

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

117th Legislative Day

November 21, 1996

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Pastor John Duke, Zion Lutheran Church, Pleasant Plains, Illinois. Pastor Duke.

PASTOR JOHN DUKE:

(Prayer by Pastor John Duke)

PRESIDENT PHILIP:

Now please rise for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, November 19th, and Wednesday, November 20th, in the year 1996, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Peterson, Chair of the Committee on Revenue, reports Senate Amendments 2 and 3 to House Bill 2702 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 259, offered by Senator DeAngelis and all Members.

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It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 116, offered by Senator Dudycz.

(Secretary reads SJR No. 116)

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Joint Resolution No. 116 is the adjournment resolution. It calls for the Senate to reconvene on Tuesday, December 3rd, 1996, at the hour of 12 o'clock, noon.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz has moved the adoption of Senate Joint Resolution 116. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The resolution's adopted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Commerce and Industry - House Bill 2595; to the Committee on Executive - House Bill 444; to the Committee on Judiciary - House Bill 365; and Be Approved for Consideration - Senate Amendment 4 to House Bill 2702.

PRESIDING OFFICER: (SENATOR WEAVER)

...House Bills 3rd Reading. Senator Syverson, do you wish to recall House Bill 2703 {sic} (2702) to the Order of 2nd for the purpose of amendments? Senator Syverson. Excuse me. Have there been any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Amendment No. 2 addresses three different areas, and I'd like to handle the first two and then have Senator Fawell handle -- handle the third, if she is -- if she's here. First, it clarifies the original intent of tax caps and how -- and how multi-county districts that lie in part in the collar counties are addressed. This provision states that a county with tax caps imposed by legislation will be considered as a county that held a successful referendum. The second part of this amendment is a reverter clause, which allows counties that have imposed tax caps the opportunity to remove tax caps the same way the tax caps were put on. The third portion of Amendment No. 2 I'd like to refer to Senator Fawell.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you. The -- the third part of this is actually a codification of what we have been doing. It was a rule that was put in JCAR by the Revenue Department. What it does is it allows the -- the libraries to continue their levy if they are -- if it has been passed by a -- a referendum - backdoor referendum - and it is a .02 levy for maintenance, and -- and that's basically what the amendment does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? All those in favor, signify by saying Aye. Nays? The Ayes have it. The amendment is adopted. Any further Floor amendments to prove {sic} (approved) for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there leave for Senator Syverson to handle the amendment for Senator Weaver? Hearing no objection, leave is granted. Senator Syverson. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment strikes the hundred and eighty thousand population for the ability to issue safety - I -- I should say, after a front-door referendum - to invoke a quarter-cent sales tax in the county, as has been granted for those counties over a hundred and eighty thousand. If there's any question, I'll be happy to answer.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Weaver, I want to ask you the same questions that I asked Senator Syverson in committee yesterday. Will -- will this sales tax be rescinded at any time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

The answer is no.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

According to my analysis, it is to be used for public safety matters. Have those been spelled out?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

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They are not spelled out, but in the referendum, they would be -- the people would be voting on what measures they're going to fund through this sales tax. You know, the circuit clerk -- or, circuit courts are putting out mandates for the smaller counties to improve their jails, their juvenile detention areas, their courtrooms, and the smaller counties have the problem, just like the larger counties, of funding those improvements. So this -- the purpose of this is to give the smaller counties the same opportunity that counties over a hundred and eighty thousand have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Thank you, Senator, and I guess that's the part I don't understand. Since it seems to be -- there seems to be some clarity that voters will be voting on some specific public safety needs, then I don't understand why once that need is met there is not some vehicle in here to rescind the tax.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

The counties may go to referendum again and take that off or continue to use that quarter of one percent to maintain those facilities and keep them up to standards. I think -- this is just a -- a measure of equity amongst all the counties in the State of Illinois, not discriminating in smaller counties. There's a front-door referendum, and if they don't want it, they -- they don't have to support it. But I think we ought to have the opportunity in smaller counties of doing that which the larger counties can do to maintain and build safety-related facilities, such as jails, youth detention centers and courtrooms.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

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SENATOR PALMER:

Just a final remark on this: I certainly appreciate the need and I appreciate that there is a -- a search for revenue all the time, but I would hope that if this is going to become a means by which we fund public safety or any of the other important civic areas, that we will build into these bills some way by which citizens can rescind the tax as readily as they can pass it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WEAVER:

I would appreciate a favorable roll call for the smaller counties of the State of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

All those in favor, say Aye. Roll call has been requested. All those in favor will vote Aye. 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 -- take the record. On that question, there are 33 Ayes, 19 Nays, 1 voting Present. And the amendment is adopted. Any further amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Amendment No. 4 clarifies language in Amendment No. 2, regarding multi-county districts that lie in the collar county. If any taxing district now becomes capped by this legislation, the effective dates for bonding will be moved to June of '97, as opposed to January.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? Senator Klemm.

SENATOR KLEMM:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Klemm.

SENATOR KLEMM:

My -- my question, I guess, is: Last time when we did the tax caps in our collar counties, we had a period of -- of when it -- became enacted and when it became enforced, and we had a number of taxing districts immediately run out, whether they needed it or not, and extended and increased their bonding authority and issued revenue bonds without too much public input. And at the time, we thought that was a terrible thing to do, and some of the school districts who did not -- did not do that said it wasn't fair that they couldn't do it and others did and they got caught under it. I was wondering if this provision that we allow that referendum of -- of having additional increases until June 1st would be with a referendum, or is this just by the action of county -- or -- or the, you know, taxing district's authority on their own?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

This amendment only applies to those taxing districts which are currently immuned {sic}, and the only way we could address that, without a three-fifths vote, is to have the June effective date.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

You're -- you're saying that this only applies to taxing districts that are what? Immuned - did you say? Immune from --

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from the tax caps? So those who -- counties that aren't under the tax cap, this is what you're trying to do; but for those that are under it now, they won't be able to do? All right.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR KLEMM:

So we haven't created this opening of a window now that everybody's going to go run out, increase their bonding authority, and we think we're putting tax caps on? Because it -- it was a very heated argument in our district of the collar counties of taxing districts who ran out and immediately raised their taxes, and everybody said, "Wait a..., that's the -- totally against the intent of putting tax caps on there." So I needed your clarification that's not for the rest of the counties.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

That -- that's exactly what this amendment does; it closes that loophole so those districts can't come back and use this as a window.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Top of page 2 in the Order of House Bills 3rd Reading. Senator Watson, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Watson seeks leave of the Body to return House Bill 2737 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection,

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leave is granted. On the Order of 2nd Reading is House Bill 2737. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is a technical amendment which adds {sic} the effective date - immediate effective date - and changes the title of the -- of the legislation. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor...
Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

What effective date do you have on it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Immediate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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3rd Reading. ...Chair would remind all Members that motions on vetoes -- veto measures of House bills should be filed with the Secretary. The intent of the Chair is to take up these motions in the week of December 3rd. ...proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. ...O'Daniel, for what purpose do you rise?

SENATOR O'DANIEL:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR O'DANIEL:

Mr. President, Members of the Senate, I'd like for you to help me welcome a group of ten students and their instructor, Mr. Benson, from the Hutsonville High School government class. They're at the rear of the Chamber on the Democrat side. Help me welcome them to the -- to the Illinois Senate, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. ...Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Thank you very much, Mr. President. For the purpose of an announcement. There will be a Republican Caucus immediately in

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Senator Pate Philip's Office upon adjournment, and it'll be very brief. But we hope you get there quickly and we can get out quickly. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Well, again, a number of Members have been asking what we're doing, and I understand we're not going to conduct any more business today, other than...

PRESIDING OFFICER: (SENATOR DUDYCZ)

That is correct. We have, in effect, concluded our business for the day. The -- the Senate will remain open to receive paperwork from the House and from the Governor's Office. But for all practical purposes, we have concluded our business, and when we adjourn later on this afternoon, we will be returning on Tuesday, December 3rd, at the hour of noon. But, for now, we will be standing at ease and there will be a -- a Republican Caucus in the Senate President's Office, immediately. Senator Weaver. Messages from the Governor.

SECRETARY HARRY:

Message from the Governor by Deno Perdiou, Director of Legislative Affairs, dated November 21st, 1996.

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

To the Honorable Members of the 89th General Assembly {sic} - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

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I only had one further question, is: Have we adopted the adjournment resolution, Mr. President?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Yes, we have. But, Senator Demuzio, please hold on. Will the Members please remain at their chairs? The Chair has just been informed that Senator Weaver has requested that we proceed to the Order of House Bills 3rd Reading, to the Order of House Bill 2702. So if the Members remain in their seats, we'll resolve this shortly and then you will be able to go home. House Bills on the Order of 3rd Reading on the top page 2 of your regular Calendar. House Bill 2702. Senator Syverson. Mr. Secretary, read the bill.
SECRETARY HARRY:

House Bill 2702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. We just previously discussed the amendments, which have become the bill. I'll be happy to answer any questions; otherwise, just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator, is -- this is a -- a way around the tax caps. So it's really a tax increase. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

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SENATOR SYVERSON:

No. It's just the opposite. It's pulling districts under the cap that currently aren't there. So it's just the opposite.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

But, with the amendments, doesn't it allow a way around the tax caps?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

No. It's taking those districts which currently are not under, under the caps. So, no, it's bringing them under the cap.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 2702 pass. All 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 38 Ayes, 12 Nays, none voting Present. And House Bill 2702, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we have effectively concluded the business of the day. There will be a perfunctory Session later on this afternoon to receive Messages from the House, and we will see you on noon on Tuesday, December 3rd. A Republican Caucus immediately in the Senate President's Office.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 226.

We have like Messages on House Bill 346, 347, 378, 548 and 1249, all adopted by the House, November 19th; House Bill 1645, 2406, 2579, 2621, 2626, 2658 and 2809, adopted by the House, November 20th; and House Bill 3193, adopted by the House, November 21st, 1996.

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 2918, with Senate Amendment 1.

Non-concurred in by the House, November 21st, 1996.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages from the Governor.

SECRETARY HARRY:

A Message for the Governor by Deno Perdiou, Director of Legislative Affairs, November 21st, 1996.

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

To the Honorable Members of the Senate, 89th General Assembly - I have previously asked for your Honorable Body to concur in the appointment and confirm the person commensurate with

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the office indicated below. The information previously given was incorrect. Please remove the following individual from the Senate Message dated November 20th, 1996.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Madam President. Senator Hawkinson has filed motions with respect to House Bills 346 and 347, and Senator Cronin has filed a motion with respect to House Bill 548.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, would you please have those printed on the Calendar? If there's no further business, pursuant to the adjournment resolution, we will reconvene on noon, Tuesday, December 3rd. The Senate stands adjourned.

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