

STATE OF ILLINOIS  
87th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

138th Legislative Day

December 2, 1992

PRESIDENT ROCK:

The hour of eleven having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by the Reverend Robert W. Green, South Side Christian Church, Springfield, Illinois. Reverend.

THE REVEREND ROBERT W. GREEN:

(Prayer by the Reverend Robert W. Green)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. Senator Hall.

SENATOR HALL:

Mr. President, Ladies and Gentlemen of the Senate, I move that reading and approval of the Journals of Tuesday, December 1st, in the year 1992, be postponed, pending arrival of the printed Journal.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. All right. Ladies and Gentlemen, if I can have your attention. When we are all assembled - and I know that there are some coming from other meetings - we will begin at page 24. We will consider the Motions in Writing to Override Total Vetoes, to Override Item Vetoes, and to Restore Item Reductions. In the meantime, while we are awaiting a full complement, perhaps, with leave of the Body, we'll move to page 17 on the Calendar. I know there are a number of Members who have resolutions that they would wish to pursue. Senators Marovitz and Woodyard, and Ralph Dunn, and Senator Madigan. Senator Woodyard, do you want to start on HJR 108? Is that -- Madam Secretary, on the Order of Secretary's Desk, Resolutions, resides House Joint Resolution 108, please.

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SECRETARY HAWKER:

House Joint Resolution 108.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Mr. President and Members of the Senate. House Resolution 108 is the same resolution that this Body passed out of here as a Senate joint resolution last spring. This resolution came over from the House on the 26th of June, too late for us to get it through Executive Committee. We did suspend the rules yesterday afternoon to be able to hear this today, the reason being -- and this - you certainly need to know this - deals with the federal legislation that passed, dealing with motorcycle helmets. We, in this resolution, have asked the Federal Congress to consider and repeal their mandate on the motorcycle helmet law. Many states have now introduced resolutions of this type. There have been at least four new bills introduced in the old Congress - and will be introduced in the new Congress - to do exactly that. This resolution doesn't deal with just that issue; it deals with a philosophy of exactly what the voters in this State talked to us about and sent us a message on November 3rd about mandates. The Federal Government, quite frankly, with their passage of this particular bill, has passed a mandate, and then intends to try to withhold funds from the State of Illinois if we do not adopt that. I say it's time to send a message to the Federal Government in very strong language that, by golly, we're sick and tired of mandates being passed from the Federal Government down to the local level. This type of resolution is somewhat in the same context that this Body voted on yesterday afternoon, from the standpoint that we refuted a mandate on local units of government from this Illinois State Senate. And thus, I'd be happy to answer any questions on the resolution, but we feel it's very imperative

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to send this message again to Washington. And I would ask for adoption of this resolution.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of House Joint Resolution 108. Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Senator Madigan, had we passed a bill yesterday dealing with the motorcycle helmet laws, would we need such a resolution as this? Excuse me. Senator Woodyard.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Yes, we do, from the standpoint that although the amendment to your bill yesterday afternoon was defeated, we still feel that we would like to see the Federal Congress repeal the legislation that it adopted this past year, in which they intend to try to impose sanctions on those states that -- that have not adopted the mandatory helmet law. And quite frankly, the same thing occurred with the seat belt law, if you'll recall that, in which, by Executive Order, at that time -- a Republican Secretary of Transportation, by Executive Order, said that we are going to have air bags in cars unless we pass a seat belt law. Well, Senator Brookins, I voted for that seat belt law, but enough is enough is enough. And it's time that we tell the Federal Congress, quit passing these mandates that are, in my opinion, a blatant legislative blackmail on -- on the states, to do what they so choose.

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Senator Brookins.

SENATOR BROOKINS:

In reality, you did not answer the question, but I'll -- I'll just let that ride. Let me tell you that this is bad and bad policy and bad precedent. The State of Illinois stands to lose money because we refuse to abide by federal law - the law of the land - regulations set by -- by other elected officials that was elected the same as we are, to Congress and to Federal Government. They say to save lives, they say in order to save states money, they will take from the Road Fund, from funds coming into the State of Illinois, monies, if we do not abide and pass laws and safety laws in the State of Illinois. So we're going to show them that we are bigger than they are and we're not going to abide - and we're not going to abide - by the rules, regulations sent down by us. The simple solution to it was for us to pass a motor -- a motorcycle helmet law, which would have did two things for the State of Illinois: number one, save lives; number two, save the state's money; and number three, not put us in a position to have to go begging - begging - the Federal Government not to do something that they had ordained. I stand in opposition to this resolution. It's a terrible position to be in, to be crawling somewhere on your hands and knees begging other elected officials - elected officials elected just like you are - to do something which they deem that they want to do. It's bad and it don't make any sense.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I stand for Senator Woodyard's resolution. It's about time we started telling the feds where to bug off or... Right now, they are forcing DuPage County, for instance, to have every automobile in the county examined, when we

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haven't been out of compliance in over three years. This is just another thing that the Federal Government has forced down our throat. This is our money that we give to them, and now they're telling us they're not going to give it back? You're a -- a Democrat, Senator Brookins. Surely your administration can go as you as -- as a Democrat can go to that administration and tell them, "This is our money. Give it back. We need it. And quit telling us what to do with it."

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President -- Mr. President, Ladies and Gentlemen of the Senate. We were elected to do the best we could for the people of the State of Illinois, and when the United States Congress wants to pass federal mandates which infringe - absolutely infringe - upon the state's constitutional authority to regulate traffic and motor vehicle safety within their boundaries, including this mandatory use of motorcycle helmets, I think they're going too far - much too far. We cannot keep being "big brother". For heaven's sakes, there is just as much agony over wearing helmets as not wearing helmets. Both have been proved to be disastrous in different cases. And I think it's high time that we stop the blackmail of Congress to the Illinois Legislature and support Senator Woodyard's resolution. We're perfectly capable of acting for the people who elected us. Let Congress keep their nose out of it and try to figure out a good economic program for the whole country and leave this alone. I speak in favor of this resolution.

PRESIDENT ROCK:

All right. Any further discussion? Senator Woodyard, do you wish to close?

SENATOR WOODYARD:

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Yes, very briefly, Mr. President, and I do apologize to you for starting today's Session on a rather controversial note. Ladies and Gentlemen of the Senate, this identical resolution, as a Senate joint resolution, passed this Body with forty-two votes on it last spring, and I am again asking your support to do that, due to the fact we are seeing a new Congress that will be inaugurated in January, and the fact that other states have already adopted that. We are simply asking in this resolution to repeal that law and stop passing mandates down to the individual states under purviews that should be within the rights of those states. And I do ask your support on House Joint Resolution 108.

PRESIDENT ROCK:

Question is the adoption of House Joint Resolution 108. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 5 Nays, 1 voting Present. House Joint Resolution 108, having received the required constitutional majority, is declared adopted. Senator Marovitz, on Senate Resolution 1144. We're in the middle of page 18, Ladies and Gentlemen. To afford everybody the opportunity to gather, we started on resolutions. Hopefully the rest of them won't be as controversial. Senate Resolution 1144, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1144.

I have a Floor amendment offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I believe there's an amendment. I would ask for the adoption of Amendment No. 1 to Senate Resolution 1144.

PRESIDENT ROCK:

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All right. The Gentleman's moved the adoption of Amendment No. 1 to Senate Resolution 1144. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Senator Marovitz, you want leave to go back to that? We'll have some intervening business. How about Senator Dunn? HJR 163, Madam Secretary.

SECRETARY HAWKER:

...(machine cutoff)...Joint Resolution 163.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President, Members of the Senate. House Joint Resolution -- House Joint Resolution 163 brings Southern Illinois University into compliance with the State Colleges' Housing Construction Act. Private developers have approached SIU at Carbondale about exploring the possibility of constructing a hotel next to the Student Center. They can't do this without authorization from us, and this resolution would do that. I urge adoption. I'll be glad to answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of House Joint Resolution 163. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I too would rise in support of the House Joint Resolution 163. It does indeed afford the Board of Trustees at SIU in Carbondale to construct a hotel by private interest. There are no tax dollars involved. It simply gives them the authority to do that, and I would rise to support Senator Dunn's motion.

PRESIDENT ROCK:

All right. Question is the adoption of House Joint Resolution 163. Those in favor will vote Aye. Opposed, vote Nay. And the

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House Joint Resolution 163, having received the required constitutional majority, is declared adopted. Senate Resolution 1144, Madam Secretary. Pardon me. WAND-TV has requested permission to shoot some videotape. Without objection, leave is granted. 1144, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1144.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. Senate Resolution 1144 creates the Chicago Schools Turnaround Committee and -- Commission, rather, and is a product of a Coalition called HOPE, which is Help Our Public Schools Excel. And it would aid and assist the current school reform movement in coming up with additional innovative and revolutionary changes to assist in the school reform movement in the City of Chicago. We have members from all parts of the City and all races, colors, creeds and religion involved in the HOPE Coalition. Nine members would be appointed by the Senate President, nine members by the Senate Minority Leader - three involved in corporate management, three in education, and three in community involvement. There are no public funds of any kind expended - no staff, no per diem - no dollars whatsoever expended. And the Commission would come back with a recommendation to the General Assembly by April 1st, 1993, so that if they came up with some suggestions to improve the effort at school reform and to turn around the public schools, we could implement them during the next Session of the Legislature. And, Mr. President, I would ask for adoption of the resolution.



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PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of Senate Resolution 1144. Is there discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have a question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Donahue.

SENATOR DONAHUE:

Does this -- with the resolution of this General Assembly, does this still bind, if they can't do anything? Does it have to be readopted and reappointed with the next General Assembly? Okay.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No, it doesn't. The -- the report from this Commission - which, of course, is not paid in any way - would come back to the General Assembly, and of course the General Assembly would act on it or not act on it. They have no obligation to do anything if -- just a report would be issued.

PRESIDENT ROCK:

Senator Donahue.

SENATOR DONAHUE:

Just for our Membership on this side: If you look at your analysis on your desk, you will see that the Executive Committee was basically No votes, but it was more because of the money and the compensation for those Commission members. That has been removed. That removes our objection, and we would support this legislation.

PRESIDENT ROCK:

Further discussion? Senator del Valle.

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SENATOR DEL VALLE:

Yes, question for the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator del Valle. I apologize.

SENATOR DEL VALLE:

Senator Marovitz, there are a number of groups that have worked very hard on school reform in the City of Chicago. Were these groups involved in developing this -- this resolution? What will be their role in this process?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Many of the groups and individuals that were -- that were involved in the school reform movement were involved, and are members of the HOPE Coalition - Help Our Public Schools Excel Coalition. The Commission report will come as a result of the eighteen members that are appointed - nine by the Senate President, nine by the Minority Leader. So the report will come from them, but they will call on all the members that have been involved in school reform at the local school councils and all the other school groups before they issue their report. So, yes, I would say that they'd be very, very involved.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, I -- I have to say that I know many groups that have not been involved. As a matter of fact, I've heard some groups that -- from some groups that have a lot of concerns about what the goal may be here - or the goals, I should say. I've been told that one of the goals of this particular task force would be to downsize the size of the school board and to make other

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recommendations regarding other areas that would affect school reform - the process as we know it today. Is that correct?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. No, that is not the case. The Commission is free to come back with any and all recommendations that -- that they see fit without honing in on anything. We're -- whether the board should be larger, the same, smaller - that's up to the -- the Commission members that are appointed by the President and the Minority Leader, and I wouldn't set those goals for them.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, if -- if -- if that is the case, then why isn't this a -- a Senate joint resolution? Why aren't we involving legislators from the House in this process also?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, in fact, we're not involving legislators at all - other than the passage of this. There are no legislators that are appointed to this. These are all public members from the corporate, educational and community sectors. And I would say that if -- that if the House wanted to pass something like this, they could pass something like this also. The fact is, who -- who are chosen, hopefully, will be eighteen experts - eighteen people who are very involved - and whatever their recommendations are, the Senate is free to accept them or reject them, but at least we're -- we're -- we are doing something constructively to offer some suggestions to the Legislature. And again, Senator del

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Valle, whatever suggestion is offered to the Senate has to be passed by the House too, if it's going to be enacted.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Senator Marovitz, you are involving legislators; the appointments are made by the Minority and Majority Leaders in the Senate. Let me say, in -- in closing here, that -- my questioning, that this resolution is a resolution that has not had the involvement of the majority of the people involved in school reform in this effort. And I think that even though the intentions I can certainly understand, I think that this resolution, if adopted by this Senate, is going to do more to cause further divisions in the ranks of those individuals who have been working very, very hard to implement school reform in the City of Chicago. We don't need any effort that divides us; we need efforts to bring us closer together. So I would recommend a No vote on this resolution.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Marovitz, have you talked recently with the individuals and organizations listed on the sheet as members of HOPE?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

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I have spoken with many of those members. Many of those members have written letters and corresponded with legislators. As a matter of fact, we had a large meeting; many of them showed up. So I have spoken with many of those members that are part of the Coalition.

PRESIDENT ROCK:

Senator Palmer.

SENATOR PALMER:

Senator Marovitz, with all due respect, I have also been advised by any number of them that they were not aware when they came to that meeting that they were, in fact, joining a Coalition, and there is a great deal of concern - in my community, at least - that this will, as Senator del Valle said, interfere with a process that is already underway for school reform and adds another layer that could well complicate matters. So I would also encourage that we vote No for this. It is -- it is not time to take this kind of action when we already have people making every effort to have school reform. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I'd like a question to the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Smith.

SENATOR SMITH:

Senator Marovitz, I'd like to inquire: Is this another method of ignoring, should I say - just ignoring - the persons who have actually worked with the reform of the schools and trying to get this -- the schools of the City of Chicago and the State of Illinois in order? And this committee is going to make some decisions that we are going to have to accept, or give us more

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problems? I would like to know, because -- I'm asking about the makeup of your committee.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That's a very good point. The answer is clearly No. First of all, the Legislature does not have to accept -- the Legislature does not have to accept the recommendations of this Commission at all; these are just recommendations. The Legislature can totally ignore the report of the Commission if it so sees fit. It will be up to the will of the Body and thirty votes here in the Illinois Senate regarding their recommendations. It's not -- it's not intended to ignore anybody, but there are an awful lot of people on here who have been involved in the school reform movement - like Marva Collins - who came to the Coalition. Everybody was handed the resolution; we discussed what the purpose of it was. And this is not an attempt to get around school reform, but to assist and aid in school reform and involve everybody in that.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Senator Marovitz, I appreciate your kindness and what you're trying to do and all, but we have an awful lot of people of lower income who are seeking to try to do within their own purview the best that they possibly can in making things happen in their communities with their schools. And if they are not involved, I think that this is going to be sort of a one-sided committee or -- what is it? What -- you're forming it? What are you calling it, may I ask? It's a Commission. Okay. If these people on a lower scale is not involved, I think we're going to have a lot of trouble. I don't think that there should be the -- the purview that one or two people in a certain bracket are going to come and

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make the decisions for other people. You...(inaudible)...an awful lot of young people in the City of Chicago, the State of Illinois, and if they are not -- their interest is not at the best in all of this, I think it's going to cause havoc. And I -- I just advise, at this particular time, that we vote No on this Commission. I mean, I'm serious - I'm serious.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Mr. President, if I may, on the merit of what Senator Marovitz is attempting to do here: You know, a lot of people in this -- in this Body either represent the City of Chicago or various school districts throughout the State of Illinois, and Senator Marovitz has an idea here that's not going to cost, under my understanding, the State any money. It's just a group of people that are going to get together and come up with recommendations on how to put a failing system, possibly, back together again, possibly better than it is today. You know, Senator del Valle and Senator Palmer and Senator Margaret Smith, I mean these -- we're talking about schools throughout the City of Chicago. I was at Washington High School about a week and a half ago, where over thirteen students were almost trampled on when a wall came down because of a fight that erupted at a basketball game. They didn't have the detectors on. The last two people that were arrested were caught with guns. We look in the paper - this is a failing school system; the grades are lower than ever. And we're going to sit here as a Membership and for once come up with a committee that's not going to cost this State any money, and people have questions on whether it's going to work - not on the merit, but on the question on whether it's going to work or are we going to hurt someone's feelings at the bottom of the totem pole. Well, let's put all that aside and

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worry about the kids that are going to school, and let's hope that maybe we can get them a better education. Maybe someone at the other end of the spectrum will have a better idea how to run the schools or an idea on what we can do with the failing school system. I think this is a good idea, and I think Senator Marovitz's proposal should be adopted.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I rise in opposition to this resolution. This Body, a few short years ago, passed school reform legislation as it impacted on the City of Chicago. We all recognized at that time that when you go through a reform effort, as relate to governance, it will take time. And here we have a resolution purportedly to do the same thing that we've already done, to complex the problem even further. You have the School Finance Authority there. And the remarks that were made by the -- the previous speaker, Senator Raica - this has nothing to do with the actions that take place as regarding students. What this thing is -- this resolution is attempting to do is change the governance that this Body, under Senator Art Berman and Senator Maitland -- and all of us worked so hard to implement a school reform, and now this is -- this resolution's coming in trying to dismantle that before it has even the opportunity to work. It takes years to change a process that has been in place for more than one hundred and fifty years. Senator Marovitz, this resolution does nothing to help the situation in the City of Chicago. What it does is confuses even more so. So why don't you give the school reform time to work, instead of trying to change something to make it even worse. The City of Chicago does not need this. He know it - they do not need this. We have the community, we have citizens, and we have parents involved in this



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election process. Give that time to work before you come in and try to fix something. Nothing is broken right now, and all of a sudden, just when they get involved - just when they get involved in participating as parents and community - you want to come along and change it. It is not in the best interest of the children of the public school system; it's not in the best interest of the Legislature. I don't care whether -- it doesn't cost one penny. That is not the issue. The issue is whether or not you will continue to get parents and community persons involved in the -- in the education of their children. This is an attempt to take that process away from them, and I oppose this resolution.

PRESIDENT ROCK:

Senator Etheredge, for what purpose do you arise, sir?  
Senator Etheredge? Senator Etheredge? Further discussion?  
Senator Di Turi.

SENATOR DI TURI:

Thank you, Mr. President. I rise in very favorable support of this bill. Again, here we go. We all have to help the children. The main issue is children. That's what it's all about. Senator Marovitz wants to help the children, and that's what we got to start thinking about - the kids. Let's think about the kids. Thank you, Mr. President.

PRESIDENT ROCK:

All right. Any further discussion? Senator Marovitz, you wish to close?

SENATOR MAROVITZ:

Yes -- yes, I do, Mr. President, just to correct a couple things. First of all, this resolution in no way - in absolutely no way - changes the governance of what we did regarding school reform. It doesn't do that at all. It sets up an advisory Commission - no State dollars. That's all it does. I mean, here we're talking about something that creates the Chicago Schools

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Turnaround Commission, and -- and how -- I want to understand how anybody can oppose that - people who, pro bono, want to come up with some recommendations to improve the system that's rated as the worst system in the country. Our reading scores have gone down; we've got one of the highest dropout rates in the country; and we're trying to improve it and have some people offer recommendations. The legislators will buy those recommendations or they'll not buy those recommendations. Senator Raica was so right: This is a system that's failing. Who is it failing? It's failing the kids and the parents of the City of Chicago. We're trying to do something constructive and offer some suggestions. If the Legislature buys it, that's fine. I think it's a very important thing. It's supported by an awful lot of people in the City of Chicago, including my friend, Joe Kellman, who is sitting here; Mr. Bennett Johnson, who's from Urban Consultants; Marva Collins; Vince Lane from the CHA; Earlean Lindsey, President of the Westside Association for Community Action; Reverend Herbert Martin, Progressive Community Church; Leroy Martin, Director of Public Safety. And anybody that came to that original meeting of the Coalition for HOPE and says they didn't know what it was, well, then they just didn't read the packets that every single person that walked in that room was handed out with the resolution in it, and it was fully explained at that meeting. I can't understand how anybody can oppose something that's a pro bono effort to turn around a failing system and save our kids. That's what this is all about. It's an advisory referendum, and I would hope that everybody would vote to turn around the Chicago school system. That's what this resolution's about.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Senate Resolution 1144. All in favor, indicate by saying Aye. All opposed. The Ayes have it, and the resolution is adopted. Roll call has been

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requested. That request is in order. Senator Marovitz has moved the adoption of Senate Resolution 1144. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 11 Nays, none voting Present. Senate Resolution 1144, having received the required constitutional majority, is declared adopted. Ladies and Gentlemen, if I can have your attention. We have two Members with some special guests. I will yield first to Senator Kenneth Hall for an introduction of his guests, and then Senator Ralph Dunn has a guest that he would wish to introduce.

SENATOR HALL:

Yes. Thank you, Mr. -- thank you, Mr. President. Ladies and Gentlemen, we are honored today, and first, I'd like to ask Frank Watson to come up here. Oh, Frank is here. Yeah. We're very honored today to have with us from the Headquarters Air Weather Service from Scotts Air Force Base, Major Pete Wright and Technical Sergeant Mike Thompson and Ms. Jean Hall. Now, Major, would you step up and speak to this august Body and tell them the purpose of your place here today?

MAJOR PETE WRIGHT:

(Remarks by Major Pete Wright)

SENATOR HALL:

We certainly want to thank all of you here from Scott Air Base. I know all of you have been to Scott Air Base, and it's a wonderful place. So -- and it's in Senator Watson's area and mine. So...(inaudible)...we want to thank you for being here today. And thank you, Mr. President.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, if I can have your attention. We have another special guest, and the Chair will

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yield to Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Members of the Senate, I have the distinct honor this -- this morning to introduce a couple of people and to present them with resolutions that we will adopt later today, I'm told. The first guest is Dr. Mary Davidson. Come over here, Dr. Davidson, right by me. Dr. Mary Davidson is head of the School of Social Work at Southern Illinois University. This resolution commends her for the great job that she has done down at Southern Illinois University. Seven years ago, when she came to Southern - the social work school - they only had ninety-three students. Now they have three hundred and thirty-one students in the regular program, plus -- including sixty-nine graduate students in the program. Dr. Davidson has initiated accreditation for the graduate program, and this resolution commends her for all that, tells some of the work that she has done. She received her bachelor's degree in -- in San Francisco, her doctorate degree in -- Brandeis University. She's been active in the State of Illinois in welfare and went to -- has gone to Russia on a program over there for a school of social work. And I certainly commend her, and I'm sure you all do, and join me in giving her a nice round of applause. Dr. Davidson.

DR. MARY DAVIDSON:

(Remarks by Dr. Mary Davidson)

SENATOR R. DUNN:

Thank you. Now I have one more to give to a friend of mine who works up here in Springfield. He's active in Children and Family Services. He first started in East St. Louis as a trainee, and then he came to Springfield region, and he's been in -- in the Child Welfare Training Institution. I have a resolution to present to him, too. He's a good friend - Nathaniel Gibson. Thank you, Nathaniel, for being here and for being a fine -- help

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our society.

PRESIDENT ROCK:

All right. The resolutions that were just so ably read by Senator Dunn, 1645 and 6 -- Senator Dunn has asked that the rules be suspended for their immediate consideration and adoption. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Ralph Dunn moves the adoption of Senate Resolutions 1645 and 46. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolutions are adopted. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Like to announce that the Republican and Democrat Senate secretaries of the retiring Senators have baked two cakes that are at the back of the Chamber. I've already had a piece. It's delicious, and thank them very much for -- for the cake.

PRESIDENT ROCK:

Everybody is cordially invited for a piece of lame-duck cake. Senator Madigan, how about 191? Madam Secretary. On the bottom of page 18, Ladies and Gentlemen, there's been a request to go to Senate Joint Resolution 191, please.

SECRETARY HAWKER:

Senate Joint Resolution 191.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. On this Senate joint resolution, I am joined by Senators Severns, Woodyard, O'Daniel, Berman and Senator Maitland as sponsors. It deals with a new technology called Geographic Information Management Technology, as far as a catchall phrase. And during the last few years, State agencies

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have been buying or developing parts of this technology, and that has to do with soil maps, transportation maps and some demographic data, and a great deal of money has been spent with no legislative oversight. This resolution creates a Task Force to review and hopefully coordinate the use of Geographic Information Management Technology. The Task Force will include twelve Members of the General Assembly, Director of the Departments of Agriculture, Conservation, Energy and Natural Resources, Revenue, and Transportation. This Task Force will report back to the General Assembly in May, and I believe that we should not continue to appropriate funds for this type of technology until we've been able to review the issue and develop an overall policy. I'd be glad to answer any questions. I would ask support for this resolution.

PRESIDENT ROCK:

The Gentleman has moved the adoption of Senate Joint Resolution 191. Is there any discussion? If not, all in favor of the adoption of Senate Joint Resolution 191, indicate by voting Aye. Opposed, Nay. And the voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. Senate Joint Resolution 191, having received the required constitutional majority, is declared adopted. All right. Ladies and Gentlemen, we'll move now to page 25 on the Calendar. If I can direct your attention to page 25. There are only five motions with respect to gubernatorial action. So we will deal with those five motions, and then we will move to the Order of House Bills 3rd Reading to take up those bills that we yesterday exempted and amended. And at that point we should have a Recall List for some bills that were not dealt with yesterday. So we'll begin on page 25 at the top. Senator Cullerton, on 2954. Read the motion, Madam

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Secretary, please.

SECRETARY HAWKER:

I move that House Bill 2954 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you very much, Mr. President, Members of the Senate. You may recall the debate on this bill. It deals with the sales tax that was enacted in Cook County by the Cook County Board. What the bill does is to -- two things. Number one, it makes permanent the relationship that the City of Chicago has with the Department of Revenue, wherein the Department of Revenue is collecting the Chicago use taxes on motor vehicles from automobile dealers in -- in Cook County and the Collar Counties. It makes that permanent. And the second thing it does is to require the Department of Revenue to collect the new Cook County use taxes on those same motor vehicles from automobile dealers in Cook County and the Collar Counties. The Governor -- this bill, by the way, passed 34 to 24. The Governor vetoed the bill, and in doing so, indicated that the Department of Revenue was opposed to it, by saying that the Department has no problem with the City of Chicago's collection because they can tell whether or not a vehicle is registered in Chicago; but if a vehicle is registered in Cook County, there are thirty municipalities that either overlap Cook County or have the same name as another municipality not in Cook County, and it would not always be possible to know whether a vehicle was registered in Cook County. Well I think that that is perhaps in error - would be a polite way of saying it. There is actually a form that has to be filled out when someone purchases a car that goes to the Department of Revenue. It's called ST556

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Sales Tax Transaction Return. And this is now filled out when the sales tax is collected by the State for the purchase of a motor vehicle. And this form would simply have to be changed. We have to add the word "County" and then the County of Cook could be added to that form. I don't think that would be very difficult. Once that was done, the Department of Revenue then would have to determine, from all of the cars that are purchased and registered in Cook County, where they're registered. If they're registered in Cook County, then they'd have to say, "Okay, that money shall be collected by the State." In order to pay for this, we decided that it would be fair to have the County reimburse the State for their collection efforts, and so we said that two percent of the tax would go back to the -- the State. In the Committee - in the Department of Revenue - we asked the Department if they could tell us how much money it was costing them to collect the City's use tax. We haven't heard back from them on that, but we feel that it should not be very costly to them, and in fact, we are paying somewhere between five hundred thousand and seven hundred and fifty thousand dollars to the State to collect this -- this tax. Now this is not a vote on the tax; the tax has already passed. It's already the law. The question is: How shall the tax be collected; what's the most efficient and fairest way of doing it? And I feel that this bill does it in a fair way. It's perhaps unfortunate that the tax had to be enacted, but the fact of the matter is, as you all know, we provide mandates. We mandate counties to pick up certain costs, like prisons and jails and health care costs, and we don't provide them the money. So they've had to raise the tax. Now the only question is, what's the best way of collecting it. It's clear the best way is through the -- the State to collect it, and I think that the Governor perhaps was misinformed as to just how difficult it would be for the county -- I'm sorry, for the Department of Revenue to collect



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the tax. For that reason, I would ask that we override the Governor's veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Carroll. Your light is on, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the legislation, and I would like to refer - something I very seldom do - to a newspaper, and say that they are absolutely correct in their editorial comments, and that is that the Governor was incorrect in his veto of this legislation. Basically, quoting Director Whitley, when he was head of the Blue-ribbon Task Force that determined that, quote, "sales and use tax collections should rest solely" - solely - I said it twice, they didn't, but solely - "with the Illinois Department of Revenue." I think that -- I have the utmost of respect for Doug Whitley then, and I have the utmost respect for him now. I believe that his actions then were the correct actions and the correct answers. It is clearly in the best interests of the State and its citizens to have the Department do it in a very simple manner, receiving back from the County of Cook a fee like they do from other people that they collect taxes for, so that the Department ends up revenue-neutral by being paid for the efforts that they are performing in collecting these taxes. To require the County of Cook, or anyone else for that matter, to set up a competing Department of Revenue merely to chase for these taxes, will merely add another real estate tax burden on the citizens of the County of Cook for no useful purpose. There are many purposes for which the only source of income to the county or any local governments are real estate taxes, and we all know they have gone too sky high. When there's clearly a way - clearly a way - to let the taxes themselves pay for their own collections by utilizing

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the more efficient method of the Illinois Department of Revenue, I think clearly that is the way we must go, and I would urge support of Senator Cullerton's motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I think a few things have to be mentioned regarding this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator DeAngelis. Pardon. Ladies and Gentlemen, could you -- could we have some order, please? You take your conferences off the Floor, please? Senator DeAngelis.

SENATOR DeANGELIS:

I rise in opposition on the Motion to Override House Bill 2954. I will not get into the merits of the tax, but I want to remind everyone that this is, in fact, a tax increase. Let me remind the Body of some action that we took several years ago. There was created a commission to deal with the disuniformities in sales tax. After about a two-year effort, on a consensus, we agreed that home rule units, if they chose to impose any taxes of this sort, they would, in fact, have to be responsible for their own collection. And, Senator Cullerton, Members from your side voted Yes on that bill, along with Members from our side. Today, Springfield, Bloomington-Normal and Quincy collect those taxes. Cook County, a unit of government far larger, far more capable in terms of administrative firepower, chooses not to do that and to violate something that we put into law several years ago. I think if Cook County wants to put this tax on, they ought to collect it themselves. They ought not to be asking us, particularly at this time, in which we -- we have had to reduce many auditors and collectors who could be used more effectively at collecting taxes

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for us than they would for Cook County. I would urge that we defeat this Motion to Override House Bill 2954.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me make this suggestion, and I don't think we ought to pass this bill today for this reason -- and it certainly isn't the State of Illinois' responsibility to collect taxes for any county or any unit of government. I have been trying to work out a compromise with the Director of Revenue, who I have great faith in, although he's not of my persuasion. But let me suggest this: that he suggests that maybe in the next Session they can put together a computer - they'll have to go out and buy a computer somewhere around two to four million dollars - where they will be able to come back -- and in any county in any state in -- in -- in the State of Illinois, they will be able to do that by their computer system. His suggestion is, we ought to come back to the next Session and do this, so that if a county Downstate had a special tax just for that county, this Department of Revenue could collect that, could collect that tax in Cook County. I happen to think that's a reasonable plan. If they come up with a good plan, I'm certainly going to be there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I'd just like to point out that there are four Downstate cities that collect this tax on their own: Springfield, Bloomington, Mt. Vernon and Normal. Now, I don't pretend to compare those wonderful places with the great metropolis of the City of Chicago, but obviously it can be done. And the people, when they get the bill, know exactly who it's coming from, and

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they know exactly who to deal with. I happen to have in my office, in Crystal Lake, a copy of a roll call down here when we passed the bill to get the Secretary of State in the business of collecting parking tickets for all the municipalities in the State. I have that roll call so I can show people I voted No, because I think, particularly, those of us Downstate have had a steady stream of people in our office who, through computer error or whatever, have been dunned, had their licenses suspended, through no fault of their own. Now admittedly, the problem has been so big that they do have a pretty good mechanism for correcting it, but in the meantime our constituents have been greatly put upon. And that was just for a few ten- or fifteen-dollar parking tickets. Think what happens when they get one of these bills by mistake. They'll be in your office all right, but they'll be carrying a weapon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WCIA has requested permission to videotape. Is leave granted? Leave is granted. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in strong support of this Motion to Override. I think the Governor, frankly, made a mistake in this respect, and I don't have any problem, as Senator Philip said, working with the Director of the Department of Revenue; he is a wonderful young man. And I hope we will take his suggestion, because one of his suggestions, at one point in time, when he issued a pretty lengthy report, said specifically that sales and use tax collection should rest solely with the Illinois Department of Revenue, and I wholeheartedly agree. That's where it ought to be. But more importantly, for those of us from the County of Cook, the County Board President and the County Board have said, in no uncertain

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terms, that if indeed this tax is effected and can be collected as it can only efficiently by the State, that they are prepared to abate - abate - property taxes in the amount of fifty million dollars. Now, if you're talking about property tax relief - and I'm sure that you will be talking about property tax relief almost ad infinitum - this is a chance to do it and do it right now. Because if indeed this system is in place and the tax is in place, the County Board President and the members of the Board have pledged to the residents of the County of Cook fifty million dollars in tax relief. Don't overlook that. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

Well, thank you, Mr. President and Members of the Senate. I would just point out that what we're talking about here is someone from Cook County going out to the suburbs to purchase a car. There's a use tax that says since that car is going to be used in Cook County, they have to pay a tax. They're going to be out there sitting in the dealership filling out the forms. The dealers want this bill to pass. I know you've all heard from them. They want this bill to pass. If this doesn't pass, what has to happen instead is that they have to track down, through the Secretary of State, the purchase of these cars that are registered in Cook County but are purchased outside of Cook County, and a year later the person who purchased the car gets a bill. It's much more efficient, and it's much cleaner to have it collected at the time that the -- the vehicle was purchased. That's why the State is now doing it for the City of Chicago. There are no problems. If it costs a little extra money, the City is paying the State for this service. In this bill, the State will be reimbursed by the County for the service. And once again, we say

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-- we tell them that they have to pay for things; we don't send them the money. When they raise the money themselves, they come to us and say, "Could you please help us collect it?" and we still say no. It just doesn't make sense. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2954 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 28, none voting Present. The motion, having failed to receive the required three-fifths vote, is declared lost. House Bill 3221. Senator Leverenz. Madam Secretary, please.

SECRETARY HAWKER:

I move that House Bill 3221 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

I thank you, Mr. President. Now House Bill 3221 we passed out with more than a simple majority once. This would provide prevailing wage rates be paid on any publicly financed projects - nothing to do with the private sector. This would include then under law - as all other public projects are in Build Illinois or developed under the Illinois Development Finance Authority or other governmental-funded public works projects - that the prevailing wage would be paid. I would answer any questions that you might have, and encourage your Aye vote to include these two entities: the TIFs and enterprise zones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Hudson.

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SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong opposition to House Bill 3221 for what I consider to be some rather obvious reasons. It does, as you know, expand the scope of the Prevailing Wage Act to include TIF districts and enterprise zones. It subjects the -- subjects the State of Illinois, municipalities and their contractual employees to fines when disputes arise concerning public works projects. It imposes new mandates on municipalities in enterprise zones and TIF districts. And it seems to me, Ladies and Gentlemen, that if we oppose - and we pay great lip service here - to the imposition of new mandates, if we really believe this, here is a chance to act counter to the expansion of more and more mandates. It seems to me we shouldn't be doing this, and that's exactly what this bill does, among other things. The bill really runs counter to what we had in mind when we created the TIF districts and the enterprise zones. For example, to impose this bill - the measures of this bill - on these districts will, in the opinions of many, discourage economic growth in blighted and depressed areas; it will raise costs of construction in those areas and, as I've said, will discourage private development in these zones. Now it seems to me that this is ironic at a time when we should be trying to develop business in the State of Illinois. That's why we created these TIF districts; it's why we created these free enterprise zones - so-called. And now, ironically, we seem to be enacting something that will put a chill on all of this. I think it's not the way to go, frankly. And it would seem to me that we should give rather long and deep thought to - before we vote for this - to exactly what we are trying to do here in the State of Illinois for business and for jobs that people desperately need. We live at a time when there's great deal of talk about jobs, people being out of work, and here we go enacting something that may have the

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result of inhibiting growth - new growth - in these depressed areas. So, Ladies and Gentlemen, I would suggest strongly that you vote No on this proposition to override the Governor's veto of this particular measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Leverenz may close.

SENATOR LEVERENZ:

Thank you, Mr. President. The Gentleman -- I believe some of the things he says are perhaps red herrings or ways to cloud the issue. This would alleviate or eliminate some clouds. I understand that the prevailing wage goes to all publicly financed projects. This simply then clarifies it so that the cloud does not exist, that tax increment financing projects and enterprise zone projects are specifically spelled out to eliminate that problem. And I would encourage your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3221 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 24, none voting Present. The motion, having failed to receive the required three-fifths vote, is declared lost. House Bill 3605. Senator Welch. Madam Secretary, please.

SECRETARY HAWKER:

I move that House Bill 3605 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.



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SENATOR WELCH:

Thank you, Mr. President. Senate -- House Bill 3605 was a bill proposed by the Bankers Association in order to amend the Environmental Protection Act to establish a standard of due diligence for all appropriate inquiry for innocent defendants to satisfy the innocent landowner defense under the Illinois Environmental Protection Act. The idea behind the bill was to allow real estate to remain in commerce and allow it to be utilized and transferred among owners, and keep those individuals who are innocent in contaminating the property, free from being responsible from any exorbitant cleanups. The bill did provide a exemption for homeowners to make sure that they wouldn't be penalized under the Act. The Governor vetoed the bill in major part because he felt that there should be a fee increase to go along with the bill to help pay for any potential liability the State may incur because of the cleanups of any property that would be unable to be done without additional money in the State Superfund. I would ask that we override the veto of the Governor, and that we put this bill on the books, and I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill has been controversial from the time it first appeared in the General Assembly last year. We have made a number of attempts -- Senator Welch has made a number of attempts, and there have been amendments added to this bill. This bill still, according to the Director of Environmental Protection Agency -- and some of the rest of us also feel that this bill really is not a well-written bill. It still needs some work done on it. And I just want to say that if this bill does pass, that certainly I hope that next year we will be able to

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accommodate some further ideas and some further plans that the Environmental Protection Agency feels are absolutely necessary to put this bill in the proper condition, so that it will indeed be a safe environmental bill for the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Could you explain to me what a Phase I Environmental Audit -- what that entails?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

A Phase I Environmental Audit involves a couple of things. Number one, it involves a inspection of the property, an eyeballing of the property by an individual, to look for obvious contamination or contamination points such as tanks, pits - what may contain contaminated materials - buildings that may contain drums of contaminated oil or other such contamination. Secondly, it involves the search of real estate records for the past - I believe it's seventy-five years - to determine if there's any record of any environmental liens or notices or other evidence of lawsuits or other evidence of notice that would put an owner on notice that there was some type of environmental problem with the real estate involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you. Another question, please. Do you have any idea

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what the estimated cost? I realize that it would depend on the property, obviously, but any idea what this kind of audit costs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, this type of Phase I Audit wouldn't cost very much. What it would -- what it would entail would be a search of the real estate records, and anybody who's going to buy a piece of real estate has to have a title search anyway, number one. Number two, if you're going to buy a piece of real estate, you're probably going to go out and walk around the property. Those two particular items won't cost, I don't think, very much, if anything.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

So there's no subservice audit or investigation at all? Subsurface.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The Phase I Audit is a presumption of nonliability. If a person -- if there is some obvious defect on the property, if there is a tank that's leaking and a person doesn't see it, then certainly the person can't use the defense that he was innocent; he didn't know that the property was contaminated. So to the extent that there has to be a subsurface inspection, do they have to take core samples? No, they don't have to take core samples, but they can't - to use some legalese - they can't see with a blind eye; they can't say, "We didn't see that tank that was leaking on the property." The Phase I Audit requires an individual to look at the property to determine if there is a -- is a

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contamination problem. But no, there's no require of core samples on a Phase I Audit, unless the person has knowledge that there is some sort of contamination problem with the real estate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

So then I guess after this audit, and if, in fact, everything is found to be in -- in place and no problem, and then the purchase is made and then they -- they find out that there's underground tanks or there's some sort of hazardous or toxic waste that maybe was put in barrels and buried, then does the removal then become the responsibility of the State and the State solely?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

If -- if the purchaser has a defense that they had no knowledge of the property being contaminated, they then are in possession of real estate that is contaminated. If the State then comes out and says, "You're contaminating the local water supply," they would impose that defense as a rebuttable presumption. They would be taken to court. They would impose their defense and the judge would decide if they had a rebuttable presumption - if they reasonably didn't know that there would be contamination. At that point, if they didn't know, then, yes, the State would be responsible - or the prior owner - if the prior owner defrauded the new owner into thinking that there was nothing wrong with that real estate. So there would be a chain of command. The problem that arises, however, is if any of the owners ever went bankrupt or insolvent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Berman.

SENATOR BERMAN:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I invite all of you to pay a little bit of attention to this bill. I invite you to read the Governor's veto message. Yes, Senator Berman is applauding the Governor's veto message. Are you hearing that, Governor? Let me give you a couple of sentences from his veto message. We're dealing here with the potential liability to the State under the Superfund cleanup. "Effectively, this bill would mean the State will probably assume cleanup responsibility and ultimately the taxpayers, not the landowners, will pay." \*\*\* "I cannot support," says the Governor, "efforts to limit liability for Superfund responsibility until two concerns are met." And Senator Macdonald talked about addressing those needs. This bill doesn't do that. If we're going to address those needs, we ought to do that and the question of liability at the same time; otherwise, we are giving a blank check for taxpayer liability to an exposure that we don't know what it even will be. Let me give you some numbers. We have presently two and half million dollars for cleanup of Superfund sites in Illinois - two and a half million dollars in that Fund. The average cost for each site is over three million dollars. The present -- without this bill, the present unfunded liability is estimated to be -- for taxpayer liability is estimated to be over three hundred million dollars, without this bill. This bill stands to multiply that exposure - multiply a three-hundred-million-dollar exposure. There are over a hundred contaminated sites already awaiting cleanup in Illinois, but we don't have the money to do it - already. This bill is going to add to our exposure, the taxpayers' exposure, the exposure that you and I are expected to find money for, to cure, and there's plenty of other liabilities and responsibilities that we already have, that we are not meeting. Without any financial resources, I would suggest that the State will never be able to clean up these dumps, or they will remain indefinitely leaking

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into our soil and water and threatening our public health. This bill is poorly drafted. This bill is poorly timed. There is a problem. The title companies, the bankers, recognize that problem, and I recognize the problem. But we have to work on the problems in toto all at the same time. Overriding this veto at this time is putting the wrong priorities and the wrong effort in the wrong order. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator, as you -- as you know - perhaps you don't - my niece died just before the election due to the contamination at Kerr-McGee, and of course I am very eager to make sure that that pile of junk is removed out of the State of Illinois before it kills anyone else. I wonder, is this Fund going to be depleted to the point, or is this -- does this Fund have anything to do with the cleanup as far as Kerr-McGee or the off-site sites where this stuff is still contaminating people's backyards and front yards? If we -- if we use this Fund for this type of thing, will Kerr-McGee then be put on -- way, way on the back burner until everybody is dead?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, assuming the Superfund will be used to clean up Kerr-McGee and other instances of contamination of industrial or commercial property, to the extent there are more people tapping into that Fund, there would have to be a priority set by the State

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EPA as to which funds <sic> would be cleaned up first. So the answer would be, it depends on what priority the Kerr-McGee cleanup site has among the various cleanups the State has. If your question is, will this add more sites to that list, the answer is probably Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand that the original bill had the conclusive presumption, but now it's changed to rebuttable presumption, which would allow the IEPA to dispute any aspect of an environmental audit. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Yes. The initial bill was a conclusive presumption, which is one of the reasons I picked up the bill, was to try to negotiate a -- some agreed ground between the party, and reach from some common ground. Apparently we didn't reach it. But it was changed to a rebuttable presumption from a conclusive presumption, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The other point that I'm interested in: the original bill had an environmental professional without a very definite definition of it. At least now, through this bill, do I understand correctly that environmental professional is defined as an individual or entity through academic training, occupational experience,

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reputation, such as engineers, geologists and others, who maintain at least five hundred thousand dollars of environmental liability coverage or has a net worth of at least ten million? Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

That's correct. The idea was an individual who knew something about the environment would be the one making the site inspection on the Phase I Audit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

One of the concerns that I had was the possible groundwater contamination or other contamination. I understand that the original bill has been amended to add language clarifying that if the audit discloses the likely presence of a hazardous substance, the bill specifically mandates recognizing Phase II of the testing, such as soil testing and groundwater monitoring. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

That is correct. The idea behind the bill was to cut down on inspections where there wasn't any contamination. So, yes, that's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. The idea behind the bill was to allow for commercial real estate to be put back into the



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mainstream of commerce and allow it to be transferred, and to take away liability from people who -- who didn't know it was contaminated or were not responsible in particular for that contamination, and basically to make these sites useful. You know, it's unfortunate that the Governor's veto is right on point that we do need more money in the Hazardous Waste Fund, and I think we can say here in the Senate that we were responsible and we passed a fee increase to fund cleanups. Unfortunately, once again, the House of Representatives did not see fit to go along with the wisdom of the Senate in increasing those fees to fund cleanups. That's something that we should do this coming year. But in the meantime, we have this bill before us. I think that it's going to allow for those who really aren't responsible for contamination and basically ended up being stuck with property that was contaminated -- it lets them continue to use that property and basically takes them off of the hook of being responsible for a great deal of liability. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3605 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 19, 3 voting Present. The motion, having failed to receive the required three-fifths majority vote, is declared lost. Motions in Writing to Override Item Vetoes. House Bill 2703. Senator Luft.

END OF TAPE

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TAPE 2

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)...703. All right. Restoration, Item Reductions. House Bill 2703. Senator Rock. Madam Secretary, please. Yes, please.

SECRETARY HAWKER:

I move that the items on page 374, lines 14, 15, 21 and 26; page 375, lines 1, 2, 6, 8, 27 -- pardon me, 26, 27, 32 and 33; and page 376, lines 10, 20, 22 and 33 of House Bill 2703 be restored, the item reductions of the Governor to the contrary notwithstanding.

Filed by President Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I present and urge your support for a Motion to Restore 1.8 million dollars to the ordinary operating expenses of the Illinois General Assembly, both the House and the Senate. As the Governor prepared and presented his budget recommendations, he requested both the Judiciary and the Constitutional Officers and the General Assembly to pare five percent from their recommended amounts. And the fact is, after some consultation with the Minority Leaders in both Houses, the Speaker and I did indeed pare five percent from the operations bill for the Illinois General Assembly. In addition, we volunteered - as you remember, with some discussion - to suffer and enjoy a five-percent cut in our district office allowance. We volunteered that. Then, I'm sorry to say, after the Session was concluded and after the budget negotiations, which, if you will recall, took a few extra days to hammer out in

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the Governor's Office and we finally reached a bottom-line number, someone in the Governor's Office - I presume some bureaucrat in the Bureau of the Budget - suggested that since the -- everybody down there was mad at the Speaker and the President, that the best way to hammer them was to impose another five-percent cut without, obviously, even conferring with us as to where the cut would be sustained or across what lines. And so we are confronted with the fact that for the balance of the 87th and the beginning of the 88th General Assembly, the House will be short some nine hundred and ninety thousand dollars, and the Senate will be short some eight hundred and eighty thousand dollars. And I have spoken with the Governor on two occasions directly - face-to-face - and suggested very strongly to him that this action was not in his best interest, that it was a mistake; it was a mistake for him to accept the staff recommendation simply as a matter of comity. We are indeed, like it or not, an equal branch of government, and when the Governor presents his budget for his operations of his office, I daresay we have not done anything but accept what he recommends for himself. And we have every right, it seems to me, to expect the same courtesy. I told him I was going to try to move heaven and earth to restore this money, because I think it is wrong for a chief executive, without any prior consultation, without any prior recommendation, to inflict this kind of cut on an equal branch of government. We suffered a cut along with everybody else, in the same amount as recommended to everybody else, and this additional cut was, I suggest, a mistake, and really ought to be restored. I ask you as a Member of the branch of government of the Illinois General Assembly, vote Aye to restore this money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? If not, the question is, shall the item on page 374, lines 14, 15, 21 and 26; page 375,

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lines 1, 2, 6, 8, 26, 27, 32 and 33; and page 376, lines 10, 20, 22 and 33 of House Bill 2703 be restored, the item reductions of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are -- 34, the Nays are 24, none voting Present. The -- okay. House Bill 2703, the motion having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding. All right. There's a list of recalls that have been passed out - should be on your desk. A list of recalls. Senator Berman has requested House Bill 760 be added to the list of recalls. Is leave granted? Leave is granted. So ordered. On the Order of Recalls, we will now -- go to the Order of House Bills 3rd Reading, on page -- page 9 of your regular Calendar, on the Order of Recalls. Senator Jacobs requests leave of the Body to return House Bill 1918 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1919 <sic> (1918), Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 2 establishes a three-year moratorium in Lake County on the construction of electric transmission lines that operate at greater than sixty kilovolts; and requires the Commerce Commission to conduct an electromagnetic field study and associated potential health effects, in consultation with the Department of Nuclear

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Safety; specifies the scope of the study; and requires the survey of generators, transmission lines, transformer substations and distribution of electricity in relation to schools, hospitals, nursing homes, prenatal care clinics and day care centers. It requires reports to the General Assembly on the study of the survey. My counterpart in the House, Representative Churchill, and I feel rather strongly about this, because we've had some intensive investigation done in Lake Villa Township, where power lines have been over schools and what have you. There's been some investigation showing that electromagnetic fields could be a potential health hazard, and I'm asking the adoption of this amendment for the safety sake of people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis has moved the adoption of Amendment No. 2 to House Bill 1918. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. In the opinion of the Chair, the Noes have it. Motion is -- the amendment's declared lost. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Jacobs and Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an amendment that is pretty much agreed to by all parties on both sides of the aisle, and it's my understanding, even with the Governor. And what it does, it eliminates the 1993 payments by nuclear power plant owners to DNS - DNS is in agreement with this - for deposit into the Low-Level Radioactive Waste Siting Fund. This is the Martinsville issue, inasmuch as that site has been done away with. Also, it has some information in there -- some language in there pertaining to Dow in regards to site

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reclamation. It's a site that's already been cleaned up, been shipped out of State. DNS said that there needs to be some language to let them off the fees. They're willing to do that and they want to do that, but they want this clean-up language. And then it allows the Illinois generators of low-level radioactive waste to continue to ship their waste to South Carolina for disposal after 12/31/92, which -- we have to give that permission in order for South Carolina to still receive the waste, and it's one of the few areas where we can still ship our -- our low-level waste. It eliminates the Simon Commission, because there's no necessary need for that at this time for siting a nuclear waste disposal, and it broadens the definition of the system to allow 9-1-1 emergency telephone systems to spend surcharge funds for communications equipment. That was a portion of the amendment that was asked by Senator Maitland, and I might turn it over to Senator Maitland, if it be all right with the Chair, to explain that portion a little bit more; or, if not, we're just ready to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there -- Senator Jacobs has moved the adoption of Amendment No. 3 to House Bill 1918. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. House Bill 2949. Senator Luft. Neither one of them? All right. House Bill 3807. Senator Cullerton. On page 12. Senator Cullerton seeks leave of the Body to return House Bill 3807 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3807, Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 3 offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This change was inadvertently left off the amendment that we adopted yesterday. It makes some slight modifications to the Representative District 24 and Representative District 47, in an effort to accommodate Representative Phelan. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Cullerton has moved the adoption of Amendment No. 3. Is there discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Well, thank you -- thank you, Mr. President. I'd just like to ask the Senator if this amendment has been distributed. I haven't seen it, and apparently nobody on this side has seen a copy of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

No, I got it from the Reference Bureau, filed it about an hour ago, and it's -- it only affects three census tracts from one representative district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, Mr. President, I would request that the amendment be circulated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Are you joined by the requisite number of Members? How many -- how many you got?

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SENATOR DUDYCZ:

Raise your hands. I got four and a half.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there leave to get back to it? Leave is granted. That will be circulated. We'll take it out of the record and leave to come back to it. House Bill 760. Senator Berman seeks -- on page 8, seeks leave of the Body to return House Bill 760 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 760, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yesterday we amended this bill to provide for the early elimination of the Cook County Regional Superintendent's Office, but to allow the county to maintain certain services. Between yesterday and today, when Senator Karpel and Senator Topinka raised some -- some questions, there has been further conversations. This is a compromise approach which I believe has everyone's concurrence. What we have done is to transfer all of the duties of this office to the State Board of Education on July 1, 1994. I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. I rise in support of this bill now. Since yesterday and the -- when we discussed this bill, pretty much everything has been taken out of the bill. All it does now is -- is push up the date for the abolition of this office to July



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1, 1994, and the State will take over all the responsibilities of that office. It's agreed to now by the State Board, the county -- the Cook County Board, the Cook County President's Office. Everybody's in agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman has moved the adoption of Amendment No. 3 to House Bill 760. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Message from the House.

PRESIDENT ROCK:

Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, 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 167.

And it is substantive.

PRESIDENT ROCK:

All right. With leave of the Body, that -- that resolution is identical to Senator Madigan's resolution which we passed. So with leave, we'll ask that that be placed on the Order of Secretary's Desk, Resolutions, and then we can deal with it in the ordinary course. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1647 offered by Senator Hudson.

Senate Resolution 1648 and 1649 offered by Senator Hudson.

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Senate Resolutions 1650 and 1651 offered by Senator Topinka.

And Senate Resolution 1652 offered by Senator Weaver.

They are all congratulatory and death resolutions.

PRESIDENT ROCK:

Consent Calendar. Senator Berman, did you wish to get back -- did you seek leave to get back to 760 today? All right. Ladies and Gentlemen, let me just tell you where we are on the Calendar. We have finished effectively the -- the motions with respect to gubernatorial action, and so we are now dealing on the Order of House Bills 3rd Reading with those bills that have, by motion, been exempted and, for the most part, amended. Then, I might say, there has been a request by a number of Members to go to the Order of Conference Committee Reports. I just consulted with Senator Philip, and we feel it's in the best interest of all that if indeed one of -- one or another of you wishes to present or have presented a conference committee report, we had better resurrect the copies. There are a number of people who have indicated, yes, they wish to call a conference committee. I simply don't think it's a good idea to call it unless at least there's a copy for -- on the Member's desk, floating around. So I would suggest that any of you that have a conference committee report or one that will be filed, let's make sure we get the copies, and we will deal with those tomorrow. We will come in tomorrow at the hour of ten o'clock. Given the shape of the Calendar, we should certainly be adjourned prior to or very close to the hour of noon. If we get here at ten o'clock and come in, we can get our work done in two hours. The Secretary points out that we do, in fact -- should, in fact, go to the Order of Motions in Writing. There is a House bill and the sponsor is not here. Motions in Writing. Senator Jacobs, do you wish to make a motion with respect to House Bill 1918? Motions in Writing, Madam Secretary. Page 24 on the Calendar, Ladies and Gentlemen. We will try to accommodate the

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Members who have filed Motions in Writing. There's a Motion in Writing filed with respect to House Bill 1918. Madam, read the motion.

SECRETARY HAWKER:

I move to suspend all appropriate Senate rules with regard to House Bill 1918 so that it may be considered by the Senate.

Filed by Senator Jacobs.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. That is the bill that was just amended just a minute ago. We went through the explanation. I just ask for an Aye vote.

PRESIDENT ROCK:

All right. Senator Jacobs has moved to suspend the rules so that House Bill 1918 can indeed be heard. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended, and the motion carries. All right. With leave of the Body then, we'll go back to the Order of House Bills 3rd Reading and we will deal with those House bills that are ready to be dealt with. If there's no objection, even those that were amended we could probably deal with. Bottom of page 8. On the bottom of page 8, there's a House Bill 3rd Reading. House Bill 760. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 760.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr...

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PRESIDENT ROCK:

All right. Ladies and Gentlemen, please, we're on final action.

SENATOR BERMAN:

Thank you, Mr. President. This is the bill that we just discussed a couple of minutes ago that we amended to provide -- all that the bill does at this time is move up from August 7th of 1995 to July 1 of 1994 the abolition of the Cook County Regional Superintendent's Office and transferring their duties to the State Board of Education. Senator Karpel indicated her support for this, and I ask for your Aye vote.

PRESIDENT ROCK:

Is there any discussion? Any discussion? If not, the question is, shall House Bill 760 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 760, having received the required constitutional majority, is declared passed. How about 1918? Senator Jacobs, do you wish to pursue that? With leave of the Body then, we'll move to the Order of House Bills 3rd Reading, the middle of page 9, and there is found House Bill 1918. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 1918.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill also just went back for amendment. The amendment

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becomes the bill, and ask for a nice Aye vote and be happy to answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved passage of House Bill 1918. Discussion? Senator Watson.

SENATOR WATSON:

Thank you. I would appreciate it if the Senator would explain the amendment, or the bill, one or the other.

PRESIDENT ROCK:

That request is in order. Senator Jacobs.

SENATOR JACOBS:

Thank you, Senator Watson. And we did go through this once, but we'll do it again. What this, in effect, does, is takes care of the problem with the fact that the anticipated siting of the Martinsville site fell through, and therefore DNI -- excuse me, DNS and the -- Commonwealth Edison and Illinois Power have gotten together and says that those payments probably will not be necessary because the siting has been dropped. And with that, there will be -- if they drop these payments, then there will be no need to add these charges to the ratepayers for future years. Further, what it does, it allows -- prohibits DNS from collecting any fee from a generator of by-product manufacturing waste which was generated prior to 12/31/80 and shipped for disposal outside of Illinois prior to 12/31/92 as part of a site reclamation. This is a provision for Dow Chemical. The site was cleaned up. Again, DNS has said that it's something that they feel should be -- should be allowed. There appears to be no concern on anybody's part. They -- I feel they could do it themselves, but they feel that they need to have this as part of the law for them to do it. It also allows the Illinois generators of low-level radioactive waste to continue to ship their waste to South Carolina for disposal after 12/31/92. This is necessary and it's a provision

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of law which we have to have so we can still ship to South Carolina. It eliminates the Simon Commission for siting of nuclear waste disposal, which there is a tremendous amount of feeling that it will be a tremendous cost saving and that IDNS will submit a report to the spring concerning recommendation for creating a new siting process. And then finally, it broadens the definition of the term "system" to allow 9-1-1 emergency telephone systems to spend surcharge funds for communications equipment. And what this does, in effect, it puts PBX and -- and Centrex on equal ground, and that's a provision that Senator Maitland can address more if there's any questions on that. But this, as I understand, has been agreed to by all parties. There's some question of some of the language with the -- the system language, but that's going to be cleaned up as we proceed with this bill. If you have any specific questions, Senator, I'd be more than happy to answer them.

PRESIDENT ROCK:

Further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Jacobs, these fees that were being paid by the nuclear plants, were they one-time fees that they were being charged?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Senator, it's my understanding that these are only fees that would come -- as far as the ratepayers, would only be prospective, not those that have already been in the -- in other words, they have not put this upon the ratepayers at this point. But then if

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-- if we don't do this, in the future the charge may go to the ratepayers.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

In the future, if the Department of Nuclear Safety finds another site, do they have to come back to the Legislature and pass another bill to impose those fees, or can these fees be imposed because a site is now under selection?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

It's my understanding, Senator, this has no effect on the fees as they stand. It just allows DNS to not charge those fees under this particular siting process.

PRESIDENT ROCK:

Senator Welch. All right. Any further discussion? Further discussion? If not, the question is, shall House Bill 1918 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. House Bill 1918, having received the required constitutional majority, is declared passed. 2134. Senator Luft. Madam Secretary, on the Order of House Bills 3rd Reading is House Bill 2134. Read the bill, please.

SECRETARY HAWKER:

House Bill 2134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

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SENATOR LUFT:

Thank you, Mr. President. House Bill 2134 was amended yesterday on Recall. The amendment is the bill, and if you will remember what I said yesterday, this bill came from JCAR and the Illinois Bankers Association. It's technical in nature. It permits the Commissioner's examination reports of a bank to be mailed -- be available to all bank holding company board of directors, permits the notice of the establishment of an EFT to be mailed after it is in operation, changes the Universal Commercial Code -- Code which limits a payor's bank's liability to only actual damages for the late return of a demand item to the depository bank.

PRESIDENT ROCK:

All right. The Gentleman has moved passage of House Bill 2134. Is there any discussion? If not, the question is, shall House Bill 2134 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2134, having received the required constitutional majority, is declared passed. Middle of page 11. Middle of page 11. On the Order of House Bills 3rd Reading is House Bill 3325. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 3325.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill that creates the Young Farmer Guarantee



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Program over at the Illinois Farm Development Authority. It would also authorize the Department of Agriculture to require the equine infectious anemia testing for Illinois horses at the request of the Horsemen's Council, and would correct the effective date of the Act, which would -- regarding the bow-hunting season. I know of no opposition, and would ask for your support.

PRESIDENT ROCK:

All right. The Gentleman has moved passage of House Bill 3325. Is there any discussion? If not, the question is, shall House Bill 3325 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. 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 3325, having received the required constitutional majority, is declared passed. Turn to page -- top of page 12. We have 3807. Senator Cullerton seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3807, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President and Members of the Senate. I believe the amendment has been distributed now. As you can see, this affects two Representative districts - District 24 and Representative District 47. It switches three census tracts from 24 to 47, and then it switches - let's see - four -- six -- eight census tracts back to have an equal number of people going from one's district to another. This was at the request of Representative Phelan, whose house is very close to the district

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that he was elected in. Brought it to my attention yesterday, and that's why I'm adding it on as an amendment. I would be happy to answer any questions, and urge an Aye vote.

PRESIDENT ROCK:

All right. The Gentleman's moved the adoption of Amendment No. 3 to House Bill 3807. Discussion? Senator Geo-Karis? No. Okay. All in favor of the amendment, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. With leave, Senator Cullerton requests we get right back to that one, and we will after some intervening business. Senator Jones has joined us. He has a Motion in Writing. No, he doesn't have a Motion in Writing. Well... Resolutions.

SECRETARY HAWKER:

Senate Resolution 1653 offered by Senators Jones, Berman, Marovitz and Carroll.

It is substantive.

PRESIDENT ROCK:

Executive. Senator Severns, for what purpose do you seek recognition?

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I would like to move to discharge the Senate Executive Committee from further consideration of Senate Joint Resolution 192, and that SJR 192 be placed on the Secretary's Desk.

PRESIDENT ROCK:

All right. The Lady seeks leave to discharge the Committee on Executive from further consideration of Senate Joint Resolution

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192, and asks that it be placed on the Secretary's Desk on the Order of Resolutions. All in favor of that -- Senator Donahue.

SENATOR DONAHUE:

...tell everybody on our side that we have discussed it, and everything's fine.

PRESIDENT ROCK:

Thank you. All right. Senator Severns has moved to discharge the Executive Committee from further consideration of Senate Joint Resolution 192, and asks that it be placed on the Order of Secretary's Desk, Resolutions. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Senator Cullerton, are you ready? Page 12, on the Order of House Bills 3rd Reading, Madam Secretary, is House Bill 3807. Read the bill, please.

SECRETARY HAWKER:

House Bill 3807.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Well, as everyone knows, the redistricting was completed, our elections are completed, and as it turns out, because of the efforts of the map makers, there are a number of Representatives and a few Senators who were elected from a district that they did not live. In most of these cases - in virtually every one of these cases - the districts were drawn such that they just missed the house of the person who was elected - in some cases, literally across an alleyway. So what I did with these amendments that we've adopted was to go and take as -- affect as few people as is possible, to try to move that person's house into the district that they were

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elected, making a corresponding shift in population in the district that was affected so that the deviation would remain at no less than one, and as a result, have very little effect on these districts. The people that are affected include both Republicans and Democrats, and I would be happy to indicate for you the people that would be affected. Representative-elect Mulligan, Senator-elect Farley, Representative Lou Jones, Representative Terry Steczo, Representative Ellis Levin, Senator Cullerton, Representative Balanoff, Representative Morrow, Representative Phelan, and even down in the -- in the -- Senator Hawkinson's district, in Kewanee, there's a lady whose vote is no longer private - it's public - because she's the only person in the precinct; we move her into another precinct. I'm very certain that this General Assembly has the legislative authority to do this, and the General Assembly does not look to the Constitution for power to act. The Legislature has the power to do any legislative act not prohibited by the Constitution, and there's case law that -- that backs that up. And if you look at the Constitution, Section 3, under Legislative Redistricting, clearly indicates what is to happen in the year following each federal census, but in the years after that, it is certainly silent, and we have the authority to do so. I would just indicate that this was done not in any political sense, but rather in a very personal sense - for many of these Representatives. This is posing a very true hardship on them and their families. And for that reason, I would ask an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, this is a very unusual issue, I think, to be presented to this Body. And I rise in support of this bill because I've been here long enough to understand

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politics, but one thing I don't understand is how this becomes personal, and how the two can really be mixed in this bill. And I heard the argument several years ago by a Senator on the other side who talked about how in the redistricting a number of years ago - and he got red in the face when he talked about it - he had to move his family a block or two. And I sat there and I listened. I said, you know what - dammit, he's right. No one should ever have to move their family a block or two blocks - or whatever the number is - because this Body does not have the decency to protect that right. It's a personal right. And you can make all the arguments you want about how it's political; it's not. It's personal, and that's what's wrong with it. This Body should never stoop to that level - never. I don't care how mad anybody is at anybody, we should never stoop to the point where we punish a person's family or cost him financially. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think the Gentleman who just spoke is very fine; however, let me remind this Body that Senator Watson had to move, Senator Philip had to move about ten years ago, in order to comply with the law and the redistricting. And Senator Hudson had to move in order to comply with the law, and I think we -- there is certainly custom and precedent that we move. If you want to run, you move to do so, and that's it. Now, I'd like to -- I'm going to speak against this bill, and I'd like to ask a parliamentary inquiry. How many votes does it take?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thirty votes.

SENATOR GEO-KARIS:

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Thirty votes when you're changing a redistricting?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That's what it took yesterday. It's going to take the same today.

SENATOR GEO-KARIS:

No, that was for the amendment yesterday, sir.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Same thing.

SENATOR GEO-KARIS:

Well, can I ask your Parliamentarian?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He doesn't give you the ruling; I do. He'll talk to you, though, about it. We already checked this, Adeline, and it's thirty votes. Gentleman from Cook, Senator Dudycz.

SENATOR DUDYCYZ:

Well, thank you -- thank you, Mr. President. Ladies and Gentlemen of the Senate, Article IV, Section 3(a) of the Illinois Constitution requires that Representative and Legislative Districts be compact, contiguous and substantially equal in population. Furthermore, the Illinois Supreme Court, in deciding on the final districts, stressed these same three requirements in its decision. And the three-judge federal panel which reviewed the redistricting plan held that it met the federal mandates along the same lines. Now, after the election has already been held, under the current court-approved map, an attempt is being made by Senator Cullerton which threatens to destroy the constitutionality of the new districts with regard to all three of these requirements. Several of the proposed changes involving -- changes involve creating long, thin fingers which stretch out from the current districts. These changes reduce the compactness of those districts. And, Senator, it's not personal. If you look at this latest amendment that we just approved, you look at how we

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are reaching into another district. This is not compact and contiguous, and I don't think that it would withstand a court challenge. Section 25(b) of House Bill 3807, Senator Cullerton, if you look at it, it moves the population from Representative District 33 to District 31. Since these districts don't even touch at any point, this change makes portions of District 21 not contiguous with the rest of the district. This is a flawed bill, Senator. It means that portions of the Legislative District 11 are entirely contained within Legislative District 17, and this change is clearly unconstitutional. The proposed changes create inequalities in population between the districts, both Representative and Senate. This bill will increase the overall population deviation from one to three hundred and sixty-nine persons for the Representative Districts and from two to three hundred and sixty-eight for the Legislative Districts. Now as I have pointed out, Members of the Senate, this bill would make the map worse by all three of the constitutional standards, and in fact, would make the changed map completely unconstitutional. And I think that we should reject this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Cullerton, to close.

SENATOR CULLERTON:

Thank you, Mr. President. Just to respond to the previous speaker, let me make it clear that I believe that your analysis is in error. These changes were made on the same equipment that we used to do our legislative redistricting. I am aware of the constitutional requirements with regard to compactness, contiguousness and substantially equal, and I ensured that the deviation did not vary by more than one, just as the maps that were passed. And so I would suggest that perhaps the analysis that your staff did was in error. But in either case, let me make it clear: I am not doing this to try to challenge the

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constitutionality of the existing map that was passed. That's been decided. As a matter of fact, when this is passed, and if the Governor signs it, I will initiate a court proceeding in the Supreme Court to have the Supreme Court declare this to be constitutional, because the Members affected would have to have an answer so that they could meet their -- their residency requirements for the next election. So they would have to know whether or not this is constitutional. And so as a result, we are going to go to court on this, but simply to establish that the changes are constitutional. I believe they are. I think the Constitution is clear on that, and I would be happy to - after the bill passes, Senator - go over it with your staff to see if there's any inconsistencies. I don't believe there are. We had the Reference Bureau draft the amendment; I believe they're -- they're accurate. And so that's what my plan is, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3807 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 31 Ayes, 26 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senator Dudycz wants a verification. Will the Membership please be in their seats? Madam Secretary, poll the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Dart, del Valle, Demuzio, Di Turi, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, Munizzi, O'Daniel, Palmer, Rea, Savickas, Severns, Smith, Welch and Mr. President.



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PRESIDENT ROCK:

Senator Dudycz, do you question the presence of any Member?

SENATOR DUDYCZ:

Senator Luft.

PRESIDENT ROCK:

Senator Luft is in his chair.

SENATOR DUDYCZ:

Senator Carroll.

PRESIDENT ROCK:

Senator Carroll? Senator Carroll on the Floor? Well, get him out of the phone -- thank you. Senator Carroll is on the Floor. All right. The roll has been verified. On that question, there are 31 Ayes, 26 Nays, 1 voting Present. House Bill 3807, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, I think that effectively concludes our business in the regular Session today, pursuant to the agreement that Senator Philip and I had. If you will, turn to page 19. We have agreed - Senator Philip and I - that we will attempt to deal with conference committee reports that Members request to be dealt with, and obviously we are strongly suggesting - as a matter of fact, mandating - that copies be provided to every Member if indeed these are to be called. But follow with me through pages 19, 20 and 21, and I will indicate what has been requested of the Chair thus far, so that everybody's aware of what's potentially out there. I might also add that my last count, there were fifteen conference committees still out there floating someplace that have not yet been filed and that we expect that some will be filed. It is our intent to adjourn tomorrow as close to noon as possible, and we will return to Springfield on January the 12th, which is the day before the 88th General Assembly is to be sworn in. We will return on January 12th at the hour of noon, so that we will be here, and those of you who are to be sworn in for the

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88th, it is obviously noon on the next day. But follow with me: I have had a request to deal with the Conference Committee Report on House Bill 178, 1007, 3037, 3261, 3493, 4078; Senate Bill 186, Senate Bill 699 and Senate Bill 2233. Now if any Member has any they wish to deal with, please see Senator Philip or I -- or me, and if you wish indeed to call those, make sure that there are copies on every Member's desk. We will deal with that order of business tomorrow. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

I have a conference committee on page 19 that I wish to non-concur with. It's House -- House Bill -- beg your pardon, it's House Bill 1160, Senate Bill 760...

PRESIDENT ROCK:

You wish to non-concur with House Amendments 1 and 6?

SENATOR DEMUZIO:

I'm sorry. It's on page 19; it's Senate Bill 1160. I wish to non-concur with that one.

PRESIDENT ROCK:

All right. All right. With leave of the Body, we'll move to the Order of Secretary's Desk, Concurrence. On the Order of Secretary's Desk, Concurrence, is Senate Bill 1160, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 6 to Senate Bill 1160.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you very much, Mr. President. I would hope that you would vote No, we'd dump this, go to a -- go to a...

PRESIDENT ROCK:

All right. Senator Demuzio has moved to non-concur in House

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Amendments 1 and 6 to Senate Bill 1160. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Lechowicz, for what purpose do you arise, sir?

SENATOR LECHOWICZ:

Thank you, Mr. President. Just to be sure that on Senate Bill 1518, a conference committee met on it today, and I want to make sure it's on the Calendar for tomorrow to be called. It's been circulated and passed, and it's all agreed to.

PRESIDENT ROCK:

Well, if...

SENATOR LECHOWICZ:

Senate Bill 1518.

PRESIDENT ROCK:

If indeed -- if, indeed, it's been filed, it will show up on the Calendar. Senator Welch.

SENATOR WELCH:

Mr. President, I would like to make a Motion to Non-concur on a Conference Committee Report on page 21. It would be Senate Bill 923.

PRESIDENT ROCK:

All right. We'll get to that tomorrow. Any further business to come before the regular Session? The Chair would like to advise the Membership that the -- immediately -- on the close of the regular, we will go into the Special Session, and the only order of business in the Special Session will be an adjournment resolution adjourning the Special Session sine die. We do have an Executive Committee Report. There were three gubernatorial appointments that Senator Kelly's... Let's do the Executive Committee Report, Madam Secretary.

SECRETARY HAWKER:

Senator Kelly, Chairman of the Committee on Executive

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Appointments and Administration, to which was referred the Governor's Message of July 2, 1992, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his Message of July 2, 1992.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Senate is now in Executive Session. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of July 2, 1992, I will read the salaried appointment to which the Senate Committee on Executive Appointments and Veterans' Affairs recommend that the Senate do advise and consent:

To be the Chairman of the Property Tax Appeal Board for a term ending January 16, 1995: Max Coffey of Charleston.

Mr. President, having read the salaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has an objection to this appointment.

PRESIDENT ROCK:

All right. The Gentleman has requested leave to consider that appointment on a single roll call. Leave is granted. If there's no discussion, the question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Now I -- with respect to the Governor's Message of July 2, 1992, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments and Veterans' Affairs recommend that the Senate do advise and consent:

To be a member of the Kaskaskia Regional Port District Board for a term ending June 30, 1995: Virgil Becker of Smithton.

And to be a member of the Lottery Control Board for a term ending July 1, 1995: Mary Ann Koppel of Skokie.

And, Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has an objection to these appointments.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to consider those two nominations on one roll call. Is leave granted? Leave is granted. If there's no discussion, the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate, very much. I now move that the Senate arise from Executive Session.

PRESIDENT ROCK:

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You've heard Senator Kelly's motion. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The Senate does now arise. Is there any further business to come before the Senate in its regular Session? If not, Senator Demuzio moves that the Senate stand adjourned until Thursday, December the 3rd, tomorrow morning at the hour of ten o'clock. We'll get here at ten o'clock, deal with the matters we wish to deal with, and be gone by noon. Ten o'clock tomorrow morning, Ladies and Gentlemen. The Senate stands adjourned.

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