

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

63rd Legislative Day

May 28, 1993

PRESIDENT PHILIP:

The Senate will please come to order. And will our Members please rise, and our friends in the gallery please rise, for the prayer. The prayer today is by Pastor Vanden Bosch, Bible Baptist Church, Villa Park, Illinois.

PASTOR VANDEN BOSCH:

(Prayer by Pastor Vanden Bosch)

PRESIDENT PHILIP:

Reading and approval of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, May 10th <sic> (19th); Thursday, May 20th; Friday, May 21st; Sunday, May 23rd; Monday, May 24th; Tuesday, May 25th; Wednesday, May 26th; and Thursday, May 27th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Senator Butler. Messages from the House. Messages from the Governor.

SECRETARY HARRY:

A Message for the Governor by Mark Boozell, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 88th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

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PRESIDENT PHILIP:

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Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move for the...

PRESIDENT PHILIP:

Excuse me. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 560, offered by Senator Smith.

Senate Resolution 561, by Senator Butler.

And Senate Resolution 562, by Senator del Valle.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 74, offered by Senator Weaver.

(Secretary reads SJR No. 74)

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move for the suspension of the rules for the immediate consideration and adoption of Senate Joint Resolution No. 74.

PRESIDENT PHILIP:

Senator Weaver's moved to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 74. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The rules are suspended. Senator Weaver, on Senate Joint Resolution 74. All right. Senator Weaver has moved the adoption of Senate Joint Resolution 74. Those in favor will signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion is adopted. Illinois Information Service requests permission to videotape today's proceeding. Is there leave? Leave is granted. Senator Fitzgerald, for what purpose do

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you rise?

SENATOR FITZGERALD:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR FITZGERALD:

Mr. President, we have here on the Senate Floor today, two distinguished guests: Virginia and Alan Macdonald. Virginia Macdonald was a Member of this Body for some ten years. I am very proud to be her successor in the Senate, and I'd like to have the Senate recognize -- Virginia's right here. She's showing pictures of her grandchildren, and Alan Macdonald's over by Senator Butler. If we could please recognize Virginia.

PRESIDENT PHILIP:

Welcome home, Senator Macdonald, and Alan. WAND-TV has request permission to videotape today's proceeding. Is leave granted? Leave is granted. All right. I've got to have your attention. The bottom of page 9, Secretary's Desk, Concurrences. Senate Bill 301. Senator Tom Dunn. Out of the record. Top of page 10, Secretary's Desk, Non-concurrence, House bills. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

On House Bill 508.

PRESIDENT PHILIP:

Okay. Read the bill.

SECRETARY HARRY:

Senate Amendments 1, 2 and 3 to House Bill 508.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. I move to refuse to recede from Senate Amendments No. 1, 2 and 3, and request a conference

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committee.

PRESIDENT PHILIP:

All right. Senator Sieben refuses to recede from Senate Amendments 1, 2 and 3 on House Bill 508. ...(microphone cutoff)...any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Senator Demuzio. Oh. Oh, okay. Thank you. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it, and the motion carries, and the Secretary will so inform the House. Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. While all of our Members are here, I'd -- I'd like to ask you a -- a parliamentary inquiry, if I might. Since we are apparently...

PRESIDENT PHILIP:

State -- state your inquiry.

SENATOR DEMUZIO:

...apparently coming back on Wednesday and Thursday of next week, we just had a discussion in the Rules Committee - and I don't see Senator Weaver or Senator McCracken on the Floor - we just had a discussion in the Rules Committee that there are a hundred conference committee -- committees that have been appointed. Only seven of those have been completed. It was suggested in the Rules Committee by your Members that perhaps our Members ought to stick around today, to see to it that those conference committees are held and those conference committees are assigned, because then they would -- if upon the signature of six persons, then it -- then -- that it goes back -- to the Rules Committee for the Rules Committee to take -- make a determination as to whether or not it comes directly to the Floor - that conference committee report - or whether or not it's referred to a standing committee. If it's referred to a standing committee or comes to the Floor, under our rules that means that the conference

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committee has to be put on our desk for twenty-four hours prior to any action, unless you suspend the rules. It is therefore, apparently, indicated to us that they would like to have all Members' bills out of the way by next Thursday. If that's the case, I think we ought to discuss that, so that we know -- so our Members know that today may be a very important day for them, and they might want to have to stick around here in order to do the -- the reports. And I would yield to anybody who wishes to...

PRESIDENT PHILIP:

No. Senator Demuzio, point well-taken. We -- we -- we have -- you know, the last time I was up here, I encouraged everybody to move the paperwork on conference committees. We intend on doing that again today, because we're getting down, you know, to the end. And I would suggest that you're absolutely right. If -- if you've got conference committees you want done, you ought to get the paperwork today. We're -- we're going -- we're going to leave the -- the Chair open till later in the afternoon to take Messages from the House and to do that paperwork that is necessary. All right. Secretary's Desk, Non-concurrences. House Bill 1039. Senator Madigan. This is -- this is final action now. Mr. Secretary.

SECRETARY HARRY:

Senate Amendment 1 to House Bill 1039.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I would move to recede from Senate Amendment No. 1 to House Bill 1039. Senate Amendment No. 1 was the wild game dinner language that was prepared by the Public Health Department. There was some objection to that being on this bill. It will be on another bill, as I understand it. But this puts the bill in the original language as it passed the House.

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PRESIDENT PHILIP:

Any discussion? Any discussion? Now, this is final action. The question is, shall Senate recede from Senate Amendment No. 1 to House Bill 1039. All those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. House Bill 1039, having received the required constitutional majority, is declared passed. Senator Hall, for what purpose do you rise?

SENATOR HALL:

Well, Mr. President, I know you're a man of your word, and you mentioned yesterday that we were going to get out of here around noon. It's 11:25. And I just want to call that to your attention.

PRESIDENT PHILIP:

Well, thank you, Senator Hall. I'm going to do my best to get you on your way home. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, also, again, Mr. President. On a -- on a point of inquiry: I -- it was also indicated in the Rules Committee that there would be an opportunity for the Minority spokesmen to talk with the Members of their standing committee and also give recommendations to the chairmen of those committees for those bills that they wish to have heard during the summer. I think the suggestion was made in Rules that perhaps that be done also, perhaps by Wednesday of next week, so that the Rules Committee could have the opportunity to -- to look at those, since they are the body that must approve those, for the -- for the summer. So I wanted our Members to at least know that there is an opportunity for the bills to be heard in the summer.

PRESIDENT PHILIP:

Senator Demuzio, I couldn't agree with you more. And I would

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suggest that the -- the Minority spokesmen drop a note to the chairman of the Rules Committee and say they'd like to have a hearing, or hearings, on that specific bill, and I don't think that's a problem at all. Senator Demuzio.

SENATOR DEMUZIO:

I assume the Minority spokesmen would talk with the chairman of the committee, and the chairman of the committee would talk then with the...

PRESIDENT PHILIP:

Fine. That's no problem at all. Now, Senator Topinka, for what purpose do you rise?

SENATOR TOPINKA:

Point of personal privilege, Mr. President. In the gallery, right above your head - the President's Gallery - I do have my chief of staff, Marty Kovarik, of Westmont, who has brought his daughter all the way from Arizona, just to see how we work. So I'd like to give them a big Springfield welcome.

PRESIDENT PHILIP:

Yeah. Will they please rise and be recognized by the Senate. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Point of personal privilege and an inquiry of the Chair.

PRESIDENT PHILIP:

State your point.

SENATOR HENDON:

Even though you were not in attendance, and I understood why, I wanted you to know we did sing Happy Birthday to you the other night at my function.

PRESIDENT PHILIP:

Well, thank you, Senator Hendon.

SENATOR HENDON:

I also have an inquiry on a serious note. I -- I -- I

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submitted a resolution yesterday on the question -- dealing with the question of casino gambling in -- in -- in the City of Chicago. And my inquiry is: when will that resolution be heard?

PRESIDENT PHILIP:

Yeah. It hasn't been posted. When it's posted and sent to Rules Committee, it'll be assigned.

SENATOR HENDON:

Thank you very much, Mr. Chairman.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We're going to start on motions, on page 10, starting with House Bill 1212. Senator Woodyard? Mr. Secretary, will you read the bill.

SECRETARY HARRY:

Senate Amendments 1 and 2 to House Bill 1212.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. I have moved to recede from Senate Amendments 1 and 2 to House Bill 1212. This puts the bill back in the same shape that it was originally introduced, which is a permissive allowance of a five-dollar to ten-dollar increase in the automation fee on -- on tax sales. And it also contains language that the tax buyer certainly will be reimbursed for that fee in the case of redemption or sales in error, and that's all the bill does at this time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Senator Woodyard has moved that the Senate recede from Senate Amendments 1 and 2. And -- any further discussion? Hearing none - this is final action - the question is, shall the Senate recede from Senate Amendments 1 and 2 to House Bill 1212. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have

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all voted who wished? Have all voted who wished? On that question, Mr. Secretary, take the roll. There are 56 votes -- voting Aye, none voting Nay. And the Senate recedes from Amendments 1 and 2 to House Bill 1212, and the bill, having receiving the required constitutional majority, is declared passed. House Bill 1256. Senator Cronin? Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Amendments 1 and 2 to House Bill 1256.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I hereby move to recede from Senate Amendments No. 1 and 2. These amendments were offered by Senator Klemm. The House did not concur in them; it's come back to us. I've talked to Senator Klemm, and he is in agreement that we will recede from these amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The sponsor indicates he'll yield.

SENATOR CULLERTON:

Senator, I understand that the underlying bill that we would be passing by receding has had some controversy, in that it requires a notice to be sent out, and the -- the controversy is over who has to -- the obligation of sending out that notice. Could you tell me what the different discussions were with regard to that issue?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Cullerton <sic>?

SENATOR CRONIN:

First of all, Senator Cullerton, I'm not sure what you mean by the word "controversy." This bill passed out unanimously in the Senate - 55 to nothing - with that provision in it, and then it passed unanimously in the House - a hundred and eleven to nothing. So, I think your concern is with respect to the clerk of the circuit court's responsibility to send out the notice, and that's where the responsibility lies. And you're quite correct that -- that that's -- and the House did concur in that amendment. So, I'm not sure I understand the nature of your question.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton?

SENATOR CULLERTON:

Yes. It's my understanding that there's another bill that deals with the same notice that this talks about, where the State's attorney was required to send it out. Maybe you could tell me if that's a bill which is also pending. And do we have two bills which are contradictory that -- which are going to the Governor's desk?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin?

SENATOR CRONIN:

I think you may be referring to Senate Bill 325, and that was a lot more limiting. It only required notice to be sent to school -- or to school employees, or if -- in the case of a school employee who was convicted of a -- of a particular crime that's outlined in this bill. This bill, with the amendment that's now become part of the bill, goes further, and it requires notice to be sent to day care centers, to schools, to anyone that works with children under eighteen on a daily basis. So this is a lot more comprehensive, and it provides a lot more safety features than the

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other bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Well, I guess, then, my question is -- my understanding is that -- I think Senator Hawkinson sponsored a bill that you referred to that has also passed both Houses that requires the notice to be sent out by the State's attorney, and this bill would require the same notice to be sent out by the clerk of the circuit court. And I'm just wondering if -- if it's necessary for the Governor to address that apparent contradiction, and if that is the case, perhaps we could put this in a conference committee and -- and resolve it in the Legislature, rather than having the Governor have to do it for us.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Senator Cullerton. And I respectfully would -- would decline that offer and ask for the Body to support this motion to recede. We do not wish this to go to a conference committee report.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Senator Cronin, you explained that we were going to recede from these two amendments. I -- I have no idea; I'm not on the committee. What are those two amendments we're voting to recede on?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Sure. This bill -- the body of the bill -- the -- the

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original sum and substance of it amended the Juvenile Court Act, Cannabis Control Act, Controlled Substances Act, and it provided that any kind of order of supervision, 710 or 1410 probation, ordered by a judge, that they may make as a condition of those -- condition of those supervision or probation, that the defendant remain drug-free during the term. The two amendments that we're moving to recede from were sponsored by Senator Klemm, and they sought to take this concept a -- a step further and suggest that not only just under the Juvenile Court Act, but as a condition of probation and supervision, that the defendant shall remain drug-free is a disposition that the judge can order, and so it goes beyond just the Juvenile Court Act. The feeling was is that the law already certainly doesn't prohibit a judge from doing that, and I know from practice that -- that judges can order that. So that's why Senator Klemm didn't think that it was crucial to have this actually outlined specifically in the law; therefore, we thought that receding from the amendments was really not -- was not harmful to the -- the underlying bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Could we have some order? Ladies and Gentlemen of the Senate, it would be very much appreciated by the Chair if we have some order. Senator Welch.

SENATOR WELCH:

Senator Cronin, if -- if this is good enough for juvenile cases, why shouldn't it be used in other cases? It -- it seems that Senator Klemm's original concept was this was a good idea; let's do it more often. And you're saying, well, we've changed our minds. I mean, just because the House tells us that we -- they don't like this amendment is no reason for us to fall in line with the House of Representatives. You know, I don't know that they considered these amendments. I rather doubt it. They've got so many things going on over there, they probably didn't have

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Senator Klemm's wisdom to tell them what to do, since he's over here now. So, who knows if they've really considered this or not?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Yes. Thank you. Just to correct a previous statement I make, or to make it more specific: The two amendments went further and also provided - the two amendments that we're receding from - that as a condition of probation or supervision that the defendant contribute monies to an alcohol- or drug-abuse prevention program. And there was a certain amount of opposition to that. So, it's beyond just my original statement. In any event, I ask for your -- your support in this motion to recede. The bill, as it stands without these two amendments, is a good one, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm. Further discussion?

SENATOR KLEMM:

Well, thank -- thank you, Madam Speaker. I just briefly wanted to address apparently a -- a concern that has been developing, apparently. Amendment No. 1 and 2 has been withdrawn because some people from Chicago - Cook County - thought there may be a problem with courts determining a fine and then maybe lowering the fine to make contributions to the drug and alcohol programs, reducing the income to the cities, and we agree that that would be receded, and we are doing that right now. Amendment No. 3 is really an important amendment. It closes the loophole in State law to allow school boards, day care centers, employers who have employees that work with juveniles on a daily basis, that if they in fact are convicted - not arrested or prosecuted, but being convicted - that at least those employers would know they've had offenses of convictions of either drug- or sex-related crimes. As

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you know, many of you are familiar with the incident that happened up in my district in Wonder Lake of a superintendent of schools who had been placed on probation. The school district knew nothing about it, subsequently another arrest -- another conviction, and finally, the school finally heard about it. This would close that. And it also, incidentally, closes and allows a loophole that is allowed because we passed last year a bill that requires school boards to inform the State Board of Education upon a conviction of a felony. Well, if the school board never knows about these convictions, it's very unlikely they're able to fulfill their obligation. So this bill actually does that. I stand in support of it and ask for all of you to join with us.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR CRONIN:

We've debated this issue pretty thoroughly. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The -- Senator Cronin has moved that the Senate recede from Senate Amendments 1 and 2, and this is final action. The question is, shall the Senate recede from Senate Amendments 1 and 2 to House Bill 1256. 1256. Those in favor, vote Aye. Those opposed, vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that -- on this -- on this question, there are 32 Ayes, 24 Nays, none voting Present. And this motion to recede, having received the -- the constitutional majority -- required constitutional majority, to House Bill 1256, on Amendments 1 and 2, is declared passed. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that

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the following Legislative Measures have been assigned to committees: To the Committee on Financial Institutions - the Conference Committee Report to Senate Bill 935; To the Committee on Revenue - Conference Committee Report to House Bill 293 and motion to concur in House Amendment with respect to Senate Bill 553; and Approved for Consideration - Conference Committee Reports to Senate Bill 586 and House Bill 1613 and the motion to concur in the House Amendment with respect to Senate Joint Resolution 44.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Message from the House, Mr. Secretary.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 7.

Adopted by the House, May 26, 1993.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 563, offered by Senator Topinka.

Senate Resolution 564, by Senator Demuzio.

Senate Resolution 565, by Senator Watson.

Senate Resolution 566, by Senator Smith and all Members.

And Senate Resolution 567, by Senator Garcia.

Also, Senate Resolution 568, by Senator LaPaille.

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent -- Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today's list will be added to the Consent Calendar.

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Is there leave granted? Mr. Secretary, have there been any objections filed to any resolution of the Consent Calendar?

SECRETARY HARRY:

There have been no objections filed to any -- any of the resolutions, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any discussions? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. All opposed, say Nay. The motion carries, and the resolutions are adopted. Ladies and Gentlemen of the Senate, we will be stand in recess till -- until the call of the Chair, and we will reconvene on Wednesday, at 12 noon. You all have a nice weekend. The Senate now stands in recess, subject to the call of the Chair. Senator Philip, for what purposes do you arise? Senator Philip. Senator Philip has the Floor.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I just want to remind you once again: conference committee reports, you better do the work; you better get them filed today. We're going to stay open probably till 5 o'clock to receive Messages from the House and paperwork. So if you're worried about that, I would suggest you getting it done today and get your signatures. Thank you. Have a nice, wonderful Memorial Day.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

And the Senate stands in recess to -- subject to the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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PRESIDENT PHILIP:

The Senate will come to order. Messages from the House.

SECRETARY HARRY:

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 402, with House Amendment No. 3, together with the following amendment, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate.

Passed the House, as amended, May 28, 1993.

PRESIDENT PHILIP:

Any further business? If not, noon Wednesday.

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