personally, have tried to do this. I have been supportive of you in the past. I think this is an excellent bill, and I think we ought to vote for it. And let's see if DCCA can get some -- find the money and -- and get it coordinated.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The sponsor indicates he will.

SENATOR JACOBS:

Senator Klemm, who -- who really has requested this? Because -- who has requested this?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

The small communities have asked DCCA repeatedly for opportunities to -- maybe to do some of these programs, and DCCA

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

has come forth with a program such as this. It was earlier indicated that there were no funds available, but DCCA does intend to transfer from the Build Illinois Capital Revolving Loan Fund eight to ten million dollars in order to do this. So we do have some funds that are unused that could help, and it was through the requests of local governments to DCCA that we could assist them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. I -- I really don't know why we need it. I guess my question, or my statement would be to that is that currently we have the authority and DCCA has the authority to give money for infrastructure work, but it's tied to economic development. I think DCCA should remain in the area of economic development, and I think to take it out of the area of economic development, and then add to that health and safety, I think that there's other areas that that should fall within the guidelines of.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It would be appreciated if we'd give a little more order to our speakers on both sides. Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will. May we please have a little more attention?

SENATOR HALL:

Senator, this State is in such bad shape financially. Did you ever answer Senator Demuzio's question? Where are you going to get this money? You can't get your bills paid here. People can't get their insurance bills. The hospitals and all these, and -- are you saying that in -- that there's money somewhere around this

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

State that we could be using?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Senator Hall. Yes, it's a valid question, and I tried to answer it a little while ago. We have some funds in the Illinois Capital Revolving Loan Fund now. Because local governments are having some problems meeting the current law requirements, DCCA is trying to give them some liberalization. So in order to accomplish that, they're going to transfer eight to ten million dollars from an existing fund that has money in it now. So it's not taking new money, but it's trying to use it so we can help the small communities in Illinois, such as what you and I represent, in order to meet some of their infrastructure needs. The current law is so difficult for small municipalities and villages and cities to meet that they can't access the dollars, and this would help them. And we use existing funds that are already in there, so we don't have to appropriate new dollars.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hall.

SENATOR HALL:

Well, I'm from one of the poorest areas there is in this State, and they've been searching everywhere. I would certainly hope that you could find some money, and not only for this, find some money so that people that are here right now who could pay -- get the insurance bills paid, their hospital bills paid, and all this. If we've got such money around here, then it ought to be placed in other places. It's a laudable idea, but I think that you are -- are just fooling some people when you say you got it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR KLEMM:

Well, thank you, Madam President. I -- I guess I want to clear up the misconception that...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Just a moment, Senator Klemm. Can we please give the Senator our attention? You want information; he's trying to give it to us. Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. I wanted to clear up the misconception that there are no funds available. You see, we currently have approximately twenty-three million dollars in our Illinois Capital Revolving Loan Fund. We've already allocated those dollars, and what we're asking -- DCCA would like to do, is transfer a small portion of that into this new fund that could meet the requirements of some of the local governments' requests. Senator DeAngelis and others have attempted -- and have been successful in doing programs similar to this this Session, and this is a bill that would, I think, continue that, and I think it really deserves all our support, because local governments cannot meet the requirements under the existing current law, and therefore they're being deprived of these dollars that we can assist. Now remember, they will repay these loans back to the State. So this, I think, is a partnership that we should all vote for, and I do ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 989 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. Take the record, Mr. Secretary. On that question, 42 Yeas, Nay -- 3 Nays, 9 voting Present. And the bill, having received the required constitutional majority, is hereby declared passed. Senate <sic>

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Bill 1007. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1007.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. This bill proposes to delete the need to reassess individuals every thirty days, and making that reassessment every six months, rather than -- than every thirty days.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR BURZYNSKI:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All -- the question is, shall House Bill 1007 pass. All those in favor, vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Mr. Secretary, take the record. There are 57 Ayes, no -- no Nays. And this bill, having received the required constitutional majority, is declared passed. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Madam President. I rise for the purpose of being recorded as a Yes vote on the previous bill, sponsored by my good friend, Senator Klemm. I pushed my button, but it -- it didn't -- it didn't do anything. That was Senator Klemm's bill that -- previous bill before this one.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Thank you. The record will so be noted. Senator Topinka, on -- on the Order of 3rd Reading is House Bill 1010. Mr. Secretary, will you please read the bill?

SECRETARY HARRY:

House Bill 1010.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President and Ladies and Gentlemen of the Senate, what this bill would do would be to add to jury lists persons who hold Illinois Identification Cards and Illinois Disabled Person Identification Cards, and it would also authorize the court to appoint an interpreter to aid a deaf or hard-of-hearing juror during any jury deliberations or sequestration. Right now, because we compile our jury lists from drivers' licenses and voters' records, those who -- who are disabled and who do have these ID cards or Disabled Person Identification Cards can, and often do, fall through the cracks. This would expand the jury pool, and also allow the privilege of serving on a jury to these groups that are currently excluded.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. -- or, Madam President. I'd like to ask the sponsor a question, if I might.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She will yield.

SENATOR DEMUZIO:

Looking at the -- the synopsis on this file, it says that an interpreter may be appointed to aid a juror while the jury is

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

sequestered or being -- or during deliberations, but it makes no reference to being present during the court proceedings; therefore, that would permit a deaf juror to sit through the entire trial without a clue as what is being said. Could you respond to that, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka.

SENATOR TOPINKA:

That is already covered under existent law.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton, further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I am in support of the bill. I just wanted to indicate, I think, for the purposes of legislative intent, that the -- the right to a jury belongs to the litigants, and the Legislature doesn't intend to suggest that -- that hearing impaired have a right to be on a jury; they -- they have to be chosen, of course, by the parties. And -- but I think the bill itself is a -- is a very good idea. I, myself, have sponsored legislation in the past to allow blind people to serve on a jury, and it's worked out very well, and I think the people who are hearing impaired should -- should have the same opportunities to serve on a jury, and this bill does so. So I think it's a good idea.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR TOPINKA:

Well, I think Senator Cullerton makes good points in terms of his legislative intent. I think this also follows in the tradition of previous legislation that Senator Cullerton and I have had that has been successful, in terms of those who've been disabled to be on juries. I would ask for a favorable vote.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1010 be passed. All those in favor of it will vote by voting Aye. Those who are opposed will vote Nay. The voting is now open. Have all voted who wished? Have all voted who wished? Take the record. On -- on that question, there are 57 Yeas, no Nos. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1029. Senator... Out of the record. Senate Bill -- I mean, House Bill 1032. Out of the record. House Bill 1037. Senator Palmer? House Bill 1037. Out of the record. House Bill 1038. Out of the record. Senate Bill -- or rather, House Bill 1039. Senator Madigan? Senator Madigan? Out of the record. House Bill 1040. Senator Philip. Out of the record. House Bill 1045. Senator Philip. Out of the record. Senate Bill -- or rather, House Bill 1073. Senator Peterson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

1083. No. No. I'm sorry. 1073. Senator Peterson's bill.

SECRETARY HARRY:

House Bill 1073.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President and Members of the Senate. House Bill 1073 amends the Highway Code in counties under one million and provides that whenever a county or State highway adjoins property to be subdivided, the subdivider shall notify the proper highway authority of the proposed subdivision. Such notice shall



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

request of the authority its need to have stormwater detention facilities, based on future construction. The county or IDOT shall pay for the stormwater facilities. This legislation was requested by Lake County, and I ask for an affirmative vote on House Bill 1073.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR PETERSON:

I ask for an affirmative vote on House Bill 1073.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1073 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted -- voted who wish? Take the record. The record. 57 Yeas, none No. The bill, having received the required constitutional majority, is hereby declared passed. Senate -- House Bill, rather, 1083. 1083, Senator Peterson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1083.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President and Members of the Senate. House Bill 1083 amends the School Code and allows governing boards of special education joint agreements to issue bonds for the purpose of acquiring, constructing, repairing or equipping any building necessary to provide its services.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Any further discussion? Any further discussion? Hearing none, Senator Peterson, to close on House Bill 1083.

SENATOR PETERSON:

I ask for an affirmative roll call on 1083.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1083 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 52 Yeas, 1 Nay, and 4 Present. And this bill, having received the -- required constitutional majority, is hereby declared passed. House Bill -- Senator Stern, for what purpose do you have your light on?

SENATOR STERN:

Madam President, I tried to get your attention before that vote was taken. I wanted to ask the sponsor of that bill what it had to do with the tax caps, if it was over and above tax caps. Could I just get a -- a fast response from Senator Peterson?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Unfortunately, we already passed the bill. So if you'll check with Mr. Peterson yourself. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. A matter of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR O'MALLEY:

I would like the -- the opportunity for some young people from the 18th Senate District to stand and be recognized. They are the eighth-grade class from the Stone Christian Church Academy in -- in Palos Heights. They're here with their teacher, Mr. Darnell, and I wonder if they would stand and be recognized, and if the Senate could welcome them.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome to Springfield. House Bill 1092. Senator Cullerton. Senator Cullerton. House Bill 1092. Out of the record. House Bill 1102. Senator Cullerton? Out of the record. House Bill 1109. Senator LaPaille? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1109.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Madam President. This bill came out of the Senate Judiciary Committee unanimously. It would provide that the penalty for possessing a firearm or ballistic knife while hooded or robed is enhanced from a Class 4 felony to a Class 3 felony if the weapon is possessed in a courthouse or within one thousand feet of a courthouse. We've all seen tragedies that have happened, not only in Chicago, but throughout Illinois and throughout America where individuals carry firearms or knives, et cetera, into courthouses, and I would move for its quick adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR LaPAILLE:

I would just ask for the approval of House Bill 1109.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1109 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The votes are 57 Yeas, none

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

No, and none Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senator -- Senate <sic> Bill 1125. Senator O'Malley. Senator O'Malley? Senate Bill -- I'm sorry. House Bill 1125. Out of the record. House Bill 1145. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1145.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Madam President. House Bill 1145 is an initiative of the Metropolitan Water Reclamation District. What it does, it authorizes the Board of Commissioners to regulate, limit, extend, deny or control any new or existing connection, addition or extension to any sewer that may discharge into the district's sewage system. Apparently this bill is a clarification of current practice where the Metropolitan Water Reclamation District controls any connection to a system, and this bill would add the words, "new or existing" to it. The amendment that was added to 1145 also contains language from House Bill 932, which expands Metropolitan Water Reclamation District operations into portions of Rich Township within Cook County.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Dudycz, to close. Question is, shall House Bill 1145 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the roll. On that question, there are 57 Ayes, no Nays, no Present. And this bill, having received the required

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

constitutional majority, is hereby declared passed. Senate <sic> Bill 1147. Senator Smith? Out of the record. Senate Bill 1153. I'm sorry. I -- I should say House Bill. House Bill 1147 is out of the record. House Bill 1153. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1153.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. House Bill 1153 amends the Persian Gulf Conflict Veterans Fund Act to state how much the compensation will be, and specifically names the Southwest Asia Service Medal as the proper campaign medal. It also allows the Department to pay bonus claims from excess amounts appropriated for the payment of bonuses to the veterans. We had previous legislation that created the Persian Gulf Conflict Veterans Fund, and that has about fifteen, sixteen thousand dollars in it, not enough to meet all the claims of Desert Storm that we've received. However, we do have in our -- our -- let's see, which one is it -- the Veterans Bonus Fund excess amounts that we wish to use to pay those claims and meet our obligations. So I do ask for your support on House Bill 1153.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. I rise in strong support, Senator. I know that we've all had the same problems in our district with veterans that are not being paid, and I think it's about time that we stand up to our obligations, at least to our

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

veterans, if nobody else. So, I ask for an Aye vote, too.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR KLEMM:

Well, I think we all know the issue. I think it's a commendable bill, and I ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Hearing no further discussion, the -- the question is, shall House Bill 1153 pass. Those in favor will vote Aye. Those who are opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. The record is 56 Ayes, no Nays, 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Next bill is 1163. Senator Mahar? Take it out of the record. House Bill 1204. Senator DeAngelis? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1204.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. House Bill 1204 does exactly what's said and it -- it's to provide economic development -- technical assistance for community economic development by DCCA to five communities on a pilot basis. Most of us are aware that DCCA has removed a lot of its field representations, and what we're trying to do is bring economic development down to the local level where it ought to be. And this program is a step along that direction. All that DCCA is doing here is providing technical

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

assistance. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Madam President and Ladies and Gentlemen of the Senate. I -- I am absolutely appalled and surprised that we have to, in the Legislature, command the Department of Commerce and Community Affairs to establish community economic development programs to provide technical assistance to those communities in Illinois. I wonder what they've been doing since their inception. In -- in addition to that, we are now selecting five communities to the open competitive process. We don't know what the rules, regulations, criteria are. My assumption is, those five communities have already been selected.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR DeANGELIS:

Well, before asking for a favorable roll call, I think Senator Demuzio's comments are bordering on the outlandish. If you'll look at the bill, it's -- it's a Republican sponsor with a Democratic House sponsor, and a Democratic cosponsor, and if it was that biased and prejudiced, I think he ought to talk to the Democratic cosponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1204 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The voting is 57 Ayes, no -- no Nays, no -- no one voting Present. And this bill, having received the required constitutional majority, is hereby declared passed.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President, having voted on the prevailing side for House Bill 935, I would seek to have it reconsidered and brought back to the Order of 3rd Reading.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Those in favor -- I'll repeat -- having -- she said, having voted the prevailing side, Senator Topinka moves to reconsider the vote by which House Bill 935 was passed. Those in favor will say Aye. Those opposed will say Nay. The motion carries. House Bill 935 is returned to the Order of 3rd Reading, and the Calendar shall so reflect. Senator Woodyard, on House Bill 1212, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Woodyard seeks leave of the Body to return this bill, House Bill 1212, to the Order of 2nd Reading for the purpose of -- of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1212. Madam Secretary, are there any Floor amendments approved for consideration? Madam Secretary.

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Woodyard, to explain Amendment No. 2.

SENATOR WOODYARD:

Thank you, Madam President, Members of the -- of the Senate. The bill itself deals with the automation fee collected by -- or dealing with the tax buyers' sales, and the amendment simply clarifies that any filing fee for petition to the -- I'm sorry. It clarifies that in the case of the redemption, the amount of the redemption shall include any filing fee for petition to the circuit clerk for certificate error.

PRESIDING OFFICER: (SENATOR GEO-KARIS)



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

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

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1218. Senator O'Malley? Out of the record. House Bill 1219. Senator McCracken? Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

House Bill 1219.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator McCracken.

SENATOR McCracken:

Thank you, Madam President, Ladies and Gentlemen of the Body. House Bill 1219 is the voluntary dismissal proposed statute. We passed an identical bill as a Senate bill. This would allow a court, in its discretion, to hear a dispositive motion filed previously to a voluntary dismissal motion filed by the plaintiff. This codifies the current state of the law, pursuant to *Gibellina v. Handley*, a 1989 Illinois Supreme Court case. Pending counterclaims would not be automatically dismissed. However, if they are at issue only because of the underlying complaint, a motion to dismiss would lie against those counterclaims. I move its passage.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR McCracken:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Ask for favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

House Bill 1219. The question is, shall House Bill 1219 pass. Those in favor will vote Aye. Those will vote -- those opposed will vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. There are 57 Yeas, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 1222 -- I mean, House Bill 1222. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

House Bill 1222.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Topinka.

SENATOR TOPINKA:

Madam President, Ladies and Gentlemen of the Senate, this would require that the Secretary of State's Office Index Department develop appropriate forms to be used by all State agencies in the reporting of information required by the Act. It is just a desire to seek standardization. People are in compliance now, but the forms are coming in all different ways, and some information is included, some is not. This is an attempt to put it all under one roof in a way that is easily seen and felt and touched and dealt with. So that's all this does. I don't know of anybody in opposition.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. As cosponsor of this bill, I want

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

to congratulate Senator Topinka for her sponsorship. There are a lot of groups that are in support of it. It'll help the State of Illinois compile more demographic information about its employees, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR TOPINKA:

A favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1222 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. The record is 56 Yeas, none voting No, and none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1230. Senator Smith? House Bill 1230? Out of the record. House Bill 1256. Senator Cronin? Out of the record. House Bill 1260. Senator Hasara? 1260? Out of the record. Senate Bill -- or rather, House Bill 1261. Senator Hasara? Out of the record. House Bill 1295. Senator DeAngelis? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1295.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

House Bill 1295 is for the Village of Dalton. It removes the limit on the number of charitable games that can be hosted by -- on a premises that's owned by a municipality. They purchased a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

huge hotel complex, converted part of it to senior facilities and so forth, and it's a facility that's in much demand. This does not -- does not raise the limit on civic centers, because those are not owned by municipalities.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I -- I -- I'd just like to point out that what -- what we are doing here is that there is, apparently a -- currently a limitation on the number of times a premises can be used for charitable games for gambling. There are -- since no restrictions would apply in situations, a not-for-profit organization, under this bill, could arrange to use a municipality's hall to conduct charitable games every night. So I don't know if you call that expansion of gambling or not, but everyone ought to know what's in this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR DeANGELIS:

You know, Senator Demuzio, if you were a full-blooded Italian you probably would not be so confused. 'Cause then you might know what you are or who you are. This has nothing to do -- nothing -- to do with the number of games that somebody can have. It only has to do with the facility, not the person that's throwing the games.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1295 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 Yeas, none voting No, 9 voting Present. And this bill, having received the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

required constitutional majority, is hereby declared passed.  
House Bill 1305. Senator Garcia. Madam Secretary, please read  
the bill.

ACTING SECRETARY HAWKER:

House Bill 1305.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. House Bill 1305 specifies that  
bilingual students shall be exempt from State testing for a period  
of three years if an English language proficiency test determines  
that the student's lack of English would keep the student from  
understanding the test. It requires the State Board of Education  
to appoint a task force which will identify an alternative  
assessment programs for students of limited English proficiency.  
Thanks to the persistence of the bilingual education community in  
the State of Illinois, coupled with the open-mindedness of Senator  
Frank Watson, the Chairman of our Education Committee, this bill  
has finally reached the full Senate. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator LaPaille. Senator LaPaille.

SENATOR LaPAILLE:

Will the -- would the Gentleman yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR LaPAILLE:

Senator Garcia, I understand that you've worked very hard with  
Senator Philip on this bilingual education bill, and I also  
support it. Thank you very...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

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

SENATOR GARCIA:

Thank you, Madam President. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1305 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Yeas, none voting No, and 3 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. WAND-TV requests permission to videotape today's Senate proceedings. Is -- is leave granted? Leave is granted. House Bill 1316. Senator Cullerton? I'm sorry. Senator Peterson. Out of the record. House Bill 1320. Do you wish -- Senator Syverson, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Syverson seeks leave of the Body to return House Bill 1320 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 House Bill 1320. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson, to -- to explain the amendment.

SENATOR SYVERSON:

Thank you. It just makes one small change, adding CMS to a list of agencies already built into this bill. I know of no objection to it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any discussion? Any discussion? Hearing none, all those in favor of this amendment, say Aye. Those opposed, Nay.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

The Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Hearing none, 3rd Reading of the bill. House Bill 1331. Out of the record. House Bill 1335. Senator Barkhausen? Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1335.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. House Bill 1335, approved in the House 113 to nothing, would extend the statute of limitations for actions of childhood sexual abuse. We had some moving, and I thought persuasive, testimony in our committee, to the effect that victims of childhood sexual abuse often, through no fault of their own, do not discover the fact that they have been victims until sometimes well into adulthood and oftentimes as the result of undergoing therapy. I'd be glad to answer your questions, and would otherwise solicit your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator Stern.

SENATOR STERN:

Madam President, I rise in support of this legislation. Senator Barkhausen is correct. The testimony was most interesting, and it pointed out the kinds of areas that science is beginning to uncover about memory and the manner in which we are able to deny and evade what is happening to us. I think this is

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

appropriate legislation at a time when we are learning more about this kind of thing. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Barkhausen, to close. The question is, shall House Bill 1335 be passed. All those in favor, vote Aye. Those voting -- opposing it will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The record is 44 Yeas, 3 voting Nay, and 5 voting Present. And the bill, having received the required constitutional majority, is hereby declared passed. Senator Karpziel, do you wish House Bill 1341 to be returned to 2nd Reading for purpose of an amendment? Senator Karpziel seeks leave of the Body to return House Bill 1341 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 House Bill 1341. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. Amendment No. 2 -- well, the -- the bill actually standardizes reporting requirements for a local government's recycling rate, and creates a -- a measurement reporting standards task force. This amendment clarifies the definitions and reporting requirements, which are set forth in the original bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Any discussion? Hearing none, all those in favor, please say Aye. All opposed, Nay. The Ayes have it. And the amendment's adopted. Any further Floor



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar, on Floor Amendment No. 3.

SENATOR MAHAR:

Thank you, Madam President. Floor...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Just a moment. It would be very nice if we all were able to hear the people speaking on the bills. May we have your courteous attention? Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. Floor Amendment No. 3 to House Bill 1341 imposes a mandatory sentence of community service, consisting of removing and promptly disposing of litter, for those who are convicted of -- of a littering violation. I would move adoption of Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none, all those in favor -- oh, excuse me. Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't think -- I was curious if anybody was listening to this. It just says that from now on if are convicted of littering, you're going to be sentenced to a number of hours of community service of some sort, and -- so we ought not to be throwing our gum wrappers and things out the window these days, because Senator Karpel is hot on the trail here, and... Oh, is this Senator Mahar? Well, I know somebody over there's hot on the trail. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton?

SENATOR CULLERTON:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR CULLERTON:

In reading the amendment, I wonder if you could explain just what offenses this is meant to cover. And by including the word "shall" sentence the person convicted to a number of hours deemed appropriate, is that eliminating the judicial discretion? Are we telling the judge that they have to sentence someone to community service for littering, or can we just leave that up to the judge to make -- use his or her discretion?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Under -- under this amendment, the judge would -- would be required to at least impose community service.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

And for what offenses would this mandatory community service be imposed?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

They -- those would be offenses under the Littering Control Act.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton?

SENATOR CULLERTON:

Well, I don't happen to have a copy handy, that being the Litter Control Act. Senator Demuzio suggested that throwing a gum wrapper out of your window might be included in this provision

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

where someone would be sentenced to community service. Surely that is not one of the offenses included here. So maybe there's something more serious that you -- you could refer to. What is the Sections 4, 5, 6 or 7 of this Litter Control Act? Do you happen to know?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

It -- I -- to be honest with you, Senator Cullerton, I'm -- I'm not sure, but it's those Sections dealing with -- if an individual is convicted -- the purpose of this -- and an individual is convicted - convicted - of littering, then they would at least have to have community service, which would consist of picking up the stuff they threw out of the window.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Cullerton.

SENATOR CULLERTON:

Well, thank you. Madam President, I would suggest that if the Senator could, by the time we have 3rd Reading -- perhaps Senator Karpel could have the staff look and see just exactly what Sections of the Litter Control Act we're talking about here. We'll also do the same, and then on 3rd Reading we can perhaps decide. Unless Senator Mahar -- I see he has a Statute book in his aisle. I didn't know if they were allowed to do that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. In response to that -- or, the following Sections are entitled dumping, deposited -- dumping, deposit, et cetera, of litter prohibited. Section 105/5 is dumping deposit, et cetera, from motor vehicle prohibited; deposit of garbage or refuse in receptacles along public highways. And

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

105/6 is accumulation of litter prohibited.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Those in favor of approving this amendment, please say Aye. All opposed. The Ayes have it. The amendment's adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bill 1330. Senator Barkhausen? 1343. Senator Barkhausen? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1343.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. House Bill 1343 amends the Illinois Banking Act, and allows State-chartered banks to include in their provisions -- or charter provisions -- a provision indemnifying a director from personal liability to the bank or its shareholders for monetary damages for a breach of the director's fiduciary duty. However, this indemnification provision would be very limited, in the sense that the director could not be indemnified from the following acts: an act or omission that is grossly negligent; a breach of the director's duty of loyalty to the bank or its shareholders; acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law, and any transaction from which the director derives an improper personal benefit, as well as to make

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

it clear that this is prospective only, an act or omission occurring before the effective date of this amendatory Act. The fact of the matter is, that in many cases, banks have difficulty recruiting capable and dedicated individuals to serve as directors. And this provision, allowing State-chartered banks to grant them a measure of protection from allegations that they have been engaged in acts of mere negligence, should make it easier for banks to recruit the kind of directors that they're looking for. I'd be glad to answer your questions, and otherwise would solicit your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator Barkhausen, to -- whoops! Hold everything. Senator Molaro.

SENATOR MOLARO:

Yes. Will the -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR MOLARO:

If -- if the -- I assume when the bank officer or bank president takes on the responsibility, he understands that he's taking on a fiduciary responsibility. Would it be better to make the responsibility nonfiduciary, than to allow someone to take a fiduciary responsibility on and then, by Statute, exempt them from the responsibility?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

First, Senator Molaro, I want to make it clear that we're only talking here about bank directors. You mentioned bank officers or bank presidents. And this would allow some protection from allegations of a breach of a fiduciary duty, but with a number of

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

exceptions that I enumerated, including acts of gross negligence and self-dealing and acts that are in bad faith, and so forth.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Do they -- do they currently -- our bank directors -- and maybe you can answer this question. Don't they currently carry fiduciary responsibility insurance?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I believe they do, but not -- not knowing how this type of insurance works, I know that, in general, insurance is not available, or most often not available, for either intentional acts or acts of -- acts of gross negligence and the like.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Then to the bill: It's just sometimes, you know, I just get a little nervous of the fact that a director or whoever it may be -- and you are right, I was talking more presidents -- but a director would go and become a director, sometimes paid, sometimes not paid, sign the dotted line, be on the board of directors, assume the fiduciary responsibility of a board of directors, and then we pass a bill that would exempt him from -- or -- or take away any liability, and that kind of make me nervous. So, thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR BARKHAUSEN:

Madam President, just to again make the point that banks have difficulty recruiting directors. This does not absolve directors

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

from the -- the most negligent kinds of acts, those that are grossly negligent or those that involve a breach of the duty of loyalty to the bank, or that are engaged in in bad faith, or that involve intentional misconduct. And with that, I urge your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1343 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? Have all voted who wish? Last chance. Take the record, Madam Secretary. On that question, there are 24 Ayes, 24 Nays, and 7 voting Present. House Bill 1343, having not received the required constitutional majority, is declared failed. Senator Barkhausen, for what purpose do you rise?

SENATOR BARKHAUSEN:

I request Postponed Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Postponed Consideration, Madam Secretary. Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

On a point of parliamentary inquiry, if I could, Madam President. I thought that under our new rules - and I don't know the number - there was a minimum number required in order to be on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Twenty-four votes is the minimum.

SENATOR CARROLL:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, you got too many.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bill 1347. Senator Farley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Farley.

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1347 creates the offense of criminal defacement of property and requires community service for those convicted or placed on supervision for graffiti offenses. A criminal defacement of property is a Class A misdemeanor for the first offense if the damage is less than three hundred dollars. It would be a Class 4 felony, a second conviction, if the damage exceeds three hundred dollars. We're also asking, in this bill, for community service for graffiti cleanup, and it makes parental responsibility part of this bill. The Parental Responsibility Act has a limit of a thousand dollars, and I would suggest, Madam President and Ladies and Gentlemen of the Senate, that this bill is an attempt to try and solve some of the problems that graffiti causes. I know in my particular district, that there are people that wander through or roam through a certain neighborhood and damage a whole series of garages and buildings at one time. And this bill, Madam President and Ladies and Gentlemen, is an attempt to make parents responsible, make those people that are doing the damage accountable, and try and make sure that we here act responsible in notifying those folks, putting them on notice that graffiti is a very serious problem and we're going to do something about it. With that, Madam President, I would entertain any



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR DEL VALLE:

Senator Farley, the community service requirement in the bill, does it apply to juveniles and adults, and is it a requirement for both?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- Senator Farley.

SENATOR FARLEY:

If the juvenile is sentenced under the offense, it would apply to that juvenile.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

So -- so it doesn't apply to adults.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Farley.

SENATOR FARLEY:

It also applies to adults.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I would just ask for a favorable roll call on House Bill 1347.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

The question is, shall House Bill 1347 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, no Nays, 5 voting Present. House Bill 1347 has received the required constitutional majority, and it is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following legislative measures have been assigned to committees: Be Approved for Consideration - Senate Amendment No. 2 to House Bill 1029; referred to Appropriations Committee - Senate Amendment No. 1 to House Bill 1525; referred to Education Committee - Senate Amendment No. 2 to House Bill 391, Senate Amendment No. 3 to House Bill 508, and Senate Amendments 3 and 4 to House Bill 1218; referred to Environment and Energy Committee - Senate Amendment No. 2 to House Bill 184; referred to Executive Committee - Senate Amendment No. 1 to House Bill 203, and Senate Amendment No. 2 to House Bill 1739; referred to Insurance, Pensions and Licensed Activities Committee - Senate Amendment No. 1 to House Bill 2053; referred to Judiciary Committee - Senate Amendment No. 1 to House Bill 1302, Senate Amendment No. 2 to House Bill 1426, and Senate Amendment No. 1 to House Bill 2152, and Senate Amendment No. 2 to House Bill 2397; reassigned from Insurance, Pensions and Licensed Activities Committee to Judiciary Committee - Senate Amendment No. 2 to House Bill 1642; reassigned from Public Health, Welfare and Corrections Committee to Judiciary Committee - Senate Amendment No. 1 to House Bill 2397 <sic>; referred to Local Government and Elections Committee - Senate Amendments 3, 4 and 5 to House Bill 176; referred to Public Health and Welfare Committee - Senate Amendment No. 1 to House Bill 1194; referred to Revenue Committee - Senate Amendment 6 to House Bill

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

317; and referred to Transportation Committee - Senate Amendment No. 2 to House Bill 596.

May 13, 1993.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Madam Secretary. Back on the Order of 3rd Reading. We have Senate <sic> Bill 1354. Senator Mahar. Out of the record, please. House Bill 1359. Senator Madigan. Out of the record. House Bill 1362, Senator Klemm? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1362.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. House Bill 1362 is a bill that requires the Secretary of State to set up a pilot program to test the effectiveness of ignition interlock devices on persons convicted of drunk driving. The device would be installed in an offender's car, and he or she would then -- would have to be required to pass a Breathalyzer test before their car would start. You know, some of the statistics are amazing when I looked into this. Forty percent of all traffic accidents and fatalities in the United States are alcohol related. In fact, we spend, it's estimated, twenty-four billion dollars a year on alcohol-related accidents, and the National Transportation Safety Board estimates that someone is killed every twenty-four minutes by an intoxicated driver. The beauty, I think, of this program is that it tries to stop drunk drivers before they get on the road. It's -- House Bill 1362 is a pilot program that has bipartisan sponsorship and support. It's supported by the Secretary of State, MADD, the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Alliance Against Intoxicated Motorists, and I do ask for your support and vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR CULLERTON:

Senator Klemm, do you know if there's more than one company that manufactures these interlock devices?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

I've been told there are four or five.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I just wanted to rise and also support the bill, and I appreciate Senator Klemm's citing the statistics of the effect of drunk drivers on the highways. And I think this is a good idea to start off with a pilot program to see how it works, and then hopefully if it does work, next year we'll be back with a bill to expand it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Madam President. I, too, rise in support of the bill, and I would like to thank Senator Klemm for listening to our concerns in the Committee. The bill is no longer mandatory. It is voluntary. It is a pilot project, and I think it's a good idea, and I -- I, too, ask for a favorable vote.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR KLEMM:

Well, thank you, Madam President. Just -- I'd like to add that some states that have used this have lowered by three times their rearrest record for drunk driving. So I think it's a positive approach. I do ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall -- House Bill 1362 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 1362, having received the constitutional majority, is declared passed. House Bill 1376. Senator Lauzen? Oh, excuse me. House Bill 1374. Senator Welch. Senator Welch. Out of the record. House Bill 1376. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1376.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

END OF TAPE

TAPE 2

SENATOR LAUZEN:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Thank you, Madam President, Members of the Senate. House Bill 1376 is requested by the Department of Revenue, in order to improve administration of the Department. This bill does seven things, and I'll try to go through as quickly as possible. Number one, clarifies the tax status of vehicles that are given as gifts between individuals. It exempts family members. It restricts interim use exemption on boats and aircrafts to one year. Regular inventory is exempt. Number three, requires reporting sales of boats and trailers be filed and paid on transaction-by-transaction basis, rather than once a month, as it's currently done. Requires -- number four, requires motor fuel distributors and suppliers to file information on computer-generated magnetic media starting July 1st, 1994. It allows the Department to issue refunds up to three years for overpayment of taxes due under coin-operated amusement device and redemption machine tax. Number six, codifies current practice of allowing wire services to submit computer-generated, single-trip permits attached to motor fuel tax forms. And then finally, it removes the statutory requirement that an individual line for self-assessed penalties on the sales tax form, where currently there are now two-thirds of those calculations being done wrong. And finally, this bill has been recommended to us Do Pass unanimously by the Senate Revenue Committee, after its deliberation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield. Senator Jacobs.

SENATOR JACOBS:

Senator Lauzen, does this in any way take care of the problem

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

that exists in some of the border areas -- to where -- if you buy a boat, as an example, and you go pick up the boat, you don't have to pay sales tax; but, if you have the boat delivered to your site, then you have to pay sales tax.

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me -- excuse me, Senator Jacobs, can we have some quiet on the Floor and pay attention and move some of our conferences off the -- off the Floor? Questions are being asked and they can't hear them. Continue, Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. I -- I think it's a good bill too. I just wondered if -- if this did, in fact, take care of the problem that exists on some of the border states -- to where -- if you go pick up your boat and bring it back, you don't have to pay the State of Illinois sales tax, or use tax. But if you have it delivered, at that time, then you do. Does that clarify this in any way, shape or form?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I understand the question that you're asking. Unfortunately, I don't believe that this legislation addresses that important concern.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hall.

SENATOR HALL:

Madam President, I'll wait till he finishes, and I have a group from my district I want to introduce.

PRESIDING OFFICER: (SENATOR DONAHUE)

Fine, I'll recognize you then. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I just rise in support of this

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

fine piece of legislation, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR LAUZEN:

I just ask for your favorable -- favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

On that question -- or the question is, shall House Bill 1376 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 1376, having received the required constitutional majority, is declared passed. Senator Hall, for what purpose do you rise?

SENATOR HALL:

A point of personal privilege, Madam Chairman -- President.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR HALL:

I would like to introduce to this august Body a group from my district in Belleville, Illinois, the Queen of Peace, and I'd like for them rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all rise and be recognized? Welcome to the Senate. Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

Well, just to advise the Chair on that last roll call, there were 55-00 and 3. Somebody's button is not working.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luft's switch is out of the system, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you for the explanation, Madam President.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

You're welcome. House Bill 1377. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1377.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President, Ladies and Gentlemen of the Senate, this amends the Illinois Lottery Law, and it does basically two things. First of all, it -- it makes sure that the materials that are -- are put together for promotion and for advertising for the Lottery are exempted under the Freedom of Information Act. Apparently it codifies what is currently being done, and it makes it consistent with the Freedom of Information Act. It is an attempt to keep something akin to industrial sabotage from occurring, as -- as other companies may choose to take these under the FOI and put them into circulation in direct competition with the Lottery. Also, it prohibits the use of lottery tickets, shares winning numbers as a method of entry for other games, and it allows the Department to hold all corporate officers liable for delinquencies. There is nobody in opposition. This is the Department of the Lottery bill, and I would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Topinka. I'm going to ask you one more time, Ladies and Gentlemen, to keep your voices down, take your conferences off the Floor. We can't hear the discussion on the bills that are being heard today. Further discussion? Senator Jacobs.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield.

SENATOR JACOBS:

Does this bill make it illegal for whenever I've got my lottery ticket, and I -- and I lose and I throw it in the barrel, to win a six pack, or whatever the case may be? Does this prohibit that? And also, does it prohibit -- I think it's the Chicago Sun-Times, that has a second-chance lottery. Does this prohibit that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Yes, it does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Why?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

Basically, what is engendering this is one of our metropolitan newspapers had -- an agreement with the Lottery to do a second-chance type of a sweepstakes. Apparently the contract has expired. It has not been renegotiated, and the metropolitan newspaper continues to carry on in this way without a negotiated contract.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Well, why do we -- why are we even concerned with that? Why is the Lottery concerned with that? It's not interfering with any of their receipts that I can see. It's a second chance; it's a gimmick; it's a loss leader. I think that it's -- it's well within the realm of good advertising policy.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Topinka.

SENATOR TOPINKA:

The problem is, is that because it's not authorized by the Lottery, it creates a credibility problem, because the public thinks indeed the State stands behind it, that it is indeed a Lottery promotion. And in effect, it has our name on it as the State of Illinois, and not being authorized, I think that's somewhat questionable.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Well, I guess -- maybe for the Sun-Times, that may be correct, but when I go in and throw mine into the barrel at the local get-and-go, I don't consider that the Lottery has a doggone thing to do with that, and I think it's a good -- good advertising gimmick. And I think we should leave it alone.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. I think Senator Jacobs is right. I think that this just gives a -- you know, so many people lose the Lottery; at least you get a second chance to maybe win something at a local grocery store. The local grocery store tries to encourage people to be frequent customers; so they have a bowl there. You throw your ticket in; you put your name on. I don't think it's hurting a damn thing.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

I think that the Lottery folks are getting overly sensitive here. I think that they're not losing a dime. I think they're just kind of bent out of shape, and they're holding a grudge against a newspaper in Chicago and they want to show that, hey, we're going to stop you guys. So it seems to me that our constituents are against this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Further discussion? Seeing none, Senator Topinka, to close.

SENATOR TOPINKA:

In response to Senator Jacobs and Senator Welch, there is nothing in this bill to prevent anybody seeking authorization and getting that authorization and thereby having a second-chance type of a promotion. However, when that authorization is not sought and not granted, it does indeed force the State of Illinois into an unpleasant situation of having to back this up, kind of giving the impression that it is endorsing and standing behind this program, when indeed it is not. It -- it becomes, I think, somewhat questionable in terms of credibility. I think the Lottery is on the right track, and I think we should go forward with this.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House -- House Bill 1377 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 11 Nays, 6 voting Present. House Bill 1377, having received the required constitutional majority, is declared passed. Senator Lauzen, on House Bill 1383. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1383.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President, fellow Senators. House Bill 1383 is requested again by the Department of Revenue, and it does three things. First, it requires unitary business groups to file a single combined return. Currently, four thousand businesses do it this way. This would create a situation where a thousand fifty-four who file individual forms would collapse into fifty-four returns for a savings. Number two, brings our Illinois Tax Code in line with the Internal Revenue Service, as far as deduction for dividends. Currently it's eighty-five percent; goes to seventy percent. Finally, it gives the State the same period of time to recover an erroneous refund as we taxpayers have to apply a carry-back, which is three years. The Senate Revenue Committee recommended to us Do Pass unanimously, nine to nothing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Would the -- would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR RAUSCHENBERGER:

As to provision number one, the nine hundred and thirteen business organizations that don't file a unitary return, would a lot of those be retailers operating multiple locations? Has the Department of Revenue indicated who they are?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

I do not have a list of the people who that represents. What is -- if I could ask the concern is...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The concern I have is those nine hundred and thirteen taxpayers that are complying with the law probably have a reason to file on a separate basis, and unless the Department of Revenue has done some investigation into why they don't file on a unitary basis, I'm concerned that... You know, we have people in compliance. Can't we let them file their returns?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

That concern - that valid concern - has been addressed by the Advisory Group of Businesses and Tax Preparers, and their response is that it doesn't create a hardship, but rather this is a matter of habit, the routine that they've become accustomed to, and the Advisory Group that consists of people who run businesses and then also prepare the tax returns have advised in favor of this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Does the sponsor or the Department know whether the Illinois Retail Merchants or the Illinois Manufacturers, the business groups, are in support of this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I don't have -- it's -- it's neutral. I don't have that they're opposed or against.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

But the Department and the sponsor are well -- are quite sure that these groups are well aware of this piece of legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Yes, Senator, I have had discussions personally with the representatives from the Retail Merchants' Association, and they are aware, and there is not an opposition. But then, they're also not in favor, but not opposed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd like to thank the sponsor for his consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR CULLERTON:

Senator, did this bill start off being a DeAngelis-sponsored bill, and I'm just wondering why -- if you know, why Senator DeAngelis felt that he should no longer be the sponsor? And, another question: Since it amends the Income Tax Act, is this designed to be a potential vehicle for some kind of a tax increase?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Number one, I believe that the answer to your first question

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

is yes, that it was originally Senator DeAngelis, but I believe that they wanted a Romanian to carry this bill, so no particular reason outside of his very substantial work load. On the second part of your question, the answer is no. I am aware of no intention to have this become any vehicle for any tax increase.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR LAUZEN:

I just ask for an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

On that question -- or the question is, shall House Bill 1383 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 2 voting Present. House Bill 1383, having received the required constitutional majority, is declared passed. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you, Madam Chairman. A personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR TROTTER:

I would just like to recognize two hardworking individuals from my district. We have with me Juanita Roberts and Phyllis Love, who are from the James <sic> Neil School and she has brought down some of their students from the Chicago public school system, down here to see what we're doing, and I'd just like to have them recognized.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all rise and be recognized by the Senate? Senator Demuzio, what -- for what purpose do you rise?



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR DEMUZIO:

Thank you, Madam Chair -- Madam President. While we're on that order of business, I, too, would like to recognize a group from Jerseyville, Illinois, the Illini Junior High Student Council is here visiting with us with Larry Decker, their sponsor. They are on the Democratic side behind me. I would like to have them stand and be recognized, also, if you will.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all rise and be recognized? Senator -- Excuse me. Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Well, thank you, Madam President. While we're on that order of business, I stand on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR DUDYCZ:

One of our doormen, Mr. George Beckey, is celebrating a birthday today and I would just like to wish him, and I'm sure that all of us would like to wish him a very happy sixty-seventh birthday and just say "Happy Birthday" to George Beckey, who has been working very hard for us as a doorman in the back here.

PRESIDING OFFICER: (SENATOR DONAHUE)

He certainly has. Happy birthday, George. All right, on House Bill 1392. Senator Butler?. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1392.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. Senate -- or, excuse

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

me, House Bill 1392 accomplishes two things. First, it -- it authorizes DCCA to accept funds from public and private entities that they were unable to do so in the past. Secondly, it creates the Economic Research and Information Fund in the State Treasury. As to the first point, this clears up a -- a situation which was created back in 1971, which made it very difficult for DCCA to collect funds for the dissemination and distribution -- well, dissemination of their printed materials, and this eliminates some third-party problems they -- they had over those years. Committee Amendment No. 1 to House Bill 1392 came out of our committee unanimously, and it creates the Illinois Small Business Surety Bond Program which is designed to assist contractors in obtaining bid performance and payment bonds for private sector, public utility and government contracts. It authorizes the Illinois Development and Finance Authority, IDFA, to guarantee up to ninety percent reimbursement to a surety for losses incurred as a result of a contractor's breach of -- of a bid performance. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. Perhaps the Senator could -- enlighten me. If it's creating the Small Business Surety Bond Guaranty Act administered by the Illinois Development Finance Authority, I assume we are issuing bonds, then. I assume that we are doing that, and if so, is the full faith in credit of the State of Illinois behind these bonds?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

No, because they are issued through the Illinois Development Finance Authority, and that takes...

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. I think I just had it explained to me by your House sponsor over here. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing none, the question -- or, Senator Butler, to close.

SENATOR BUTLER:

I ask for your favorable vote, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1392 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 -- take the record, Mr. Secretary. On that question, House Bill 1392, there are 56 Ayes, no Nays, none voting Present. Having received the required constitutional majority, House Bill 1392 is declared passed. Senator Sieben, on House Bill 1410. Read the bill, Mr. Secretary. Oh -- do you wish -- Senator Sieben, do you wish to have that bill returned to 2nd Reading for the purposes of an amendment?

SENATOR SIEBEN:

Ask leave to return the bill to 2nd Reading for the purpose of an amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben seeks leave of the Body to return House Bill 1410 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd -- 2nd Reading is House Bill 1410. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Sieben.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben, on Amendment No. 2.

SENATOR SIEBEN:

Thank you, Madam President. Amendment No. 2 is a technical amendment, requested by the Commissioner of Banks and Trusts, to his bill, and it amends the committee amendment that was adopted. It simply adds the word "automatic teller machine or point of sale". I move for the adoption of Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR PALMER:

I wanted to thank Senator Butler for his leadership on House Bill 1392, and just to say to the Body that parts of that bill had been worked on for fifteen years by the late Representative LeFlore. So I wanted to make sure that we understood how important the passage of that bill was.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Palmer. Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Butler -- or, Cullerton.

SENATOR CULLERTON:

Senator Sieben, I -- I don't -- I don't believe I have any objections to the amendment, I just was curious since this did come from the Rules Committee and it was deemed to be technical, in reading the amendment, on page 2 of the amendment, there seems to be new language added, and I wondered if you could specifically

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

tell me what the effect of that language is on page 2 of the amendment and how it changes the Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Senator Cullerton, are you referring to those words that say "other than a notice on the automatic teller machine identifying the financial institution which established the automatic teller machine"? Is that what your question pertains to?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Yes, that is exactly what I asked him...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben. Senator Sieben.

SENATOR SIEBEN:

Madam President, if you'd allow us to come back to this bill in just a minute. It's fairly technical in nature as I said. We'll answer Senator Cullerton's question and then if we could return to the bill, we'll do so at that time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. House Bill 1411. Senator Hasara. Out of the record. Senate -- House Bill 1424. Senator Burzynski. Out of the record. House Bill 1427. Senator Peterson. Could you wait just a second, Senator Peterson? Senator Dunn, for what purpose do you rise?

SENATOR R. DUNN:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR R. DUNN:

I have a group of young people from Anna Jonesboro High

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

School, accompanied by Miss Becky Estel. They're up in the gallery in front on the Democratic side. I'd like for them to be recognized.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you all rise and be recognized by the Senate? Welcome. Now, House Bill 1427. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1427.

(Secretary Reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President, Members of the Senate. House Bill 1427 amends the Drainage Code. Deletes provisions prohibiting the county treasurer from serving as drainage district treasurer. Requires drainage district commissioners to appoint a district treasurer and deletes the provision for appointment of a special treasurer, only after court approval. This legislation was requested by the County Treasurers' Association. I ask for your affirmative support of 1427.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR WEAVER:

Senator Peterson, does this say that the county treasurer cannot serve as treasurer of a drainage district?

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Peterson.

SENATOR PETERSON:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Well, having many drainage districts in my district, it's worked out very well, in -- in central Illinois anyway. And I just wonder if we're going to have to now appoint special treasurers, who sometimes don't keep good records. And through the -- through the county treasurer's office, it's worked very effectively.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

The problem is, Senator, that many of the drainage districts don't keep good records, and then they ask the county treasurer to take over the responsibilities and the county treasurer has incomplete records, in order to manage the funds. That's why they don't want the responsibility. Let the responsibility lie, just like any other unit of local government, with those trustees to appoint their own treasurer to manage their own financial affairs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Well, Senator, couldn't this be amended in some fashion where areas where it's working well, that it still could be maintained in the county treasurer's office?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Senator, at your request, I -- I could hold the bill on 3rd

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Reading and try to work something out, if that is your desire.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Well, I've had a good bit of correspondence in my area about it and it's working well, and I would like for you to consider it, Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Madam President, would you take the bill out of the record, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. House Bill 1451. Senator Hawkinson. Senator Hawkinson. Read the bill, Madam -- Mr. Secretary.

SECRETARY HARRY:

House Bill 1451.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. House Bill 1451 was sponsored by Representative, former Senator, Dart. Passed the House 113 to nothing and passed out of the committee unanimously. What it does is right now, in order for a blood test -- blood alcohol test to be admissible, there are three criteria: It must be performed as ordered by a physician on duty in an emergency room; the hospital tests performed by the hospital's own labs; and currently, the written results of the blood alcohol test are received and considered by the doctor. All this bill does is recognize the -- the factual situation in the emergency room, that often the



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

emergency room doctor who may be working to save somebody's life, doesn't actually see the written test, or perhaps sees it on a computer screen, or receives the results from an attending nurse, or assistant. And as long as all the criteria are followed, this deletes the requirement that the doctor actually have seen the written test at the time he relied upon them during the course of his treatment. It does not alter in any way the requirement that written tests be required to be admissible in court. I would ask for the passage of House Bill 1451 and be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR JACOBS:

Senator, I know the question come up in -- in committee and -- as to the chain of evidence, and just to clarify it, it can still only be used as evidence if -- if the report is in writing. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

That's correct. The chain of evidence requirements are not affected at all. The only thing that is affected is that the emergency room doctor, when he's relying on these tests in the course of his or her treatment, need not actually have seen a written test.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

So this -- so if it comes over the phone, then that would not be acceptable either, under those circumstances? It would have to be in writing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Not to be introduced in court, but if the doctor -- if the lab's calling the doctor and says this is what the tests show, and he's busy trying to save a life, and he relies on that information from his own -- his or her own lab, that would -- it could still be admissible if the written test and the chain of evidence were followed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR CULLERTON:

Does the -- does the report ever have to be reduced to writing? And if so, is there any requirement as to when it should be reduced to writing?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

This -- this bill does not attempt to change that, as far as admissibility into court. I would assume in order to get it admissible into the court, that it would have to be either by computer printout or by typing. But this would simply say that the doctor need not see it reduced to writing. He could -- he or she could take it off a computer screen, or take it orally, as long as the doctor is relying upon that test in the treatment.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR HAWKINSON:

Would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 1451 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House Bill 1451, having received the required constitutional majority, is declared passed. We had leave to go back to House Bill 1410. Senator Sieben, do we wish to return that bill to 2nd Reading for the purposes of an amendment? Senator Sieben seeks leave of the Body to return House Bill 1410 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd bill -- on 2nd Reading is House Bill 1410. Mr. Secretary, are there any Floor amendments to be approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I did answer the question that Senator Cullerton had a few minutes ago on the nature of the amendment that's technical, requested by the Commissioner of Banks and Trusts to their own amendment to the bill that was adopted in committee. I would move for the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

No. 2 is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senate Bill -- 1457. Senator Hasara. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1457.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Thank you, Madam President. House Bill 1457 corrects a discrepancy between Statute and between CMS' collective bargaining agreement, regards to State employees' life insurance. Several years ago, the life insurance was reenacted to be one year's salary for state employees. The Statute had been changed before that to reflect a half a year's salary. So this bill simply puts the Statute back in line with the agreement that we have. I would ask for a favorable roll call. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Is the intent of this law to correct a case where the Department of -- the CMS negotiated a bill <sic> which was in violation of current Statutes, at that time?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

I'm sorry. Could you repeat that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Is this bill an attempt to correct a situation where CMS negotiated a labor contract which was in violation of the Statutes at the time they negotiated it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Senator, I don't believe that's unusual. Often, a new contract with AFSCME requires changes in existing Statutes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In -- in effect then, we're saying, as the General Assembly, CMS can negotiate what they please and then later we'll come back under the Statutes and correct whatever they've decided to negotiate for the State of Illinois?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

I just remind you, when the -- I believe it was 1990, it was negotiated to cut that in half, and we changed the Statute then, cutting it. So I mean that argument cuts both ways.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I can certainly appreciate in the past that there have been a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

lot of practices in the General Assembly that -- that have allowed a lot of latitude for State agencies, but I think this is a clear example. We can send CMS a message that we'd like them to negotiate within the Statutes, or approach the General Assembly before they negotiate in opposition to the law. I would suggest a No or a Present vote to send a message to CMS. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara. Any -- any further discussion? Seeing none, Senator Hasara, to close.

SENATOR HASARA:

Thank you, Madam President. I would just like to say that we often must adjust Statutes to meet changes that we're making, and this is simply an example of that. It had been the practice for years and years to have life insurance equal to one year's salary. There was one brief period when that was reduced to half a year, and we in the last negotiation put that back to one year. So, this -- this is not anything that's that unusual, and it simply corrected something that had been in existence for a very brief period of time. So I would ask for a favorable Roll Call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1457 pass? Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 49 Yeas, 3 Nays, 3 Present. House Bill 1457, having received the required constitutional majority, is declared passed. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR SYVERSON:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

We're happy to have with us visiting in the -- on the gallery side, on the Democratic side, Saint Peter Cathedral School from Rockford, Illinois. Would you stand up and be recognized?

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all rise? House Bill 1464. Senator Topinka. Out of the record. House Bill 1476. Senator Hawkinson. Out of the record. House Bill 1479. Senator Mahar. Out of the record. House Bill 1489. Senator Cronin. Senator Cronin. Out of the record. Senator O'Daniel, for what purpose do you rise?

SENATOR O'DANIEL:

Thank you, Madam President, for a point of personal privilege. In the gallery I have a group of sixth-, seventh- and eighth-grade history students from Palestine and Hutsonville, in Crawford County, and I'd like for the Senate to recognize them at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you all rise and be recognized? House Bill 1497. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Madam President. This creates the Alcoholism and Other Drug Abuse Dependency Act. It rewrites the Act for the Department of Alcohol and Substance Abuse. It defines the Department's administrative structure. It defines its programs and services, and it also authorizes its licensing, inspection and enforcement powers.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Is there any discussion? Discussion? Seeing none, Senator Watson, to close. The question is, shall House Bill 1497 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 1497, having received the required constitutional majority, is declared passed. House Bill 1498. Senator Berman. Out of the record. House Bill 1507. Senator Watson. Out of the record. House Bill 1540. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1540.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. House Bill 1540 amends the Child Care Act of 1969, by providing that, beginning January 1st, 1994, smoking is prohibited in any area of a day care center where children are allowed, regardless of whether the children are -- whether or not children are present at that moment. It prohibits smoking in day care homes, or group day care home, when children are present. The USEPA recently classified secondhand tobacco smoke as a Class A carcinogen, ranking it with substances such as asbestos and benzene. Secondhand smoke is linked to lung cancer deaths of approximately three thousand nonsmokers per year. Cigarette smoke causes between a hundred and fifty thousand and three hundred thousand respiratory infections each year in children under the age of eighteen, and endangers between two hundred thousand and one million children with asthma. This bill passed the House by a vote of a 113 to 0, with 2 voting Present.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I strongly support this legislation. I had the same bill at one time and what you're doing, you are protecting our precious commodity. And who are they? Our children. And so I ask all of my colleagues to please support this by voting for this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield? Senator Lauzen, what is the penalty for violation of this Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

In the current legislation, there is no penalty.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton. Senator Jacobs, further discussion.

SENATOR JACOBS:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR JACOBS:

Senator, whenever we were discussing this before on the Floor, there was some discussion and some question about -- a lot of these homes are in people's own individual homes, and as the law says, whenever you're in the presence of children, no smoking. Does that mean at night whenever there are -- none of the day care center children are there, but your own children may be there at that time, is it still -- are you still not able to smoke in your own home?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Senator, I understand the valid concern that you're expressing. In the bill, on line -- lines 82 through 84, it states "This subsection does not prohibit smoking in the home in the presence of a person's own children or of children to whom day care services are not then being provided." I believe the concern's been addressed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I just have a question also. I know, in the... Let me ask you this question, if I might, Senator: Does this mean also that if I am on the premises, or if a teacher's on the premises, the premises meaning outside while children are either present or not present on the playground, that they are in violation of this Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I believe that the intention of this is that inside the areas of the day care center or the day care home.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

So for legislative intent, this is only on the inside of the premises that is licensed to be the day care facility and does not cover outside. So, in other words, students can be outside in a play area and the owners, operators, teachers, or what have you, or staff, can in fact be smoking outside.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Lauzen.

SENATOR LAUZEN:

I believe that this -- this prohibition is for inside the center.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR LAUZEN:

Thank you very much. I just ask for a Yes vote, and I couldn't have said it better than Senator Smith, where she says that we're protecting our precious commodity.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall 1540 pass. 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 that question, there are 51 Ayes, 1 Nay, 1 voting Present. House Bill 1540, having received the required constitutional majority, is declared passed. House Bill 1553. Senator O'Daniel. Read -- do you wish the bill returned to 2nd Reading for the purposes of an amendment? Senator O'Daniel seeks leave of the Body to return House Bill 1553 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 House Bill 1553. Mr. Secretary, are there any Floor amendments to be approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, on Amendment No. 2.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. Amendment No. 2 clarifies that -- the bill, by the way, deals with wearing

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

an orange cap during the upland game season, and this clarifies that -- that the cap would only have to be worn during that upland game season. It was an amendment that was requested by the Bird Dog Trial Association.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussions? Senator Jacobs, I can't see your light over here.

SENATOR JACOBS:

I'm sorry. Thank you, Madam President. Senator, yesterday there was a lot of discussion on this bill, and I think the Chairman of our Party, Gary LaPaille, asked a very poignant question, which he probably is rising to ask now, but I didn't see him. I'll yield my time to Senator LaPaille, who I am sure is going to address the same issue that I was going to address.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

Will the Gentlemen yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR LaPAILLE:

Well, yesterday in the Ag Committee we brought up the size of the orange hat. So it could be a very small orange hat and you would not be able to see it. So, Senator Woodyard, have you worked that out, the size of the hat?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

I think the size of the cap is adjustable, but I also think there's a provision in here that you cannot have propellers on the cap.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator LaPaille.

SENATOR LaPAILLE:

As I said in committee yesterday, I think this is a great bill. It'll greatly enhance the dress code. You can come right off the field after hunting, keep that orange hat on, go to a wedding, go to a graduation party. I support the bill. I hope the Senate does too.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Well, that -- that is true, and I too stand in strong support of this legislation, but do wonder: Beings you have to wear the orange hat and you're out hunting, do you have to wear anything else?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, thank you, Madam President. I think everybody's having a lot of fun with this bill, but I think we ought to just sit here for a second and contemplate what this bill does. We're mandating - we're mandating - that someone wear something on their head, and for what purpose? To protect their own person. It's a safety provision. We are telling everybody who wants to go hunting that they have to wear something on their head - we're mandating it - for the sole purpose of saving that person's life. Well now, you know what this could lead to. Pretty soon, somebody's going to come in here and say that motorcyclists have to wear helmets, and for the sole purpose of saving that person's life. This is a precedent that I think that -- I, of course, am going to vote for it, because I'm in favor of mandating that people wear something on their head, but that's exactly what we're talking about. We're not talking about saving anybody else's life; we're just talking

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

about saving the life of the hunter, who's got to wear this hat on his head for safety purposes. I don't even think that there's any federal money tied into this. I don't know if we lose any highway funds if we don't pass it. But I think for those people over there and on both sides of the aisle that are concerned about their voting record and concerned about ABATE and whether ABATE is going to work for you in your primaries next year or not, really ought to take a close look at this. I, of course, am going to support it, but be very careful when you vote for these mandates.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. The previous speaker's confused about when you go to comparing this with the -- with the helmet -- the motorcycle helmet. You know, the helmet law -- you're talking about the individual doesn't create anyone else a problem. He's just -- the helmet is just for the safety of the individual that's directly affected. What this bill does is it probably prevents a -- a hunter from shooting some innocent person, you know, and we have a lot of problems with that downstate. When the city slickers from -- from the city in the north come south to our beautiful country in the fall to hunt, they shoot at anything that moves. So, you know, these orange hats will possibly keep 'em from shooting someone - some innocent person - and we're also contemplating in deer season putting orange blankets on sheep and goats and baby calves and everything. They've -- they've been known to try to check in a deer -- I mean, a goat or a sheep or a baby calf for a deer. So actually, what this bill really does, it doesn't have anything to do with -- with like the helmet law; it protects some other individual.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator DeAngelis.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR DeANGELIS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR DeANGELIS:

Senator, is this a statewide caps bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator LaPaille, for the second time.

SENATOR LaPAILLE:

Yes, I had to correct my seatmate here. This is not a all-extensive, statewide, orange-hat-wearing bill. This simply is for upland game, Senator Cullerton, and that would mean if you're out there hunting -- bobwhite quail, Hungarian Partridge, ring-necked pheasant, or Eastern Cottontail and swamp rabbit, you got to put the hat on. But it's not extensive. You're out there hunting deer or duck or whatever, you don't have to wear the cap. So, we should pass this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Woodyard, to close.

SENATOR WOODYARD:

Well, there's absolutely nothing in this amendment to the bill that would prevent somebody from attending a wedding in Senator LaPaille's district wearing an orange cap, and we didn't intend that to happen. And also, Senator Cullerton, there's absolutely no loss of road funds connected with this bill. And I thought I ought to make that clear. I move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported, Madam President.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Smith, for what purpose do you rise?

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I stand on a point of...

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR SMITH:

We have in the President's Gallery, to my left, Mr. and Mrs. Nester, whose son, Gabriel Nester, reigned from my district, my new district. He is from Bridgeport, and he attends the Bridgeport Catholic Academy Middle School. Now, Gabriel maintained himself in the history fair, and he is the finalist of the history fair for the City of Chicago, and we want to welcome him to our State Senate Chambers today. Stand...

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized? Senator Watson, for what purpose do you rise?

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR WATSON:

All of you should have received a letter from the Ameritech Company concerning the super school that is on display over at the Armory. We had a special opportunity yesterday to go visit that, and of course we were in Session, so many of you may not have been able to get over there. The super school will be still on display yet this afternoon and tomorrow morning and certainly all Members and staff is certainly welcome to visit. That's over at the Armory.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Watson. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR KLEMM:

I just wanted to welcome, from the Senate, some members from the McHenry County Legislative Committee are here today to watch how laws are being passed and made, and I want to give them a warm welcome up in the Speaker's -- or, in the President's Gallery.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you please rise and be recognized? Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

A point of personal privilege for an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR HENDON:

I just wanted to announce that three of our illustrious Senators have agreed to -- to be part of the performance May 26th, benefiting the Imani group in the John Hay Homes Boxing Club. So if you really want a good laugh, Johnnie Cullerton, Senator Miguel -- I mean, Jesus Garcia and Senator Grace Mary Stern has agreed to -- to perform that night on the 26th. So if you want to get a good laugh at the end of the Session, I've convinced these three to put their lives on the line for your entertainment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Garcia, for what purpose do you rise?

SENATOR GARCIA:

On a point of personal privilege. I'd just like to...

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR GARCIA:

Thank you, Madam President. For the record, I want it to be known that I'm still negotiating with Ricky Hendon how much I will charge him for performing on this evening. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

Thank you, Madam President. Change sponsorship on a bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR MADIGAN:

Thank you, Madam President. I'd like the record to reflect that House Bill 2370 or 2307 -- excuse me, should reflect that instead of the primary sponsor being Madigan-Fitzgerald, let it show Fitzgerald-Jacobs.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR DUDYCZ:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR DUDYCZ:

Ladies and Gentlemen of the Senate, on the First Floor, in Room 114, the Illinois Cosmetology Association is having their annual Pamper Yourself Day until 3 o'clock, so you have about three hours. This -- this invitation is for all Members, their staff and their secretaries, who are invited to Room 114, where the cosmetologists are eagerly awaiting to pamper you with services like nail sculpting, facial makeovers and other

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

cosmetology services, and this is compliments of the Cosmetologists' Association.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Madam President. I was just wondering if Walter was going to get -- his nails done and his face pampered. I just couldn't imagine that. But I just wondered, was he going to get a makeover there.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right, Ladies and Gentlemen, the Senate... Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR SEVERNS:

It's my honor to have with us today two young women who are serving as Pages for the first time, Kate Elliott and Kristin Belcher, and a proud father sitting in the President's Gallery. We'd like the Senate to join us.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you all -- would you all please rise and be recognized? Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

Just to note that the Senate Health Committee will be meeting immediately after Session in Stratton 1-A, and it will be an extremely brief meeting.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis moves that the Senate stand in recess until the hour of 2 o'clock for the purposes of our committee meetings. Senator Madigan, for what...(machine cutoff)...

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The hour of two having arrived, the Senate will please come to order. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Amendment No. 2 to House Bill 837 Be Adopted; Senate Amendment 2 to House Bill 1761 Be Adopted; Senate Amendment No. 1 to House Bill 1910 Be Adopted; Senate Amendment No. 1 to House Bill 1915 Be Adopted; Senate Amendment No. 2 to House Bill 1933 Be Adopted.

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Senate Amendment No. 1 to House Bill 258 Be Adopted; Senate Amendment No. 2 to House Bill 354 Be Adopted; Senate Amendment No. 1 to House Bill 564 Be Adopted; Senate Amendment 1 to House Bill 1009 Be Adopted; Senate Amendment 2 to House Bill 1037 Be Adopted; Senate Amendment 1 to House Bill 1155 Be Adopted; Senate Amendment 1 to House Bill -- 1 and 2 to House Bill 1489 Be Adopted; Senate Amendment No. 1 to House Bill 1852 Be Adopted; and Senate Amendment No. 1 to House Bill 2397 Tabled by the sponsor.

And, Senator Karpiel, Chair of the Committee on Executive, reports House Joint Resolutions 13 and 15 Be Adopted; Senate Joint Resolutions 45 and 54 Be Adopted; and Senate Joint Resolution 51 Be Adopted, as Amended.

PRESIDENT PHILIP:

Messages from the House, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

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

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

House Joint Resolution 37.

Adopted by the House, May 12th, 1993. It's designatory.

PRESIDENT PHILIP:

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 422, offered by Senator Topinka.

Senate Resolution 423 is offered by Senator McCracken

Senate Resolution 424, by Senator Butler, as is Senate Resolution 425 and 426.

Senate Resolution 427, by Senator Stern, as is Senate Resolution 428.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Going to 3rd Readings, if you would turn to page 12, the top of the page. House Bill 1553 -- excuse me, 1571, and that is Senator Maitland. Take it out of the record. House Bill 1575. Senator Cullerton. Senator Cullerton. Take it out of the record. House Bill 1585. Senator Hendon. Senator Hendon. Take it out of the record. House Bill 1595. Senator Ralph Dunn. Senator Ralph Dunn. Take it out of the record. House Bill 1601. Senator Raica. House Bill 1601. Senator Raica. All right, once again, the Senate will come to order. We're going to 3rd Readings, the top of page 12 on your Calendar. The first bill is House Bill 1571. Senator Maitland. Take it out of the record. House Bill 1575. Senator Cullerton. Senator Cullerton. Take it out of the record. House Bill 1585. Senator Hendon. Read the bill.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SECRETARY HARRY:

House Bill 1585.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President, and thank you for your -- your kindness. This particular bill will allow emergency vehicles for the Department of Mental Health to use the amber oscillating, rotating and flashing lights which they currently have. There is no opposition. I ask for a favorable roll call.

PRESIDENT PHILIP:

Any discussion? Any discussion? Senator Woodyard.

SENATOR WOODYARD:

Question of the sponsor, please.

PRESIDENT PHILIP:

The sponsor indicates he'll yield. Senator Woodyard.

SENATOR WOODYARD:

Are these orange oscillating lights?

PRESIDENT PHILIP:

Senator Hendon.

SENATOR HENDON:

No, they're not, but they do have to wear their orange hat -- while they're driving the vehicles.

PRESIDENT PHILIP:

Further discussion? If not, the question is, shall House Bill 1585 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. House Bill 1585, having received the required constitutional majority, is declared

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

passed. House Bill 1595. Senator Ralph Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1595.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President, Members. Senate 1595 is a bill that amends the Surface Coal Mining -- Conservation and Reclamation Act. I'll mumble it through. Also allows the Department of Mines and Minerals to accept an applicant's bond without separate surety when they have a history of solvency and designates a suitable agent. I'd move for passage, be glad to answer any questions.

PRESIDENT PHILIP:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT PHILIP:

He indicates he will. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this bill still prohibit judicial review of a permit until after a written decision is rendered by Mines and Minerals?

PRESIDENT PHILIP:

Senator Ralph Dunn.

SENATOR R. DUNN:

That's correct, Senator Hawkinson.

PRESIDENT PHILIP:

Further discussion? If not, the question is, shall House Bill

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

1595 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 51 Ayes, 4 Nays, 2 voting Present. House Bill 1595, having received the required constitutional majority, is declared passed. House Bill 1601. Senator Raica. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1601.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Currently, under the current law, employees at Quincy and Anna veterans' homes can use profits from their sales in commissary profits. What this bill would do is allow LaSalle and Manteno veterans' homes to do the same, and I just ask for your support.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall House Bill 1601 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are -- there are 57 Ayes, no Nays, no voting Present. House Bill 1601, having received the required constitutional majority, is declared passed. House Bill 1637. Senator Dudycz. I'm sorry, Senator Trotter. 1609. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1609.

(Secretary reads title of bill)

3rd Reading of the bill.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Senate -- House Bill 1609 establishes a task force on -- organ transplantation within the Department of Public Health. It also requires the task force to report to the Governor and the General Assembly its findings and recommendations by January 1st, 1996. Inclusive of a few of those things that they should report is an assessment of public and private efforts to procure human organs and an identification of factors that diminish the number of organs available; recommendations for the education of the general public, the clergy, law enforcement officers; analysis of factors involved in insurance reimbursement for transplant procedures; and others. And I'm available for questions.

PRESIDENT PHILIP:

Any further discussion? Further discussion? If not, the question is, shall House Bill 1609 pass. All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 48 Ayes, 8 Nays, 1 voting Present. House Bill 1609, having received the required constitutional majority, is declared passed. House Bill 1637. Senator Dudycz. Read the bill.

SECRETARY HARRY:

House Bill 1637.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Take it out of the record, Mr. Secretary. House Bill 1642. Take it out of the record. House Bill 1647. Senator McCracken. Senator McCracken. Take it out of the record. House Bill 1651.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Berman. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1651.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 1651 requires the Department of Public Aid to prepare and distribute a notice concerning the rights and obligations of Medicaid applicants and recipients regarding nursing homes. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, the question is, shall House Bill 1651 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. House Bill 1651, having received the required constitutional majority, is declared passed. House Bill 1695. Senator Molaro. Take it out of the record. House Bill 1707. Senator Cullerton. Take it out of the record. House Bill 1716. Senator Collins. Senator Collins. Take it out of the record. House Bill 1718. Senator Geo-Karis. House Bill 1718. Take it out of the record. House Bill 1719. Senator Klemm. Read the bill.

SECRETARY HARRY:

House Bill 1719.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR KLEMM:

Thank you, Mr. President. House Bill 1719 amends the Environmental Protection Act. It provides that up to eighty percent of the monetary penalties under the Act may be abated if the amount of the abatement is used exclusively for the correction of the violation for which the penalty was assessed. In other words, if a person is found guilty of polluting, let's say for example, the courts may allow some of the penalty to be used to help clean up the mess, to help prevent that from recurring, from -- at least helping the businesses, the polluters and the others who perhaps inadvertently have caused the problem, to at least solve the problem. I think this is certainly one of the goals and one of the things that the Environmental Protection Agency should be doing. This bill will help both the State and clear up some of the environmental problems we have, and I do ask for your support.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I think everybody ought to take a look at this one. I rise in strong opposition to this. The -- this is saying that the Pollution Control Board or a court can abate monetary -- penalties for violations of the -- of the Act up to eighty percent, and I don't think that this is the direction that we want to be going into. I understand that this bill is opposed not only by the EPA, but also a number of the other environmental groups around Illinois, and I would advise everyone to take a strong look at this one and -- and vote No.

PRESIDENT PHILIP:

Senator Jacobs.

SENATOR JACOBS:

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

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senate. I stand in support of this legislation. I think what it really does -- and if I can paraphrase a little bit what Senator Klemm said -- in effect, what we're telling EPA is, for a change you're going to help, and for a change you're going to assist. Instead of being punitive, you're going to help and you're going to assist, and I think that's what EPA should be doing. It shouldn't just be a collection agency to further their own cause, and I ask for an Aye vote.

PRESIDENT PHILIP:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Just very briefly, I also stand in opposition. This bill permits the Pollution Control Board or a court abate assessed penalties by up to eighty percent, in essence removing the penalties required for people to obey the law. Interestingly enough, our analysis says even the Pollution Control Board is opposed to this bill. I would urge a No vote.

PRESIDENT PHILIP:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I also stand in opposition to this bill. The purpose of the penalty is to remind those companies that pollute that this is outside the law, and to repay them for eighty percent of the cost of that is to go against the very nature of the -- the purpose of the penalty. I would suggest that our Members look at the list of -- long list of those organizations that oppose this bill, and vote No on it.

PRESIDENT PHILIP:

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

SENATOR KLEMM:

Well, thank you, Mr. President. I guess I was as shocked and chagrined and dismayed when the EPA came out opposed to the bill,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

because, really, it seems to me that in Illinois the EPA should be helping people correct the problem of pollution. Now I understand the EPA should not be in the business of just looking for monetary penalties when we can use the penalties -- and it is discretionary of the courts. It says they may do that. If it's inadvertently done, why not allow them to correct the problem so that we don't put businesses out of business, putting people unemployed, when we're trying to solve the problem of pollution in the environmental protection? This bill allows both to be accomplished. They may not even allow any of it. If it's a repeat offender, "The heck," they'll say, "pay it all and go to jail if you want." But at least it allows small businesses to stay in business, to meet the goal of Illinois in correcting the pollution problems and working together, and that's what Illinois should be. So if you believe Illinois government should help people help themselves correcting our problems, you'll vote Yes. If you think it should be punitive and let's throw everybody in jail and have unemployment and everything else, then I guess you'd vote No. I think you should vote Yes and join with me.

PRESIDENT PHILIP:

The question is, shall House Bill 1719 pass. Those in favor shall indicate by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 30 Ayes, 23 Nays, none voting Present. House Bill 1719, having received the required constitutional majority, is declared passed. A verification of the affirmative. That is in order. Will all the Senators please be in their seat. The Secretary will read the -- the affirmative roll call.

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Burzynski, Butler, DeAngelis, Donahue, Dudycz, Ralph Dunn, Fawell,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Geo-Karis, Hasara, Hawkinson, Jacobs, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, McCracken, O'Daniel, O'Malley, Petka, Rauschenberger, Rea, Sieben, Syverson, Watson, Weaver, Woodyard and Mr. President.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Senator McCracken?

PRESIDENT PHILIP:

Senator McCracken.

SENATOR DEMUZIO:

McCracken.

PRESIDENT PHILIP:

Senator McCracken. If -- if not, strike his name.

SENATOR DEMUZIO:

Barkhausen? Senator Barkhausen?

PRESIDENT PHILIP:

Whoa, whoa, whoop, whoop, whoop, there he is. Thank you, Senator McCracken.

SENATOR DEMUZIO:

Senator Barkhausen?

PRESIDENT PHILIP:

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

SENATOR DEMUZIO:

Senator Karpziel?

PRESIDENT PHILIP:

Senator Karpziel? Senator Karpziel on the Floor? Take her name from the record.

SENATOR DEMUZIO:

Senator Weaver?

PRESIDENT PHILIP:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Weaver is in his chair, where he should be.

SENATOR DEMUZIO:

Senator Cronin?

PRESIDENT PHILIP:

Senator Cronin. He's not on the call.

SENATOR DEMUZIO:

That's it.

PRESIDENT PHILIP:

Okay. On a verified roll call, the Ayes are 28, the Nays are 23, no voting Present. House Bill 1719, having not received the required constitutional majority, is declared failed. Senator Klemm.

SENATOR KLEMM:

May I request Postponed Consideration?

PRESIDENT PHILIP:

As long as you got twenty-four votes, that is in order. Postponed Consideration, Mr. Secretary.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment No. 1 to House Bill 898 Be Adopted; Senate Amendment 1 to House Bill 935 Be Adopted; Senate Amendment 1 to House Bill 936 Be Adopted; Senate Amendment 1 to House Bill 1302 Be Adopted; Senate Amendment 2 to House Bill 1426 Be Adopted; Senate Amendment 1 to House Bill 1476 Be Adopted; Senate Amendment 2 to House Bill 2397 Be Adopted; and Senate Amendment 1 to House Bill 2408 Be Adopted.

Senator Watson, Chair of the Committee on Education, reports Senate Amendment 2 to House Bill 391 Be Adopted; Senate Amendment 1 to House Bill 392 Be Adopted; Senate Amendment 2 to House Bill 468 Be Adopted; Senate Amendment 2 to House Bill 508 Be Adopted;

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

and Senate Amendment 3 to House Bill 508 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of 3rd Reading, House Bill 1729. Senator DeAngelis. Senator DeAngelis, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator DeAngelis seeks leave of the Body to return House Bill 1729 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 House Bill 1729. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1 <sic> (2), offered by Senators DeAngelis and O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis, to explain the amendment.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 1 <sic> (2) is essentially Senate Bill -- House Bill 1125, which clarifies the retail occupational tax on items used in construction or as part of a real estate project.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

If the Senator could elucidate a little more, is this a -- a bill that failed someplace? You indicate that this is another bill that's coming back. Can you explain that to us?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Les contraire, Monsieur Demuzio. The bill received 104 votes in the House. It was amended in the Senate for a different purpose - 1125 was. And 1125 was put on 1729. But if you would like a



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

more lengthy explanation of the bill, I will give it to you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I -- I got it. You cleaned the other bill for tax caps, and you're putting all that stuff on this bill. Okay, I got it now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, all those in favor... For the clarification of the Membership, we are on Amendment No. 2. All -- 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. House Bill 1733, on the Order of 3rd Reading. Senator LaPaille. Read the bill, Mr. Secretary.

END OF TAPE

TAPE 3

SECRETARY HARRY:

...(microphone cutoff)...Bill 1733.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. House Bill 1733 came out of the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senate Judiciary Committee unanimously, sponsored by myself and Senator Topinka. Under current law in Illinois, a person may not be charged with his or her spouse with the offenses of criminal sexual abuse or aggravated criminal sexual abuse. That was held to be unconstitutional by a Second District Appellate Court ruling approximately one year ago. What this bill will do, will include those two offenses as being able to be prosecuted, as long as they are reported within thirty days. I ask for approval of the State Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LaPAILLE:

Yes. For those that believe that we should have protection throughout -- within -- within a home, you would be supporting House Bill 1733. I thank Senator Topinka for joining me as a chief cosponsor and also thank Senator Hawkinson for helping negotiate an agreement between the committee and the Illinois Coalition Against Sexual Assault.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1733 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, no Nays, and none voting Present. House Bill 1733, having received the required constitutional majority, is declared passed. House Bill 1739. Senator DeAngelis. Out of the record. House Bill 1743. Senator Cullerton. Out of the record. House Bill 1761. Senator Woodyard. Senator Woodyard, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Woodyard seeks leave of the Body to return House Bill 1761 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 House

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Bill 1761. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. House Bill 1761 contains the Veterinary Practice Act. This amendment, Amendment No. 2, is an amendment that the Veterinarian Medical Association needs to clarify some language in their Act. It removes the privilege provided by the confidentiality provision if public safety laws are -- are involved. And I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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 approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, House Bill 1771. Senator Maitland. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1771.

(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. Current law requires ENR to review its comprehensive energy plan

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

for the State every three years. Each electric and -- and gas company must file an energy plan for its service territory with the ICC every three years. This bill eliminates the requirement that gas utilities file such plans. The ICC frankly believes that this requirement is a waste of resources, because gas utilities do not build generating plants, and it's just a waste of -- of ratepayers' money. I know of no opposition, and I thereby -- thereby seek your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator, did you say that there was no opposition to the -- to the bill that you knew of? I -- I see that the -- the bill did receive some split vote over in the House, and I -- I -- my notes indicate that the City of Chicago might be opposed to the bill and the -- and the Citizens Utility Board opposed to the bill. Were you aware of that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, it was difficult for me to hear your question, but I think your concern was, does the City of Chicago or does Peoples Gas have -- have concern with respect to the bill. They -- as far as I know, Peoples Gas was in -- was in committee and they did not register any opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Palmer. Senator Palmer?

SENATOR PALMER:

Thank you. I was going to turn it back over to Senator Cullerton, because he asked the question that I wanted to about CUB's opposition.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer defers -- Senator Demuzio.

SENATOR DEMUZIO:

Oh, I was just going to rise to say that there are a number of people who are opposed to this legislation: the Citizens Utility Board, the Sierra Club, the Illinois Environmental Council, the Illinois Public Action Council, and I don't know how many others that really aren't on this sheet, but you ought to take a look at this one.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton, for a second time.

SENATOR CULLERTON:

Yes. Actually, I apologize for -- for rising a second time, but I -- I didn't think I was finished the first time, so I -- I wanted to further question him. Senator Maitland, maybe you could just -- I just want to have something clarified as to what this does. The concern is, the -- the pipes -- the gas pipes that go beyond the -- is it -- is it the lines that go beyond the -- the meter? And this bill says that they're -- they're no longer responsible for those lines - is that the point of contention?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

That is correct, Senator, if the customers put them in themselves.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Maitland, to close. The question is, shall House Bill 1771 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? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 26 Nays, and 3 voting Present. House

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Bill 1771, having not received the required constitutional majority, is declared failed. Order of 3rd Reading. House Bill 1778. Senator Hawkinson. Out of the record. House Bill 1781. Senator Hasara. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1781.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. House Bill 1781 does two things. First of all, it prohibits the issuance of a driver's license to anyone under eighteen who has committed offense that would otherwise result in a mandatory revocation. We have some fifteen-year-olds committing offenses that if they had a driver's license at the time, would result in a revocation. This bill would say that they cannot get a license if they have committed such an offense, when they do become sixteen. Secondly, it provides that the Secretary of State may invalidate a driver's license, and that simply means that we've had some families that had a deceased family member and they wanted to have the license; so in that case, the Secretary could invalidate the license and return it to the family. I would be glad to answer any questions and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Shaw.

SENATOR SHAW:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

I think we had this bill in a -- in one of the committees. I'm not quite clear on -- this is -- would you explain exactly what this bill does?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Certainly, Senator. As you remember, we discussed every aspect of this thoroughly in the Transportation Committee. There are a number of offenses that if you or I committed, it would result in a revocation of our driver's license. Right now you can have a young person not yet eligible for a license who could create that same offense. Then when they become sixteen, they can go get a license; whereas, you and I over sixteen cannot get one. This simply corrects that, so that if a young person commits one of those offenses, they cannot get the license at age sixteen. It does not mean they can't get a license at the proper time. Secondly, I believe that the second part should be noncontroversial, where a family of -- who has a deceased member may ask the Secretary to invalidate the license and return it to them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

I'm trying to find out -- when you say that the offenses that we commit, I assume that you're talking about those of us who hold a driver's license, but here you have a teenager who does not hold a driver's license, and you're talking about prohibiting them from receiving a driver's license even though they have never had a driver's license. What -- what -- what offenses -- what are we talking about there?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara. Senator Hasara.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR HASARA:

Senator, as we said in committee, there are twelve offenses that would cause a revocation of your license. Driving under the influence of alcohol or drugs, fleeing of a police officer, automobile theft, to name a few. Okay, if I'm fifteen right now and I commit one of those offenses, I can still go in at sixteen and get my driver's license. If I'm twenty-five and I commit one of those, I could not do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Now, at what age would I be able... I'm fifteen now; I committed the driving under the influence; I was convicted. At what age can I come back in and receive a driver's license, and what do I have to go through to get that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

You may get your license at age eighteen. You would do the same thing you would do if you had not committed one of these offenses.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Is there any prohibition in terms of dealing with the filing for a hearing in the Secretary of State's Office, as I would have to do, before I could receive that license?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Senator, for example, if I had a DUI, I would go through the administrative hearing process, no matter whether I was sixteen,



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

eighteen, fifty. I'd be the same thing. But it has nothing to do with age.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, my -- my problem is, is... To the bill -- well, let me ask one more question here. The -- at -- I stop driving until I reach the age of thirty-five. Now, I committed this violation back when I was fifteen. Now I'm married; I have a family; I'm working. Then what do I have to do at that time? Do I still have to file these papers even though I've not been involved in any DUI at any time since that fifteen-year-old incident? What happens? Do you -- I still am denied a license by the Secretary of State at that time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

All we're saying is that those under sixteen should follow the same rules as those over. You would do the same thing at thirty-five. You would have to go through the administrative hearing process; you would have to take your test to get a license. You'd do that if you were sixteen; you would do it if you were thirty-five.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

...(microphone cutoff)...right. To the -- to the bill: I think it's -- in my own opinion, you know, I believe that some measure should be taken for teenagers who drive under the influence of alcohol. But it seem to me that there's something wrong with this bill in terms -- you're going to still -- there's a lot of us who done things as teenagers that we're not proud of,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

and -- but here you want to hold -- you're going to send someone through that administrative hearing, and going through that administrative hearing, it take a act of -- not of the Legislature, of Congress to get you a license if you were convicted anytime of a DUI. And -- and most -- even with most misdemeanors - most misdemeanors - when they are committed as a teenager...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Pardon me, Senator Shaw.

SENATOR SHAW:

Yes. When -- when they are committed as a teenager, that is usually not held against you later on in life. But here you going -- on a traffic -- on a DUI, you're going to hold this against that person that committed that violation whether they were twelve, thirteen, fourteen or fifteen, for the rest of their lives. And you possibly -- the Secretary of State's Office will possibly deny that teenager a license unless they go through AAA <sic>, and get all types of references from Alcoholic <sic> (Alcoholics) Anonymous and their physician and other people that know 'em. I think this -- this bill is a little unfair. I could see that you're doing this up until maybe twenty-one, but I don't see you sending those people through the same process that you and I as adults would go through, because we are supposed to know better. Certainly, those teenagers - some of them - know better, but this is a bad concept, and it should be treated as -- this bill should be treated like the -- the law now is, in terms dealing with other misdemeanors. And that teenager should not have that held against him, providing he committed the crime or the offense before he was fifteen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Thank you, Mr. President. I had a lot of the same questions that Senator Shaw had. But what I see wrong with this bill, very simply, is we are adjudicating minors on a different scale and we're adjudicating them much tougher and much stronger than we are those that are adults. A few months ago or a few weeks ago - it seems like years ago - we banned corporal punishment in schools. But yet, here we're going to take a thirteen-year-old, who may go out and make one mistake or a fourteen-year-old that may go out and make a mistake, who can still be salvaged, still be saved, and we're going to give that child the whipping of his life or her life. We are going to whip that child worse than they would have been whopped in corporal punishment in the school system. We're going to tell a young person who may make a mistake -- and I understand, Senator, the intent of your bill, because one day can make the difference between being of age or not -- but I have a tough time in my mind trying to rationalize a twelve- or thirteen-, or even a fourteen- or a fifteen-year-old, or for that matter, even a sixteen-year-old, who makes a mistake and we're going to penalize them much longer, much tougher, to a greater degree than we do an adult that is supposed to have enough common sense to get out of the rain, and I think that's the wrong approach to take.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. I simply must respectfully disagree with the -- the last two speakers in connection with their analysis of this legislation. What this bill does, merely, is close a loophole that exists under current law which basically permits minors to avoid the consequences of some very serious actions. For example, if they are adjudicated a delinquent for violations of the Controlled

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Substance Act, which basically is that they are adjudicated a delinquent for selling drugs, this permits the Secretary of State to simply deter -- or defer the issuance of a license till they're age eighteen. And secondly, the other conduct which is the subject matter of this legislation deals with very serious, what we call, aggravated traffic offenses: fleeing and eluding a police -- police officer, which recently in a paper was subject to some question about police officers even being involved in chases. We're talking about very serious offenses related to motor vehicles. I salute the Secretary of State's Office for bringing this legislation to the Floor, and in the strongest terms possible, I urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR HASARA:

Thank you, Mr. President. I think this is certainly an example of a bill that uses your common sense. I think our common sense would tell us that a young adult that is -- commits the crime of reckless homicide, leaving the scene of a traffic accident involving death, fleeing a police officer, conviction of three charges of reckless driving within a twelve-month period, should not be able to get a driver's license that you or I could not get as adults, without going through the same procedure that we would go through. Let's let our common sense prevail here. We're trying to help young people and protect the public. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1781 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

11 Nays, and 1 voting Present. House Bill 1781, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, House Bill 1787. Senator Barkhausen. Out of the record. House Bill 1791. Senator DeAngelis. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1791.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill -- House Bill 1791 does exactly what the heading says: it moves the Vietnam Veterans' Leadership Program from the Department of Veterans' Affairs to the Department of Employment Security. All parties are on board, including the Vietnam Veterans' Leadership, the Department of Veterans' Affairs and the Department of Employment Security. The reason it's being done is that, as you know, this is a job counseling program. It would be more appropriate to place it where the job counseling and where the computer bank for the jobs are. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator DeAngelis, to close. The question is, shall House Bill 1791 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, no Nays, none voting Present. House Bill 1791, having received the required constitutional majority, is declared passed. House Bill 1792. Senator Watson. Mr. Secretary, read the bill.

SECRETARY HARRY:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

House Bill 1792.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate -- or House Bill 1792 comes to us after a great deal -- amount of work from the Illinois State Police. This is a lengthy proposal that took months to resolve. They worked with the Illinois Department of Transportation, the Mid-West Truckers' Association, the Illinois Trucking Association, the Farm Bureau, the Farm Implement Dealers' Association, Deere and Company, and others, to come up with the amendment that we have now here today that -- to the State Police Act and the Illinois Vehicle Code. It authorizes truck weight inspectors to enforce provisions governing required fees under the Vehicle Code. Establishes requirements on second-division vehicles to pay registration fees and flat weight taxes. Authorizes implements of husbandry to be transported on another vehicle under certain conditions, provided the load is not more than twelve feet wide. Establishes the maximum weight of certain two-axle vehicles under certain circumstances. Authorizes the Department of Transportation to issue special permits allowing the movement of certain vehicles. Increases the penalty for disobeying a police officer under a Federal Motor Carrier Safety Regulations from a petty offense to a Class C misdemeanor. I know of no opposition, and appreciate the work of all the various groups who put this together.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I might, Mr. President. I'd like to ask the sponsor a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

question. Does this have anything to do with the portable scales? Is that anywhere in this legislation? There are always those ag groups that are concerned about portable scales being moved around, particularly at harvest time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I share that same concern, and the portable scales are not involved here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Watson, to close. If not, Senator Watson, to close. The question is, shall House Bill 1792 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 56 Ayes, no Nays, none voting Present. House Bill 1792, having received the required constitutional majority, is declared passed. The bottom of page 13. House Bill 1813. Senator Fawell. Senator Fawell? Out of the record. On the top of page 14, on the Order of 3rd Reading, House Bill 1821. Senator Klemm. Senator Klemm. Out of the record. House Bill 1852. Senator Topinka. Senator Topinka, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Topinka seeks leave of the Body to return House Bill 1852 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 House Bill 1852. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Topinka.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, what this amendment would do would be to allow any licensed hospital or nursing home to operate a subacute care unit, even if that unit is not a part of the Alternative Health Care Delivery Act Demonstration Program. In effect, it grandfathers them in through the extent of our pilot program for the Alternative Health Care Delivery Act, and basically it does not allow them to hold themselves out to the public as a subacute care hospital or nursing home. It also has a -- it allows the members of the Health Facilities Planning Board to collect a per diem of a hundred and fifty dollars when traveling on Board-related business. Currently they can only collect it when they're on regular meetings, attending special Board meetings or Board committee hearings, and there is other travel involved. This is what it does. To my knowledge, there is no objection from any group or anyone, and that's where we're at.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The Ayes have it. 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. On the Order of 3rd Reading, House Bill 1886. Senator Topinka. Out of the record. House Bill 1896. Senator Peterson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1896.

(Secretary reads title of bill)

3rd Reading of the bill, Mr. President.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. House Bill 1896 amends the hazardous -- Household Hazardous Waste Collection Program. Adds Petroleum Distillate-Based Solvents, oil based paint, paint strippers to the definition of household hazardous waste eligible to be collected under the Household Hazardous Waste Collection Program. I ask for affirmative vote on House Bill 1896.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, what is the effect of changing this definition? In other words, how is the definition of "household hazardous waste" used now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Senator, these items will be added to the current list of items that can be processed under the Household Hazardous Waste Collection Program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Okay. So, in other words, household hazardous waste is a waste product that's used for household use but that is not to be put into landfills or incinerators, and the effect of this bill is to

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

expand that list of items that cannot be put into a landfill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator, is the effect of this bill also to remove the requirement that EPA distribute information regarding nontoxic alternatives?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Okay. I'm sorry; it has changed. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PETERSON:

Ask for your support on House Bill 1896.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1896 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

none Nays, and 1 voting Present. House Bill 1896, having received the required constitutional majority, is declared passed. House Bill 1901. Senator McCracken. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1901.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR McCracken:

Thank you, Mr. President, Ladies and Gentlemen of the Body. House Bill 1901 would require, to be added as members to the Illinois Criminal Justice Information Authority, the Circuit Clerk of Cook County and a second clerk to be picked from the remainder of the State. I move its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Do you know whether or not the Criminal Justice Information Authority is in favor or opposed to the bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator McCracken.

SENATOR McCracken:

My analysis says they're opposed to it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR McCracken:

Who cares if they're opposed to it?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1901 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 56 Ayes, no Nays and no -- none voting Present. House Bill 1901, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, House Bill 1902. Senator McCracken. Out of the record. 1905. Senator Molaro. 1905. Senator Molaro. Out of the record. 1910. Senator Hendon. Senator Hendon, do you wish this bill returned to the 2nd Reading for purposes of an amendment?

SENATOR HENDON:

Yes, I do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon seeks leave of the Body to return House Bill 1910 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 House Bill 1910. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Hendon.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Floor Amendment No. 1 would allow the -- the cosmetologists and technicologists <sic> to cover their hands, if they have a problem, with gloves and still be able to -- to perform their duties, and it was passed out of committee unanimously. So, I'll ask for a favorable vote on the Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Is there any discussion? If not, all those in favor will vote -- all those in favor will 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 DUDYCYZ)

3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

House -- House Bill 1915. Senator Demuzio. Senator Demuzio, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Demuzio seeks leave of the Body to return House Bill 915 <sic> 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 House Bill -- 915 -- 1915. Yeah. Madam Secretary, are there any Floor amendments approved for consideration at this time?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This is a -- an amendment that adds an immediate effective date. I think there's still negotiations going on, and therefore wish this bill at some point, I guess, to go into conference if there's any way in which it can be reconciled this year. So I would move the adoption of the amendment that adds the immediate effective date.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio has moved the adoption of Floor Amendment No. 1. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Madam Secretary, are there any other -- are there any further

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Floor amendments approved for consideration at this time?

ACTING SECRETARY HAWKER:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1927. Senator del Valle. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1927.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Bill 1927 was amended in committee. The amendment was an amendment that came to us from the State Police. With the amendment, they're in full support of the bill. It is permissive in nature. It allows the Department to ascertain the number of bilingual officers and other personnel needed, and it allows the Department to establish a pay supplement, which would be comparable to what CMS is doing with other State agencies right now as a result of Public Act 86-1427. The purpose of this is to treat the State Police the same way we're treating other agencies.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator del Valle, wish to close, sir?

SENATOR DEL VALLE:

I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1927 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

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, no Member voting -- voting Present. House Bill 1927, having received the required constitutional majority, is declared passed. House Bill 1935. Senator Smith. I'm sorry, House Bill 1933. Senator Peterson. Senator Peterson, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment?

SENATOR PETERSON:

Yes, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson seeks leave of the Body to return House Bill 1933 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading is House Bill 1933. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 2 to House Bill 1933 basically becomes the bill. It includes the original bill, which was 1933; it includes House Bill 763, which requires the Association of Boards of Pharmacy to develop a pharmacist's exam, and changes the criteria for members of the State Board of -- of Pharmacy. Requires the Director of the Department of Professional Regulation to employ pharmacy supervisors. It also includes House Bill 1934, which amends the Illinois Architecture Act, the Professional Engineering Practice Act, the Illinois Professional Land Surveying Act and the Structural Engineer Licensing Act. Requires registration of professional design firms to practice architecture, engineering, land surveying or structural

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

engineering.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Peterson has moved the adoption of Floor Amendment No. 2 to House Bill 1933. Those in favor, say Aye. Opposed, Nay. The Ayes have it. Madam Secretary, are there any other amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson -- Peterson, on Amendment No. 3.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 3 is a technical amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Peterson has moved the adoption of Floor Amendment No. 3 to House Bill 1933. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, any further amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1935. Senator Smith. Out of the record. House Bill 1951. Senator Syverson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR SYVERSON:

Thank you, Mr. President. House Bill 1951 amends the -- the Code of Criminal Procedure to allow a second grand jury in counties of two hundred and twenty-five thousand to one million. This will affect the counties of DeKalb, DuPage, Kane, Lake, Madison, St. Clair, Will and Winnebago Counties. This is at the request of the State's Attorney in Winnebago County, who feels that our -- our current system is just being overbooked, and that they need to have a second grand jury. It passed unanimously out of the House, and I know of no opposition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Syverson, you wish to close, sir? The question is, shall House Bill 1951 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, 1 Member voting Present. House Bill 1951, having received the required constitutional majority, is declared passed. House Bill 1957. Senator Madigan. Out of the record. House Bill 1963. Senator DeAngelis. Out of the record. House Bill 1965. Senator Ralph Dunn. Out of the record. House Bill 1974. Senator Burzynski. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1974.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1974 amends the Medical Practice Act to permit visiting physicians to demonstrate or perform specific techniques. And it

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

also amends the Clinical Social Work and Social Work Practice Act to require that clinical social workers employed by the State of Illinois after this effective date be licensed under the Act.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Would these visiting medical doctors who perform these operations, would they be covered by the insurance policy that the hospitals would have for their employees, or -- or would we not have any assurances that they would have insurance?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, first of all, I would guess that if -- if these people are asked to -- to perform a procedure by a facility, that they might be -- fall underneath their liability. I really don't know the answer though, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Burzynski, you wish to close, sir?

SENATOR BURZYNSKI:

I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1974 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 <sic> (1) Nays, 1 Member voting Present. House

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Bill 1974, having received the required constitutional majority, is declared passed. House Bill -- House Bill 1983. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1983.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1983 amends the Juvenile Court Act. It provides that if a minor who is tried as an adult for certain offenses and pleads to or is convicted of lesser charged offenses, the State may petition the court to sentence the minor under the adult Code of Corrections, if aggravating circumstances are present. Currently, if a juvenile commits one of four crimes, namely; first degree murder, aggravated criminal sexual assault, armed robbery with a firearm, or certain drug offenses within a school safety zone, upon a petition of the State, that juvenile may be transferred automatically to adult court, tried and then convicted under the adult Code of Corrections. The problem that this bill seeks to address is that in cases where a juvenile is, say, charged with first degree murder and happens to also be charged with some sort of battery or criminal sexual assault and that juvenile is automatically transferred to adult court, if the juvenile is found not guilty of the first degree murder - the automatic transfer charge - he is automatically -- or he is sent back to juvenile court for sentencing on the lesser offenses. What we're seeking to do here is to allow the State to petition the judge to ask, under certain circumstances, if that juvenile may also be sentenced according to adult correction guidelines

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

under these provisions. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President and Members of the Senate. As I understand -- I did support this bill in committee. I did ask a question, though, at the time, as to whether or not there was going to be any additional cost, and at the time, we -- we couldn't see that there would be. However, I've -- since the committee, I've been informed that it takes -- at least in Cook County, it takes longer for someone to be brought to trial in an adult court than it does in a juvenile court. And while a minor is waiting trial for an adult charge, they have to be held in, not the county jail, but in the juvenile facility. So, the concern is, in Cook County, that this would result in increased costs to the county, in that they'd have to keep the -- keep the person incarcerated for a longer period of time. We also had the discussion in the committee about the possibility of whether or not the state's attorneys overcharge someone, and I think that State's Attorney O'Malley was there to indicate that he does not use that practice. However, I think that some people are concerned that, specifically for example, in drug cases, you can charge someone with possession, or you can charge them with possession with intent to deliver. And, you know, it's not overcharging, but you may not be able to prove the delivery, and that's what the concern was. I think the bill is -- if it was limited to the murder charges, where there's a lesser included offense for murder, I think it'd be an improvement. The concern is that by expanding it to everything, that you might have a tremendous number of cases flood the -- the criminal court and, as a result, additional cost to the county. So I -- I would just indicate to the -- to the sponsor that, you know, I didn't have

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

all the answers to these questions in the committee, because the -- they didn't actually have any witnesses there to answer 'em. And I just wanted to indicate that those are the reservations that I have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Hendon.

SENATOR HENDON:

Thank you very much. Senator, I just want to be clear on -- on what we're doing here. If a person is charged with two charges, let's say, and under the -- the -- the tougher charge they're going to be tried as an adult, what happens if that charge is -- is then dropped? Will they still automatically be tried as an adult on the -- on the lesser charge?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The juvenile who would be charged with one of the automatic transfer provisions would have to be convicted or plead guilty to one of those -- to one of those charges. And then, secondly, it would have to be within the discretion of the judge to further sentence the juvenile for the lesser charge under adult guidelines.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Okay. If the -- if the person -- the young person is found not guilty of the charge that caused the state's attorney to

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

petition for them to be tried as an adult, and -- because they were not guilty, why should they -- the second charge was a lesser charge, or am I clear that the second charge -- they would also still have that charge tried as an adult on that lesser charge, even if they're found not guilty on the first charge?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The -- the point of the bill, Senator Hendon, is to address those limited circumstances where a juvenile is charged with one of the automatic transfer provisions, like first degree murder, and he is sent up to adult court immediately, and he is tried for murder and he also happens to be tried at the same time for battery and criminal sexual assault. He's found not guilty of the murder, but he's found guilty of the other two charges. Under current law that juvenile cannot be sentenced under the adult guidelines, and the State's Attorney from Cook County thinks that that's -- that's at least unfair, inasmuch as he seeks to give a judge discretion to sentence the juvenile otherwise.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. The problem that I -- that I see might arise, Senator Cronin, is that -- exactly what you just said. I think what might happen is -- obviously it's a petition to try -- try a juvenile as an adult and the court takes a look at it. What I am worried about is that you may have state's attorneys figuring that they cannot get a petition granted for a battery, for certain charges, so they may jack up the charge a little bit and then try to get a plea down, and get exactly what they're trying to accomplish with a -- with an end run. So -- so you may have a fact that they may not have a petition to try as an adult for

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

certain charges, up the charge, and then come back and try to get on a -- a lesser included. Do you see that as a possibility or any type of a problem?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I -- we -- we addressed this issue in the committee, and as you know, the state's attorneys are charged with a duty and a responsibility to do what's fair and just and right, and they have discretion on the matter, just like we have a lot of discretion in the jobs that we do.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. The prior three speakers who have been opponents I think are simply not stating something accurately. Before you can ever have a transfer hearing - before a person can be transferred to the adult division, you have to show probable cause to do that. In other words, if you charge a crime, you have to present the elements in court. You can't flip a coin; you can't look -- scan the pages of a phone book and pick people out and just decide to charge them and then simply at random decide what the charge is going to be. You have to present evidence of the offense. If a judicial officer finds those elements, he can transfer the case. In the automatic transfer provision, you don't need a -- a judge in the juvenile courts to make the transfer, but the person still must go through either a grand jury or through a preliminary hearing. So the -- the -- those things that you're talking about, as far as arbitrarily jacking up the charges, are simply phantoms, because you have an independent judicial officer who makes a determination of probable cause. And, you know, when Judge

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Sullivan said that in committee, I nearly fell down, because he -- he -- did not even himself understand that before you can ever go forward with these charges you have to show someone probable cause to -- to go forward. And without that you simply -- you're simply throwing a skunk into the woodpile. This is a heck of an idea, because it'll promote judicial efficiency, because the judge who heard the case will have an opportunity to make a decision based upon the facts he heard, without having, basically, a rehearing back in another court. And for that reason alone, this bill ought to be supported.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

Thank you, Mr. Chairman and Members of the Senate. I apologize for rising a second time, but I still have some -- some uneasiness in this, and I would never suggest that State's Attorney O'Malley, Jack O'Malley from Cook County, whom I supported - it's no secret that I did - for his election, would trump up some charges. But we need to be a little careful here, because if a -- if a person is sentenced - and this is a question to -- to my friend, Senator Cronin - on a drug charge. Now, the murder -- murder, I can understand that, but if it's just a drug charge, sometimes the state's attorneys will allow that person to plea bargain down to a lesser charge, and -- and sometimes they know that going in - that they're going to seek a plea bargain down. And all I'm saying is if -- if -- if on the drug -- I'm -- I'm -- I agree with Senator Cullerton, that on the murder, aggravated sexual assault with a -- with a weapon, but on -- on -- on a narcotics charge that has -- that -- where there is no violence involved, I don't think we should be sending young people, you know, to the big house, where they're going to just



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

learn to be bigger dope dealers and bigger killers at a time when we're trying to do early release and all of that. So, you know, I just have some uneasiness on -- on that particular part of it, and I think that the drug charges should be stricken, and it should be limited to the murder and the aggravated sexual assault or robbery with a -- with a weapon. And without -- without that being the case, then I'd have to vote No on this measure.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We've debated this bill pretty thoroughly. The one point that I did want to just to close with, and emphasize to the Body, is that this bill really -- when you get right down to it, all it does is simply permit the prosecutor to ask the judge if the judge thinks that a juvenile should be sentenced according to adult guidelines in certain circumstances. All it is, is a permissive type of a provision in the law, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1983 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 -- on that question, there are 38 Ayes, 12 Nays, 5 Members voting Present. House Bill 1983, having received the required constitutional majority, is declared passed. Senator Jones, for what purpose do you rise, sir?

SENATOR JONES:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR JONES:

Yeah, Mr. President and Members of the Body, you know, as we go through the process of doing our daily chores here on the Senate Floor, from time to time we take time out to honor those who have a special day. Well, this is a special day for the Assistant Secretary of the Senate, Linda Hawker. And today is her birthday, and she promised that she would work very diligently, and after Session, we would -- she would treat Members on both sides of the aisle to a nice lobster dinner this evening. So -- let us give Linda a very, very warm birthday.

PRESIDING OFFICER: (SENATOR MAITLAND)

Happy birthday, Madam Secretary. House Bill 1985. Senator Watson. House Bill 2040. Senator Fitzgerald. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2040.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2040 concerns an offense that we now have of criminal housing management that is built into the Code. There are two things that are in the Code. One is a criminal provision which makes it a Class A misdemeanor to manage property in a way which endangers the health or safety of individuals in the building. There's also a remedial civil Statute, which allows a state's attorney in a given county, the ability to go into court and seek an injunction against someone who is managing property in an unsafe way, in a way which endangers the health or the safety of the residents. Well, a lot of the defendants in the civil

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

cases are now urging the courts, as a defense, that the prosecutor must first show the -- that -- that the defendant was guilty of the crime of criminal housing management before the prosecutor is able to get an injunction, have the rents collected and put aside for the rehabilitation of the property, and that was not the intent of the Legislature when the bill was first passed. So, what House Bill 2040 does is makes clear that we do not have to prove the crime of criminal housing management in order to get civil injunctive relief. This is -- really in the nature of a technical housekeeping change, and I'm free to answer any question. I'd urge a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there a discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

I can't tell, Senator, from the bill, since it strikes language which refers to another Section of the Act, just what the change is. It appears that you're adding the word "residential property", whereas now it just says "property", so perhaps that is being more limiting, and -- by saying that this Act no longer applies to nonresidential property. And the second question is that you're changing the standard to endangering the health or safety of any person, and I don't know what the current standard is. And then my final question, if you -- if I can ask 'em all at once, is that the -- at one point in time I believe the Realtors were opposed to this bill, and I just wondered if that was -- if they still are opposed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR FITZGERALD:

Yes. Senator Cullerton, you raise some good points. The Section that is stricken out, 12-5.1, is the Section immediately preceding this -- the language of this bill, in the Criminal Offense Code. And it is the offense of criminal housing management, and it reads that a person commits the offense of criminal housing management when having personal management or control of residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he recklessly permits the physical condition or facilities of the residential real estate to become or remain in any condition which endangers the health or safety of any person. So what -- what this is doing, instead of referring back to that Section, which was giving defendants in civil actions the opening to argue that somehow you had to show the -- the -- the criminal act of having been reckless, that instead, we just have to have residential property which is endangering the health or safety of any person. The -- the -- the Statute now only applies to residential real estate, and it would only apply to residential real estate as we are changing it. The Realtors did put a record of appearance only objection in, in committee. They just wanted to point out - and -- and they agreed that I could say this - that they are concerned that if the Legislature goes too far, they could have a problem. Clearly, this bill is going after slumlords and the like, and -- and they are not interested in protecting them, but they are interested generally in -- in protecting property rights. They did feel that they needed to just put in a record of appearance showing their -- their concern. But it passed unanimously out of committee, and it passed in the House on a 106 to 0 vote, so...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin. Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Well, I just wanted to indicate that with that explanation, I certainly would rise in support of the bill. It seems like it is not too light a standard, and it will help facilitate bringing prosecutions against slum landlords.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fitzgerald, do you wish to close, sir?

SENATOR FITZGERALD:

Just a favorable vote, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2040 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 56 Ayes, no Nays, no Members voting Present. House Bill 2040, having received the required constitutional majority, is declared passed. House Bill 2043. Senator Smith. Out of the record. House Bill 20... House Bill 2046. Senator Klemm. Out of the record. House Bill 2053. Senator Molaro. Out of the record. House Bill 2077. Senator Karpziel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2077.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 2077, as amended, deletes the -- the bill -- original bill, and changes the bill from a student loan assumption program to a -- to a scholarship program. And it basically says that if you are going to be -- or

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

taking courses studying to learn to be a -- a child development teacher or professional, and you're taking courses leading to that certification, you can apply for a scholarship of a maximum of two thousand dollars per year for a maximum of three years, but then you must agree to teach or supervise in a child care, or child development or preschool program. The program is funded, or will be funded, from federal funds, if they become available. If they don't, then the program does not go into effect. This bill was proposed by the Child Care Association of Illinois and other child organizations, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Karpiel, you wish to close? The question is, shall House Bill 2077 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 56 Ayes, no Nays, no Members voting Present. House Bill 2077, having received the required constitutional majority, is declared passed. House Bill 2082. Senator Weaver. Out of the record. House Bill 2097. Senator Tom Dunn. Out of the record. House Bill 2105. Senator Berman? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2105.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 2105 addresses two issues. First, it requires school districts to pay private special education providers on an enrollment basis. This is in keeping with the reimbursement schedule that -- that the school

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

districts receive under the special ed provisions regarding State reimbursement and federal reimbursement. It also requires the State to pay an assessment reduction impact grant to any school district which experiences a twenty-five percent decrease in property tax extensions and collections in 1993, due to the closure of a single commercial enterprise. This is addressing a particular problem down in the district represented by the Chairman of the Education Committee. I'd be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Collins. Senator Collins. Further discussion? Senator Berman, you wish to close, sir? I'm -- I'm sorry. Senator Klemm.

SENATOR KLEMM:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Klemm.

SENATOR KLEMM:

I understand that this is a -- a grant or a reimbursement or something. Where does the money come from, Senator?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

You're talking about the second part of the...(machine cutoff)... This would be subject to a line item appropriation. This authorizes it, if we -- if we appropriate the money.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Do we have a line item appropriation that has gone through the Appropriation Committee to pay this grant to school districts,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

apparently, that are having some assessed valuation reduction?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

We don't have one yet. It would be up for the Fiscal '94 appropriation. And, perhaps, Senator Watson could -- may be able to give more details than I can.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

I guess, in closing then, in -- in -- so therefore, it's a mandate without any -- to the State to come up with some dollars. We don't have the dollars yet. And, I'm just concerned about what we're establishing here, Mr. President, and I think we should look carefully at this. Unless it could be cleared up, it sounds like it's going to be taking money away from some other school districts or from other areas that we really don't have any idea where it's going to go, other than it appears as if it's going in -- well, actually I have no idea. Chicago is -- think is listed in here. So I think we should be careful of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you. Senator Klemm, we just passed out a bill here, 57 to nothing, by Senator Karpziel that's predicated on whether or not we're going to get any federal money or not, and it sort of dovetails the same bill -- kind of bill that you had this morning. So I'm surprised at your argument with relationship to this bill. It has some impact not only on Senator Watson's district, but also on mine, because of the mine closures, and I would rise in support of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Further discussion? Senator Watson.

SENATOR WATSON:

Excuse me. Yes, thank you, Mr. President. I rise also in support of this, for the same reason that Senator Demuzio just mentioned. We -- what's happening, and in this area, is a coal mine closed in Albers, and it's impacting Damiansville Elementary District, and then, of course, Breese Community District High School also. So what's happening is, is if the assessed valuation goes down as a result of this mine closing, the school districts are just literally wiped out, especially for that one year in which it takes for the formula to kick in to make that reimbursement. So I rise in support, and appreciate the -- the sponsor for amending his bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Berman, you wish to close, sir?

SENATOR BERMAN:

Just ask for a favorable roll call, Mr....

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2105 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, 1 Member voting Present. House Bill 2105, having received the required constitutional majority, is declared passed. House Bills 3rd Reading. Top of page 16. House Bill 2117. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2117.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, what this does is ultimately give use immunity to a witness before a grand jury or at a trial, and it basically is in an investigation of a violation of controlled substances acts - all of the -- the drug type laws that we have out there, plus, oh, criminal drug conspiracy, money laundering, solicitation of murder, aggravated computer tampering, public aid wire fraud, and a variety of others. It's very narrowly drawn; it's very similar to some of the use immunity provisions that we have passed in the past. I don't think it's anything new to the Legislature. It just adds a few more acts here on which use immunity could be used, and I would seek your favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Just a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2117 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 55 Ayes, no Nays, no Members voting Present. House Bill 2117, having received the required constitutional majority, is declared passed. House Bill 2121. Senator Palmer. Out of the record. House Bill 2122. Senator Palmer. Out of the record. House Bill 2123. Senator Philip. Out of the record. House Bill 2128. Senator Hasara. Senator Hasara, on 2128. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2128.

(Secretary reads title of bill)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. House Bill 2128 clarifies that the Illinois Attorney General represents foster parents under DCFS. This permits the Attorney General to still retain the capability of refusing to provide representation if he believes that the conduct of the foster parent was unintentional, willful or wanton -- it should be "intentional," I'm sure, "willful or wanton". I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Hasara, you wish to close?

SENATOR HASARA:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2128 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 54 <sic> (55) Ayes, no Nays, no Members voting Present. House Bill 2128, having received the required constitutional majority, is declared passed. House Bill 2129. Senator Hasara. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2129.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

House Bill 2129 provides that -- for the termination of withholding, upon notice to an employer from the clerk of the circuit court, in situations where the order calls for the support to be terminated automatically when the child reaches the age of eighteen. It should save a lot of hassle from having to go into court and have the judge sign the order. I ask for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Hasara, you wish to close? The question is, shall House Bill 2129 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 56 Ayes, no Nays, no Members voting Present. House Bill 2129, having received the required constitutional majority, is declared passed. House Bill 2130. Senator DeAngelis. Out of the record. House Bill 2139. Senator Woodyard. Out of the record. House Bill 2154. Senator Fitzgerald. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2154.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2154 amends the Criminal Code to create the offense of indecent solicitation of an adult. This was an -- a suggestion of the Cook County State's Attorney's Office, and it arose from a case -- a peculiar case in Chicago.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, please. Senator Fitzgerald, proceed.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR FITZGERALD:

This bill arises from a suggestion from the Cook County State's Attorney's Office. They were prosecuting a case of a newspaper reporter in Chicago who was luring young men to have sex with a prostitute, and under our current accountability Statutes, they found that it's difficult to make that newspaper reporter accountable for the offense as if he had committed it himself. And this bill seeks to add the offense of indecent solicitation of an adult, and it would make it easier for prosecutors to make one accountable for doing what that particular individual did. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, now we're creating a new offense here, and I want to ask you about your intent is with regard to the elements of the offense. The operative words are "arrange to commit" an act of sexual conduct, or an act of sexual penetration. So my question is, is the offense just arranging for the -- the -- is the offense the arrangement, or does the actual act have to be consummated before this offense would be committed?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

It would be -- he would both have to arrange, and then the offense would have to be -- or the acts would have to be consummated by the other parties.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Cullerton.

SENATOR CULLERTON:

Okay. So, just to make it -- make it clear in my own mind, if -- if he -- if he sets up the -- in the case you described, if he sets up the young boys with a prostitute, the State would also have to prove that there was either sexual penetration or sexual conduct that was -- that took place. That would be an element of the offense against the person who's -- the adult who's charged with solicitation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

That is correct, Senator Cullerton.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Fitzgerald, you wish to close?

SENATOR FITZGERALD:

Yes. I would urge a favorable vote. It passed out of the House 110 to nothing on the Agreed Bill List in the Judiciary Committee -- or -- I'm sorry, on -- on a unanimous vote in the Judiciary Committee. I know of no opposition. I'd appreciate your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2154 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 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 2154, having received the required constitutional majority, is declared passed. House Bill 2156. Senator -- House Bill 2155. Senator Fitzgerald. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

House Bill 2155.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2155 amends the Code of Criminal Procedure to place severely or profoundly mentally retarded persons into the out-of-court statement child hearsay exceptions for complaints of sexual acts committed on them. There is currently a hearsay exception for criminal sexual conduct perpetrated on someone under the age of thirteen. This adds the hearsay exception if the conduct is perpetrated on someone who is mentally retarded. For at least some other sex crimes there is a hearsay exception for retarded people. This adds that to a -- an additional Section of the Criminal Code.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I rise in support of the bill, and I would just say that I -- I see that Senator Fitzgerald seems to be developing a specialty, and he's doing a very good job.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Fitzgerald, do you wish to close?

SENATOR FITZGERALD:

I'd just urge an -- a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2155 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Take the record, Madam Secretary. On that question, there are 54 Ayes, 1 Nay, 1 Member voting Present. House Bill 2155, having received the required constitutional majority, is declared passed. House Bill 2156. Senator Fitzgerald. Read the bill, Madam Secretary.

END OF TAPE

TAPE 4

ACTING SECRETARY HAWKER:

...2156.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2156 amends the current definition of sexual penetration that is now in our Criminal Code. Unfortunately, the current definition is not broad enough to cover certain cases which certain molesters are perpetrating. And briefly, the current definition of penetration only contemplates putting a sex organ in or around the anus of another person, and this bill contemplates penetration by the sex organ, anus or device of another person. Unfortunately, there are molesters who are putting devices into children, and the current sexual penetration Statute does not cover it, and we need this clarification. I'd be...(machine cutoff)...questions.

PRESIDING OFFICER: (SENATOR MAITLAND)



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Discussion? Discussion? Senator Fitzgerald, you don't wish to close? Go ahead, sir.

SENATOR FITZGERALD:

I don't think anything I've said bears repeating, and I'd just urge a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall...

SENATOR FITZGERALD:

Read your analysis.

PRESIDING OFFICER: (SENATOR MAITLAND)

...shall House Bill 2156 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 <sic> (51) Ayes, no Nays, 4 Members voting Present. House Bill 2156, having received the required constitutional majority, is declared passed. House Bill 2158. Senator Fitzgerald. Senator Fitzgerald, on House Bill 2158? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2158.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2158 addresses and changes a cop-killer bill that we passed last year. That bill upped penalties for people who shot at or killed police officers, firemen, or paramedics. And what this bill seeks to do -- the paramedic industry has requested that instead of using the word "paramedic", we use the exact titles - emergency medical technician, ambulance technicians

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

and so on - and all emergency medical technicians should be covered. This bill addresses that. Also, there has been an amendment to this bill apparently in the House, and it concerns a glitch in our laws covering DUIs. Currently first and second DUIs are Class A misdemeanors; third and fourth are Felony 4s. And if you're driving a school bus, for your first DUI that's a Felony 4. If -- if your first DUI you kill or harm or cause great bodily injury, that's a Felony 4, but the second time you cause great bodily harm it's a Class A misdemeanor. The -- there's a technical amendment on this bill, which would make the second such offenses to carry the same penalties as -- as the first DUI causing great bodily injury. And I'd be free to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Does this -- does this bill involve any sexual offenses?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Not that I'm aware.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Why not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

I -- I -- I couldn't think of any more changes that we needed in the Code at this time.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR FITZGERALD:

I'd just urge a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2158 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 53 Ayes, no Nays, no Members voting Present. House Bill 2158, having received the required constitutional majority, is declared passed. House Bill 2168. Senator Barkhausen. Senator Barkhausen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 2168 amends the Criminal Identification Act to make two technical modifications recommended to us by the Illinois Criminal Justice Information Authority. This measure has been an agreed bill all the way, and I suggest that we give it unanimous support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Barkhausen, you wish to close, sir? The question is, shall House Bill 2168 pass. Those in favor will vote Aye. Opposed, Nay. The

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

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 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 2168, having received the required constitutional majority, is declared passed. House Bill 2183. Senator Hawkinson. Out of the record, Madam Secretary. House Bill 2187. Senator Watson. Read the bill, Madam Secretary.  
ACTING SECRETARY HAWKER:

House Bill 2187.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This does amend the Illinois Controlled Substance Act and puts these changes in order to bring Illinois in with compliance with the federal regulations. It includes three provisions: one, Aminorex and Methcathinone will be Schedule I controlled substances; two, it will include that Thebaine, which is derived from Butorphanol, as a Schedule II controlled substance; and three, exempts certain anabolic steroids from Schedule III controlled substances. This just brings us in with the federal compliance.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Watson, you wish to close? The question is, shall House Bill 2187 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 2187, having received the required constitutional majority, is declared passed. House Bill 2127 <sic>. Senator Fawell. Out of the

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

record, Madam Secretary. House Bill 2230. Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This bill -- this bill amends the School Code to allow a school district to deny reenrollment to any child over the age of sixteen who can't graduate by the age of twenty-one. This bill was brought to us by a school district in my district where a older gang member returned with his attorney and forced the school district to allow him to reenroll in a high school program, even though there was no possibility for him to acquire the credits and graduate before the age of twenty-one. This bill would say that a school district would be allowed to refer these -- these older students to a GED course, to a community college, to an alternate education program, but would give them the right - provided they made that reference to another program - give them the right to deny reenrollment. This is a bill to protect fifteen- and sixteen-year-olds, seventeen-year-olds in the school systems. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Just a matter of inquiry of the Chair. Are there not enough letters up there or something to spell Senator Rauschenberger's name correctly? We have Senator "Rauschenberge".

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

The Secretary indicates that's close enough.

SENATOR KARPIEL:

Is that close enough for Senator Rauschenberger?

PRESIDING OFFICER: (SENATOR MAITLAND)

Yes.

SENATOR KARPIEL:

Is that because he's a freshman?

PRESIDING OFFICER: (SENATOR MAITLAND)

Yes.

SENATOR KARPIEL:

Or are -- or is it because it's his first bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

I think we ran out of space. Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. It -- when this bill came before the committee, I expressed some concerns that while I recognize that this particular school had a problem, and I'm sure that most of us are concerned about gang activities in the schools and -- and undesirable students going to the schools for the purpose of disrupting students who wanted to get an education, but while we are looking for an effective remedy for that problem, we most certainly ought not to forget our responsibility as a State, and most certainly when we talk about dealing with establishing public policy, to do anything to discourage anyone from going back to school and continuing their education. Even if a person can put in one year and not graduate, they most certainly could go on to adult education or to a junior college or some other alternative program, but just the idea of -- of going back to school -- often it just takes that start - that first six months of that one year to just get you started and motivated to go back to school. And you cannot deny all of the -- the people who have to work or for whatever reason drop out of

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

school that opportunity simply because we have not been creative enough to come up with an effective method by which we can rid our schools of undesirables. That's what this bill is attempting to do. It's kind of like throwing out the baby with the bath water. I don't think we ought to do this, and we ought to defeat this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. I'd like to ask Senator Rauschenberger a question, if I may.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator, a few weeks back, when Senator Mahar was -- was very diligently trying to pass Senate Bill 597, you stood up on this Floor and quite proudly stated that you just wished everybody to vote red on his bill, and you promised that you weren't going to sponsor any bills this Session if we killed his bill, and then -- then you passed the bill that we killed, and had everybody sign it and autograph it, and you were proudly showing it. You're going to frame it. And now you're not keeping your word. Is -- do you want us to give you another red vote on this one as we did on the wonderful bill that you killed that was attempted by Senator Mahar?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, I'd like to clarify. In those discussions on 597, I said I would not present any Senate bills, and taking a lead from -- from the political leadership in my Caucus, I was very careful in how I stated that. I think I probably recorded that part of

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

the conversation, and would be happy to -- to see it replayed for you in your office later.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCH:

Well, Senator, I'm flabbergasted. I clearly remember you saying that you promised not to sponsor any bill this Session, and you were only interested in killing one bill, and that was that wonderful bill that my seatmate was agonizing over since you destroyed his legislative agenda for the entire Session by killing Senate Bill 597. Now you have the audacity to come up here and try to sneak in some very controversial bill, and I think maybe we should just give you the same -- same consideration - under a phony name by the way, whatever it is up there - but we should give you the same consideration that you had us give Senator Mahar on that wonderful bill that you killed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Thank you. Senator Rauschenberger, in Chicago we've worked very hard to try and get some of the high schools to establish alternative programs within the facilities in order to get dropouts back into school. Does this bill exclude, or would this bill not allow for individuals to be brought back into those alternative programs within the school facilities?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR RAUSCHENBERGER:

This bill would preclude their reenrollment if, by their twenty-first birthday, they could not accumulate enough credits to graduate on a normal basis. The school district would have the right, in that case, to deny them reenrollment. They could divert them to a GED program, refer them to a community college program. The intent of the legislation is to give the school district the right to deny reenrollment if they think there's a risk and the student can't graduate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Well, you said, "If they think there's a risk". The problem I have with this bill is that it really cuts into the activity that we're trying to promote to get individuals back into school in alternative programs. And it also labels, in a sense, all high school dropouts as potential drug dealers and gangbangers. I really have a problem with this, even though I certainly understand why you came forward with this bill, but I don't think that this is the right approach. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I think the bill is a good bill. If they can't qualify to graduate by the time they're twenty-one, I don't think they're that interested. And furthermore, I'd like to suggest that Senator Rauschenberger be given a medal of honor for sponsoring only one bill, contrary to the many, many bills sponsored by some of my colleagues in this Senate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR SYVERSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

I'd like to know at what age you graduated from high school.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'm presently in a GED program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Mr. President and Members of the Senate, I -- I hope -- I assume this is your first bill or something, but I hope that we don't vote on this bill just because this is your first bill, and it's unfortunate. I think someone over there could give you one to sponsor rather than voting on a bad bill just because it's your first bill, but this is a serious issue. This is a matter of public policy. And -- and -- and to some of you downstaters, I think you ought to listen to this, because if you had someone who dropped out of school early and that -- that was a farmer, for example, in the ninth grade - after completing the ninth grade - and now that person is twenty years old or nineteen years old, it would be impossible for them to graduate from high school at age twenty. Therefore, they could not enroll. That is not what we ought to be about doing here. And that's the reality of this bill. This is not a joking matter. This is not a fun matter. This is a matter of public policy, where the State of Illinois is discouraging people to finish their high school education in a public school system, and I think it's unfortunate that -- that we would take it so lightly.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the -- of the Senate. First -- I guess two points. First on the merit of the bill. I guess this sends a bad message to a lot of our kids back home that -- that we don't see a lot of them fit to -- to finish high school no matter what age they are, and I'd hate for this Body to send that type of message back home, especially since the movie "Happy Days" was based on that, and there would have been no Fonzerelli if this bill were out there. Secondly, he is one of the six Members of -- on my list, so I would really appreciate if the Democrats would vote with me. I'm with you on this one. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I stand in support of this legislation. This legislation is not a laughing matter, and it is not a joke. It is a -- an important piece of legislation, as Senator Collins has said. This bill came from a -- a school district in Senator Rauschenberger's district, and it came from the superintendent, because some of the schools have been having problems with older kids, like nineteen and twenty, going back to high school for the express purpose of, (a), selling drugs; and (b), recruiting for gangs. And we're beginning to have a serious gang problem in some of these high schools. This is an attempt to say that if you -- if you -- you want to go back to school after the age of sixteen, after you have dropped out, and you cannot possibly graduate by twenty-one, if you are serious about getting the education and you are not there for the purpose of drugs, gangs and other mischief, then you -- the school district will

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

provide counseling, will provide you -- you can go get your GED. You can get it through a community college, and they will work with you to do that. So we're not denying anybody an opportunity to get an education if that is truly what they're there for. What we're trying to do is to give the school districts that are having a problem with gangs infiltrating the schools and being encouraged by some of these older men dropouts going there trying to recruit thirteen- and fourteen- and fifteen-year-olds, we're trying to give them a hand in doing that, and I think this is a good bill, and I ask for your Aye vote. And I don't think this is the kind of bill you should be playing games with, or making points with, or checking off your list with.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Yes. Thank you very much, Mr. President, Members of the -- of the Senate. This is purely just discrimination, if we look at it - gender discrimination, racial discrimination or whatever. This is age discrimination. We're saying that these people at the age of sixteen and seventeen do not have a right to complete their education, and I think that is wrong. I don't think we should be sending these kind of messages from this Chamber, and I urge all my side, and the others on that side, to vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I don't think people are listening to what's being said, especially by Senator Karpziel. It's not trying to deny anybody's right to an education. It's trying to give them an opportunity and an alternative if they can't do it through the regular system: the GED; it's to counsel them; it's to help them get an education, not deny them. And you're not

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

listening; you're not paying attention to what's being said.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. This came up in a -- in a -- with a child in my district who had dropped out of school and -- at the age of -- of fifteen, and at the age of nineteen he -- or twenty, he decided to come back into school. He was very upset because he found out there was absolutely no way that he could complete his education by the time he was twenty-one. We already have the law on the books, people - and I found this out through this case - that says if you are twenty-one, you are out of high school, as we know it. And when I inquired about trying to extend the time - because this happened to be a special ed person - about extending the time, I was informed, "We cannot do it. That is the law." If, indeed, somebody comes back at the age of twenty or twenty-one and, as Senator Karpel said, is serious about getting an education, what we must do, in order for him to complete that education, is direct him in another direction, have him go to the community college and pick his GED up; come to night school, pick his GED up. But he cannot, under the present law, after the age of twenty-one, get his high school diploma, because we've already got that law on the books, and it's a good law for the simple reason -- I, frankly, if I had had my daughter in high school at the age of fourteen, would not want to have had a twenty-one, twenty-two, or twenty-three year old kid in class with her, because it's not a good idea. I think this is a good bill, and I think we ought to support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. I -- I guess Senator Fawell answered the question.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

I'll have to take her word for it. Is -- is it actually law that if someone's in high school, they turn twenty-one, they're -- they're gone? Okay.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? For a second time, Senator Syverson.

SENATOR SYVERSON:

I'll just be brief. One of the things we had talked about is not wanting the -- the drug dealers back in school, but -- we're not looking at the fact of how many of these students are embarrassed to -- to come back. How many twenty-year-olds want to come back in and sit in the classroom? I mean, Rauschenberger did, but how many others are willing to come back in the classroom at twenty and sit there? So I think this is giving them a positive incentive to go back to school, knowing that they can get their education without having to sit in -- in a classroom. So this is an excellent bill, Senator, and I'm glad it's your first one.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I appreciate everybody's time and thoughtful indulgence. I'd like to make the point that this is a good bill with a bad sponsor. This is my first bill, and it may very well be my last bill ever, but I'd like to point out a couple things on a very serious note. The point of this bill is to help protect fourteen- and fifteen- and sixteen-year-olds in our school districts. We're asking educating -- educator professionals to try to control their schools. We have a law that requires them to reenroll students up to the age of twenty-one with no discretion on their part. This bill gives them a tool to deny reenrollment to older students that are coming in with attorneys, who are -- their intent is to

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

organize gangs and to organize gang activity. This is a good bill. This is a bill for safety. In my school districts, there have been -- in my school - my high school I graduated from just recently - there have been two knifing incidents in the last twelve months. Now, these professional educators need this support. This legislation did not come from me. I did not think it up. It was brought to us by the -- the Superintendent of the East Aurora School District. He's an Afro-American. His school district is twenty percent Hispanic. This -- this bill is supported by the State Board of Education. It's supported by the large unit districts. The chief hyphenated House sponsor is a twenty-five-year educator, who served twelve years as a regional superintendent of schools. This bill shouldn't be over here with me, maybe. This is a good bill. Take a hard look at the merits and the intent of this bill, and I really urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2230 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 36 Ayes, 18 Nays, 2 Members voting Present. House Bill 2230, having received the required constitutional majority, is declared passed. Congratulations, Senator Rauschenberger. House Bill 2231. Senator Hasara. 2231. Out of the record, Madam Secretary. House Bill 2265. Senator Watson. House Bill 2282. House Bill 2294. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR HAWKINSON:

...(microphone cutoff)...you, Mr. President. This bill comes to us as a proposal from the Illinois State Police. It changes two provisions in our Motor Vehicle Code. The first allows a notice of a summary statutory suspension request to be given by the arresting agency, in addition to the individual officer. The second provision provides that these portable breath test machines can be offered and used based on reasonable suspicion of the officer. Last year a similar proposal came before us that I opposed because it attempted to take out language regarding the use of the evidence by defense counsel. This year they left that language alone, and therefore, I'm offering this bill. I would be happy to try and answer any questions, and would ask for its approval.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Hawkinson, you wish to close, sir? The question is, shall House Bill 2294 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 2294, having received the required constitutional majority, is declared passed. House Bills 2307. Senator Madigan. Senator Madigan. House Bill 2207 -- House Bill 2307. All right. Out of the record. House Bill 2336. Senator Topinka. Out of the record. House Bill 2347. Senator Hendon. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. This bill will give assistance to parents who are trying to keep their children off of narcotics. It's a very good bill, strongly support it, and I'd be happy to answer any questions if there are any, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Hendon, you wish to close?

SENATOR HENDON:

Yes. I just ask for a favorable vote so we can give parents assistance in keeping their kids off drugs.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2347 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 2347, having received the required constitutional majority, is declared passed. House Bill 2370. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an initiative of the Department of Financial Institutions. It would amend the State Finance Act to create the Financial Institution Fund as a special fund in the State Treasury. Provide that monies deposited into the Fund shall be

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

used for the expenses of administering the various Acts by the Department of Financial Institutions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Discussion? Senator Sieben, you wish to close? The question is, shall House Bill 2370 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 55 Ayes, no Nays, no Members voting Present. House Bill 2370, having received the required constitutional majority, is declared passed. House Bill 2372. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2372.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this establishes the right of a person charged with a penal violation to have a sign language interpreter or other interpretive aide provided to him or her in an appropriate case. This is requested by the Department of Rehab Services, and it puts us into compliance with the federal Americans With Disabilities Act of 1990. I know of no opponents.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Indicates she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I asked this question in committee, and I believe that your witness answered it in the affirmative, but I wanted to make sure it's part of the record today. As I understand it, this does not apply to municipal ordinance violations, and therefore, we're not putting any new mandate on our local governments. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further questions? Further discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Just a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2372 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 2372, having received the required constitutional majority, is declared passed. House Bill 2397. Senator Geo-Karis. Senator Geo-Karis, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR GEO-KARIS:

Yes, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis seeks leave of the Body to return House Bill 2397 to the Order of 2nd Reading for the purpose of an amendment.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2397. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 2 answers most of the concerns that were brought up in the committee hearing by the Child Care Association, and I move the passage of this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Geo-Karis has moved the adoption of Floor Amendment No. 2 to House Bill 2397. Those in favor will vote Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, are there any other Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2400. Senator del Valle. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2400.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Bill 2400 amends the Abused and Neglected Child Reporting Act regarding court proceedings. It

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

indicates that DCFS shall assist the circuit court during all stages in the court proceeding by providing full, complete and accurate information to the court and by appearing in court if requested by the court, and failure to provide the assistance requested by the court shall be enforceable through proceedings for contempt of court. It is a bill that is supported by the Cook County Public Guardian and the Child Care Association, and also was amended to make it clear that not all parties to the proceeding, as per the original bill, may order the appearance of a DCFS caseworker in the court; only the court can order such appearance.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator del Valle, you wish to close, sir?

SENATOR DEL VALLE:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2400 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 are 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 2400, having received the required constitutional majority, is declared passed. House Bill 2444. Senator Philip. Out of the record, Mr. Secretary. On page 35 of the Calendar is the Order of Secretary's Desk, Resolution. Senator Petka, on Senate Resolution 94. Mr. Secretary, read the resolution, please.

SECRETARY HARRY:

Senate Resolution 94, offered by Senators Petka, McCracken and Hasara.

The Committee on Executive adopted Amendment No. 1 to the resolution.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Resolution 94 urges President Clinton to uphold previous President's policy in connection with removing sexually transmitted diseases -- or, excuse me -- from -- the proposed removal of sexually transmitted diseases by the Department of Health and Human Services, to make sure that we continued in that policy. It has been a policy of the Department of Health and Human Services, since immigration laws were on the books, that they would undergo a health assessment, and those who had sexually transmitted diseases have long been denied entry as permanent residents in the United States. With the present administration in Washington seeking to discard this time-honored tradition, it seems to me that we should simply, once again, send to Washington the reason that we -- we have always honored this tradition, and that is to prevent a massive flooding of our health care system by folks from outside this country who are coming in and who pose a significant risk to the health and well-being of the people of this country. And I would move and urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

Senator, what is the -- now this is on immigrants that are coming to this country, I take it, and you're dealing with HIV; you're dealing with AIDS and other transmitted diseases. Is that right?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator Shaw, you're correct. It deals with all immigrants.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs -- Senator Shaw.

SENATOR SHAW:

The -- what is the policy of the immigration authority now, as you know it, with people who are coming into this country? Can they be tested? Is there any law that require them to be tested at the moment?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, it has been a long-standing practice that a health assessment has been given to immigrants going back to, basically, the first World War, that -- that there's been health assessment, and those who have had sexually transmitted diseases can be denied admission to this country.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

The -- to the -- to the resolution: The problem I have with the resolution is that I don't think it's the practice -- and certainly the sponsor have good intentions, but -- and he's a good sponsor, but at the same time, I don't believe that we can go and just arbitrarily test people, as a policy, coming into this country. I don't think any of us here want people coming into this country with deadly diseases, but to require the -- I think it was a bill, I believe, that we had in committee dealing with this. This happens to be a resolution, and is -- and is not as binding as the -- as the bill would have been. But I think -- I

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

think it's a bad policy just to grab people and start testing them, the way I see it. I don't think that have -- ever been the practice, and I don't think it should be the practice, but I just stand in opposition to this resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I've had letters from my constituents saying, "We need help here; we need medical help. We're having a hard time getting it. And why do we let people come in when they have such diseases?" Now, I'm speaking now as an immigrant. I can remember when we were in Ellis Island, my parents were examined and they had to pass a certain amount of physical tests. Now, I think we've got to protect our people here. And I think this is a good resolution, because if they have an HIV virus, someone's going to have to take care of them. What about taking care of -- of our own people first? I think that's more important, and I certainly speak in favor of the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle. I'm sorry. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Does -- would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

This has been amended to where it includes all people of -- of all countries that are coming in. Is that not correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR PETKA:

Senator, the caption on the board is incorrect; it includes all immigrants. This is not specific.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

I guess my question is, what happens if one sneaks by and they come here; we will not accept that person. Let's say that the country from whence they came refuses to accept them back. What -- what happens under that circumstance?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I don't purport to speak on immigration law and admiralty jurisdiction, but let me just state this: It has been historically the practice in this country to test not only for sexually transmitted diseases, but for smallpox, for other diseases which were, at one time, killer diseases. And when we had a policy that would basically prevent those individuals who could greatly damage the health and safety of the American people, we simply did not permit them to come in. What the Department of Human -- or, Health and Human Services proposed is to carve out an exemption for a very narrow class of individuals who have sexually transmitted diseases. In my opinion, that simply makes no sense whatsoever, because these are the -- the types of diseases that we simply do not have a cure for, and we -- we will simply flood - flood - a health system that has -- is literally coming apart at the seams right now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Just in closing, to the bill -- or to the resolution: I

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

happen to think you're right, Senator. If we are going to take care of the AIDS victims that we currently have that are growing at a ever-increasing number, we have to somehow stem that tide. I think we'll take care of Americans first, and whenever we get that resolved, then we can address the issue further. I think that it's a very difficult situation. It's a difficult vote, at best, because we should be a world society trying to eradicate AIDs. It's a -- it's a horrendous disease, but I'm a great believer, let's try to take care of our own first, and we'll step outside of that whenever the time comes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Very quickly, and just to add that it costs roughly between a hundred and twenty-five and a hundred and fifty thousand dollars per AIDS patient in -- in their final three months of life, and, I mean, it's a very unfortunate, tragic type of a disease. But when you're looking at that kind of -- amount of money that's out there and finite health care dollars - we've seen it coming down through the -- at least the hints of the Clinton health care proposals that are out there in terms of what will -- what this will cost the American people, how health care dollars will be allocated. Judging by what my constituents have said very vehemently in their mail to me, they don't want immigrants coming in with communicable diseases. It has been a traditional policy of the INS not to allow them. I am the product of an immigrant family, and I can remember my grandmother telling me very, very staunchly how many people were turned right around and sent back. It was not permitted then; it ought not to be permitted now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia.

SENATOR GARCIA:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Thank you, Mr. President. I have a question for the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Senator Petka, were Haitians mentioned in your original version of Senate Resolution 94?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, at the time that the bill was filed, it was a timely issue; however, since Congress took care of that particular problem, we expanded it to all immigrants.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

...President. Was that a yes answer, Senator Petka?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Affirmative.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Mr. President, somehow I get the sense that since the answer to my question was a yes, that this resolution has very little to do about AIDS or sexually transmitted diseases. And as an immigrant here this afternoon, I think it has more to do with a double standard in foreign policy and how we treat people of the Third World who wish to come to this country. That's why I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, could you tell me what is the current policy? You referred to Health and Human Services making a request. But what is the current policy of the United States, or the stated policy of the President, with regard to allowing people with HIV virus to be admitted into the United States?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

The proposed change, Senator, would remove sexually transmitted diseases from the list of communicable diseases, which would disqualify immigrants in the United States as permanent residents. Under -- traditionally, Senator Cullerton, we have tested all those who have got off at Staten Island and other ports of entry for certain types of communicable diseases, which have from time to time plagued the resident population of the United States.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

My question is: Proposed by whom? And what's the status? And who has the authority to change this policy? Is it done by Congress? Is it done by the President? And who proposed the change? And at what stage is that proposal being considered?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

The Department of Health and Human Services has proposed the change.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

I heard that. And then, to whom? Who do they propose it to?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR CULLERTON:

Does Congress...

PRESIDING OFFICER: (SENATOR MAITLAND)

...(machine cutoff)...Petka.

SENATOR PETKA:

Senator, staff tells me that this is a proposal that is made to the Immigration and Naturalization Service.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

I -- I don't have a copy here, but I -- the resolution reads, in the Calendar, that we're urging President Clinton not to allow immigrants. So, does he have the exclusive authority to do this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

The Department is a -- is a -- within the executive branch of government. A president has the force of his office to implement policy throughout his administration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

And then finally -- but do I understand that President Clinton has not accepted this recommendation to date? Is that correct?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

I don't have any idea, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Petka, I noticed the resolution only deals with immigrants. Now, we have, in this country, many persons who are seeking political asylum. They are -- and they come into this country, if you had watched the episode on 60 Minutes as relate to all these individuals who seek political asylum in this country. Does this resolution impact on them?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator Jones, this impacts upon people who fit the categorization of immigrants.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well then, there are many persons who come into this country from Eastern Europe - all the problems we have there - other countries that come in seeking political asylum, and they are given temporary status or sometime permanent status. So therefore, in other words, you said they would not have to be tested for coming into this country. And those same persons may have what you are talking about. So the resolution really is

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

discriminatory just against only the immigrant portion. What about the ones seeking the political asylum? We have many, many persons in this country every day. If you had watched that program, once a person comes here, however they're coming - be it legal or illegal - and when they get here, if they said they are seeking political asylum, they are automatically turned loose in this country. How does this resolution impact on them?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Well, Senator, if they are doing that, it's something that's really very, very unfortunate, because by merely claiming to be those who are seeking asylum in this country, if it's not rationally related to true political asylum, it's a very sad state of affairs in this nation. This speaks to immigrants, because that's the largest category of people that this -- that I frankly, could address.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I apologize for speaking a second time. However, number -- point number one: The resolution had been amended so that -- asking President Clinton not to allow any immigrants - no matter where they're from - infected with HIV virus to be admitted to the United States. Point number two: When President Bush blocked the immigrants from Haiti because of HIV, he was thoroughly criticized by then-candidate Clinton, who later reversed himself as President and agreed with President Bush. So let's go on with the show. Okay?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Petka, to

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

close.

SENATOR PETKA:

Mr. President and Members of the Senate, the issue has been adequately debated. I -- I -- I simply would like to reaffirm and repeat something I stated earlier. With the -- the type of scrutiny that is now being placed into the United States health care system, we simply, as a nation, cannot afford - we cannot afford to simply open the doors of our nation to individuals who will flood our health care system, who will create havoc with the quality of care delivered in this -- to the people of our country. This resolution simply states that we feel as a -- a matter of national policy that we should continue the -- the service -- or the assessment that has served us well for this whole century. And with that, I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka moves the adoption of Senate Resolution 94. 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, Mr. Secretary. On that question, there are 37 Ayes, 12 Nays, 7 Members voting Present. Senate Resolution 94 is adopted. Senate Resolution 112. Senator Topinka. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 112 is offered by Senator Topinka. The Committee on Executive adopted Amendment No. 1 to the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, Committee Amendment No. 1 becomes the bill. It's significantly easier than our last resolution. All it does is ask that the



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Burlington Northern Railroad and the City of Berwyn continue to work together to create negotiations to see what they can do to alleviate a problem of long standing, in that the Burlington Northern bisects the city and creates all sorts of difficulties. The -- the resolution is a form of insurance to keep these things going. It's having a very successful effect, and I'd appreciate a positive response.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I certainly don't quarrel with what Senator Topinka's attempting to do, but let me tell you that if we are going to inject ourselves into every municipal miniscule problem that there is in Illinois and have the power of the Senate, by virtue of a Senate resolution, to say to the cities and the municipalities and the railroads and whatever that they ought to continue discussing different items, I'll bet there isn't another Member in this Senate that understands this problem, other than what Senator Topinka has -- has put forth. So I would suspect that every Member of the Senate that wishes to have some expression of continuation of -- of negotiations going on, and whatever walks in here, we would be proliferated with -- with resolutions to be considered by this Body. I think this is a -- a dangerous precedent that we're embarking upon, and you can vote it up or down.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Welch.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR WELCH:

Senator Topinka, do you know what the cost is of passing one of these resolutions?

SENATOR TOPINKA:

I think it's...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

The last time I looked, which was about ten years ago, it was about twelve dollars and fifty cents.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator LaPaille. Senator Topinka, to close.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka moves the adoption of Senate Resolution 112. Those in favor will vote Aye. Those opposed, vote Nay. It's the opinion of the Chair, the Ayes have it. The resolution is adopted. Resolution 118. Senator Petka. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 118, with Amendment No. 1 adopted by the Executive Committee. It's offered by Senators Petka and Sieben.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Resolution 118 is a commendation of the Boy Scouts of America for simply trying to withstand the attack upon themselves by very powerful special interest groups who have carried a lot of favor with the national media in an attempt, in my opinion and the opinion of many others, to destroy the Boy Scouts of America agenda. It couldn't be more pertinent at this time to have a

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

resolution like this brought to this Floor in this august Body. Just last week a Roberta Acktenberg, who was designated to be an assistant secretary for fair housing at HUD, in testimony before the Senate, stated that she believes that the Boy Scouts of America are a threat to the children of America because the organization will not permit homosexual men to be scoutmasters, and that their creed refers to the recognition of God as being a sovereign. Now, what this resolution, I believe, focuses in on, is what the vast majority of people in this nation believe: that there is a proper role of a divine being within -- God, within an organization, that a creed that reaffirms that -- that belief is something that should be held up to respect as opposed to disrepute, and also to commend the Boy Scouts for having an agenda which is consistent with the way America has operated, and the -- its -- its structures, its traditional -- and family values. And in my opinion, it's something that will just simply stiffen the resistance of the Boy Scouts to an attack upon its very well-being.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I -- I think we should save a few twelve dollars and fifty cents' here, if that's what it costs, and throw some of these things out the window. You know, what this -- this thing to me is almost laughable, if it wasn't of a serious issue. And it is a serious issue, but I -- what are you really trying to get at here? Are you trying to say that homosexuals cannot be in the Boy Scouts? Is that what -- is that what this resolution says?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator, the whole resolution is -- is -- has that in part. This resolution was -- was first brought to the fore by the direct attack by the American Civil Liberties Union upon the Boy Scouts of America because of individuals who were atheists who sued the Boy Scouts, basically, for a membership in that organization. If they want to found a boy scout organization that -- that basically has a -- a -- a commitment to a non-God or -- or does not want to have any deity as part of their creed, they can form their own organization, but this organization specifically filed a lawsuit challenging the Boy Scouts' ability to function as an organization because it had a creed that required the Boy Scouts to take an oath to the belief in God. I think that's wrong, and I think that this was -- because they have been under savage attack - savage attack - that it's basically a sense of commitment from this General Assembly that they should try to withstand the attack and stand up for what they believe is right.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

So God says there shall be no homosexuals, and the ACLU filed suit on behalf of an adult homosexual who wanted to be a scoutmaster, and we're saying, by this resolution, that because God does not like homosexuals, that we should not allow the homosexual to teach Boy Scouts, but yet they can be in our schools; they can be in all other walks of life. You might even -- in all honesty, Senator Petka, for all we know, there might even be some in this room. Heaven forbid! This would be a dastardly thing to have happen. This is a serious issue, but I'll tell you, I don't know where we're going. I think we should take -- I think we should take the remainder of the Secretary's Desk, Resolutions, vote No on all of them, and adjourn for the day. In fact, I make a motion to adjourn.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

I think we -- we -- following up with what Senator Jacobs was saying, is there any -- is there any homosexuals in the Boy Scouts right now, to your knowledge?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I -- I, quite frankly, don't know where I would get that information from.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

The -- I'm just asking a question. I'm trying to find out -- and this resolution is based, primarily, upon the lawsuit that was filed by the Civil Liberties Union, is that right, on behalf of...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, it's based on two lawsuits that were filed by the American Civil Liberties Union. Both the prior speaker and yourself are alluding to one part of that. There was a lawsuit that was filed that was going to compel a private organization, the Boy Scouts of America, to -- to modify their creed to -- to accept atheists because there was a -- a -- in the Boy Scout creed, there is a requirement that they swear allegiance to an almighty -- to a creator, to God.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

The -- to the resolution: The -- the fact is that -- maybe Senator Petka don't realize, it was just a few years ago that black Americans in this country, in -- in the south, were -- they had laws passed directly aimed at them, such as this resolution. Could we have some -- could we have some order?

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Please give the Gentleman your attention, would you please? Senator Shaw.

SENATOR SHAW:

And the -- the same type of laws and resolutions that we're talking about, in terms of the homosexual community, were passed against blacks and -- and African-Americans in this country, particularly in the south. It wasn't until 1954 that we -- that we could get into schools in this country. And we were a part of this country. In 1964, the Civil Rights Bill was passed. I don't know whether you recognize that or not, but discrimination -- and what you are saying in this resolution, because of someone's sexual preference, with no evidence that they have done -- that they have done anything wrong, you don't want those people to become a member of the Boy Scouts. Well, those people are citizens of this country. They have rights just like everybody else, and we argued that point for a hundred and some years - four hundred, really. But now some people accept that, but I look forward to the day that in a -- that in bodies like this, highly intelligent bodies, that we would not come to this type of resolution, castigating someone because of their sexual preference. This is a -- this is a bad resolution. It's a bad precedent. If you put it against -- if you do this against the gay community today, what community are you going to do it against

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

tomorrow? We're moving backwards in time. I think it's wrong. I think the resolution should be defeated.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator LaPaille.

SENATOR LaPAILLE:

Will the Gentleman yield for some questions?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator LaPaille.

SENATOR LaPAILLE:

Senator Petka, could -- could you tell me the increase in the number of children reported as abused or neglected in Illinois from 1991 to 1992? What -- what was the increase?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, you have the figures there, so you can use them. I don't have them, so...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator LaPaille.

SENATOR LaPAILLE:

The increase was a 21.5 percent increase from one year - from 1991 to 1992 here in Illinois. Illinois ranked fourth in the nation in the number of child abuse and neglect-related fatalities in 1992. Seventy-five children died as a result of child abuse or neglect in 1992 in the State of Illinois. When we look at the economy here in Illinois, personal income rose by 2.7 percent in the third quarter in America; Illinois personal income growth -- lagged behind at only two percent. Retail sales: 3.3 percent in the fourth quarter of '92; they rose only .8 percent in Illinois. Illinois ranked forty-sixth among states in the fiscal health according to City and State Magazine. And we're wasting our time on a patented wedge issue, a wedge issue that you would think,

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

after the Republican National Convention, you would have learned your lesson. I submit that the Senator on the other side of the aisle has gained the new title of "The Wizard of Wedge Issues" in the Illinois State Senate. This should be soundly defeated, and let's get on to other issues like child abuse, drugs, gangs, and putting people back to work in Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

I call for the previous question. I want to go home.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, prior -- prior to the motion, we have two additional -- perhaps one additional speaker on this subject. Senator Raica. Senator Raica. Senator Sieben, you had your light on before.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know the hour is late, but there comes a time -- and I think when you look at a resolution like this, that you realize the essence of the resolution is -- is to commend an organization that stands on a set of principles. And I think most Members of the General Assembly, at one time or another, have probably awarded a certificate to an Eagle Scout in your district and made a presentation and commended that Scout on the accomplishments that they have done and the merit badges that they have earned to become an Eagle Scout. And I think we all recognize that this association, this organization, has developed a set of principles or a set of values, or a set of ideals, or a way of life that they believe, and they establish their membership and eligibility for membership based on those principles, and those values, and those ideals, and on that way of life. And I think what this resolution seeks to do is to commend them for sticking to those principles and ideals and values. And if we, as a Body, in the Illinois



STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

General Assembly, as the Illinois State Senate, don't commend those groups and those organizations who are willing to stand up for a set of values or principles or ideals, we have not served our constituency well. And I would encourage all of you to vote Yes for this resolution, and to seek other ways in your own district with your constituents to commend those people who stand on a set of principles or a set of values or a set of ideals that are based in the very fundamentals that brought this country into being some two hundred years ago.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka, to close.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. My seatmate, Senator Sieben, has said it more eloquently than perhaps I -- than anyone can ever describe and define. I'd simply urge an adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka moves the adoption of Senate Resolution 118. 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, Mr. Secretary. On that vote, there are 35 Ayes, 16 Nays, no Members voting Present. Senate Resolution 118 is adopted. Senator DeAngelis, for what purpose do you arise, sir?

SENATOR DeANGELIS:

Just for the purpose of an announcement, Mr. President. The Revenue Committee will not meet tomorrow.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Senate Resolution 227. Senator Farley. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 227 is offered by Senator Farley.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

There are no amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Resolution 227 is a -- a resolution directed to the Illinois Criminal Justice Information Authority, asking them to review some cases of battered women. A few months back the Governor pardoned a Debra -- Debra Babula of Crystal Lake, and it was reported at that time that there were several other women in -- in a similar situation. And what this resolution is asking for, Mr. President, is that some of those be -- be reviewed and a report given to the Governor in case there were other women in this situation, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Discussion? Senator Farley has moved the adoption of Senate Resolution 227. Those in favor, vote Aye. Those opposed, vote Nay -- Nay. The Ayes have it. The motion -- the resolution is adopted. Is there leave to go to the Order of Messages? Leave is granted. Is there leave to go to the Order -- is there leave to go -- is there leave to go to Messages? Leave is granted. Mr. Secretary.

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 41.

(Secretary reads HJR No. 41)

Adopted by the House, May 13, 1993.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move for the suspension of the Rules for the immediate consideration and the adoption of House Joint Resolution 41.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves to suspend the Rules for the purpose of the immediate consideration and adoption of House Joint Resolution 41. Those in favor, say Aye. Those opposed, Nay. The Ayes have it. The Rules are suspended. Senator Weaver has moved the adoption of House Joint Resolution 41. Those in favor, say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the motion is adopted. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. -- Mr. President. On Senate Resolution 118, when I pressed the button, I pressed the wrong one. I'm recorded as voting Aye. I meant to vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman, the -- the record will so indicate. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 429, offered by Senator Demuzio, as is Senate Resolution 430.

And Senate Resolution 431, offered by Senator Smith. They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BUTLER:

For purposes of an announcement. The Commerce and Industry Committee will not meet tomorrow.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

Thank you, Senator. A Message from the House, Mr. Secretary.

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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 499, together with the following amendment, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1 to Senate Bill 499.

We have like Messages on Senate Bill 641, with House Amendment 1; Senate Bill 861, with House Amendment 1; Senate Bill 941, with House Amendment 1; Senate Bill 951, with House Amendment 1; and Senate Bill 966, with House Amendment 1.

All passed the House, May 12, 1993.

We also have like Messages on Senate Bill 45, with House Amendments 1 and 2; Senate Bill 841, with House Amendment 1; Senate Bill 17, with House Amendment 1; Senate Bill 496, with House Amendment 1; Senate Bill 543, with House Amendment 1; Senate Bill 952, with House Amendment 1; Senate Bill 41, with House Amendment 1; Senate Bill 60, with House Amendments 1 and 2; Senate Bill 66, with House Amendments 1 and 2; and Senate Bill 207, with House Amendment 1.

All passed the House, as amended, May 13, 1993.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. For the purposes of announcement, the Transportation Committee will, w-i-l-l, will meet tomorrow. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard, for what purpose do you rise, sir?

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

51st Legislative Day

May 13, 1993

SENATOR WOODYARD:

Thank you, Mr. President, for an announcement. The Senate Agriculture Conservation Committee will not meet tomorrow. Not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator. Any further business to come before the Senate? If not, Senator Geo-Karis moves the Senate stand adjourned until 9 o'clock tomorrow.

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

94/11/22  
15:37:19

MAY 13, 1993

HB-0069	SECOND READING	PAGE	2
HB-0935	THIRD READING	PAGE	5
HB-0935	MOTION	PAGE	24
HB-0976	THIRD READING	PAGE	6
HB-0989	THIRD READING	PAGE	7
HB-0989	OTHER	PAGE	13
HB-1007	THIRD READING	PAGE	12
HB-1010	THIRD READING	PAGE	14
HB-1073	THIRD READING	PAGE	16
HB-1083	THIRD READING	PAGE	17
HB-1109	THIRD READING	PAGE	19
HB-1145	THIRD READING	PAGE	20
HB-1153	THIRD READING	PAGE	21
HB-1204	THIRD READING	PAGE	22
HB-1212	RECALLED	PAGE	24
HB-1219	THIRD READING	PAGE	25
HB-1222	THIRD READING	PAGE	26
HB-1235	SECOND READING	PAGE	4
HB-1295	THIRD READING	PAGE	27
HB-1305	THIRD READING	PAGE	29
HB-1320	RECALLED	PAGE	30
HB-1335	THIRD READING	PAGE	31
HB-1341	RECALLED	PAGE	32
HB-1343	THIRD READING	PAGE	36
HB-1347	THIRD READING	PAGE	40
HB-1362	THIRD READING	PAGE	43
HB-1376	THIRD READING	PAGE	45
HB-1377	THIRD READING	PAGE	49
HB-1383	THIRD READING	PAGE	52
HB-1392	THIRD READING	PAGE	57
HB-1410	RECALLED	PAGE	59
HB-1410	RECALLED	PAGE	67
HB-1410	OUT OF RECORD	PAGE	61
HB-1427	THIRD READING	PAGE	62
HB-1427	OUT OF RECORD	PAGE	64
HB-1451	THIRD READING	PAGE	64
HB-1457	THIRD READING	PAGE	68
HB-1497	THIRD READING	PAGE	71
HB-1540	THIRD READING	PAGE	72
HB-1553	RECALLED	PAGE	75
HB-1585	THIRD READING	PAGE	85
HB-1595	THIRD READING	PAGE	87
HB-1601	THIRD READING	PAGE	88
HB-1609	THIRD READING	PAGE	88
HB-1637	THIRD READING	PAGE	89
HB-1637	OUT OF RECORD	PAGE	89
HB-1643	SECOND READING	PAGE	4
HB-1651	THIRD READING	PAGE	89
HB-1719	THIRD READING	PAGE	90
HB-1729	RECALLED	PAGE	96
HB-1733	THIRD READING	PAGE	97
HB-1761	RECALLED	PAGE	98
HB-1771	THIRD READING	PAGE	99
HB-1781	THIRD READING	PAGE	102
HB-1791	THIRD READING	PAGE	109
HB-1792	THIRD READING	PAGE	109
HB-1852	RECALLED	PAGE	111
HB-1896	THIRD READING	PAGE	112
HB-1901	THIRD READING	PAGE	115
HB-1910	RECALLED	PAGE	116
HB-1915	RECALLED	PAGE	117
HB-1927	THIRD READING	PAGE	118
HB-1933	RECALLED	PAGE	119
HB-1951	THIRD READING	PAGE	120

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

94/11/22  
15:37:19

MAY 13, 1993

HB-1974	THIRD READING	PAGE	121
HB-1983	THIRD READING	PAGE	123
HB-2040	THIRD READING	PAGE	130
HB-2077	THIRD READING	PAGE	133
HB-2105	THIRD READING	PAGE	134
HB-2117	THIRD READING	PAGE	137
HB-2128	THIRD READING	PAGE	138
HB-2129	THIRD READING	PAGE	139
HB-2154	THIRD READING	PAGE	140
HB-2155	THIRD READING	PAGE	142
HB-2156	THIRD READING	PAGE	144
HB-2158	THIRD READING	PAGE	145
HB-2168	THIRD READING	PAGE	147
HB-2187	THIRD READING	PAGE	148
HB-2230	THIRD READING	PAGE	149
HB-2294	THIRD READING	PAGE	159
HB-2307	OTHER	PAGE	82
HB-2347	THIRD READING	PAGE	160
HB-2370	THIRD READING	PAGE	161
HB-2372	THIRD READING	PAGE	162
HB-2397	RECALLED	PAGE	163
HB-2400	THIRD READING	PAGE	164
SR-0094	ADOPTED	PAGE	165
SR-0112	ADOPTED	PAGE	176
SR-0118	ADOPTED	PAGE	178
SR-0118	OTHER	PAGE	187
SR-0227	ADOPTED	PAGE	185
SR-0421	RESOLUTION OFFERED	PAGE	2
SR-0422	RESOLUTION OFFERED	PAGE	85
SR-0423	RESOLUTION OFFERED	PAGE	85
SR-0424	RESOLUTION OFFERED	PAGE	85
SR-0425	RESOLUTION OFFERED	PAGE	85
SR-0426	RESOLUTION OFFERED	PAGE	85
SR-0427	RESOLUTION OFFERED	PAGE	85
SR-0428	RESOLUTION OFFERED	PAGE	85
SR-0429	RESOLUTION OFFERED	PAGE	187
SR-0430	RESOLUTION OFFERED	PAGE	187
SR-0431	RESOLUTION OFFERED	PAGE	187
HJR-0037	RESOLUTION OFFERED	PAGE	85
HJR-0041	ADOPTED	PAGE	186
HJR-0041	RESOLUTION OFFERED	PAGE	186

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-PASTOR WITKOP	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	42
RECESS	PAGE	84
SENATE RECONVENES	PAGE	84
COMMITTEE REPORTS	PAGE	84
MESSAGE FROM THE HOUSE	PAGE	84
COMMITTEE REPORTS	PAGE	95
MESSAGE FROM THE HOUSE	PAGE	186
MESSAGES FROM THE HOUSE	PAGE	188
ADJOURNMENT	PAGE	189