

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

54th Legislative Day

May 18, 1993

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Our prayer this morning will be by the Reverend Samuel Hinkle, Cathedral of Joy, Flossmoor, Illinois. Will our Senators be at their desks, and our guests in the gallery please rise. Pastor Hinkle.

THE REVEREND SAMUEL HINKLE:

(Prayer given by the Reverend Hinkle)

PRESIDING OFFICER: (SENATOR WEAVER)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, May 12th; Thursday, May 13th; Friday, May 14th; and Monday, May 17th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Butler moves postponement of the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, it is so ordered. Committee Reports.

SECRETARY HARRY:

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Senate Amendment No. 1 to House Bill 45 Be Adopted, Amendment 1 to House Bill 1194 Be Adopted, Amendment 3 to House Bill 1489 Be Adopted, Amendment 2 to House Bill 1498 Be Adopted, and Amendment 2 to House Bill 2242 Be Adopted.

Senator Karpziel, Chair of the Committee on Executive, reports Senate Amendment 2 to House Bill 203 Be Adopted, Amendments 1 and 2 to House Bill 1313 Be Adopted, Amendments 1 and 2 to House Bill 1739 Be Adopted, Amendment 1 to House Bill 1778 Be Adopted; and Amendment 1 to House Bill 203 tabled by the Sponsor.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Amendment 1 to House Bill

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494 Be Adopted, and Amendment 2 to House Bill 2053 Be Adopted.

Senator Watson, Chair of the Committee on Education, reports Amendment 2 to House Bill 701 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment 2 to House Bill 1235 Be Adopted, Amendment 2 to House Bill 1575 Be Adopted, Amendment 2 to House Bill 1642 Be Adopted, and Amendment 3 to House Bill 2163 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Introduction of Resolutions.

SECRETARY HARRY:

Senate Resolution 449, offered by Senator Dudycz.

Senate Resolution 450, by Senator McCracken.

Senate Resolution 451, by Senator Trotter, as is Senate Resolutions 452 and 453.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Messages.

SECRETARY HARRY:

A Message from the Minority Leader.

Dear Mr. Secretary - Please be advised that I have appointed Senator Demuzio to serve on the Appropriations Committee to fill the vacancy created by the resignation of Senator Luft. Also be advised that I have appointed Senator Shadid to replace Senator Luft on the Financial Institutions Committee.

Signed by Senator Emil Jones, Minority Leader.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

...(microphone cutoff)...Resolution 454, offered by Senator Demuzio.

Senate Resolution 455, by Senator Hall and all Members.

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Senate Resolution 456 and 457, also by Senator Hall and all Members.

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

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. We're going to begin on House Bills 2nd Reading on the top of page 12. If you wish to move your bills, now's the time. Senator Woodyard, on House Bill 701? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 701.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Amendment No. 2 becomes the bill. The bill deals with consolidation of small school districts, and what this amendment would allow is, upon the referendum by one of the school districts, to deactivate and then to send their pupils to another district that would allow the negotiation of the tuition fees to that new school. That's all it does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Woodyard has moved the adoption of Amendment No. 2 to House Bill 701. All in favor, signify by saying Aye. Opposed, Nay. Motion carries. The amendment's adopted. 3rd Reading -- have there -- have there been other Floor

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amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen, on House Bill 767? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 767.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Donahue, on House Bill 770? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 770.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Klemm, on 1194? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1194.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

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SENATOR KLEMM:

Well, thank you, Mr. President. Amendment No. 1, which actually becomes the bill, to Senate <sic> (House) Bill 1194 changes the period of time that the Department can establish divestiture of assets in order to qualify for Medicaid assistance from sixty months to thirty months. This is similar to a bill that we had passed. From sixty months to thirty months. Oh, I mean, from thirty months to sixty months. Forgive me. I had it mixed up. This is similar to a bill that we had passed out of the Senate before, and I do ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on 1300? Out of the record. 1313? Senator McCracken? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1313.

(Secretary reads title of bill)

2nd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there... May we take this out of the record? We don't have the amendment yet. Thank you. Out of the record. Senator Madigan on the Floor? Senator Farley on the Floor? Senator Berman? On 2163, Senator Berman? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2163.

(Secretary reads title of bill)

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

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Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there further amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 3 was adopted this morning in committee. The previous amendment, No. 1, that we adopted in committee, removed the banks and savings and loans. This one does the same for the credit unions. I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor of the amendment, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on House Bill 2262? Out of the record. 2272? Out of the record. For what purpose does Senator Jacobs arise? Senator Jacobs.

SENATOR JACOBS:

Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR JACOBS:

It's been brought to my attention that there is a Senator who is celebrating a nineteenth-year anniversary with the bride that he stole from the cradle, and I want to wish Tom and Bonnie Dunn happy anniversary.

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PRESIDING OFFICER: (SENATOR WEAVER)

Happy anniversary, Senator Dunn, Mrs. Dunn. On the Order...
For what purpose does Senator Dudycz arise?

SENATOR DUDYCYZ:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR DUDYCYZ:

Mr. President, Members of the Senate, standing beside me on the Senate Floor is the newly elected president of the Chicago Firefighters Union Local 2. His name is Dan Fabrizio, and I would like the Senate to welcome him.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Springfield, sir. Senator Hasara, do you wish Senate -- House Bill 45 returned to the Order of 2nd Reading for the purpose of amendment?

SENATOR HASARA:

Yes, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara seeks leave of the Body to return House Bill 45 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. On the Order of 2nd Reading is House Bill 45. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Hasara.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Floor Amendment No. 1 to House Bill 45 makes the bill just like Senate Bill 258. It tightens up the language which requires DNA testing in many cases.

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I ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? The question is, shall Floor Amendment No. 1 be adopted to House Bill 45. All in favor, signify by saying Aye. Opposed, Nay. Motion carries. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator McCracken, on House Bill 96? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 96.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR McCracken:

Thank you, Mr. President, Ladies and Gentlemen of the Body. House Bill 96 would amend the Retail Installment Act for motor vehicles to conform it to the current status of the Retail Installment Act, except for the inclusion in the Motor Vehicle Act of a circumstance where a -- where a sponsor cannot be served with process. Other than that, the language conforms to make it identical to the Retail Sales Installment Act. I move its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

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SENATOR CULLERTON:

Senator, could this bill be used to proceed against the guarantor before the seller has exhausted all efforts to collect from the obligor?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Yes. Well, I suppose it -- it depends on how you define "exhausted all efforts". This lists three circumstances in which they can go against a guarantor without having first obtained a judgment against the obligor. One of them is that the -- or the obligor cannot be served with process, or that the suit against the obligor would be useless, or that the obligor is insolvent. Those -- those -- those last two circumstances -- that precise language is already found in the Retail Sales Installment Act. The only difference would be that the obligor cannot be served with process.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. In the current law, on page 2, "EXPLANATION OF GUARANTOR'S OBLIGATION", there's a...(microphone cutoff)... explanation of the guarantor's obligation, on -- it's on the -- it's in the current law, on page 2. Shouldn't these -- shouldn't that also be amended to reflect these new circumstances?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

I don't think so. Paragraph starting with the words "If the seller cannot", line 17 of page 2 - if the seller cannot collect this amount from the buyer, you are obligated to pay. I would submit that the three circumstances specifically created by this

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bill all amount, or are tantamount, to an inability to get the primary obligor to pay.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall Senate <sic> (House) Bill 96 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? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 96, having received the constitutional majority, is declared passed. Senator Mahar, on 118? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. House Bill 118. Currently under Vehicle Code -- or the Illinois Vehicle Code, it prohibits anyone from operating a truck carrying dirt, aggregate garbage, refuse or any other material on a highway when any part of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle. Recently the Pollution Control Board adopted a rule which prohibits anyone from operating a truck without a covering sufficient to prevent the release of a particular matter into the atmosphere. This bill prohibits the Pollution Control Board from adopting or enforcing any rule requiring a cover or tarp on a truck, trailer or other vehicle that is stricter than the Tarp Law in the Illinois Vehicle Code. In addition, we combined -- we added under this, House Bill 404, which permits the Illinois EPA to inspect any automobile graveyard

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located within a thousand feet of a canal.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies -- Ladies and Gentlemen of the Senate. I understand that the Illinois EPA and some other groups are opposed to this legislation. I suspect it -- the provision that makes it more difficult or more stringent, I guess, for the -- the tarpaulin than -- than covering the vehicle than anything else. Perhaps you could respond to that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

The only -- the EPA has some reservations, and they have come to me on it. The problem that -- they believe the Pollution Control Board should have a -- be able to make a stricter rule than the Illinois Vehicle Code. However, the problem is, what they're doing is -- is they're virtually harassing these drivers. Somebody in your district... Well, let me -- let me read you the example. We -- prohibits the Pollution Control Board from adopting or enforcing any rule requiring a tarp or other covering on a vehicle that is stricter than the corresponding provisions in the Code. And this bill responds to complaints by truck drivers that they are in compliance with the existing Tarp Law, but are being harassed by the IEPA because they are -- their trucks are stirring up dust. That doesn't seem right to me.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm just going to vote No.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall

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House Bill 118 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 10, 1 voting Present. House Bill 118, having received the constitutional majority, is declared passed. WICS-TV requests permission to film today's Session. Is there leave? Leave is granted. Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, today we have a very special guest who was brought here by Cook County Chairman, former State Representative Manny Hoffman, and George Ryan's son. He is an elected member of Parliament in the Republic of Latvia. His name is Andreas Putnik. He is a professor vice chairman of the legislative commission there, and he's here in the United States, as well as Illinois, on a fact-finding mission. And if you would indulge us, he would like to share a few words here with the Assembly. He's right behind me. Mr. Putnik. Shall we welcome him.

PRESIDING OFFICER: (SENATOR WEAVER)

Very good.

MR. ANDREAS PUTNIK:

(Remarks by Mr. Andreas Putnik)

PRESIDING OFFICER: (SENATOR WEAVER)

Good to have you, and welcome to Springfield. Senator Topinka?

SENATOR TOPINKA:

Yes. And I think we should all know that one of the gifts that we will be sending with Mr. Putnik back to Latvia will be a copy - the full set - of the Illinois State Statutes. So, in case Latvia wishes to follow our lead, they're more than welcome to do so.

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PRESIDING OFFICER: (SENATOR WEAVER)

Be careful. On the Order of 3rd Reading, Senator Watson, on 132? Out of the record. Senator Dudycz, on 176? Out of the record. Senator Peterson, on House Bill 184? Out of the record. Senator Collins, on House Bill 246? Senator Collins? Out of the record. Senator Cronin, on 248? Out of the record. Senator Fawell, on House Bill 258? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 258.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President and Members of the Assembly. This is the Mental Health Department bill. It adds new language to form an integrated service system to share the necessary identifying reciprocant <sic> information. Adds language permitting clinical information to be disclosed between participating mental health centers, DD-funded community programs and Department facilities. And it...

PRESIDING OFFICER: (SENATOR WEAVER)

Let's hold the noise down.

SENATOR KARPIEL:

...establishes participating mental health centers. It is supported by the Alliance for the Mentally Ill, Statewide Coalition, Mental Health Association of Illinois, Illinois Association of Community Health Agencies, Association of Retarded Citizens, the Protection and Advocacy, Incorporated. The Illinois Hospital Association and Medical Society are neutral. It is also supported by Dr. Davidson of the Mental Health Association. I will be glad to answer any questions.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not -- Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. This provision, now that it has been amended, is opposed by -- by AFSCME. I'd like to ask the sponsor, if she might, if she would respond to the opposition that -- that they have raised with respect to this mental health issue, because it's rather complex, and I would appreciate it if you would give us a explanation, again, as to what we are doing here.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much for that question, Senator Demuzio. I think, as you are well aware, the federal government, several years ago, informed us that we were violating the civil rights of our mental patients by insisting that they had to stay inside institutions. Several of us have community mental health agencies. In my -- in my county we have a DuPage Mental Health Board, which is under our Health Department, which are the ones that presently screen these mentally ill people when they go into crisis situations. They then decide whether they can be stabilized right at our crisis unit, and if they can, we no longer have to refer them to Elgin, which is where we send our -- our chronically mentally ill. What this bill will do, under the present form, is will -- those -- those communities who have similar systems - 708 boards particularly - will be allowed to stabilize those people who are in crisis situations at a local and community level. They will also make sure that there is a follow-up to make sure that they have housing, that they are properly taken care of, that they stay on their medication. They set up CILAs and so on. And then the ones that are -- really need

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the help, the chronically mentally ill, will be still taken care of in the institutions, but we will have a better staff ratio, and we will actually be able to take care of them, rather than shoving them out the back door, which is what we're doing right now. If you have some specific question, I will be glad to answer some specific question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well, let me ask this specific question: Why -- why did you take the Inspector General's office...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Demuzio. Will the staff please take their conferences off of the Floor, please? It's hard to understand the questions. So, let's quiet down a little bit. Senator Demuzio.

SENATOR DEMUZIO:

Originally in the bill, the Inspector General was going to be a separate entity. And I understand by -- understand, by the virtue of Amendment No. 1, it is now -- that provision has been removed. Can you tell me how we started out as a separate entity for the Office of the Inspector General, and now it's back within the Department? That's just one of the questions that I have.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

I understand that there are some nursing homes that aren't too thrilled with C.J. Dombrowski. Those of us who have contact with her feel she has done an excellent job. She is working with us in the system. It is working well. Perhaps some people who don't like to see what she has found out and has made public that's happening in some of our institutions -- but that indeed is her job. I think she is doing an excellent job, and it has been

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working well. And I guess the idea is, if it ain't broke, don't fix it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Well, Mr...

PRESIDING OFFICER: (SENATOR WEAVER)

Did you have further questions, Senator Demuzio? It would help if you'd turn on your light.

SENATOR DEMUZIO:

Well, let me pose this question: Do I have to turn on my light every time I ask a question? Because it's being left -- okay. Let me ask you this question, then: If it's such a great idea and she's doing such a great job, then why isn't she an independent agency, rather than within the domain of the Department of Mental Health?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell?

SENATOR FAWELL:

It would cost the State an additional two million dollars if we set up an extra -- a separate agency.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Mr. President, Members of the Senate, I rise in support of this legislation. It is my understanding that, with the amendment, it will make it possible for mental patients to be screened locally, thereby giving them an advantage in being served locally in the local networks. This is not just a DuPage County benefit. I think it would benefit all mental health patients. Let me add that I believe the concerns of AFSCME stem from the fact that they perceive this as a bill which might put some of

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them out of a job. I don't think that is the case. As I understand the intention, there would be a much lower staff-to-patient ratio if this bill passes, thereby bringing us into compliance with where we ought to be in the dealings of Mental Health and their patients.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I, too, would stand in support of -- of this bill. And just in order to answer some of the questions. An inspector general, especially one that has been working in -- in mental health, as -- as well as the current one has -- I -- I guess I would answer a question to a question to Senator Demuzio. Why should she not be a part of Mental Health when we are getting, indeed, a very effective job performance on her part? She's managed to ferret out waste and lethargy and laxness. And really, there's no need to create a separate entity, and obviously, as Senator Fawell has pointed out, it is expensive. I think when we see the integration of all of mental health, through the communities, on a local level, we provide not only convenience to patients, but also to families, so that we can fully integrate them into the community, in with their families, to do the best job possible. Not -- you know, not everyone has to be institutionalized. I appreciate AFSCME's concern, but I don't think that any of us would agree to the fact that the whole mental health system here in the State of Illinois has been created to provide people jobs; rather, it has been created to take care of the needs of an ever-increasing number of Illinoisans who need mental help. And as a result, this bill does it. It is a very pervasive bill. It will be put into effect incrementally, to make sure that no one gets too upset all at one time. It's a good way to do it. I think this has been long in

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the making, and I certainly would urge everyone's support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. The exciting thing, I think, about this is that for once I think we're trying to do something to have our clients access services closer to home. It allows the hospitals and our community mental health services to finally do some screening to keep people where we think they belong. I think my office gets calls continually of trying to keep people closer to their families, closer to the services. And yet, if they need hospitalization, this bill will still provide it and the Department will still provide it. I think it's an exciting change. I think it's what we really should be standing for, and I do support the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, to close.

SENATOR FAWELL:

Well, thank -- thank you very much. And thank my -- I thank my colleagues for all their very apropos comments. Indeed, this is part of the five-year plan that the Mental Health Department is developing. It will give better access to mental health people -- mentally ill people. It will give us a -- a system that is similar to those that are in other parts of the country. To answer Senator Demuzio's question, the Inspector General not only can report to the people that are in the Department, but can report to anybody - can report to us or can report to the Governor. She is appointed by the -- by the Governor and approved by us. If we don't think she's doing the job, we certainly have the right to say so. I think this is an excellent step forward. It has long been needed. It won't be used throughout the entire State, because the entire State is not ready for it. But for those

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communities, such as mine and such as several of the other communities, particularly in the northern part of the State, that -- that are ready for this next step forward, this is an excellent bill, and I urge your support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill 258 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 9, 5 voting Present. House Bill 258, having received the constitutional majority, is declared passed. Senator Watson, on House Bill 282? Out of the record. Senator Mahar, on 299? Out of the record. Senator Karpziel, on -- Senator Karpziel, on 317? Out of the record. Senator Berman, on House Bill 328? Out of the record. Senator Woodyard, House Bill 344? Out of the record. Senator Jacobs, on 354, Mr. Secretary.

SECRETARY HARRY:

House Bill 354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 354, as amended, conducts a study to determine the feasibility of implementing the Senior Companion Program statewide, commencing July 1 of '94. It authorizes the Department of <sic> Aging to receive and disburse State and federal funds from the Senior Community Service Employment Program. And the purpose of that amendment -- or this amendment is to codify current DOA practices. And then, of course, the bill also was amended for the purpose of implementing a recommendation from the

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report as given by the Department of Public Health and the -- and the Department of Aging. I know of no known opposition, and ask for its support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 354 pass. Those in favor will vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 354, having received the constitutional majority, is declared passed. Senator LaPaille, on 377? Out of the record. Senator DeAngelis? Out of the record. Senator Fawell, on House Bill 443? Senator Fawell? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 443.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill is a bill that has been agreed to by the State Bar Association. It gives the courts the discretion to revoke visitation privileges of grandparents, instead of requiring the court to permanently revoke the visitation privileges, as was originally in the bill. It also expands the bill to cover cases in which the parent's right to visitation has been restricted, instead of prohibited. It -- it's basically -- solves a problem that has developed when grandparents have been given the right of visitation to grandchildren, and frankly, are abusing the -- the privilege. I'll be glad to answer any questions on the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates that she would.

SENATOR GEO-KARIS:

Senator, there was an amendment which gave the court discretion to revoke visitation privileges instead of requiring the court to permanently revoke visitation privileges. Is that amendment still on the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Yes, it is.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, the question is, shall House Bill 443 pass. Those in favor will vote Aye. Those opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 443, having received the constitutional majority, is declared passed. Senator Hasara, on 462? Out of the record. Senator Molaro, on 469? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 469.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill creates the By-product Waste and Search Service within

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the Department of Energy. What it calls for is a grant so what we can do is make up a search list to put in contact with businesses who can use the waste product of certain manufacturers while they're manufacturing it. Right now, when everything is done in manufacturing and there -- there's a product at the end of the process, we have service for that. What we don't have is while they're manufacturing it, there's a lot of waste. And what we want to do is put the people in contact who could use it with the people in contact that have this waste and to better service the recycling product. Right now there is no service for that. The ENR says there is no service. They have lists, but they don't coordinate it. And what this bill will do is have that coordination and, in the long run, save a lot of money for the State and be able to use the waste correctly. It's a simple bill, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 469 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. House Bill 469, having received the constitutional majority, is declared passed. Senator Raica, do you wish to bring 494 back to the Order of 2nd Reading? Senator Raica seeks leave of the Body to -- return House Bill 494 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, is there leave? Leave is granted. On the Order of 2nd Reading is House Bill 494. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, to explain your amendment.

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SENATOR DUDYCZ:

Thank you, Mr. President. Floor Amendment No. 1 removes the provision in State law which prohibits Chicago police sergeants, lieutenants and captains from belonging to a collective bargaining organization. Currently in the State of Illinois, every municipality has the ability to have their supervisors of nonexempt -- police supervisors of nonexempt rank belong to such an organization. Chicago currently has the only prohibition on that, and this would remove that.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor... Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR JONES:

You said it so fast, Senator Dudycz. Now you said, nonexempt or exempt employees belonging to a union, or a collective bargaining union? Could you explain that?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator... Senator Dudycz.

SENATOR DUDYCZ:

No, Senator. Current law -- in the State of Illinois, every law enforcement agency does not have the prohibition, other than the Chicago Police Department. The City of Chicago currently has the prohibition of nonexempt police officers. Specifically the sergeants, captains and lieutenants are prohibited from belonging to collective bargaining units. Every other municipality in the State has the -- or they allow their supervisors to -- to join these unions. What -- the prohibition on nonexempt personnel -- or exempt personnel would remain. This is strictly for those who are not exempt.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, I think you're dealing with a very serious, serious problem here, Senator Dudycz, because usually these type positions are what you call management positions, and when you -- you're dealing with management and so forth, then you in turn take those individuals who are in position to have to receive authority from above, and it's very difficult to pass down policy when these individuals are locked in. It's for that reason -- for that reason that you have those type persons not belonging to these unions, because it -- it becomes very difficult for, let's say, the superintendent of the Chicago Police Department to carry out said policy. And I can see the rank and file belonging, but not the lieutenants and sergeants and captains and et cetera. What other municipalities have is one thing, but we have a very large department in the City of Chicago, and a lot of decisions must be made by the executive branch. And when you lock those individuals in to -- to collective bargaining, it creates a problem. I know what you're trying to get at, but I don't think it would be in the best interests of, you know, the people that they are -- are to serve.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand to disagree with Senator Jones. The Chicago Fire Department currently -- the rank of lieutenant, captain and battalion chiefs, which are all supervisors in a suppression field, in addition to field officer and district commander in the medical field, are not in exempt rank. They are all supervisors and all are included in the bargaining unit of Local 2. The

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Police Department police sergeants, lieutenants and captains requested of Senator Dudycz to have this specific legislation drafted 'cause they felt to be -- compelled to be represented by FOP, which serves the -- the regular beat officers. Upper management, such as commanders, deputy chiefs and superintendents, are exempt rank, and therefore management positions and appointed - appointed - by the superintendent of police and the fire commissioner to serve at the pleasure of the Mayor of the City of Chicago. So Senator Dudycz is absolutely correct in this. This came from the rank and file of the Chicago Police Department. When this was heard in my committee, Local Government, there was no one from the City of Chicago that opposed Senator Dudycz on this amendment. I think this is the wrong time to bring it up. The supervisors in the Fire Department are represented by the local -- or by Local 2, and the supervisors of the Police Department just are requesting the same courtesy. And I think Senator Dudycz deserves an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones, for a second time.

SENATOR JONES:

Yes. I apologize for rising a second time. Is the superintendent in favor, or is he opposed to this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCYZ:

I haven't spoken to the superintendents about this legislation, Senator.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, I'm led to believe that he's in opposition to it. There are many, many -- I understand what you are trying to do, but in

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order for the superintendent to carry out his policies and -- and so forth, he must have some flexibility, rather than have his hands tied. And for that reason, I -- I stand in opposition to the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, to close.

SENATOR DUDYCZ:

Just briefly, Mr. President. In response to Senator Jones' concern, you know, these -- this coalition of -- of the police sergeants', lieutenants' and captains' associations came to me saying that they are reluctantly pursuing this because when they were meeting with the City of Chicago regarding their working conditions, they were rebuffed. Past mayors, past administrations, beginning with former Mayor Jane Byrne, continued with Mayors Sawyer and Washington, continue the practice of whatever the rank and file got, they automatically gave it to the -- the supervisors in written form. When this association - or this combination of associations - came to the City this year seeking parity with the Fire Department and their rank and file unionized members, the City says, "We do not have to agree with past practices, and we do not have to bargain with you, because if you want to be bargaining, then you should be in a union." And they felt compelled to come to us, seeking this relief because the City was shutting them out completely. I would just seek an affirmative support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is the adoption of -- Floor Amendment No. 1 to House Bill 494. All in favor, signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. WAND requests permission to videotape today's Senate Session. Is there leave? Leave is granted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator McCracken, for what purpose do you rise?

SENATOR MCCRACKEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR MCCRACKEN:

I would like to introduce a former colleague of many of ours, the old war-horse who can't stay away from Springfield, my predecessor, former Senator George "Ray" Hudson. And his wife, Barbara, is here as well. Welcome.

PRESIDING OFFICER: (SENATOR DONAHUE)

George and Ray <sic>, there you are right here. Welcome. Nice to have you back. On the Order of 3rd Reading is House Bill 502. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 502.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President, Members. This bill comes to us from the State Board of Education, and it amends the State Finance Act and the School Code. It delays several dates concerning the submission of information on summer school programs. It eliminates the requirement that districts file pre-claims for general State aid. It deletes the requirement that regional superintendents account for expenditures from their

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supervisory funds. Those pretty much are noncontroversial. There is one controversial provision that will probably generate some discussion, and that is one that provides that the poverty measure in the school aid formula shall be the low-income eligible count from the most recent available federal census. And that would be, of course, the 1990 census that was just taken. That would now become the vehicle by which the Chapter I distribution would be made. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Collins.

SENATOR COLLINS:

Thank you. I -- I will be brief, and then -- then yield to Senator Berman, because he has a list of the impact of this amendment on all of the school districts. What this amendment -- and I think we ought to have attention here, because I think most of our districts are going to be impacted negatively with this amendment. Now, we have not resolved the education funding issue yet in this State, and many of the districts around the State are having financial difficulty, and particularly the district in the City of Chicago - one of the districts that I represent - will most certainly be profoundly impacted in a negative way if we pass this amendment. Most of us know - and I didn't hear Senator Watson's explanation - but most of us recognize in this State that the census data - the last census count - was inaccurate. I think the federal government acknowledged it. They made adjustments in some areas, but now we are asking the Legislature to use those -- that census data to determine how we count Chapter I students -- State Chapter I. That is unfair, because the data is faulty. We have other alternatives and other options. I thought we had come to some agreement that we could, in fact, phase this -- for this particular year, phase in that count, and then next year give us time to come up with some options that make sure that the --

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Chapter Title I money goes to those students which the bill, when we passed the law, was intended for it to go to. At this point, I would yield to Senator Berman, but I would just hope you listen to what is happening to your school districts.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President and Ladies and Gentlemen of the Senate. If I could have your attention for a few moments, this is probably one of the most important education bills that you're going to vote on this Session. What this bill does -- and I think the sponsor was candid when he said that -- that the Chapter I item in this bill is the controversial part of it. I had requested of the sponsor that we amend this bill to do one of two things: one, take out the Chapter I language, pass all the other noncontroversial matters out; or two, to provide for a phase-in. And I had a bill that would have phased in the 1990 Chapter I count to provide current funding for all of the so-called winners under the 1990 count, but phase in the losses to the losers over a three-year period. Now, Ladies and Gentlemen, the federal government in their census has determined that there is a substantial decrease in Chapter I students in the State of Illinois. What that means is by the federal census count, there are less poor children in Illinois today than there were in 1980. I don't believe that. Three hundred school districts - three hundred of our nine hundred and thirty-some school districts - three hundred have appealed to the federal government to contest the federal Chapter I count. There are examples of outrageous usage of this federal Chapter I count. There's a downstate school district which teaches sixty-five students from a public housing project within its district, and by the federal numbers, it's been assigned a zero Chapter I count. Now I've got to suggest to you

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that the federal government can do whatever it wants regarding its count and its use of Chapter I numbers. That's not the issue with House Bill 502, and I think that's very, very important. We have used, by our choice, the federal numbers in the past, but, Ladies and Gentlemen, there is no requirement - none whatsoever - that the State Board of Education, in applying State Chapter I numbers, must use the federal count. We, the General Assembly and the Governor, upon the recommendation of the State Board, can use whatever numbers we want. And let me tell you, we're talking about big, big dollars. We're talking about four hundred and thirty million dollars of State money - of State money. We take roll calls every day, and I would daresay that probably all of yesterday's bills, all of last Thursday's bills, didn't affect four hundred and thirty million dollars of State money. This bill, House Bill 502, does, and I've got to suggest to you that a Yes vote is the wrong vote on this bill at this time. Now, I want you to know, Ladies and Gentlemen, that a number of you represent school districts that are losers under the federal count. One suggestion that I have for you -- and, you know, compromise is a -- is a term that we use almost every day in our negotiations on behalf of our constituents. I have suggested, and I have filed an amendment to this bill that would provide for a phase-in. And what that phase-in does is to give the winners all their money beginning next year, but for those school districts where the federal government says you've had a dramatic decrease in your Chapter I children, that you've had a dramatic decrease in the number of poor children - which very few people believe - that until we get a handle on this, their losses would be phased in over a three-year period. That, Ladies and Gentlemen, is a fairer approach to the needs of all the children than is the approach of House Bill 502 that's presented to us. Now, I want you to know - and I'm doing this partially on a partisan basis - but I want you

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to know that the following Republican Senators have school districts that are losers, that are going to be dramatically hurt by your Aye vote on House Bill 502, as compared to a vote for a phase-in, and those Senators are Senator Dudycz, Senator O'Malley, Senator Mahar, Senator Fawell, Senator Topinka, Senate President Pate Philip, Senator Raica, Senator Karpziel, Senator Peterson, Senator Fitzgerald, Senator Butler...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, for what purpose do you rise?

SENATOR BERMAN:

Senator...

SENATOR WATSON:

Not to necessarily interrupt the -- the previous speaker. But, yeah, quite frankly, yes, to interrupt him, because I want him to clarify something here: that we're not talking about a phase-in here. This is not -- what he is referring to is a legislation that he had sponsored - and some people, quite frankly, would support - that would phase in the Chapter I period count over a period of time. This is not that issue. And when he reads off these school districts that are impacted negatively, it isn't really necessarily referring to what we want to do here in this bill, 502. And that's -- I just want to make that point before the Gentleman proceeds.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Senator Watson, I'm disturbed that you would interrupt me, but I'm glad you did. And, Ladies and Gentlemen, let me point out this to you: if you vote Aye for this bill and it passes, and nothing else is done regarding Chapter I - this bill, 502, is unamended; there is no amendment on this bill - if it goes to the Governor and he signs this bill,

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what I'm reading to you is the truth. The Senators that I've read and will continue to read have school districts that will lose money compared to other alternatives that could be considered - could be considered - instead of House Bill 502. So let me continue. Senator Geo-Karis, you have school districts that are going to be hurt under 502. Senator Klemm, Senator Rauschenberger, Senator Syverson, Senator Burzynski, Senator Sieben, Senator Cronin, Senator DeAngelis, Senator Petka, Senator Maitland, and Senators -- I think I've mentioned them before but, Senators Raica and Dudycz, you both represent Chicago, and they are the biggest loser under this plan. Ladies and Gentlemen, I want you to be very careful, because this is a tough issue. If the sponsor intends to close with the same message that he just did in his comments a moment ago, that this does not address how Chapter I is to be phased in, that's not true, Ladies and Gentlemen. If nothing else reaches the Governor's desk besides this bill, every loser loses big, every winner will win, but you're going to be using very questionable numbers that the federal government has to use, but we, as State legislators, do not have to use. I suggest to you very strongly: do not pass this bill today. Allow Senator Watson, myself, and all of us, to continue to work on a program that is fairer. The State Board of Education, Bob Leininger, said to me today, and I believe he said it to Senator Watson today, he supports a phase-in of Chapter I. That's the fairest way to cushion the impact on these outrageous numbers that the federal government has come up with. I strongly urge: do not vote Aye on this bill today. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. I just rise to say that, first of all, as Senator Watson said, this bill does not address what

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Senator Berman is talking about, number one. Two, if, in -- all the school districts that he read, all the legislators whose districts would be impacted and perhaps be a loser, what he doesn't say is that in those same legislative districts there will also be school districts that are winners. So if you, Senator Cronin or Senator Topinka, or some of the other -- Geo-Karis, that he mentioned think that all of your districts are going to lose money under this, that's not true. It's a mixed bag. Some will be winners as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is a serious discussion, folks. Let's pay attention. Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Ladies and Gentlemen of the Senate, I reluctantly rise in opposition of this bill. My reluctance is because I have a lot of respect for the sponsor, and I understand there are some good things in this bill. It's a good bill with one bad component. And that one bad component is a very serious, very serious, bad component. Madam President, could we get some order, because I don't want to have to raise my voice.

PRESIDING OFFICER: (SENATOR DONAHUE)

I think it's about as much order as you're going to get, Senator Hendon. I've tried.

SENATOR HENDON:

If I could just have your attention for one moment, I'll be very, very brief and I'll be as calm as my friends have asked me to be, even though I feel very passionately about this piece of legislation. The problem with this bill is that of the undercount. The other problem with this bill is that there are more poor people in Illinois now than there were ten years ago. People are still trying to get back on their feet. The federal government erred. They were in error when they came up with these

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figures, when they came up with these numbers saying that there were fewer poor people in Illinois than there are. Now we just have to face reality on this situation. We are wrong to say we're going to go along with an obvious undercount. The federal government has already acknowledged that they, in fact, undercounted my district. They've acknowledged that. We had this discussion in Local Government when it came to the question of the remap, and we're in court right now because of the remap. And the City of Chicago, who -- who drew the lines on the ward remap to undercount blacks and Hispanics and others, went to the federal government and said, on the other hand, because of federal funding that there was indeed an undercount. What did the federal government do? The federal government made an adjustment of one hundred and forty-eight thousand some-odd people because of the undercount. So, why should we ignore this figure if the federal government has already said, "Yes, we did you wrong. Yes, we -- we screwed up. We did not count all the people." Now, these are children we're talking about. These are children, across this State, not just in the City of Chicago and not just in -- in my particular district. This is across this State, and it is wrong. It is wrong to take money from the poor and give it to -- to more wealthy communities. What we should be doing is going to the federal government and petitioning the federal government to make sure that they made the necessary adjustments in the undercount so that these Chapter I dollars will go where they're supposed to go. What will happen if we don't? I'll tell you. You're going to have more dropouts. You're going to have more children in the Department of Children and Family Services. You're going to have more people turning to welfare and single parents and trying to struggle to make it in Illinois. You're going to have more people out on the street, more homeless, because what happens to the children today will have a long-term effect on Illinois tomorrow,

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and the next day, and the next day, and the next day. And I urge you, seriously, to vote No on this matter. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Thank you, Madam President, and I thank you for reminding this Body that this is a serious matter. I don't know if your gaveling them again will bring people's attention to this, but have we gotten so crass in this Body that we are not listening to the arguments? That is an unfortunate state of affairs. I want to remind this Body that Illinois is already considered forty-fourth among the states when it comes to education. I also want to remind this Body that the Governor had a task force to look at education and to look at the formula. Unfortunately, we chose not to heed many of the recommendations that were made, and now we have a bill before us, and I want you to think very carefully about this: Do we in this Body really want to vote to make some children winners and some children losers? I want you to consider the consequences of that down the road, when five years from now the child that was not counted, because that child was a loser, comes back to you as somebody who's on public aid, or somebody who couldn't get it together and is in one of these jails that you want to build. Think about that. Education is the most appropriate way to assist people to get on with their lives, and you are choosing to make some winners and some losers. Consider also that this Body has talked long and in many ways about preparing a literate and competent work force. This has to be one of the most contradictory pieces of legislation to that end. I suggest that we follow what we had said before - what Senator Berman suggested: take this piece out of the record and let us put in the phase-in, let us do this in a way that will be fair to

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people and not have winners and losers among our children.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR HALL:

Senator Watson, I want to tell you what's happening to part of my district. Belleville is in my district, as you know. The elementary will gain two hundred and sixty-six thousand, but the high school will lose a hundred and thirty-six thousand. Also, the City of East St. Louis, one of the most -- will lose four and a half million dollars. So, you see, with this count, it just really -- it's a very, very serious thing where you have some winners and you have some gain. But what does it make sense, the same City of Belleville, that the elementary gains and the high school loses? I -- I appeal to you that maybe that there ought to be given some more thought to this, and it should be worked on it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR FAWELL:

Senator Watson, are -- are we talking about federal funds?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

No, we are not.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Fawell.

SENATOR FAWELL:

Are we talking about using the 1990 census in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

The 1990 census would be used no matter what.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

To the bill: This 1990 census seems to have really gotten to certain people in this Assembly who don't like the idea that there are some areas in the State that are losing money, whether it's school money, whether it's Department of Aging money - whatever it is. If, indeed, those census figures had given Chicago more money, I'm sure they would think this was a marvelous idea. Chicago has lost people. Other areas have gained people. It is now -- we are now going into Fiscal Year 1994. It seems to me that we ought to start using 1990 census figures. I understand you would like to use those perhaps in the year 2000, but the bottom line is, we are now 1993. We are required to use 1990 census. If some of my school districts lose because of those figures, so be it. Those monies are to go to the people whose children are at the poverty level. They should go there. And I think the chips ought to be falling where they may, and we ought to all be voting for this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I think some of the things that have been said here bear repeating, because I think it's important for everyone to understand that there is an alternative here that

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has been talked about, an alternative that is being supported by the State Superintendent, an alternative that I think we could all live with, because we recognize that sooner or later we'll have to deal with the '90 census figures. And I agree with that. But I do want to remind you that there has been recognition of the fact that there was an undercount in many parts of the State. The alternative that has been proposed here is one that protects the winners and phases in the losers. So, Senator Karpziel, while the winners in your district will benefit, the losers are the ones who are going to benefit under the proposed amendment for a phase-in. That way we then make it easier for them to deal with that loss, and we are talking about a significant loss. But there is one other change here in this formula that has not been mentioned, and I want to mention it now. While the current Chapter I count used in the formula includes the poverty count from the census, an AFDC count and a foster parent family count, this bill would have the State aid formula use only the poverty count. The poverty count does -- does compromise -- comprise ninety to ninety-five percent of the total count, but some districts do have relatively large numbers of AFDC and foster parent families. This is another change that reduces the amount that your districts will get. We asked the State Board if they would include this as they did ten years ago, and they said no. We lose even more dollars as a result of this change in the calculation. So there are a number of reasons for voting against this bill and forcing us back to the table where we can come up with a compromise that everyone can live with. And I urge an Aye vote -- a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

I have two questions of the sponsor and a statement.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Watson, if this bill fails, will we use the 1990 census?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

If this bill passes, will we use the 1990 census?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

I move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

At this point, I have one, two, three, four, five buttons flashing. All right. Senator Hendon. No. Excuse me. You've -- a second time. Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR SHAW:

Would -- Senator Watson, what's the rush on this particular bill? Who -- why do we have to do this today? Can you tell us...

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Watson.

SENATOR WATSON:

Well, the bill's on 3rd Reading and it seemed like an appropriate time to try to pass a piece of legislation. We're running out of time. Friday is the deadline. Just thought this would be the appropriate time to debate the legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Have -- have you talked to the -- to the Board of Higher Ed in terms of their position? I heard someone say that they were opposed to this formula that you have here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, the -- first of all, the Board of Higher Education -- this is not an issue that involves them - the higher education. This is elementary and secondary education. I have talked to the State Superintendent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

I'm sorry. The State Board of Education.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

I've talked to the State Superintendent about this issue, and he supports what we're doing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

The -- well, it seem to be some conflict then. Senator Berman

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here seemed to have a -- a reasonable proposal that would benefit all of the people of Illinois, rather than just some. The -- I have a district that will possibly -- a great portion of my district will possibly be winners, and under your formula here, some will be losers. As you know, I represent both Chicago -- and most of my district is in the south suburb. And -- but I think in this Body we should be about fairness and equity. And under Senator Berman's plan, there's equity under this plan, if we don't go forward with this one today - where that -- all schools will benefit. I don't see the rush to this legislation - why we have to do this today. As you know, and you've been here longer than I have, you know it's not over until it's over. And this bill, or some other bill could come up -- not because this bill is on 3rd Reading do we have to pass it. We could wait. There's conference committee reports. But certainly it seems that -- to me, that we should be at the table debating the Berman amendment -- or proposal, and where that we could come up where all of the children of Illinois would benefit under a formula that's worked out by all Members of this Body. And I would urge you to possibly take this bill out of the record. If you don't take it out of the record, I would urge a No vote on this bill. And let's return to the table where that all of the children will be winners, not just a few Senators will be winners here. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. I would just like to make an observation: this highly controversial bill receiving extensive and considerable debate is the same unamended bill that received a House vote 107 to nothing.

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END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I'd like to ask Senator Watson a question. Senator Watson, can you tell me why foster care is not included in these numbers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

The census count that was provided by the federal government does not include it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Did they include them in -- in the last census in 1980?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

The State Board contracted out last time when they provided the numbers, and that's where they came from at that point.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess that's a very good point. Ten years ago when we got the numbers from the census, there was an upheaval and so the State Board went out and contracted with -- I think it was

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Illinois State University, as I recall. Now, we all are sitting around here with winners and losers, and obviously Chicago's the big loser because of thirty-eight million, but we've got winners and losers in our own district. It seems to me, you would think that the State Board of Education, because of the number of complaints and appeals that have been put forward -- it seems to me that the fair thing would be for them to conduct a study so that we can determine the accuracy of these numbers. Let me give you an illustration. I got Calhoun County, population of about fifty-four hundred. They're going to be a big loser. Hundred and ninety-one thousand bucks. They have a poverty rate of 15.1 percent, thirty-fourth poorest county in Illinois. Their count went from a hundred and seventy-one to eighty-three. There is absolutely no way that those figures can be correct. And I would like to suggest to you that if you push this thing, obviously I'm in a dilemma as to whether to support this or not, but there should be a phase-in; there should be a study conducted by the State Board of Education if we're going to be fair about this. A thirty-eight-million-dollar hit is a big hit for the City of Chicago. A hundred and ninety-one thousand is a big hit for the -- for the County of Calhoun. I would suggest that you take this out of the record, allow us the opportunity to negotiate with the State Board of -- of Education to see whether or not there can be a fair compromise being brought about here. Now again, if you push this, I'm in a dilemma, but I think that's the fair thing for you to do today, and I would ask you that you do it.

PRESIDING OFFICER: (SENATOR DONAHUE)

A few minutes ago, we had -- the previous question was moved at that point. Everyone has -- button who was on has had a chance to speak. And so, there are three more buttons flashing - all for the second time. You'll have one minute. Senator Collins.

SENATOR COLLINS:

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Yes. All I need is one minute..

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, for what...

SENATOR COLLINS:

...because I did speak before. But I think...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Collins. Just a second. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Just on a point of order, and this would be helpful, I think, if you could give me a ruling as to the future. Isn't it true that if you speak in debate, that you are then precluded from asking for -- to move the previous question? Is...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins, can you proceed while we're looking for the ruling on that question?

SENATOR COLLINS:

Sure. Senator Watson, I don't know why, you know, you are attempting to confuse everyone here in reference to Senator Berman's discussion on this issue. We are not talking about Senator Berman's amendment. We're talking about this bill, the impact of this bill, the way it is now - the way it is - not an amendment. The amendment is -- is before the committee. It has not been heard. It has not been voted on, because we don't have the votes. It was my understanding that we were going to try and work out a compromise here, and you are moving this bill without consideration of Senator Berman's amendment, of which we all support. And you -- you are unfair.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Just to clarify, so that we all

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have it straight - the question of where the Superintendent of Education is on this bill. Bob Leininger wants this language because it -- it allows him, the State Board, to use the 1990 census. But in addition to wanting to use the 1990 census and get legislative authority to use it, he also wants to use the 1990 census, but use it in a phase-in. Now that was what was told to me this morning, and I defer to Senator Watson, in his closing comments, if he has any other impression. So what we want to be sure, for the weight that that State Superintendent carries here, the language is what he wants, but he supports a phase-in. If this bill was taken from the record, or if we had a bill that provided for a phase-in with the 1990 language, Bob Leininger would support that. So let's be clear on where the Superintendent is. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon, for a second time.

SENATOR HENDON:

Thank you, Madam President. I apologize for rising for a second time, but, you know, this is a very, very serious issue here. It's an extremely serious issue to me. And people keep saying how much money Chicago is losing, but you need to put it in its proper perspective as to how much these individual districts are losing that, in fact, whether the children, in fact, still exist. Now I have no problem if -- if -- if a suburban district gained population and another district lost population. I have no problem with that. But when you know there was an undercount -- when you have acknowledged -- and when the federal government has acknowledged that they did not count my people and they did not count Hispanics, for political purposes, for political reasons of -- of -- of denying people their rights to have representation in the City Council, but yet they go back to the federal government and get that adjustment, at least acknowledge and accept the

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adjustment. Because these are poor children that you're talking about that are going to suffer because of this. And that's why this is -- means so much to me. We're talking about children and children's futures. We're not talking about the City of Chicago, the Mayor of Chicago, or any other bureaucrat in Chicago. We are talking about the poor children who cannot fend for themselves. You're just going to take those dollars away from those children who were not counted, but they are there. I have Cabrini Green in my district. I have...in my district...

PRESIDING OFFICER: (SENATOR DONAHUE)

Bring your comments to a close, Senator.

SENATOR HENDON:

...and Rockwell. And in my closing, they did not count them. They were afraid to go up in those buildings, but the children are there and they need your help. They don't need you to hit them over the head with this nasty legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, to close?

SENATOR WATSON:

Well, thank you, Madam President...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator, just... Excuse me, Senator. Senator Demuzio, for a second time.

SENATOR DEMUZIO:

Thank you very much, Madam President. I was again going to appeal to Senator Watson as a matter of fairness. For those of us who, in fact, do have winners and losers, it seems to me that there is a better way in which we can accommodate the school districts in Illinois, particularly those that we represent, because, in fact, we have winners and losers. We have time to take this out of the record, take a look at it, talk to the State Board of Education, see if there is a -- a reasonable compromise

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that can be extracted between the Chicago, the suburbs and downstate. And I would ask you that -- that, in fact, you do that. And as a matter of fact, if you don't, I think I'm going to vote Present.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, to close.

SENATOR WATSON:

Well, thank you, Madam President. Appreciate the debate. Senator Collins mentioned that I was confusing the issue. I haven't had an opportunity to confuse the issue. The -- the confusion is coming from those people who spoke on the issue who aren't really speaking about what we have before us. And, Senator Berman, I have a copy of the letter that you received from State Superintendent Robert Leininger, and I think I should read this, because I think it will clarify our State Superintendent's position on this issue that we have before us, and may answer some of the questions that maybe some of you have had during this debate. And it's dated May 17th, 1993. And it's, "Dear Art," - came to Art's office here in -- in Springfield - "House Bill 502 contains a provision which specifies the State Board of Education will use the 1990 low-income census figure for calculating general State aid formula claims beginning with the 1993-94 school year -- payments. I support this approach and recommend the passage of House Bill 502. I am also prepared to support a legislative initiative which will provide for a limited phase-in of the 1990 low-income census figures. I believe this phase-in should be restricted to districts which experienced a decline in their census count. Since this phase-in will not conflict with the provisions of House Bill 502, I recommend that House Bill 502 be passed in its present form and that the phase-in be considered in other legislation this Session". We are not talking about phase-in in this particular piece of legislation. We can do this

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in another bill, and that's something that the State -- obviously, our State Superintendent would like to see done, and he supports that. That's not in this legislation. There's no printouts. And Senator Berman got up and was reading all the positives and negatives, and everybody, the winners and losers. There are no printouts available from the State Board of Education on this issue because of the -- all the assumptions that have to be made in order for them to make that printout available. So there's -- Senator Berman was talking about the phase-in issue, and there's no doubt about it; that the -- that the -- the Chapter I -- the census count -- I mean, we've all heard from our schools. We've all had winners and losers. This issue... Just a moment. This issue involves whether or not the census count will include foster children and those that are on AFDC. If we include those numbers -- you heard from the speakers who support this -- who oppose this legislation because their district is impacted. Five and a half million dollars will go to the City of Chicago public schools if we include AFDC count and foster children count. Where does that five and a half million dollars come from? There's just so much in the pie. Its -- comes from other school districts. It's a very simple question and a very simple answer. A lot of confusion on this issue, and I apologize for that. In committee we talked about other means by which to count the census, and some have suggested that. We talked about using social security numbers; we talked about using the lunch count, all of which we all recognize we have problems with. This does not involve a phase-in of Chapter I dollars. I would appreciate your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 502 pass? Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 16 Nays and

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5 voting Present. House Bill 502, having received the required constitutional majority, is declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Committee on Environment and Energy - Senate Amendments 4 and 5 to House Bill 1316 and Senate Amendments 2 and 3 to House Bill 1479; to Executive - Amendment 2 to House Bill 377 and Amendment 2 to House Bill 1816; to Insurance, Pensions and Licensed Activities - Amendment 3 to House Bill 837; to Judiciary - Amendment 1 to House Bill 1203, Amendment 3 to House Bill 1256 and Amendment 2 to House Bill 2152; to Local Government and Elections - Senate Amendments 10 and 11 to House Bill 176, Amendment 1 to House Bill 1427, Amendment 2 to House Bill 1637 and Amendment 3 to House Bill 1902; re-refer from State Government Operations and Executive Appointments to Local Government and Elections - Senate Amendment 6, 7, 8 and 9 to House Bill 176; to Public Health and Welfare - Senate Amendments 1 and 2 to House Bill 132; to Revenue - Amendment 7 to House Bill 317; and to the Committee on State Government Operations and Executive Appointments - Senate Amendments 2, 3 and 4 to House Bill 1092 and Amendments 1 and 2 to House Bill 1643; Be Approved for Consideration - Amendment 4 to House Bill 1341 and Amendment 1 to House Bill 766.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, for what purpose do you rise?

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR WATSON:

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In the gallery on the -- President's Gallery on the Republican side of the aisle, we have some guests with us today from Senator Vadalabene and my district, from the Lady Queen of Peace School in Bethalto, and we'd like for them to stand, if you would, and be recognized and welcome you to the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR SEVERNS:

Thank you, Madam President. On the same point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR SEVERNS:

It's my honor today to have the eighth-grade class of Macon School with us, and their teacher, Mr. Smith. They're observing, as they have before, and I expect many up there will be candidates for the Senate. I would like to have us welcome them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you all rise and be recognized by the Senate? On the Order of 3rd Reading is House Bill 508. Senator Sieben. Out of the record, Mr. Secretary. House Bill 543. Senator LaPaille? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 543.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LAPAILLE:

Thank you, Madam Secretary. House Bill 543 came out of the Senate Judiciary Committee unanimously, after some work. What

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we're finding in the City of Chicago and some of the suburban schools, especially all-girl schools, are the gang members are now beginning to circulate flyers and invitations to attend parties where illegal drinks, illegal drugs, as well as solicitation of gang members occurs. What we seek to do is create a -- basically a safety zone around schools, which will give the law enforcement agents, as well as the principal of the school, some recourse to get these gang members away from school property in order to be soliciting them to go to abandoned buildings, abandoned warehouses for these type of parties. It did pass out of the Senate Judiciary Committee. We took care of a lot of the concerns, and I would seek its passage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Senator LaPaille, to close.

SENATOR LaPAILLE:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

On that question -- the question is, shall House Bill 543 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 543, having received the required constitutional majority, is declared passed. House Bill 564. Senator Cronin. Out of the record. House Bill 596. Senator Woodyard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 596.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

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Thank you, Madam Chairman -- or Madam President, and Members of the Senate. The genesis of this bill, I guess, started in my district in Danville, Illinois. It was suggested by a former -- and the first -- president of the Korean War Veterans' Association in Illinois. This is one of those commemorative licenses. It was amended to -- to contain the dollar figures; the fifteen dollars initial charge and the two-dollar annual charge additionally. And it is for the Korean War veterans. And I believe it's in July that is the fortieth anniversary of the establishment of the Korean Veterans' Association. And I'd be glad to answer any questions, or ask your favorable support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR TOPINKA:

If this bill is passed, how many special license plates now will the State of Illinois have put forward so as to confuse police and all others that have to deal with this situation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

It's my understanding that there are approximately a hundred and seventy-five.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. As Chairman of the Transportation Committee, I asked both the Secretary of State and the State Police if -- if they have problems with this, and both remain

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neutral. So, I think it's a -- it's a worthy cause, and we should support the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR WOODYARD:

No. Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

On that -- the question is, shall House Bill 596 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 596, having received the required constitutional majority, is declared passed. House Bill 609. Senator Madigan? Out of the record. House Bill 611. Senator Peterson? Out of the record. House Bill 641. Senator Hendon? Out of the record. House Bill 671. Senator Collins? Senator Collins? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 671.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. House Bill 671 is very straightforward. It provides that -- prohibits the court from imposing a sentence or a disposition for a felony that requires the defendant to be implanted or injected with any form of birth control. This bill arose out of the concern that the birth control pill that was approved, Norplant, in 1990 -- there is a growing concern and a proliferation of legislation

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around the country mandating the use of that contraceptive on poor women, and particularly those that have been sentenced for certain crimes of -- of child abuse. The -- the sponsor and those persons who have been working on this issue, and my -- along with myself, are very concerned that this kind of -- of -- of sentencing is cruel and unusual punishment, and it most certainly violates the constitutional rights of the individual. And therefore, I will be happy to answer any questions. If not, I would just seek a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, just point of information. You have your own amendment pending in our committee on this bill, and I wondered if you intended to proceed with that amendment before passing this bill on -- on 3rd Reading. I understand you're entitled to call it without the amendment, but I know that you've got the amendment pending.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Senator, it -- actually it is not my amendment. I had left the bill open. I think someone over there had raised the issue -- they were concerned about including mastectomies <sic> to this -- to the bill. I am not -- I have no objections to it, but the bill -- the amendment has been in the committee. I have attempted to get to the committee. Someone else have asked to try to handle it

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that's sponsoring -- cosponsoring the bill, and there seemed to be some problems with the amendment. At this point, the sponsor wishes her bill to move forward, and therefore I am asking for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Petka.

SENATOR PETKA:

Senator, in committee I raised a couple of issues, and I'd like to just revisit those, if I could, at this time. Under your legislation, if a criminal defendant voluntarily sought court approval of the use of -- of the type of birth control devices as part of a plea agreement, and the -- the defendant, or the accused, initiated the conversation or initiated the discussions, would that be outlawed under your proposal?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

To answer your question again, and I tried to answer it in committee, this bill has nothing to do with -- it does not prohibit someone from voluntarily doing this. All it does, it prohibits the judge from offering this as a -- a bargaining chip for sentencing from the judge's side, not from the -- the defendant's side. I mean, from the prosecutor's side, not from the defendant's side.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

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Senator, if it cannot be a condition of any type of a sentence, even if it was initiated by the accused or by the defendant, under this legislation, it would not be permitted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

It -- it may not be a condition of the probation. Yes, you -- you are correct. But if -- it does not speak to the issue of whether or not someone could voluntarily do this, and you keep raising this and -- and -- you know, this issue in reference to this bill, and the only answer is, we are not prohibiting anyone from voluntarily doing this if they wish to.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Well, in those cases where a person is accused, and rather than face incarceration of some kind, the person, through his -- his or her attorney, contacts the -- the State's attorney's office or the prosecutor in this State, and says, "If I do the following things, will you reduce the charges or will you consider alternatives to incarceration?" Under your legislation, that would be -- that would be not permitted. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

That -- that may be part of an agreement, but it cannot be a court order.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Well, every single sentence that has ever been put out in Illinois is a court order. I mean, there's a judgment and the

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court enters a judgment of conviction with the conditions of - that are laid out - either probation or conditional discharge. Isn't that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Yes, sure you are.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

To the legislation: A few weeks back, Circuit Court Judge Ron Dozier, McLean County, pursuant to a -- to a plea agreement entered into voluntarily by the -- by the parties, basically stated that a woman who had had some serious problems with abusing her own children would enter into a program of birth control for a period of five years. What this legislation seeks to do is to simply override a determination that was made by all parties to the plea agreement, that that was not in the best interest of the defendant. Whether you feel that chemical castration, as this bill refers to, is appropriate or not, the one thing that simply must be kept in mind is that we are -- we are taking away a right of a defendant to voluntarily waive -- to voluntarily waive certain types of proposals that may be in the best interest of that defendant, in terms of incarceration. It was for that reason I voted No in committee, and will continue to oppose the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Cullerton.

SENATOR CULLERTON:

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Senator, I just wanted to determine, for legislative intent, what you mean by the language of the bill. The bill says that a court may not impose a sentence or disposition that requires the defendant to be implanted or injected with or to use any form of birth control. Now, by the term birth control, do you also mean for this bill to include any type of surgery or medical procedures, such as a hysterectomy or a vasectomy or sterilization? Do you want that to be included? In other words, do you want this bill to also say that the court cannot order those things as well?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Yes -- that was one of the reasons why I really didn't see the necessity for that amendment, although I was willing to accept the amendment that was offered by someone on the other side. But it is my understanding, and it is the intent of this legislation, that -- that the mastectomy <sic> and all of those other kinds of sterilization procedure -- medical procedures would be covered under this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR COLLINS:

Yes. Thank you, Madam President. Let me try and -- and clarify. Senator, all this legislation is attempting to do is to say that it may not be a part of -- that a person is not given a choice of becoming sterilized or losing their limb, or any other kind of antiquated way of treating people who commit crimes, as a part of or a condition by which one's sentence will be determined. That is not fair. If you asked me -- if somehow I was accused of robbery and I was convicted of robbery, and you asked -- a judge asked me, "Can I cut off your hand, rather than you spending seven

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years in jail?" - yes, I would let them cut off my hand. But that's cruel and unusual punishment. That is unfair. That's what you're really saying here, when you order sterilization and no option and you say to that person, I will -- "If you agree to become sterilized, then your sentence will be reduced to probation, rather than seven years or five years in jail." Sure, that person is going to take it, because they have no choice. It is unfair, and I really believe it's a violation of people's constitutional rights. This issue is -- is in California right now, then -- in other states in litigation for the same reason: it is unfair. Ever since the Norplant has been approved, there has been a constant urge through legislative bodies to -- to inflict this -- birth control on poor women, and that's unfair. So, I just would appreciate it if you would really look at it for the merit of this bill and what we're attempting to do, and let us deal with the problems of child abuse and the other kinds of -- of rape and other kinds of -- and incest that goes -- on out there, rather than taking away most basic and fundamental rights of women.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 671 pass. Those in favor will vote Aye. Those 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 34 Ayes, 22 Nays, 1 voting Present. House Bill 671, having received the required constitutional majority, is declared passed. House Bill 749. Senator Watson? Senator Watson? House Bill 749? Out of the record. House Bill 765. Senator Cullerton? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 765.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. Senate Bill 765 is designed to allow low-income and childless couples to obtain a divorce quickly and less expensively than they might otherwise have to. It allows for parties to petition jointly for a simplified dissolution, if they have been separated for at least six months, have no children by the marriage, have agreed to a property distribution, and it's also provided in the bill that there shall be -- it shall be permissive for the clerk of the circuit court to provide a brochure outlining the details of how you obtain a simplified dissolution of marriage. If the clerk chooses to take that upon themselves, then they can. If they don't wish to, they don't have to. However, if they do, then the bill spells out what shall be in the brochure. Be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, Senator Cullerton, to close. On -- the question is, shall House Bill 765 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 58 Ayes, no Nays, none voting Present. On House Bill 765, having received the required constitutional majority, is declared passed. ...(microphone cutoff)...Cullerton, on 766? Out of the record. House Bill 819? Senator Mahar? Out of the record. Senator Hasara, on House Bill 837? Out of the record. Senator Maitland, on 898? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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House Bill 898.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. Under current law, the court may, after a hearing, order an indigent defendant to reimburse the county for expenses of providing him with counsel. This bill expressly authorizes the court to require the defendant to make monthly payments during the period in which he is being represented by the appointed counsel. We believe this is probably already -- already legal, but just simply want to clarify it in the Statute, and I would seek its support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Senator Maitland, to close? The question is, shall House Bill 898 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 53 Ayes, no Nays, 2 voting Present. House Bill 898, having received the required constitutional majority, is declared passed. House Bill 904? Senator LaPaille? ...(microphone cutoff)...LaPaille, do you wish to return that bill to 2nd Reading for the purposes of amendment? Oh. Senator LaPaille?

SENATOR LaPAILLE:

Actually not. I'd like to move the bill on 3rd Reading. It's been on 3rd Reading since early May.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. 3rd Reading. Senator LaPaille. Oh. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

House Bill 904.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Madam Speaker and -- President. House Bill 904 basically would continue a sales tax exemption for the use of semen that is used in agricultural production. Many of our farming Senators here understand the current problem that is occurring. Since the sales tax exemption came into existence for farm and machinery equipment, the Department of Revenue has treated it as being tax exempt. Several months ago, a pencil-pusher with the Department of Revenue decided that this was now a taxable item. Thirty-five percent of Illinois farmers in this State use insemination, and the purchase of insemination, for their herds, both cattle and cows. That is a very big slice of -- of the farming community here in Illinois that is now affected. It is now being told that they must have sales taxes against their purchases, and a purchase is either ten to a hundred dollars, depending on the type of -- of item that you buy. If it was Senator Woodyard, I would think it would be about two hundred dollars. So, what this does - it is not a loss to the State of Illinois for sales taxes. The Department of Revenue is neutral. The Governor's Office is neutral. I have worked with Representative Hartke, who sent the bill over, as well as my chief sponsor, -- Senator Woodyard. I would ask for its passage and, at this point, open for any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

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Thank you, Madam President. Would the -- would the Senator yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator O'Malley.

SENATOR O'MALLEY:

Thank you. The -- there was some discussion earlier about an amendment that was being offered to this bill. That's an amendment that I sponsored, and the effect of that amendment - and I want to make sure that everybody understands it - it's -- it's been called the "Family Leave Tax Credit Bill" - it entitles employers to a corporate income tax credit in an amount equal to one hundred percent of the cost of providing unemployment insurance benefits to a temporary replacement employee as defined in the bill. But I also want to emphasize to the Body that that is not -- this is not just a tax credit bill. This is a true family leave bill. This applies to every business in the State of Illinois, whether they're required to comply with family leave or whether they voluntarily do so. And my point to the Body is that this is the last opportunity we have probably in this Session to address this important matter. It is a true family leave issue, and I -- therefore, I'm going to wind up my comments by saying to Senator LaPaille that I would request him to reconsider. He and I have had numerous discussions about this, and he's been up and down on whether or not he's willing to allow this amendment to be added. But I would ask him to reconsider, take this out of the record for the moment, add the amendment on and give an opportunity for family leave and the thousands of people, the thousands of business, and I might say, the hundreds of thousands of people this will benefit. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

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Yes. I believe that the Senator across the aisle has well intentions, but I think this really strikes the whole chord of how we are operating here under Senator Philip's new rules. Senator O'Malley had a separate Senate bill. It passed. It went to the House. The House Revenue Committee did not like his tax credit for family leave. I contacted the Leadership there a week ago, and they still don't like the tax credit for family leave. My bill was moved, as I said, around May 2nd or 3rd from 2nd to 3rd, well before Senator O'Malley decided to go shopping with his sales -- for his tax credit for family leave. As I understand this process, to get out May 28th, you get one bite at the apple. If it doesn't work, it doesn't work, and we move on. And as Senator Philip with his cups here so admirably says, "May 28th". So we can continue this process. We could bring it back. We could amend it. They're going to nonconcur. We're going to have to recede. But, Senator O'Malley, I really think it's over. And when it's over, it's over. Okay? There were several bills this morning. Senator Watson had a bill on 3rd Reading. We implored him to bring it back for an amendment. Senator Klemm yesterday had a bill on 3rd Reading. People were imploring him to bring it back. He didn't. So, I think it works on both sides. This is a very important bill to agriculture. It's important to the farming community. I've talked with my cosponsors. They all agree that we should not begin to delay this bill or to endanger the safe passage of the bill. I agree with what you're attempting to do. You had your vote here in the Senate. It's not going to pass the House. May 28th is about nine days away. Let's get on with the business of the State Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator LaPaille, I appreciate your explanation. To -- to the

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point about it being one -- one bite at the apple, I think this is important enough of an issue that it deserves maybe two or three. I think if everybody understands that this is a true family leave bill -- certainly the Revenue Committee did and certainly the Senate did when it left here. What I'm looking for is an opportunity for it to go back to the House and have an opportunity for a full hearing. And you and I have discussed this, and I've indicated to you that should this come back on non-concurrence, that I would acquiesce to it because I understand that the underlying bill here is a very important one. But our staff has indicated to me that this is the -- this is the bill that this particular one should be added to and sent over to the House. So again, I would ask you to reconsider, and I would appreciate any indulgence you might offer the full Body and the people of the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

Yes. Not to belabor the point, there were many vehicles, even prior to amending -- attempting to amend my bill that has been on 3rd Reading now for three weeks. There were one, two -- House Bill 113, Senator Hawkinson; 317, Karpziel; 611, Senator Peterson; 1038 is still there, Senator Philip. Perhaps your Leader will let you amend his bill with your tax credit. He's got a lot of tax credits on 1038. He is your Leader. I would think he would let you amend onto that bill. House Bill 1125 - your own bill, Senator O'Malley - and House Bill 1729, Senator DeAngelis. And I -- I wouldn't want to say what any Senate committee would do, but I would bet that they would approve your amendment on any one of those bills, and we probably would adopt it on the Floor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

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SENATOR O'MALLEY:

This -- this is -- be the last time I speak on the subject, unless the Senator decides to acquiesce. He calls about -- he -- he mentions that there are vehicles out there to do this with. And you did submit a list of bills to me yesterday at 5 p.m. You and I have had discussions about this for almost a week, discussing about what we're going to do. And -- and I don't -- you know, I do respect, Senator LaPaille, that the underlying bill is your bill and you're entitled to it, and if you wish to move it today, that you have the power to do that under our rules. I again implore you on behalf of the people of the State of Illinois and the millions of lives who will benefit from the effect of what was Senate Bill 1036, the opportunity to be heard one more time in this Session and not have to wait another year. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR DeANGELIS:

Is there any particular significance that the Democratic Chairman of the Party carries a bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

We'll have to think about that, Senator DeAngelis. Give me some time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- further discussion? Senator Petka.

SENATOR PETKA:

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Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll -- he'll yield.

SENATOR PETKA:

Senator LaPaille, are the old Pershing Street stockyards in your district?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LAPAILLE:

No, they're not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Senator, I was raised in the district, I believe, that you now represent. I'm -- I'm just curious if this -- this proposal comes from constituent concerns within your district.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LAPAILLE:

Well, Senator Petka, as you know, I am the leading ag Member from Cook County on the Senate Ag Committee, and Senator Woodyard and I teamed up to make sure that tax relief continues for all Illinois farmers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President, Members of the Senate. I would ask my good friend, Senator O'Malley, to -- to find another vehicle for his amendment. This is a very important piece of legislation to the cattle industry in the State of Illinois. And, you know, once it goes back over to the House at this late hour, it's a good chance that it -- it may not survive. So, I -- I

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would appreciate a favorable vote on this bill, and -- and hope that Senator O'Malley would find an additional vehicle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka, when you want to speak, make sure your light's on. It helps with us. All right? I -- I can't go back till...(microphone cutoff)... Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator O'Daniel pretty well covered my -- my thoughts on this issue. But we've seen a bill here this morning that Senator Watson had and all was asked of Senator -- by Senator Berman was to delay that, so that we could phase in. That was a reasonable request. This is a bill -- or the amendment is one that I had voted for. It's one that I believe in - contrary to what some of the people on this side of the aisle maybe do not - but I think that it belongs on a separate bill. I think that this is an issue -- I don't know what family leave truly has to do with -- with the sales tax exemption for bull semen. I just have no idea, unless we're going to be talking about herds and a few other things in the bill. But what I would like to ask the -- the sponsor of the bill is one question. Also, in -- in the manufacturing process, we use CO2 to quick-dry meat. Is this also then part of the exemption that you are referring to here with the bull semen?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille.

SENATOR LaPAILLE:

I really don't know what the sales tax rule is on CO2, but I would say that if it is used in the agricultural production, that is the baseline rule of the Department of Revenue. And I would think that if CO2 is used in the drying of wheat, then it would be tax exempt.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Jacobs.

SENATOR JACOBS:

Well, that's why I think this bill is so important, because in fact, Senator, they do not exempt it, even though it does lose it's -- its characteristics during -- during the process. The same thing happens here with the bull semen, and therefore, I ask for its strong support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. And I know that everybody's had a lot of fun with this bill since it was introduced, and certainly to make national press coverage with -- with this kind of bill, everybody assumes it's rather frivolous and so on. It is not. When I talked to Senator LaPaille last week, there was certainly some discussion as to what to do with Senator O'Malley's amendment, and I certainly reiterated to Senator LaPaille that that was up to him, as to whether he brought this bill back to 2nd Reading for an amendment. He chose not to do so. And I also reiterated to him that I would do whatever possible I could do to help the passage of this bill, with or without the Senate amendment on it. And at this time, we're on 3rd Reading. We don't have an amendment. It is an important bill to the livestock producers in -- in Illinois. And let me give you an example why. This started, not in my district, but in a -- in a district further south of me, in which the Department of Revenue came in and through an audit, evidently told this veterinarian, who was importing semen for production ag, that he had not been collecting sales taxes and he thus owed them seventy thousand dollars. This bill would prohibit that kind of thing from happening in production agriculture. The law is very specific. It's a simple bill, but it -- it's important to a lot of people in

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rural Illinois, and I -- I would seek your support for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator LaPaille, to close.

SENATOR LaPAILLE:

Thank you, Madam President. I think we've had a full discussion on the -- the whole purpose of the bill. I think we had a discussion on Senator O'Malley's request. I'm only asking what I've seen happen here for the last two days, the last couple weeks; is that when a Member has their bill moved to 3rd, it's their decision, and it's under the new Pate Philip rules, which really does give more control to the sponsor. And as one who has been in the legislative process since 1976, there are some good points to Senator Philip's rules also. And I would say that the more control a sponsor has -- I've conferred with my -- my cosponsor of this bill, Senator Woodyard, and we both agreed that we must pass this bill by the end of the Session. I've listed some other bills that we can use on the other issue. I think the time is now to continue the tax relief that is currently enjoyed by twenty-five thousand farmers plus in Illinois. There's eighty-one thousand farms in Illinois. Thirty-one percent have breeding cattle herds. That's what we're talking about. If you're from a farming community, you'll be voting Yes on this bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 904 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, none -- 1 voting Present. House Bill 904, having received the required constitutional majority, is declared passed. Senator O'Malley, for what purpose do you rise?

SENATOR O'MALLEY:

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Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR O'MALLEY:

There was a lot of discussion in the last bill, and Senator LaPaille in his closing remarks again commented that he's seen a lot going on here in the last two days about certain -- certain of us who have our bills on 3rd Reading and being unwilling to accept amendments to them. You know, Senator LaPaille, I had one, too. I accepted two amendments to a bill yesterday. It's been on 3rd Reading for over a week. So I think in all fairness, that should be clarified for the record. And I also think there's other Members of the Senate who've done the same thing. So, I -- you know, I think it goes down to this: two wrongs don't make a right. And that was never my intention, Senator LaPaille. And I've accepted -- I've taken things off of 3rd amendment <sic> -- to put amendments offered by other people.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Thank you, Madam President. If it's all right with the Chair, for a committee announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Absolutely. State your committee.

SENATOR RAICA:

Thank you. This afternoon at -- immediately following Session -- or immediately following a brief recess, the Senate Local Government and Elections Committee will be meeting in A-1 of the Stratton Building. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

The Senate will stand in recess to the hour of 3:30 for the purposes of committees to meet. Senator Barkhausen, for what

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purpose do you rise?

SENATOR BARKHAUSEN:

Yes, Madam President, simply to notify the Members and any others that might be interested, that the Department of -- the Committee on Financial Institutions will not be meeting this afternoon. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson? Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

For announcement, Madam President. Revenue Committee will meet sharply - sharply - at 2 o'clock. Revenue - sharply at 2 o'clock.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler, for what purpose do you rise?

SENATOR BUTLER:

I rise -- I would like the record to reflect that on House Bill 904, I would have voted Yes, had I been here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Record will so reflect. Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR SEVERNS:

I would like to ask leave for immediate consideration and adoption of Senate Resolution 446. It's a congratulatory resolution where the party is this week.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns, can we do this -- we've had several requests

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for this purpose. Can we do this when we reconvene at 3:30?
Fine. Senate will stand in recess until the hour of 3:30.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

...(machine cutoff)...will reconvene. Resolutions.

SECRETARY HARRY:

Senate Resolution 458, offered by Senator Rauschenberger.

Senate Resolution 459, by Senator Topinka, as is Resolution
460 and 461, 462.

Senate Resolution 463, by Senator Carroll.

And Senate Resolution 464, by Senators Demuzio and Donahue.
They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that
the House of Representatives has concurred with the Senate in the
passage of a bill of the following title, to wit:

Senate Bill 356, 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 356.

We have like Messages on Senate Bill 442, with House
Amendments 1 and 2; Senate Bill 460, with House Amendment 1;
Senate Bill 490, with House Amendments 1 and 2; Senate Bill 536,

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with House Amendment 1; Senate Bill 550, with House Amendment 1; Senate Bill 576, with House Amendment 1; and Senate Bill 899, with House Amendment 1.

All passed the House, as amended, May 18, 1993.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 66, offered by Senators Dudycz and Stern.

It's substantive.

PRESIDING OFFICER: (SENATOR WEAVER)

Executive. For what purpose does Senator Dudycz arise?

SENATOR DUDYCYZ:

Thank you, Mr. President. I would move that the Senate suspend the appropriate rules for the immediate consideration of Senate Resolution 449, which is congratulatory. I have guests coming from out of town from my district tomorrow, and I'd like to present them with the resolution.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 44 < sic > (449). Is there leave? 449. Excuse me. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Dudycz, to explain your -- your resolution.

SENATOR DUDYCYZ:

It's congratulatory. It congratulates the Resurrection High School girls for first place in the statewide competition.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz has moved for the adoption of Senate Resolution 49 < sic > (449). Those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion -- the resolution is adopted. We'll be going to the Order of 3rd Reading. Senator Watson will be up first.

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Topinka next. Barkhausen. LaPaille. O'Malley. Cronin. Dunn. LaPaille. So, be ready. For what purpose does Senator Severns arise?

SENATOR SEVERNS:

Thank you, Mr. President. I would like to move for -- I would like to ask leave for immediate consideration of Senate Resolution 446. It is a congratulatory resolution, which the reception is this evening or tomorrow.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns moves to suspend the rules for the purpose of the immediate consideration and adoption of Resolution 446. Those in favor, say Aye. Opposed, Nay. The rules are suspended. Senator Severns has moved for the adoption of Senate Resolution 446. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. For what purpose does Senator Hall arise?

SENATOR HALL:

Thank you, Mr. President. I wonder if my light is flashing up there. It's been flashing for about fifteen minutes. Are they showing on your board?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes, sir.

SENATOR HALL:

Well, if you'd ring the bell, there'd be a lot more people here, because I think some of them are doing that. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Topinka arise?

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I -- we have some visiting dignitaries with us today who are up in the President's box, and they're a delegation of fourteen members of

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State Parliament -- of State Parliaments of the Federal Republic of Germany. They're visiting under the auspices of the Voluntary Visitors' Program of the U.S. Information Agency. They'll be here for thirteen days, and their mission is to meet with U.S. legislators, State Government officials, business people and university researchers and administrators. Their overall program includes State and local politics, including the nature of parties, environmental issues, legislation, citizens' groups, dealing with crime, minority issues and the economy in relation to heavy industry, agriculture and so on. They met earlier with the Illinois Manufacturers' Association, and now, if I might, I'd like to introduce them. And as you hear your name, if you would stand up. And if we could all hold our applause to the end, then we could give them a real nice Illinois welcome.

(Senator Topinka introduces members of State
Parliaments of the Federal Republic of Germany)

So if all of you will welcome our -- our parliamentarians from Germany, we certainly are thrilled that they're here today. If you'll stand up. Stand up.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Illinois. For what purpose does Senator Watson arise?

SENATOR WATSON:

Yes, Mr. President. I guess a point of personal privilege. I would like to suspend the rules and allow for Senate Resolution 447 to be heard today. It's dealing with Enterprise Zone Week. And this is Enterprise Zone Week, and they're having their annual meeting here in Springfield, and they'll need this resolution Thursday evening. I've given this to both sides of the aisle, and I know of no objection to this motion. But I would like for that consideration to be given.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Watson moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 447. Is there leave? Leave is granted. The rules are suspended. Senator Watson has moved for the adoption of Senate Resolution 447. Those in favor, say Aye. Those opposed, say Nay. The Ayes have it. The resolution is adopted. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Amendment 1 to House Bill 328 Be Adopted, Amendment 2 to House Bill 462 Be Adopted, and Amendment 2 to House Bill 1261 Be Adopted.

Senator Raica, Chair of the Committee on Local Government and Elections, reports Senate Amendments 7 and 10 to House Bill 176 Be Adopted, Amendment 1 to House Bill 1427 Be Adopted, Amendment 2 to House Bill 1637 Be Adopted, and Amendment 3 to House Bill 1902 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendment 2 to House Bill 184 Be Adopted, Amendments 4 and 5 to House Bill 1316 Be Adopted, Amendment 2 to House Bill 1464 Be Adopted, Amendment 2 to House Bill 1479 Be Adopted; Amendment 2 to House Bill 1316 tabled by the sponsor, and Amendment 3 to House Bill 1316 also tabled by the sponsor.

Senator Ralph Dunn, Chair of the Committee on State Government Operations and Executive Appointments, reports Senate Amendment 2 to House Bill 1643 Be Adopted, Senate Amendment 2 to House Bill 2097 Be Adopted; and Amendment 1 to House Bill 1643 tabled.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 1 to House Bill 1746 Be Adopted, Amendment 2 to House Bill 2262 Be Adopted.

And Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Amendment 1 to House Bill 1039 Be Adopted, and Amendment 2 to House Bill 2375 Be Adopted.

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Also, Senator DeAngelis, Chair of the Committee on Revenue, reports Senate Amendments 2, 3, 4 and 7 to House Bill 317 Be Adopted, and Amendment 1 to House Bill 611 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

On the Order of 3rd Reading. Senator Watson, are you ready on 930? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 930.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This bill amends the Local Mass Transit District Act, and it's intended to work with the Metro East Mass Transit District. It would allow the local mass transit districts to construct and operate a light-rail public transportation system. Right now we -- we are working with the community of St. Louis and the County of St. Louis in establishing a light-rail system from Illinois to Missouri, and primarily to downtown St. Louis and to the airport. This would allow those districts to -- local mass transit districts to operate a light-rail public transportation system. It would also allow the counties that are involved in the Metro East Mass Transit District, primarily Madison, St. Clair and Monroe, to authorize by ordinance the following referendum question at any election, and that question would be: Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax be increased from .25 to .75? And this would be by referendum and referendum only. This is something that's supported by the counties of -- that I've

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mentioned here, of Madison, St. Clair and Monroe, and be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is indeed an important piece of legislation, and it encompasses the districts of Senator Watson, Senator Vadalabene, Senator Dunn and also my district. This has been explained by Senator Watson. This is very, very important to get a light-rail from -- from Scott -- I mean, to St. Louis to Scott Air Base. This will speed up transportation and it'll enhance the growth of this area. So I, please, ask everybody on both sides of the aisle to give us affirmative vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'd like to ask one of the two Gentlemen a question. Why do -- why is it necessary that the General Assembly authorize the county boards to ask the members of their respective counties for a referendum to increase the district sales tax rates?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

I'm really not sure, Senator. I believe because it is a local mass transit district and it is -- legislation that we have enacted in establishing these districts gives us that authority to come in and provide for these types of provisions.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't have any problem in -- in passing the thing. I

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don't think it does anything, but it -- it's very, very important to Senator Hall, so it's important to me.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall House Bill 930 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. House Bill 930, having received the constitutional majority, is declared passed. Senator Topinka, on 935? Out of the record. Senator Barkhausen, on 936? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 936.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 936 grants to the Cook County Highway Department and to the Lake County Department of Transportation in the -- in the one case, and then there is an amendment, Amendment No. 1, that gives quick-take power also to the Department of Transportation Division of Water Resources. This was an amendment that Senator Philip expressed an interest in to deal with the Bensenville ditch project. In each case, the quick-take powers would be limited to a two-year period. They do not affect potentially any residential areas. The Realtors -- Illinois Association of Realtors and the Home Builders Association, both of which are often opponents of quick-take powers, are neutral on this measure. They're both very limited in scope. I'd be glad to answer your questions, and would otherwise seek your support for help in expediting these important projects.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

The sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will, Senator.

SENATOR CULLERTON:

Senator Barkhausen, I understand the underlying bill is for a very specific purpose, that being for railroad underpasses on a specific road. The amendment, though, is somewhat broader. It says it gives it for two years. It gives quick-take powers to the Department of Transportation for acquisition of land rights in Cook and DuPage Counties for the Bensenville Ditch Flood Control Project. Do you have any idea where that project is located, and how extensive this amount of land is that the Department of Transportation would have quick-take powers for?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It's -- I'm told that it's -- that it's very limited. It is entirely within the city limits of Bensenville, which apparently covers some of Cook, as well as DuPage County. I'm more familiar with the original bill affecting the project along Lake Cook Road.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall House Bill 936 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 10, 2 voting Present. House Bill 936, having received the constitutional majority, is declared passed. Senator LaPaille, on 967? Out of the record. Senator O'Malley, on 979? Out of the record. Senator Cronin, on 980? Senator

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Cronin, do you wish this brought back to the Order of -- 2nd Reading for the purpose of amendment? Senate <sic> (House) Bill 980 is on the Order of 2nd Reading. Senator Cronin seeks leave of the Body to return House Bill 980 to the Order of 2nd Reading. Hearing no objection, leave is granted. On the Order of 2nd Reading, House Bill 980, Mr. Secretary. Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President and Ladies and Gentlemen of the House. Amendment No. 1 to House Bill 980 merely changed the -- changes the effective date of the Act. It makes the Act effective on July 1, 1994. I ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1009, Senator Dunn? Out of the record. 1029, Senator LaPaille? House Bill 1039, Senator Madigan? Read the bill, Mr. Secretary. Senator Madigan, do you wish to recall...

SENATOR MADIGAN:

Yes, Mr. President, I wish to recall House Bill 1039 to 2nd Reading for purposes of an amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan seeks leave of the Body to return Senate <sic> (House) Bill 1039 to the Order of 2nd Reading for the purpose of

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an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate -- House Bill 1039. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Floor Amendment No. 1 to House Bill 1039 would add a Section of the Good -- or add a Section to the Good Samaritan Food Donor Act which would include groups holding wild game dinners under provisions of the Act. Currently, under Public Health rules and regulations, wild game dinners are not able to be held for charitable purposes, due to the fact that the regulation calls for the game to be inspected prior to the death of the animal. That simply is not workable. Public Health has prepared this amendment to address those concerns of sportsmen's groups and charitable groups in regards to wild game dinners. Be glad to answer any questions, and would ask for the adoption of Floor Amendment 1 to House Bill 1039.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton?

SENATOR CULLERTON:

Yes. I wondered if you could -- I wonder if you could tell us about the -- the last sentence of the new language that says, "Placards shall be displayed in a conspicuous location throughout the event identifying the food served as uninspected wild game." What was the -- the need to put these placards up?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Again, this was drawn at the request of the Public Health

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Department. So apparently they want some sort of disclaimer displayed in a conspicuous place, as far as uninspected wild game, Senator Cullerton.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, all those in favor, say Aye. And 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 WEAVER)

3rd Reading. Senator Cullerton, on House Bill 1092? Out of the record. 1102, Senator Cullerton? Out of the record. Senator O'Malley, House Bill 1125? Out of the record. Senator Burzynski, on 1126? Out of the record. Senator Smith, on House Bill 1147. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1147 authorizes the Department of Public Health to merge all existing health programs for pregnant women and children, to assist business in establishing employees' wellness programs and to examine various factors that contribute to infant mortality. It creates the Rural/Downstate Health Asset <sic> (Access) Fund in the State Treasury. House Bill 1147 is a House Health Care and Human Service Committee omnibus Public Health bill. The bill is a combination of five individual sponsored House bills. Everything in this bill is permissive, and it

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received bipartisan sponsorship. I ask for your favored roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 1147 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 1147, having received the constitutional majority, is declared passed. Senator Mahar, on 1136? Out of -- 63. Out of the record. Senator Cullerton, on 1203? ...(microphone cutoff)...wish the bill called? Out of the record. Senator Smith, on House Bill 1230? Out of the record. Senator Hawkinson, on 1235? Do you wish this bill returned to the 2nd Reading for the purpose of amendment? Senator Hawkinson seeks leave of the Body to return House Bill 1235 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 1235. Mr. Secretary, are any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank...(machine cutoff)...

END OF TAPE

TAPE 3

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SENATOR HAWKINSON:

...Mr. President. This amendment was heard in the Judiciary Committee this morning. It's Amendment No. 2 to House Bill 1235. It's the product of work between the House and the Senate on the stalker legislation. It has the agreement of the State's Attorneys Association. It has a couple of changes from the bill as it came over from the House. One, it puts back in a requirement in the definition of stalking that there be at least two separate occasions when one person follows another, places another person under surveillance, or a combination thereof. It contains some definitions of placing a person under surveillance or following another person, and clarifies that under the exemption Section, that it's not meant to apply in the exercise of free speech or assembly that's otherwise lawful. And I would ask for the adoption of Senate Amendment No. 2 to House Bill 1235.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator Hawkinson, I know that we did discuss this in committee, but some questions were raised as to the effect of the changes after the committee, and I was just wondering if you could help me, especially with regard to the fact that other states that have had stalking laws -- in some of those cases the -- the Statute has been declared unconstitutional. If that -- and if that was to happen in this case, we would be without a -- a stalking law. I know there's some changes here, and the way some people have described it is that if you follow somebody and they think that you're out to do some harm to them, that that could be stalking, because you've removed the requirement that there be any threats made, and you've also changed the -- the harm that's -- that's perceived is that of the alleged victim -- or the would-be victim. So I just wondered if you could explain if that's

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accurate? If that's...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR CULLERTON:

...what the Statute is?

SENATOR HAWKINSON:

I understand the concern, but I don't agree with the conclusion. We've not removed the threat; we have added an additional circumstance. In other words, you can still commit stalking by transmitting the threat. That language has not been deleted. However, we have added the circumstances that you can commit stalking by placing that person, which would be the victim, in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint. So it is from the perspective of the victim in Section 2 <sic>; however, it must be a reasonable apprehension, coupled with the conduct of following on at least two separate occasions. It's akin, if you will, to the reasonable apprehension of receiving a battery that we have in our law for assault and aggravated assault.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Okay, but -- but -- as I understand it, they don't have to prove -- the State wouldn't have to prove a threat. All they'd have to do -- since there's -- there's an "or" here, it says or the -- the -- "A person commits stalking when he or she..., on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and: ...places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint." And that's as they perceive it. So, you don't really need to have a -- any threat here. You could -- and I wouldn't think the State

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would ever even charge anybody with having received a threat, when all they got to do is allege that they have been in some reasonable apprehension. And again, I voted for the original stalking law. I have no problems with trying to -- to toughen it up. I just don't want to go so far that it's unconstitutional.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, first of all, I think you're wrong on two counts. We're not removing the threat provision; we're adding a second provision. So you don't have to prove threat. But clearly if there's a threat provable, that's the way you're going to charge it. But secondly, the courts have never interpreted this kind of intent in the assault or aggravated assault case, in the manner in which you suspect. In other words, it would not be interpreted in a subjective manner - what's inside the head of the victim. It would be an objective standard: What would the trier of fact, the judge or the jury, view as being a reasonable apprehension, based upon the conduct of the defendant. So it would not be subjective to the victim; it would be an objective standard.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Geo-Karis, on 1249? Senator Cronin, on House Bill 1256? Out of the record. Senator Hasara, on 1261? Do you wish this bill returned to 2nd Reading for the purpose of an amendment?

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SENATOR HASARA:

Yes, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara seeks leave of the Body to return House Bill 1261 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 1261. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Senator Fawell offers Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. Oh, this is the -- this is the amendment that was an agreed-to by the township road commissioners, the county road commissioners, the Municipal League, and -- and IDOT has no objection to it. This is the bill that will allow hauling vehicles to -- wait a minute. Just a minute. This is -- this is the bill that has the trailers, sixty-five feet and a hundred and two inches - is -- is this the one? - that will be allowed to go five miles inside -- off of designated highways for loading, unloading, rest and services, and only one mile into municipalities for rest and for services. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Is this Amendment No. 2?

PRESIDING OFFICER: (SENATOR WEAVER)

Yes.

SENATOR JACOBS:

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I think Amendment No. 2 and -- and Senator, in -- in all deference, I think we might -- you might have had the wrong amendment there you were in reference to. I think you were -- you were explaining 462, so you might want to reiterate on 1261, which I happen to be in favor of.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very...

PRESIDING OFFICER: (SENATOR WEAVER)

To explain your amendment.

SENATOR FAWELL:

I -- I'm sorry. I'm sorry. This is -- this is the amendment for the concrete and asphalt dealers. What the problem is, is that the -- the -- the trucks are being stopped and the concrete is -- is hardening while they are being weighed. Unfortunately, when they weigh the axles singularly, which is what they've been doing, the load shifts and so they don't get a true reading anyway. So what this bill will do, it will allow the -- provide for Special Hauling Vehicles that will have three or four axles with a tandem axel dimension greater than seventy-two inches, but less than ninety-six inches, would be allowed to accept an overweight ticket and proceed without shifting the load. The amendment only provides that these vehicles can be four thousand pounds overweight. And lastly, it provides that whenever a Special Hauling Vehicle is found to be overweight, the overweight fine money goes to the entity having jurisdiction over the roadway. It also has a special registration fee which they all have agreed to pay, which is an additional hundred dollars, which will go to the State and IDOT. And I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR CULLERTON:

Senator, does this amendment take away the opposition of the DuPage Mayors and Managers?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

This amendment has been agreed to by the road commissioners, the township commissioners, both in the county and the township. It has been agreed to by the Municipal League and IDOT has no problem with it. In fact, they're going to make money.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

I -- I see, they're in favor of the amendment. Does the amendment take away their original opposition to the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR CULLERTON:

Or is there still...

SENATOR FAWELL:

My assumption is that they must, because the Municipal League, and the road commissioners, and the township commissioners have all signed onto it.

PRESIDING OFFICER: (SENATOR WEAVER)

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

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SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Peterson seeks leave of the Body to return House Bill 1316 to the Order of 2nd Reading for the purpose of an amendment. Hearing -- hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1316. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 4, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken, to explain your amendment.

SENATOR McCracken:

Thank you, Mr. President, Ladies and Gentlemen. Senate Amendment No. 4 to the bill, would create the one-stop shopping, consolidating all business and regulatory assistance within DCCA, but only subject to appropriation, for the purpose of assisting businesses in dealing with that subject matter in State government. I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

Amendment No. 5, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson, to explain the amendment.

SENATOR PETKA:

Thank you, Mr. President. Amendment 5 requires the Illinois EPA to apply for funds which are available for the purposes of the Environmental Protection Act, if another State agency is

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administering the program and is not applying for such funds.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of the amendment, signify by saying 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 WEAVER)

3rd Reading. Senator Karpziel, do you wish House Bill 1341 recalled for the purpose of 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. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 4, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel, to explain the amendment.

SENATOR KARPIEL:

Thank you, Mr. President. Amendment No. 4 to House Bill 1341 was simply a -- a cleanup of the -- the -- the language. I understand there were some typographical errors in -- in Amendment 2. This is just cleaning those up. That's all it does, and it isn't even a controversial misspelling this time.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All in favor will signify by saying Aye. Opposed, Nay. The amendment's adopted. Are there further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported for consideration, Mr.

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PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 1354? Out of the record. Senator Welch. Senator Hasara seeks leave of the Body to return House Bill 1411 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 1411. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1 is offered by Senator Hasara.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara, to explain the amendment.

SENATOR HASARA:

Thank you, Mr. President. Amendment No. 1 is a technical amendment. Clarifies some of the wording at the request of Central Management Services. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there a discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No -- no further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Farley? Senator Welch, on 1374? Out of the record. Senator Burzynski, on -- read the bill, Mr. Secretary. House Bill 1424.

SECRETARY HARRY:

House Bill 1424.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

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SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Department of Insurance proposal to clarify the Insurance Code as it applies to the Department's consumer division, and to adopt the National Association of Insurance Commissioners' language, needed to ensure the Department's continuing accreditation.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall House Bill 1424 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1424, having received the constitutional majority, is declared passed. Senator Peterson seeks leave of the Body to return House Bill 1427 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 1427. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson, to explain the amendment.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 1 to House Bill 1427 requires drainage district treasurers to record liens in the county recorder's office. If the treasurer is not the county treasurer, the reporting form shall be required by the county treasurer. This language is supported by the County Treasurer's Association, and I ask for your affirmative vote on Amendment 1 to House Bill 1427.

PRESIDING OFFICER: (SENATOR WEAVER)

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Is there any discussion? If not, the -- all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Topinka, on 1464? Read the bill, Mr. Secretary. Senator Topinka seeks leave of the Body to return House Bill 1464 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 1464. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka, to explain the amendment.

SENATOR TOPINKA:

Yes. This would require that the IEPA and the Department of Public Health participate in any Army Corps of Engineers' projects involving stormwater reservoirs which hold water continuously for five or more days.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Hello. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess we are again mandating and commanding that the Environmental Protection Agency and the Department of Public Health - both State agencies - must cooperate with the Corps of Engineers' projects that involve stormwater reservoirs and et cetera and so forth. I'm surprised that there isn't some sort of honorable cooperative arrangement already between the State

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agencies and the Army Corps of Engineers, but I guess if we have to command their participation we have to command it, I guess.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any further discussion? If not -- excuse me.
Senator Topinka.

SENATOR TOPINKA:

May I close?

PRESIDING OFFICER: (SENATOR WEAVER)

Certainly.

SENATOR TOPINKA:

Yes. Well, Senator Demuzio is correct in that we do mandate their participation, but it's totally permissive in terms of how they wish to participate. So it gives them a lot of -- a lot of latitude, and we would like to see the amendment adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Those in favor of the amendment, signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar seeks leave of the Body to return House Bill 1479 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 1479. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

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Thank you, Mr. President and Members. This is a technical amendment that was requested by our staff. It does not change the scope or the intent of the bill whatsoever, and I would move for the adoption of Floor Amendment No. 2 to House Bill 1479.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying 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 WEAVER)

3rd Reading. Senator Cronin, on House Bill 1489? Out of the record. Senator Berman, do you wish 1498 -- Senator Berman seeks leave of the Body to return Senate -- House Bill 1498 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1498. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Berman.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman, to explain the amendment.

SENATOR BERMAN:

Thank you -- thank you, Mr. President. Amendment No. 2 is the request of the nursing home industry, and reflects federal guidelines concerning the use of physical restraints in long-term care facilities. This is a clarification of the amendment that we adopted last week on the same bill. Move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

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Well, thank you, Mr. President. I just want to take this opportunity to introduce - for those new Members who don't remember him, and for us old -- older Members who always felt that Jim Donnewald was our leader - the former leader of the Senate and the former State Treasurer of Illinois, Jim Donnewald, is visiting with us today here in the Chamber.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? All in favor of the amendment, signify by saying Aye. Opposed, Nay. 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 WEAVER)

3rd Reading. Senator Watson. Out of the record. Senator Maitland, on 1571? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. House Bill 1571 provides that, by petition, a municipality that is located within ten miles of an interstate highway and has a population of one hundred or more would require the Department of Transportation to erect a sign on the -- on the interstate, designated -- designating what turnoff you take for that city. One of the problems we have with the interstate system is many small communities that have very active or productive businesses, are found that they're isolated from -- from travel because of the

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fact that there are no turnoffs for their -- for their facility. So this would allow for a sign to be erected indicating where you exit the interstate to get to that particular city.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm not really that upset about what this bill does, but I think we should pay a little bit of attention that it could create some real problems in regards to the -- the Manual On Uniform Traffic Control Devices, which limits the signage to four. It's -- it's very -- four communities -- it's very possible that the -- the numbers of cities that may be requesting to be put on a sign may be quite extensive. Just to make that point, I -- I really don't care. I think John is doing it for a distinct purpose, and some communities that -- that have requested it, and I have no qualms with that, but I just wanted the Body to be aware that it could really get to be extensive.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. If we made it thirteen miles, maybe Carlinville could get a sign.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall House Bill 1571 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 2, 3 voting Present. House Bill 1571, having received the constitutional majority, is declared passed. Senator Cullerton, do you wish to return to 2nd Reading House Bill 1575? Senator Cullerton seeks leave of the Body to return House Bill

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1575 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 1575. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, to explain the amendment.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment was just approved in the committee this afternoon. The bill deals with the issue of condominiums. This is a Chicago Bar Association proposal. The amendment allows boards to lease possessed units for up to thirteen months. The bill was originally -- came over from the House, was eighteen months, and another technical amendment which actually bring this bill -- to make it identical to a bill that we passed out of the Senate. So I would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, all in favor of the amendment, signify by saying Aye. Opposed, Nay. The amendment -- the Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

Middle of page 9, House Bill 1637. Senator Dudycz, you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Dudycz seeks leave of the Body to return House Bill 1637 to the Order of 2nd Reading for the purpose of amendment.

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Hearing no objection, leave is granted. On that Order of 2nd Reading is House Bill 1637. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senators Dudycz and Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz. Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. -- thank you, Mr. President. What this amendment does, it -- it extends the boundaries of the Metropolitan Water Reclamation District into Rich Township. It does not include that area which -- where service is already provided by Thorncreek Sanitary District, nor does it include that region where Senator Dunn is trying to establish, this Session, the Eastern Will County Sanitary District. I would move adoption of Floor Amendment No. 2 to House Bill 1637.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Mahar, what will -- who wants this amendment, and what will be the effect of it -- of -- of enlarging the metropolitan water district?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Senator, this -- this is at the request of the property owners in unincorporated Rich Township, and the net effect is that it will be -- receive services from the Metropolitan Water

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Reclamation District.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

Senator Mahar, is there any money required as part of this expansion?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

The extension of services to the property owners -- the cost will be borne by the property owners.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1642. Senator Dudycz. Senator Dudycz, you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Dudycz seeks leave of the Body to return House Bill 1642 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 1642. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senators Mahar and Shaw.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. What this amendment does is provide

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that any elected public official in Illinois who pleads guilty to a criminal offense under State or federal law, must resign effective at the time the written agreement is made. This is prompted by the circumstances surrounding the -- the -- the City -- the Chicago City Clerk, where he pleaded guilty and -- and could have continued in office and accepting pay until sentence, which I understand was to be sometime in July. And I would move adoption of Floor Amendment No. 2 to House Bill 1642.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? All those in favor, say -- on that motion, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1643. Senator Dudycz. Senator Dudycz, do you wish this bill returned to the Order of 2nd Reading for purpose of an amendment? Senator Dudycz seeks leave of the Body to return House Bill 1643 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On that order of business is -- on the Order of 2nd Reading is House Bill 1643. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Petka.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 2 is the issue of -- Senate Bill 102 revisited.

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This amendment provides that certain charitable nonprofit organizations who -- which come under the purview of the Voluntary Payroll Deductions Act of 1983 would be permitted to mail their solicitations within the various State agencies which now have been designated for that purpose. We extensively debated this issue almost two months ago. I would certainly move for its adoption at this time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I'd like for Members on this side of the aisle to take a look at this amendment. This is the same bill, as Senator Petka was kind enough to remind us, that went out of here before, that would put CUB in the same category as a hundred other charitable organizations. We just discussed this in committee, and I'd like to say once again, to remind us, the argument was made that this makes a level playing field, but the fact is that CUB was created by this Legislature and it is mandated to carry out certain activities in support of taxpayers, in support of keeping rates down. On the other hand, the charitable organizations are not mandated by this Body to carry out needed services and to provide information. So it is a matter of mixing apples and oranges, and I think totally inappropriate. So I would suggest that we vote No on this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Yes. I -- I have a parliamentary inquiry, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, Senator Cullerton.

SENATOR CULLERTON:

Mr. President, the -- the bill starts out -- the House bill

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amends the State Police Act. This bill -- this amendment amends the Civil Administrative Code. So I would really question the germaneness of the amendment to this bill. As we know, the -- the new title of the Act is "An Act regarding State agencies...", which is potentially violative of the single-subject provision of the Illinois Constitution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton, we are anticipating -- were anticipating that -- that question, and -- and the Chair is supposed to -- to rule that it does deal with -- both Sections address the operations and duties of State agencies, and therefore the Chair would rule that it -- that it is germane. Senator Garcia. Oh, I'm sorry. Yes, Senator Cullerton.

SENATOR GARCIA:

Hello.

SENATOR CULLERTON:

Yes. Well, thank you for the ruling, and I'm -- I'm surprised and shocked that you were anticipating that question. But you gave a very quick one, and I appreciate that from the new parliamentarian. Now, I have another question. I thought we were supposed to not have duplicative bills. I thought that's why we killed all these bills in the Rules Committee that came over from the House. And I thought we already passed this bill, one of the first days we were here. And I also read in the paper that it got out of the House committee. So I'm just wondering why we're doing this if we already have passed this bill. So maybe I can ask that in the form of a question to Senator Petka. Is this the same bill as we had already passed, and what's the status of that bill over in the House?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

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No, Senator, it is not the same bill that we had passed, because it also includes an exemption for the Department of Revenue in the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further questions? Senator Cullerton.

SENATOR CULLERTON:

Why are we doing that, Senator Petka?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

It was done at the request of the Department of Revenue. But in direct answer to your question, Senator, it is certainly true that the legislation, with bipartisan sponsorship, got out of the Public Utilities Committee in the House. Unfortunately, it fell into that big hole known as Leadership, and is not on special orders of business, and is not anticipated to be called by -- in conference when I talked with the sponsor of the bill. Despite fervent pleas on his part, we simply cannot get a hearing in the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, then, I think this is a good point to make at this point in time. It's true that over in the House they apparently have the practice of not calling all the Senate bills. Whereas, we in the Senate do call all the House bills if they get to the Floor. So it's probably a good lesson that we should not have killed House bills that came over here just because we thought they were duplicative - just because we passed a Senate bill that was similar. Because how do we know that those Senate bills are ever going to get passed, or even called over there? So I think that we probably made a mistake in killing over a hundred and

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fifty-some bills, and I think that it's a lesson we should have learned. And perhaps Senator Petka's got a point, that this is a different bill. It's probably a different bill, and -- and, of course, it has to go back over there for concurrence. And why -- why Senator Petka thinks that it's not going to fall into that big hole he called Leadership again, I don't know. But we are -- we are spending a little time debating the same bills twice.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton, your points will be duly noted. Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator, in committee it was stated by the presenter of the bill that you were prompted to introduce this bill because of your desire to help the Red Cross, given the humanitarian services that they provided after the Plainfield disaster. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

That is partially correct. Initially, Senator, when the bill was introduced, there were six or seven organizations that I cannot enumerate currently, but who were instrumental in working in my hometown of Plainfield, and I might add, in Crest Hill, Illinois, where twelve other people were killed in the same tornado. Once we brought the bill to, basically, the point where it went through 1st Reading, some questions were raised by our staff, as far as picking and choosing among various organizations.

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We tried to expand the list to twenty or twenty-five. That didn't seem to work, because there was organizations that were meritorious that deserved to be on there. That's why we went to the more expanded version, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senator, is it still your belief that you will be helping these organizations in a meaningful way by doing this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I think that having free access to the -- to a State mailing will certainly be able to help them out. Certainly not as much as I'd like to help them out, but in -- in small part it will be helping them out. Yes, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Well, while I can appreciate your motivation to want to help the Red Cross and other charitable organizations, I think that there are more effective ways of doing this. For example, you not only will be giving this privilege to the Red Cross and many other large and familiar organizations, like the American Cancer Society, of which I'm an -- a former chairman of a unit, but by introducing this amendment, you not only will designate qualified organizations, but one of its benefiting member agencies in the State of Illinois under the Voluntary Payroll Deductions Act of 1983. And as a matter of fact, at this point, I'd like to point out that in the 1992 SECA listing of such organizations, there are not only dozens or hundreds, but actually thousands of

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organizations which can line up to be given this privilege. This means that, in all honesty, you really won't be helping the Red Cross much, or the American Cancer Society, because it could take decades for these groups to take advantage of the privilege that you want to extend to them. So once again, I believe that it's quite clear that what this amendment seeks to do -- it's an amendment that has to do with these charitable organizations tacked onto a -- a bill that amends the State Police Act, that the real target of all this legislative packaging is to ensure that CUB is denied the opportunity to raise funds for a good purpose, which was stated by Senator Alice Palmer, and that is to ensure that ratepayers in the State of Illinois have a voice in the General Assembly so that CUB can continue to fight to keep utility rates down. That's why I urge all the Members of the Senate to vote against this amendment. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Did you rule on this as the -- that this amendment is germane to -- to this bill that we've been talking on? Evidently, I'm -- I'm looking here - this was originally made as backpay for suspended officers. How did all this red -- how did all these other things get in here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, yes, I did. I did rule that it was germane. Further -- Senator Hall.

SENATOR HALL:

You -- when we talk about backpay for officers, and then it's -- the bill is germane to all these other issues?

PRESIDING OFFICER: (SENATOR MAITLAND)

That is correct, Senator. I -- I -- that I -- I ruled it

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germane. Further discussion? Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I -- I stand with mixed emotions, because I think what we're seeing here is exactly what good intentions lead us to. As they say quite often, the road to hell is paved with good intentions, and I think that's what we've done by allowing even CUB to put anything in our mail. And maybe the bill doesn't go far enough, that it should exclude all organizations from using our mail. You know, it gets a little bit on the fringe as to who we should, and if we are going to allow one in there -- and that's why I agree with the amendment, that if you are going to allow one, you should allow everyone. But I think that really we should be looking at this from the other way and not allowing any to be in our mailing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just wanted to say this for the record. I support the backpay for the State Police, as I told Senator Dudycz that I -- that I would, but with this amendment that -- and I know you ruled this germane, but how we can get from backpay to the State Police to this CUB issue is beyond me. But, of course, we respect the ruling of the -- of the Chair. But I -- I will have to vote against a good, fine bill, if this amendment on a bill that passed out of here already, that I voted against, is attached to it, because that's sort of like double jeopardy.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

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Thank you, Mr. President and Members of the Senate. Just, I guess, to follow up also on the parliamentary inquiry. I know that the Chair on one occasion ruled this germane and confirmed that ruling to the -- to Senator Hall moments ago. Maybe -- I would just like to call the attention of the Chair to Section 7 of the Legislative Article of the Illinois Constitution -- I'm sorry - Section 8, which deals with passage of bills. And the last paragraph thereof - says, "Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject." It was my understanding of the pronouncement of the Chair that he identified that there were two subjects, but he felt they both dealt with State Government, and therefore could be germane. I think the Chair ought to rethink its ruling in light of the fact that the Constitution says, "Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject." And I believe therefore that -- that this is in violation of the Constitution - the -- the ruling made by the Chair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, your -- your point is duly noted. Further discussion? Senator Petka, you wish to close on -- on your amendment?

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. I believe the issue has been adequately discussed, and I would simply move for the amendment's adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

All those in favor, say Aye. Opposed, Nay. The Ayes have it. Oh. I'm -- roll call has been requested. All those in favor, 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

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record, Mr. Secretary. On that vote, there are 32 Ayes, 26 Nays, no Members voting Present. Amendment No. 2 to House Bill 1643 is adopted. Thank you. Mr. Secretary, are there any further amendments -- Floor amendments filed for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill -- I'm sorry. Senator Hendon, for what purpose do you arise, sir? Senator Hendon.

SENATOR HENDON:

Mr. President, I rose to ask for verification on the last vote. But don't worry about it.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. House Bill 1695. I'm sorry. House Bill 1716. House Bill 1716. Senator Collins. Senator Collins. Out of the record. House Bill 1718. Senator Geo-Karis. Out of the record. House Bill 1739. Senator DeAngelis. Senator DeAngelis, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator DeAngelis seeks leave of the Body to return House Bill 1739 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1739. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Amendment No. 1 to Senate <sic> (House) Bill 1739 takes out the for-profit definition for financial intermediaries, so that we have the protection of taxpayers' dollars being used in funds that are retained for small

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business loans, and I do move for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Floor Amendment No. 2 simply makes an immediate effective date. I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Bottom of page 9 is -- is House Bill 1746. Senator Cullerton. Out of the record. House Bill 1778. Senator Hawkinson. Senator Hawkinson, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 1, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

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Thank you, Mr. President. Senate Floor Amendment No. 1 to House Bill 1778 increases the -- the figures for the library system grants to make them consistent with the level of funding that will be available if the Live and Learn Program passes, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Top of page 10 is House Bill 1787. Senator Barkhausen. Out of the record. House Bill 1816. Senator DeAngelis. Senator DeAngelis. Out of the record. House Bill 1821. Senator Klemm. Out of the record. House Bill 1886. Senator Topinka. Out of the record. House Bill 1900. Senator Raica. Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1900.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Well, thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to thank both staff for helping to -- to get this bill out of the committee. Thanks, Senator Hawkinson, for allowing to get out, along with Senator Dunn. It passed out of the House 111 to 1. What it does is -- currently, only victims of forcible felonies, misdemeanors, crimes involving

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bodily harm, reckless homicide, DUI resulting in death or bodily harm, committed by adults, fall under the victims' bill of rights. This bill adds victims of the same type of offenses when the perpetrator is under the age of seventeen. And this will make the victims better appraised <sic> of what is going on in the juvenile court system, and I just ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? Senator Raica, you wish to close, sir? If not, the question is, shall House Bill 1900 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 58 Ayes, no Nays, no Members voting Present. House Bill 1900, having received the required constitutional majority, is declared passed. House Bill 1902. Senator McCracken. Senator McCracken, do you wish that bill recalled to the Order of 2nd Reading for the purpose of amendment? Read -- Mr. Secretary, are there any Floor amendments approved for consideration? I'm sorry -- I'm sorry -- I'm sorry. Senator -- Senator McCracken seeks leave of the Body to return House Bill 1902 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On that Order of 2nd Reading is House Bill 1902. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 3, offered by Senator McCracken.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen. Senator Dunn requested -- Tom Dunn requested that Will County be exempted from the scope of the bill. This is an amendment for that purpose. I

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move its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1905. Senator Molaro. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1905.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill requires the Secretary of State to study the feasibility of adopting a uniform traffic ordinance numbering system, to be made applicable to all you municipalities. Basically what this is, is that now if you're ticketed with a red light and it happens to be a city ticket, they all use different codes and different ordinances, so when it winds up in your record as being sought by the Secretary of State or when other municipalities try to find out what you're convicted of, we have so many different numbers it's very, very confusing. So we think it would be a lot better if you're convicted of a red light somewhere, that it's all the same number when it goes out amongst the various municipalities. And I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Any discussion? Any discussion? Senator Molaro, you wish to close, sir? You wish to close, sir?

SENATOR MOLARO:

Favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Very good. The question is, shall House Bill 1905 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 1905, having received the required constitutional majority, is declared passed. House Bill 1941. Senator Raica. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1941.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. House Bill 1941 creates the Telephone Solicitation Act by regulating telephone solicitations for the sale of goods by live operators. Committee Amendment 1, offered by the Honorable Senator Walter Dudycz, decreases the number of hours in which the solicitation of the sale of goods is prohibited, by one hour, by providing <sic> (prohibiting) said solicitation between 9 p.m. and 8 a.m., instead of 9 to 9. And that amendment also deletes the requirement that the caller state his or her address and telephone number. Committee Amendment No. 2, also offered by the Honorable Senator Dudycz, attempts -- exempts insurance companies when performing acts in regulation <sic> (relation) to existing customers or policyholders, or

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employees of licensed agents, and I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Demuzio.

SENATOR DEMUZIO:

Is -- is a political telephone bank exempted from this Act?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Yes, sir. It's only sale of goods, unless I guess you're selling yourself.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

So anyone who is -- a person who is providing some service to a campaign, who is attempting to entice someone to vote for someone and against someone else, is exempted from this bill; it does not apply?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Raica.

SENATOR RAICA:

Mr. President, I don't think they apply. According to the -- the way the law would be written, it says no person can solicit the sale of goods. Specifically the word "goods" is used, so...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

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That's all right. Just for legislative intent, it is not your intent to eliminate telephone phone banks for political purposes, and with that understanding, fine.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill is almost identical to a bill that I had a couple years ago. And this is an excellent bill. If there is one complaint that we hear as legislators, it's -- it's soliciting on our telephone in our homes from people that we really don't want to talk to and neither do our constituents. This is an excellent bill. I urge adoption of it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Raica, you wish to close, sir? Senator Raica.

SENATOR RAICA:

I would like to thank Senator Tom Dunn for the kind words, and the staff that worked so diligently on this, and Senator Dudyecz for his unbelievable amendments. And it is not the intent of the sponsor to include, you know, the elected officials or anything having to do with campaigns - strictly the sale of goods. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1941 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, Mr. Secretary. On that question, there are 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 1941, having received the required constitutional majority, is declared passed. House Bill 1957. Senator Madigan. 1957. Senator Madigan? Out of the record. House Bill 1965. Senator Ralph Dunn. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

House Bill 1965.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. House Bill 1965 amends the Civil Administrative Code and asks the Department of Commerce and Community Affairs to examine their policies and incentives to attract to the State those industries involved particularly in the design, construction, development of pollution control devices such as coal scrubbers. Requires the Department of Energy and Natural Resources' Coal Marketing Office to develop and implement an initiative to increase export of Illinois coal internationally. Be glad to answer any questions, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, again, you know, I -- I continue to be amazed at the fact that the Department of Commerce and Community Affairs really isn't doing much of anything over there, and we are now commanding that they examine policies and incentives to attract industries involved in the design, development and construction of pollution control devices and implement those policies and incentives. I -- I -- I'm amazed that they haven't been doing the job that we have asked them to do, and this is another command, and I -- I rise to support this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Ralph Dunn, you wish to close, sir?

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SENATOR R. DUNN:

I want to thank Senator Demuzio for his support, and urge that he vote Aye. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1965 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 1965, having received the required constitutional majority, is declared passed. House Bill 1985. Senator Watson. Out of the record. House Bill 2053. Senator Molaro? Senator Molaro, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Molaro seeks leave of the Body to return House Bill 2053 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2053. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Molaro.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill that amends the Funeral and Burial Funds Act, and the amendment, which there was no opposition to and passed by roll call in our committee, just clarifies the contents of the guaranteed price contracts. This was a bill brought by the Comptroller, and I'm asking that this amendment be adopted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Molaro has moved the adoption of -- of Floor Amendment No. 2. Those in

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favor, vote Aye. Opposed, Nay. I'm sorry. Those in favor, Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Mr. Secretary, are there any further -- any Floor amendments -- further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2062. Senator Raica. Senator Raica, 2062? Out of the record. House Bill 2082. Senator Stan Weaver. Out of the record. House Bill 2097. Senator Dunn. Senator Dunn, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Dunn seeks leave of the Body to return House Bill 2097 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 2097. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Tom Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment is at the request of the American Cancer Society, the American Diabetes Association, American Heart and Lung Association, the Arthritis Foundation, Association for Retarded Citizens, the Easter Seals Society, March of Dimes, et cetera. What this amendment says, that is, if a local government elects to conduct a charitable payroll deduction campaign, it shall not discriminate against any of the qualified organizations, their member agencies, or the United Fund, in so doing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? All those in

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favor, say Aye. Opposed, 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, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2109. Senator Welch. Out of the record. 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 2227. Senator Fawell. Senator Fawell. Out of the record. House Bill 2231. Senator Hasara. Out of the record. House Bill 2242. Senator Topinka. Read the bill -- I'm sorry. Senator Topinka, do you wish this bill recalled to the Order of 2nd Reading for the purpose of an amendment? Senator Topinka seeks leave of the Body to return House Bill 2242 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2242. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes. All this amendment does is make the entire bill permissive.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? If not, those in favor, vote Aye. Opposed, vote Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2245. Out of the record. House Bill 2265. Senator Watson. Out of the record. House Bill 2280. Senator Raica. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2280.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Basically, what this bill does is it raises the penalties for possessing weapons in a school, or near a school. The penalty today is a Class 4 felony, and this bill maintains it as such. It does raise the penalty for possessing certain weapons in public parks, housing projects and school buses. It also eliminates the offense of possessing a fire -- a firearm cartridge in a school, since the -- since the bill eliminates the Section covering that that does not replace it. I would like to thank Senator Hawkinson and again, Senator Dunn, for allowing this to get out of committee, and I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Raica, you wish to close, sir?

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

The -- the question is, shall House Bill 2280 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

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wish? Take the record, Madam Secretary. On that question, there are 56 <sic> (57) Ayes, no Nays, no Members voting Present. House Bill 2280, having received the required constitutional majority, is declared passed. House Bill 2282, Senator Watson? Out of the record. House Bill 2307. Senator Fitzgerald. Out of the record. House Bill 2336. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this amends the Public Aid Code to provide that the Department of Public Aid shall develop and implement, by rule, a program to ensure that children under age five receiving AFDC are immunized. And it also amends the Medical Practice Act to allow patients who are on Public Aid, that should they wish to make voluntary contributions to free medical clinics, that they would be accepted as long as those contributions went to the overhead and operations of those clinics. This bill incorporates identical language that we had in House Bill 132 regarding immunization, and it would require DPA to report to the Governor, the General Assembly on the progress of the program. To my knowledge, it has no opponents at this time. The Illinois State Medical Society supports the language pertaining to free medical clinics. That's all there is, and I would hope for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

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Can I ask the sponsor a question, if I might, Mr. President?

PRESIDING OFFICER: (SENATOR MAITLAND)

She indicates she will yield, Senator Demuzio.

SENATOR DEMUZIO:

Are we requiring all Department of Public Aid, AFD <sic> recipients to be immunized?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

No. We're talking about children under five.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

Does that mean that all Public Aid recipients who are -- have children under five must be immunized?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

No. Only those children receiving AFDC that are on that program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- Senator Demuzio.

SENATOR DEMUZIO:

Why are we being so benevolent just to require those youngsters to be immunized - those that are AFDC recipients?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Topinka.

SENATOR TOPINKA:

Well, for one thing, we're helping to pay for it, on a -- from a standpoint of the taxpayers' basis, and also too, we'd like them to be as healthy as everybody who can afford private pay.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR TOPINKA:

Yes. I'd like a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2336 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
2336, having received the required constitutional majority, is
declared passed. House Bill 2375. Senator Raica. Senator
Raica, do you wish this bill returned to the Order of 2nd Reading
for the purpose of amendment?

SENATOR RAICA:

I do.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica has moved -- seeks leave of the Body to return
House Bill 2375 to the Order of 2nd Reading for the purpose of an
amendment. Hearing no objection, leave is granted. On that Order
is -- of 2nd Reading is House Bill 2375. Madam Secretary, are
there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
What Floor Amendment No. 2 does, basically, it deletes out the
Section that would require each person under the age of thirteen
on board a watercraft to wear personal floatation device. It's my

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understanding that a lot of people criticized it because they felt that it was mandating that their child would have to wear a floatation device every time they got on a boat, and we wouldn't want to do that. We -- it's felt that the people would know whether their sons should wear or should not wear a floatation device, and I'd just ask that we adopt Committee Amendment No. 2 -- or Floor Amendment. I'm sorry.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there a discussion? Senator Demuzio.

SENATOR DEMUZIO:

I -- I'm going to quit reading this stuff. This says that if you're thirteen years of age or under you have to wear a personal device on the boat. So I guess if you're fourteen years old, it's okay if you don't wear one and drown. I mean, I -- can you explain that to me?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Raica.

SENATOR RAICA:

Just -- Senator Demuzio, hello -- that was just deleted. We're on page 2.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Why -- why are you taking that out?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Well, Vince got upset about it, first of all, and secondly,

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we've received a lot of phone calls from parents who stated that they should be able to make up their own minds on whether they should put a floatation device on their children. They felt that it was a mandate, and they felt the State should not get involved in that, so I acceded to their wishes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, what's -- isn't the rest of the bill then, a mandate, and -- and what else is left in the bill that we're mandating?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

The fleeing of the -- away from an officer, Senator Cullerton, on a watercraft.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, don't we also prohibit the use of watercraft between sunset and sunrise, and prohibit persons from riding or sitting in certain portions of the craft, and requiring the craft to -- to have visual distress signals, and provide for the use of certain oscillating lights on the watercraft? Aren't those all mandates? I -- I'm just wondering why you're taking this one Section out that requires kids to have life preservers on.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. It was felt that because of the number of phone calls that was received, we would just do exactly what the -- the people wanted. Yeah, we took a poll. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Jacobs. Discussion? Senator LaPaille.

SENATOR LaPAILLE:

Yes. Will the Gentleman yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator LaPaille.

SENATOR LaPAILLE:

Senator Raica was just in our committee several hours ago, and I was one that voted against taking this out. For a little history, this bill was drafted by the Department of Conservation. They put this requirement in at the request of the National Boating Safety Association. So that association must feel that perhaps having this in law would be an incentive for a parent to say, "Hey, I've got a two-year-old; I better put this vest on for their safety". 'Cause as soon as you pull away from that dock, that little two-year-old may slip off the boat. So, Senator Raica, I know we're very close in our districts and we work together here. I think your bill is better if this requirement is in, because the Department of Conservation started out giving you this bill with it in, and they took the recommendation of the National Boating Safety Association. And just because Senator Demuzio might be a little worried about it, or whatever, I think it's good to keep it in, and I would hope that perhaps you withdraw the amendment or we defeat the amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Roll call has been requested. All those in favor of Amendment No. -- Floor Amendment No. 2 to House Bill 2375 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 33 Ayes,

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21 Nays, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2397. Senator Geo-Karis? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2397.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill applies to cases in which a Child Protective Services Unit has determined that a child is physically or sexually abused, as defined by the Abused Child Reporting Act. This service shall be granted only if the court finds it is in the best interest of the child, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2397 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 55 Ayes, 2 Nays, 1 Member voting Present. House Bill 2397, having received the required constitutional majority, is declared passed.

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Top of page 12 is House Bill 2402 <sic>. Senator Barkhausen.
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2408.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 2408 is on the same subject matter as the House Bill 2397 that we just passed. It repeals the six-month limitation during -- period during which a minor could be removed from the home if the court should find that it is in the best interest of the minor for the child to be removed or to stay removed for a longer period of time. In addition, the bill was amended to create a rebuttable presumption that there is an immediate and urgent necessity for shelter care for a minor if there is probable cause to believe that another minor residing in the same household is abused, either physically or sexually, and that there is an immediate and urgent necessity to place the abused minor in shelter care. I'd be glad to answer your questions, and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Barkhausen, do you wish to close, sir?

SENATOR BARKHAUSEN:

I'd simply ask for the support of the Body.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2408 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, 2 Members voting Present. House Bill 2408, having received the required constitutional majority, 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: Referred to Appropriations Committee - Senate Amendment No. 2 to House Bill 917, Senate Amendment No. 1 to House Bill 1861, Senate Amendment No. 1 to House Bill 1869, and Senate Amendment No. 1 to House Bill 1877; referred to Education Committees - Senate Amendment No. 1 to House Bill 1507 and Senate Amendment No. 1 to House Bill 2282; referred to Executive Committee - Senate Amendment No. 5 to House Bill 1038, Senate Amendment No. 3 to House Bill 1045, and Senate Amendment No. 1 to House Bill 2272; referred to Judiciary Committee - Senate Amendment No. 3 to House Bill 1235; referred to Public Health, Welfare and -- Public Health and Welfare Committee - Senate Amendment No. 2 to House Bill 564, Senate Amendment No. 4 to House Bill 1102, Senate Amendments 4 and 5 to House Bill 1489, and Senate Amendment No. 3 to House Bill 2231; referred to Transportation Committee - Senate Amendment No. 1 to House Bill 2227.

PRESIDING OFFICER: (SENATOR MAITLAND)

Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 465, offered by Senator Woodyard.

Senate Resolution 466, offered by Senator Geo-Karis.

And Senate Resolution 467, offered by Senator Jones.

They are all congratulatory.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar.

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PRESIDENT PHILIP:

All right. We're going to go to page 22, the middle of the page. Motions in Writing to Reconsider the Vote. Mr. Secretary. House Bill 1771. Read the motion.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill 1771 failed.
Filed by Senator Cronin.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Yes. Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. In regard to House Bill 1771, I do make the motion, having voted on the prevailing side. I move to reconsider the vote by which HB -- or House Bill 1771 failed. Thank you.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Well, I had -- I had a question. What was the vote on that bill?

PRESIDENT PHILIP:

Mr. Secretary. Senator Cronin, you know what the vote was?

SENATOR CRONIN:

I believe the count was 25 Yeas, 26 Nays and 3 voting Present. I voted Nay.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Well, how did Senator Cronin vote?

PRESIDENT PHILIP:

He voted on -- he voted, I believe, negative. He's moving to reconsider.

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END OF TAPE

TAPE 4

PRESIDENT PHILIP:

You've heard the motion. Those in favor will signify by saying Aye. Those opposed, Nay. Senator Welch.

SENATOR WELCH:

Well, I'd like to know what the bill is. Is that fair inquiry?

PRESIDENT PHILIP:

A mistake of the Secretary's office. Senator Demuzio.

SENATOR DEMUZIO:

Let me ask this question: Was House Bill 1771 -- was it put on Postponed Consideration?

PRESIDENT PHILIP:

No.

SENATOR DEMUZIO:

And did the -- the Gentleman voted -- voted No, and the bill failed. Is that correct?

PRESIDENT PHILIP:

That is correct. All right. Now, on the motion. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. There are 37 Ayes, 21 Nays, no voting Present, and the motion passes. Senator Maitland, 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.

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PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This bill was debated the other day on the Floor, and -- and I -- I was concerned that -- that perhaps some of the information that was -- was discussed was not completely accurate. I'm not faulting anyone, but let me indicate again what -- what the bill does. First, it eliminates the requirement that the Illinois gas utilities file least-cost energy plans with the ICC every three years. The information filed by the gas utilities is already available, and this is simply duplicative work, and actually increases -- tends to increase our rates, and I think that consumers ought to be concerned about that. It is -- it is costly to ratepayers and it's just not necessary. There was discussion, and Senator Demuzio made this point, and -- and I -- I frankly didn't have the answer, but he understood the City of Chicago was opposed to this. The City of Chicago registered in support of the bill in the House, and we have absolutely no reason to believe that they have changed their position whatsoever. I stand ready to answer any questions that you might have; otherwise, would seek your support on House Bill 1771.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

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

PRESIDENT PHILIP:

He indicates he'll yield. Senator Palmer.

SENATOR PALMER:

Senator Maitland, according to our analysis, this bill would delete the requirement for Energy and Natural Resources to construct a statewide gas plan every three years. Why would we

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want to do that?

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Senator, first, answer to your question is, yes it does, but the information is already available from other sources, and it is frankly duplicative.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you. Just one other question: Would you explain the other part of our analysis, which says that the Central Illinois Public Service Company would be exempted from certain responsibilities when it comes to meters and homeowners and so forth, and as far as gas lines are concerned?

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- I would be happy to, and that's a minor part of the bill, but it is -- it is an important part. The bill amends the Pipeline Safety Act to clarify the definition of primary fuel lines. This does not change the company responsibility of -- of main gas lines running to the property, but this has to do with -- with lines that are -- that are put in by other contractors that service gas lights and gas burners, and something like that. That is not their responsibility.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDENT PHILIP:

Indicates he'll yield. Senator Welch.

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SENATOR WELCH:

Is -- is this bill supposed to save the Commerce Commission a lot of money by not having to do this analysis? Is that the bill I'm thinking of?

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- I would assume that this would not reduce the head count at the -- at the Commerce Commission, but it would free up time to do -- to do other work that's needed by the Commerce Commission. And again, I make the point that this information is already available and -- and is duplicative in nature.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

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

PRESIDENT PHILIP:

Indicates he'll yield. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Another item identified, at least in the analysis, seems to be that if the gas meter is located within three feet of the building, that this would now say that the gas company is not responsible to the building, but merely to the meter. Why would we be doing that?

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Senator, it -- it doesn't change that at all. That's as the law is now. That part of the bill pertains only - only - to lines that have been installed by individuals or contractors. Doesn't affect -- we have changed that law over the years, and I know the

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point that you're making, but this bill doesn't change that at all.

PRESIDENT PHILIP:

Senator Cullerton. Oh, Senator Carroll.

SENATOR CARROLL:

I'm sorry, Mr. President. I didn't catch the button real quick. I apologize. Are you saying then, currently, that the gas company is not responsible for the gas going into your home, but the home builder is? I thought the gas company was responsible, and this says if the meter is within three feet of the house, that the gas company would no longer be responsible for the gas line into the house, but just to the meter.

PRESIDENT PHILIP:

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Senator, and I -- and I want to -- I want to make sure -- that's why I was checking. I -- I understand your question, but -- but this simply -- what -- the purpose of this is to -- is to clarify that the gas company doesn't have the responsibility for the lines that are added, only. Haven't changed any other portion of the bill.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

I recognize that. I guess my question deals -- maybe if we can find it. The -- the issue of where the meter is within three feet of the structure is what's bothering me, that -- that suddenly we may have exempted the company from responsibility for the gas into the house.

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

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Senator, I think -- I think we're both reading the same -- the same language, and I think it's a -- it's a matter of understanding. Keep in mind these people are tapping -- tapping in at the outlet side of the meter. And -- and at that point, that's where the utility company's responsibility ends.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Maybe I'm going to add more confusion to it. Reading from the bill itself on page 7, as I'm reading this - if I can start at about line 3, Senator Maitland, "'Transportation of gas' also includes the conveyance of gas from a gas main through the primary fuel line to the outside wall of the <sic> residential premises", but then it says, "If the gas meter is placed within 3 feet of the structure, the utility's responsibility shall end at the outlet side of the meter", which means it's no longer going into the residential premises, and that's new language. And it seems to me we are taking them out of responsibility if they -- if they - which it's usually the gas company that places the meter - happens to place the meter three feet outside of the structure. And I don't know that we would want to do that.

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Senator Carroll, and again, the only response I have is that the gas company's obligation ends at the meter at the outlet side.

PRESIDENT PHILIP:

Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President. What bothers me is that that -- the language said it ends at the outside wall of the

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residential premises, until you put in this language that says it can end three feet away from there, if that happens to be where the gas company places the meter. And that's new language, and I don't know why we would be doing that.

PRESIDENT PHILIP:

For the third and final time, I hope, Senator Maitland.

SENATOR MAITLAND:

Senator Carroll, admittedly that language is new. The purport of -- of this Section is to -- is to take away from the utility company the -- the location of the meter has no bearing on what we are attempting to do here - none whatsoever. It is simply taking away from them the responsibility for lines that have been hooked on to the outlet side by a private contractor or an individual.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Senator Maitland, I just wanted to make something clear for the record. When we first debated this bill, I had a notation - and only a notation - that the City of Chicago was opposed to the bill, and in discussions I wasn't even sure, at the time, why they might be. Then the bill failed, and I had the proponents of the bill ask me if I could find out whether the City was opposed or not. I subsequently found out today that the City is opposed to the bill, and it's -- it's with regards to one specific provision, and it deals with the provision that the Commerce Commission supports, and that is to remove the gas companies from that portion of the bill that deals with the comprehensive least-cost gas utility plan. So, just so it's clear. I haven't had a chance to get back to the proponents of the bill to tell them that that's what I had discovered. But for the record, the City is officially opposed for that one provision, and I wasn't sure if -- if there

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was some misinformation, but I -- they've just told me that. Their representatives are in the hallway, and I just wanted to make the record clear on that.

PRESIDENT PHILIP:

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

SENATOR MAITLAND:

Thank you very much. Let me just simply respond, Senator Cullerton. They -- they did not notify us of this. And -- and I think in response to their opposition, I think I already have pointed out that this information is available from some other source. So I, perhaps, think they didn't know that. I would otherwise seek the Body's support.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 1771 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, 35 Ayes, 22 Nays, no voting Present. House Bill 1771, having received the required constitutional majority, is declared passed. Now, is there any further business to come before the Senate? If not, Senator Geo-Karis moves we adjourn until Wednesday, May 19th, the hour of 9. 9. How about 8? I just want to get you out of here on the 28th.

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