

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

90th Legislative Day

May 16, 1990

PRESIDENT ROCK:

The hour of nine 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. Prayer this morning by Father Hugh Cassidy, Blessed Sacrament Church, Springfield, Illinois. Father. FATHER HUGH CASSIDY:

(Prayer given by Father Hugh Cassidy)

PRESIDENT ROCK:

Thank you, Father. Reading of the Journal, Madam Secretary. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that reading and approval of the Journals of Wednesday, May 9th; Thursday, May 10th; and Tuesday, May 15th, in the year 1990, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. 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. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1075 offered by Senator del Valle.

And Senate Joint Resolution 176 offered by President Rock.

They're both congratulatory.

PRESIDENT ROCK:

Consent Calendar. 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

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House Bills 493, 2964, 2967, 3014, 3050, 3099, 3138, 3740, 3966, 4025, 2647, 3110, 3358, 3484, 3655, 3675, 3748, 3998, -- 4120, 4178, 2339, 3147, 3324, 3330, 3468, 3599, 4024, 4036, 4050, 4087, 3140, 3274, 3334, 3368, 3400, 3494, 3495, 3858, 3933 and 3999. Passed the House May 15, 1990.

PRESIDENT ROCK:

1st Reading.

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 131.

It is substantive. Adopted by the House May 9, 1990.

PRESIDENT ROCK:

Executive. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I ask that the record indicate that Senator Schuneman is not here because of an illness.

PRESIDENT ROCK:

The record will so reflect. All right. Ladies and Gentlemen, with leave of the Body, we'll move to Page 26 on the Calendar. I turn your attention to the glut of House Bills that have been sent over here. If you wish to sponsor any, please let the Secretary know. Is it over? Yeah. All right. Page 26 on the Calendar. House Bills 1st Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill 948 offered by Senator Maitland.

(Secretary reads title of bill)

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House Bill 950 offered by Senators Mahar and Daley -- pardon me, Mahar and Kelly.

(Secretary reads title of bill)

House Bill 951 offered by Senators Mahar and Kelly.

(Secretary reads title of bill)

House Bill 952 offered by Senators Mahar and Kelly.

(Secretary reads title of bill)

House Bill 953 offered by Senator Kelly and Mahar.

(Secretary reads title of bill)

House Bill 954 offered by Senators Kelly and Mahar.

(Secretary reads title of bill)

House Bill 1055 offered by Senator Macdonald.

(Secretary reads title of bill)

House Bill 1477 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 1493 <sic> (1483) offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 1550 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 1916 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 2173 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2296 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 2851 offered by Senator Lechowicz.

(Secretary reads title of bill)

House Bill 2859 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2918 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 2921 offered by Senators Marovitz and Welch.

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(Secretary reads title of bill)

House Bill 2932 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 2936 offered by Senators O'Daniel and Donahue.

(Secretary reads title of bill)

House Bill 2938 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 2944 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 2950 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 3027 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 3075 offered by Senators Brookins and Woodyard.

(Secretary reads title of bill)

House Bill 3112 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 3117 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 3139 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 3154 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 3155 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3158 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 3213 offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 3214 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 3230 offered by Senator Thomas Dunn.

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(Secretary reads title of bill)

House Bill 3242 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3288 offered by Senator Kelly.

(Secretary reads title of bill)

House Bill 3333 offered by Senators Collins and Brookins.

(Secretary reads title of bill)

House Bill 3350 offered by Senator Etheredge.

(Secretary reads title of bill)

House Bill 3371 offered by Senator Macdonald.

(Secretary reads title of bill)

House Bill 3372 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3374 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 3409 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3411 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3454 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 3478 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3479 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 3518 offered by Senators Severns and Topinka.

(Secretary reads title of bill)

House Bill 3528 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 3580 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 3710 offered by Senator Barkhausen.

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(Secretary reads title of bill)

House Bill 3711 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3716 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 3717 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3718 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 3719 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 3720 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3721 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 3725 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 3731 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 3744 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3749 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 3757 offered by Senator Kelly.

(Secretary reads title of bill)

House Bill -- pardon me, 3795 offered by Senator Rigney.

(Secretary reads title of bill)

House Bill 3834 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 3852 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 3853 offered by Senators Savickas and Woodyard.

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(Secretary reads title of bill)  
House Bill 3857 offered by Senator Jones.  
(Secretary reads title of bill)  
House Bill 3874 offered by Senator Madigan.  
(Secretary reads title of bill)  
House Bill 3882 offered by Senator Marovitz.  
(Secretary reads title of bill)  
House Bill 3897 offered by Senator Karpziel.  
(Secretary reads title of bill)  
House Bill 3934 offered by Senator Barkhausen.  
(Secretary reads title of bill)  
House Bill 3955 offered by Senator Maitland.  
(Secretary reads title of bill)  
House Bill 3959 offered by Senator Maitland.  
(Secretary reads title of bill)  
House Bill 3980 offered by Senator Netsch.  
(Secretary reads title of bill)  
House Bill 3986 offered by Senator Holmberg.  
(Secretary reads title of bill)  
House Bill 3994 offered by Senator Marovitz.  
(Secretary reads title of bill)  
House Bill 4035 offered by Senator Rea.  
(Secretary reads title of bill)  
House Bill 4038 offered by Senator Karpziel.  
(Secretary reads title of bill)  
House Bill 4046 offered by Senator DeAngelis.  
(Secretary reads title of bill)  
House Bill 4049 offered by Senator Marovitz.  
(Secretary reads title of bill)  
House Bill 4058 offered by Senator Marovitz.  
(Secretary reads title of bill)  
House Bill 4081 offered by Senator Holmberg.

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(Secretary reads title of bill)

House Bill 4082 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 4117 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 4118 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 4119 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 4148 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 4151 offered by Senator Marovitz.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Mr. President, it is hotter than Hades in here. Could we make note of that and perhaps have someone do a little work on the air conditioning before we melt?

PRESIDENT ROCK:

I -- I have attempted to strike a happy medium. The female Members of the Chamber, in particular, have been less than kind to the air conditioning system over the past few weeks. Senator Keats.

SENATOR KEATS:

Tell them to put on long johns. We can't take our coats off. They can put more on, you know.

PRESIDENT ROCK:

Your concern is noted. All right. All those House Bills that were read in will go to the Rules Committee. By the way, the Rules Committee will meet at nine o'clock tomorrow morning in Room



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212 for the purpose of considering House Bills. All right. Ladies and Gentlemen, the -- the procedure for today will be Senate Bills 2nd Reading. And I would again advise you it is Wednesday, May 16th, and we are scheduled to conclude our business no later than Friday, May 18th. There is some lingering hope that we can finish on the 17th, so I would encourage those of you who have bills on 2nd to move them. So we'll do Senate Bills 2nd Reading, and the Secretary's in the process of compiling a Recall List for Members who have indicated they wish to recall bills from 3rd to 2nd for amendments. And they will -- then we will begin again on the Order of Senate Bills 3rd Reading. And the schedule is to work right through until approximately five o'clock, or if we conclude earlier, that's fine, too, but no later than five. All right. We'll begin on the Order of Senate Bills 2nd Reading. I'd ask the Members to turn your attention to the bottom of Page 2. The bottom of Page 2. 1508. Senator del Valle. 1523. There's been a request for a fiscal note, Senator Jones. It has not yet been filed. If it's filed today, we'll get back to it. 1532. Top of Page 3. 1556. Senator Maitland. Read the bill, Madam Secretary, please. On the Order of Senate Bills 2nd Reading, top of Page 3, is Senate Bill 1556. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1556.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Elementary and Secondary Education offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Maitland, on Committee Amendment No. 1.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Committee Amendment -- Committee Amendment No. 1 indicates how the

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payment will be made by those school districts who are sending students to a willing receiving district.

PRESIDENT ROCK:

All right. Senator Maitland's moved the adoption of Committee Amendment No. 1 to Senate Bill 1556. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Maitland offers Amendment No. 2.

PRESIDENT ROCK:

Senator Maitland, on Amendment No. 2.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 2 would stipulate that the receiving school district will bill the sending district for the cost of providing the educational component for those students who are having their education in that particular school district.

PRESIDENT ROCK:

All right. Senator Maitland has moved the adoption of Amendment No. 2 to Senate Bill 1556. Is there any discussion? If not, all in favor, 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. 1575. Senator Barkhausen. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

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Senate Bill 1575.

(Secretary reads title of bill)

1st Reading of the -- pardon me, 2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Barkhausen offers Amendment No. 1.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, the amendment I am proposing here to Senate Bill 1575 incorporates, quite honestly, two separate bills that I had introduced that did not make it out of Rules, that like the -- the bill itself that's before us - the Uniform Foreign Money Judgments Act - involves proposed Uniform Acts brought to us by the National Conference on Uniform State Laws. The two additional subject matters are the Uniform International Wills Act and a proposed new Article 4A of the Uniform Commercial Code. Because neither of these subject matters, I don't believe, are in the least bit controversial, and because both of -- of these Acts have been long-sought objectives of the Uniform Laws Conference, I'm offering them to you at this time in the form of amendments. Very quickly, the first - the Uniform International Wills Act - would provide a means for individuals who are citizens of other countries, and indeed for American citizens who happen to move and become residents of another country, to - by following the -- the form that's provided for in this Act - to have a will that could be proven up in another country that is a signatory to the -- the treaty or the -- what is known as a convention, that has approved and agreed to this law and this form. The new Article 4A of the Uniform Commercial Code is sought by the

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American Bankers' Association, and endorsed by the American Bar Association and the American Law Institute, as a means of establishing rights and responsibilities of those who are transferring - generally by electronic means - significant amounts of money. I'd be happy to answer your questions, and otherwise would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Barkhausen has moved the adoption of Amendment No. 1. Is there discussion? On a point of personal privilege, there's a group visiting the Capitol from the -- from Virden today with Gail Turner, their teacher. I'd like for them to be recognized. Please rise, and be recognized by the Senate. Welcome to Springfield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

You made mention of wills. My understanding of the law is wills, wherever they're executed, if they're valid there -- the personal property goes by the law of the domicile, and real estate, of course, goes by where it's located. Now, what do you mean with reference to the will? I didn't quite understand it. If you'd just give me a simple explanation. How do you apply it to a person who dies in a foreign country? What is it? I mean, I'm not quite certain for the reasons for this bill. That's why I'm asking you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The purpose, Senator Geo-Karis, is to provide a means for a will that's been executed by a citizen of one country who later

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moves to and becomes a citizen of another country, to have -- have the will be one that can be proven up in -- in the new country of -- of residence. It doesn't -- it doesn't change any of our -- of our own laws or any other state's laws with regard to the current methods of executing or proving up wills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Thomas Dunn.

SENATOR T. DUNN:

Senator Barkhausen, did you not say in committee that you would hold this bill until you had a discussion with the Chairman of -- of the committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I said that I wouldn't use it as a -- as a vehicle for any changes to -- in our civil justice system that might be objectionable to any of the Members on the other side. I have -- I have the -- the other side -- I have talked about this with your staff, and you've all known it was coming for a week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

What was the chairman's position?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I honestly don't know, Senator Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Dunn.

SENATOR T. DUNN:

Are you willing to take this out of the record until you talk with the Chairman?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I will do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. Senate Bill 1585. Senator Collins. Fiscal note. 1617. Senator Jacobs. On the Order of Senate Bills 2nd Reading is Senate Bill 1617, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1617.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Well, Committee -- committee amendment? Is that a Floor amendment or a committee amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's a committee amendment.

SENATOR JACOBS:

The -- the -- I don't know if we could withdraw the -- we have another Amendment No. 2 which takes care of the amendment -- the committee amendment. So we'll Table -- if we could, could we Table the committee amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs moves to Table Committee Amendment

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No. 1. Those in favor will indicate by saying Aye. Opposed, Nay.  
The Ayes have it. Committee Amendment No. 1 is -- is Tabled.  
Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jacobs offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Committee Amendment, or I should say, Floor Amendment No. 2 really is an amendment which takes care of the -- the concerns of the committee in regards to some open-endedness that was in the bill and a definition of "unencumbered" and a number of other areas. And it -- it puts us in better status to what the intent of the legislation is, and I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1629. Senator Fawell. 1644. Senator Thomas Dunn. On the Order of Senate Bills 2nd -- all right. 1647. Senator Etheredge. 5101 <sic> has Fiscal Note. 1704. Senator Jacobs. On the Order of Senate Bills 2nd Reading is Senate Bill 1704, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 1704.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jacobs offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This amendment again takes care of some of the concerns that was raised in committee by the Municipal League. We sat down and tried to address every issue that they had. It takes care of putting in some -- it tightens the bill up, including the number of officers that would be available to -- to partake of this bill, the number of shifts, and it explains what a statewide labor organization is. We tried to answer all the Municipal League's questions, however, they're not on board, but we still think it's a good amendment and a good bill. And I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs has moved the -- moved the adoption of Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1713. Senator Rigney. On the Order of -- Senator -- Senator Keats. I can't see Senator Rigney. It's probably just as well. Senate Bill 1713, Madam Secretary.



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SECRETARY HAWKER:

Senate Bill 1713.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the -- I'm sorry. Amendments from the Floor?

SECRETARY HAWKER:

Senator Rigney offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Mr. President, as 1713 came out of the Revenue Committee, it was a shell bill. And what we have done is call here for a tax swap - not an increase - a tax swap. What we will do is create another penny of income tax to put into a school income tax fund, all of which will be paid out under an abatement procedure. This will give about a billion and a half dollar swap between income and property tax.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney has moved the adoption of Amendment No. 1. Is there discussion? Senator -- Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Again, I think the Members should be alerted to the fact that this is not a "merely" amendment. I think probably - as we did with Senator DeAngelis yesterday - it makes more sense to allow your amendment to go on and so that there's an opportunity for everyone to know what's in it by the time it is called on on 3rd Reading. So I'm not going to ask for a roll call or whatever, but again -- and we will be circulating a memo on what we believe to be the content of this amendment again before we get to 3rd Reading. But Members should be aware of the fact that this is a permanent increase in the State income tax,

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and as -- at least as Senator Rigney chooses to describe it, a swap for property tax relief. It is a major, major piece of tax legislation, and we will circulate our best estimates of its impact before it's actually voted on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rigney, you wish to close?

SENATOR RIGNEY:

No. Go ahead.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rigney has moved the adoption of Amendment No. 1. Is there further discussion? If not, all those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis. Senator DeAngelis seeks leave to have -- all right. Withdraw amendment. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1752. Senator Maitland. On the Order of Senate Bills 2nd Reading is Senate Bill 1-7-5-2, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1752.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Committee

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Amendment No. 1 is a technical amendment, and I would move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland has moved the adoption of Committee Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Berman offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, Senator Berman is not here. Do you wish to offer that amendment? Is Senator Berman on the Floor? Senator Berman? Well, would you ask Senator Berman to -- Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I'm sorry for the delay. This amendment addresses the attempt -- intent of the original bill regarding the low-cost insurance coverage for employees, but it makes two additions to the bill as originally introduced. And we've looked at -- the reason for this amendment is we looked at the long list of what you might call add-ons that were deleted in this bare-bones insurance policy. This adds two items to it that I think - and respectfully suggest to you - should be in that bare-bones insurance policy. One is a mandated coverage for screening by low-dose mammography for all women thirty-five years of age or older. This -- and we have supported this proposal time and -- several times -- this is a necessary element to prevent breast cancer in women over the age of thirty-five. This ought to be in that bare-bones insurance coverage. The second provision in

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here deals with spouse and dependent children coverage after -- of an employee after the death of the employee or a divorce. This is a -- another important element. If -- if there is a death or divorce, if there can't be coverage, then you're going to find people out on -- on public aid to get that kind of coverage. This is not good economic sense. These are two important programs that ought to be in this bare-bones insurance program. I solicit your support of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Berman has moved the adoption of Amendment No. 2. Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. First of all, before I debate the issue, I -- I -- I quite frankly question whether the -- whether the amendment is -- is correct. It is our belief that the reference to Section 357 is -- was repealed in -- in 1953, and so we would question whether or not the -- the amendment is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We'll have the Parliamentarian check that and get back to you in a minute, Senator Maitland, so if you want to continue. If not, further discussion? Senator Fawell. Well, Senator Maitland.

SENATOR MAITLAND:

I -- I -- you know, I think that's -- I don't know what -- what anybody else -- anyone else would want to question that other than Senator Berman. I mean we're not debating the merits of the -- of the amendment right now, we're simply debating whether or not it's -- it's correct and proper.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Berman, could you please give the Gentleman your most learned opinion. Senator Berman.

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SENATOR BERMAN:

My most learned opinion is that it's perfect.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

I'm sorry. I didn't hear the answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I think Friday's looking like -- Senator Berman.

SENATOR BERMAN:

Well, why don't we debate -- debate the merits if we get -- if it gets put on -- if we have to bring it back in -- on 3rd, fine. If it doesn't get put on, it's moot. So, let me -- let's address the merits of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, and I understand the Parliamentarian is looking at the amendment at this time. I want the Body to understand that -- that this bill is introduced so that literally hundreds of thousands of people might have coverage that they -- they presently don't have. The two areas that are covered in Senator Berman's amendment are incredibly expensive, and the people who are not now covered don't have this coverage now. And what we're simply asking by this no-frills legislation - and there will be an amendment offered subsequent to this one that will address some other committee concerns - but this amendment will -- will drastically increase the cost of this no-frills coverage -- coverage and therefore people who don't now have the coverage will still not have it, and I would resist very strongly Senator Berman's amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Berman may close.

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SENATOR BERMAN:

Ladies and Gentlemen of the Senate, I recognize what the sponsor's trying to do, and I -- I'm not in opposition to the intents of this bill. But when we talk about providing low-cost coverage and giving certain exclusions, we are being asked to back up and void certain public policy that this Legislature has deemed important regarding insurance coverage. And Ladies and Gentlemen, the list of things that are excluded - mandates that we have passed over the years, that we have said are important for insurance coverage for employees - there must be a list -- and I'm -- between twenty and thirty of those mandates. I don't have the list in front of me, but there must be twenty of thirty of them. This amendment doesn't add twenty or thirty of those amendments back in. It only amends in -- back in two, and I would respectfully suggest to you that those two are important public policy, that although they -- and I'm not saying they're cheap, but they are cheaper building them into insurance coverage of employees than to have those expenses picked up through public aid, through third-party payments, through other types of coverage that incurs substantial costs to society as a whole. These two elements and those -- there are only two in this amendment. One is mammography screening for women over thirty-five. I don't have to give any lectures on the terrible cost both dollarwise and emotionally regarding breast cancer. And number two is that when there's a death or divorce of an employed spouse, that the -- that the dependents are carried for a limited period of time until they can get other coverage. These are not new. They are public policy for all coverages now. We -- my suggestion is that they be included in this new approach that covers employees. It's important. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We may -- Senator Berman, the Parliamentarian indicates that

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we -- we -- we may have some -- a technical -- the amendment may be technically incorrect, because it does refer to a Section that is no longer in the Statute. It was repealed. It would probably be in the best interest of everybody to -- to adopt this amendment or attempt to adopt this amendment, and -- or let Senator Maitland -- you want to take it out of the record? We can come back to it later. All right. Senator...(machine cutoff)...Senator Berman, the amendment is technically incorrect. Senator Berman.

SENATOR BERMAN:

Would the sponsor agree to bring it back later?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Berman, I have never refused to allow the sponsor of a possible amendment to bring a bill back. I really resist this for a couple of reasons. First of all, the amendment also in Section 367 takes out some consumer protection things that we believe ought to be in there. There are so many things wrong with the amendment, and -- and again, this is so critically important to -- to the integrity of this piece of legislation that I really am -- I'm reluctant to -- to agree to bring the bill back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, let -- let me impose upon you, Senator Maitland. You know, if we take a roll call -- if I lose, it's -- you know, it goes bye-bye. If -- if it's -- I think we've got a revised amendment being filed right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. It is the opinion of the Chair then that Amendment No. 2 is ruled out of -- technically incorrect. Out of order. Further amendments?

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SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

All right. This is -- this is the corrected Amendment No. 2. We've debated it. I guess Senator Maitland's staff wants to take a look and see if it's technically correct. But again, I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Fawell. All right. Hold on just a moment. Senator Maitland.

SENATOR MAITLAND:

A question of the sponsor of the amendment, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

He indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator, on Line 21, it -- it -- it ends in the word "and". Could you enlighten us as to what that means?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

That should be stricken. It's superfluous.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, I guess two other points, Mr. President. First of all, I think that then makes this amendment incorrect, but -- but more importantly I -- I had an amendment. This is not a substitute, because the first amendment was -- or the second amendment was offered. I think I had Amendment No. 3, which should have been offered before this one. I think that's just a matter of -- of



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courtesy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Well, Senator Maitland, you're technically correct. Take this record -- take this amendment out of the record. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Refile the amendment. All right. Senator Maitland, do you recognize Amendment No. 2 -- 3?

SENATOR MAITLAND:

Thank you very much, Mr. President. Amendment No. 3 to Senate Bill 1752 addresses some of Senator Berman's concerns in committee about whether or not an employer would be able to simply drop a full-scaled policy and -- and -- and offer this one. This now states that no employer can have offered insurance within the preceding twelve months. And I think, Senator Berman, that was perhaps one of your suggestions, and I would move for the adoption, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Just a parliamentary inquiry. If we adopt this, does my revised second amendment come out of sync?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland. You know, Senator Maitland.

SENATOR MAITLAND:

What?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, it's just -- I mean, you know, we've -- we've gone on with this thing now for twenty minutes. It seems to me that...

SENATOR MAITLAND:

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Well, Mr. President, I -- I've offered an amendment. I will offer an amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right. The Gentleman -- the Gentleman has asked you to respond to a question. Senator Maitland.

SENATOR MAITLAND:

I don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. He -- he withdraws -- he withdraws his request. (machine cutoff) All right. Senator Maitland has moved the adoption of Amendment No. 3. Is there further discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments? Yeah.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

While all this discussion is being talked on about all these amendments that we are supposed to vote on, none of us have seen it, on this side. And I personally would like to see these amendments before we vote on them, and I think I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Are you -- are you joined by five Members that want...?

SENATOR FAWELL:

I'm sure I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Huh? Okay. Take it out of the record. We'll come back to it. That solves that. All right. Next question. 1754. Senator Savickas. On the Order of Senate Bills 2nd Reading, bottom of

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Page 3, is Senate Bill 1754.

SECRETARY HAWKER:

Senate Bill 1754.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Savickas offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and Members of the Senate, Amendment No. 1 would delete the original bill, which would call for the Department of Public Health to prescribe standards for hospital bills, and put it where evidently the Council that we created as a Legislature -- where it should belong - and that's the Illinois Health Finance Reform Act or Illinois Health Care Cost Containment Council - to address these problems, since they are charged already to address basically what we're trying to do with this bill, and that's on the cost shifting. I would move its adoption at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas has moved the adoption of Amendment No. -- No. 1. Is there discussion? Senator Maitland. Your light is on, sir. Further discussion? If not, Senator Savickas has moved the adoption of Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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3rd Reading. Top of Page 4. 1767. Senator Schaffer. On the Order of Senate Bills 2nd Reading is Senate Bill 1-7-6-4 <sic>, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1767.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Marovitz offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 is filed to correct a problem that has been going on recently in the State of Illinois - which I brought to Senator Schaffer's attention; I think Senator Hawkinson is well aware of it and probably several other Members of the Senate - where there has been cases filed regarding grandparent visitation, where we have no petition, no dissolution of marriage, a very happy home, and the parents have decided, for one reason or another, that one set of parents may be a bad influence on the kids. That -- there have been cases where the grandparents are coming in and filing for visitation without parental consent, and -- and I will be glad to distribute information to anybody that wants it. And the assets of the parents are being dissipated by expensive legal action, paying attorneys and court costs, so this eliminates that problem but still -- still allows any grandparents to come in for visitation rights where there is an action pending. I ask for adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Is there discussion? Senator Marovitz has moved the adoption of Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1776. Senator Joyce. On the Order of Senate Bills 2nd Reading is Senate Bill 1-7-7-6, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1776.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jeremiah Joyce offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 would provide for the annual -- that an annual affidavit be filed with the local assessing official, instead of the preservation agency, but also give the local assessing official the authority to revoke the certificate if the affidavits are not filed. Basically this is in keeping with the provision of the bill which -- attempting to find those situations where people who are -- have received a tax break because they are rehabbing property in historical districts and the property has now been conveyed out and they are now liable for the taxes, but they're evading that responsibility, because they cannot be identified.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Joyce has moved the adoption of Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1778, Madam Secretary. No. 1809. Senator Raica. 1850. Senator Rock. On the Order of Senate Bills 2nd Reading is Senate Bill 1-8-5-0, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1850.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health, Welfare and Corrections offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Molly Hall from WCIA has requested permission to videotape. Is leave granted? Leave is granted. On the amendment, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 1850 is an amendment to the Public Aid Code which attempts to remedy a situation where, unfortunately, people have been denied benefits for failure to receive or respond properly to notices. As I'm sure we're all aware, there is some concern - justifiable concern, in the housing projects in particular - that mail is stolen with some regularity and so people are notified that they're supposed to appear at a Public Aid office and rejustify or -- get recertified, and they frankly don't show up. At that point, their benefits are cut off. By the time they're restored, they may have lost anywhere up to two or three months' worth. What this says, or the intent of this bill, is to say if

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you were denied wrongfully for lack of cooperation and you are then reinstated, the reinstatement is retroactive. Amendment No. 1 was offered in committee. I would move at this time to Table Committee Amendment No. 1. I had filed with the Secretary Amendment No. 2, which deletes all and restates the policy in the way that the Department of Aid feels is a workable, reliable proposal, and I would move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved to Table Committee Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY HAWKER:

Senator Rock offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is the agreed amendment -- agreed, that is, between the Department of Public Aid and the Legal Assistance Foundation of Chicago, which brought this proposal to my attention. It attempts to deal with those situations where a recipient has been wrongfully denied benefits for which they are otherwise eligible, in those cases where they -- they were alleged to have failed to cooperate with the Department. I think under the -- as I understand it, there is no longer any objection from the Department. A fiscal note has been filed. The annual cost is somewhere in the neighborhood of one million dollars, the

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Department estimates, but it -- it is according to the Department's guidelines, and I would move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rock has moved the adoption of Amendment No. 2 to Senate Bill 1850. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1897. Senator Ralph Dunn. On the Order of Senate Bills 2nd Reading is Senate Bill 1-8-9-7, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1897.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Ralph Dunn offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn. Senator Ralph Dunn.

SENATOR R. DUNN:

Yeah. Thank you, Mr. President and Members of the Senate. This amendment does three things. Number one, it adds some cleanup language which was requested by IDOT regarding the retesting of school buses which have minor safety defects. Secondly, it answers a problem that I had in my district with a -- a mover of a -- of -- of mobile -- or storage sheds. It would give a two-week variance on each side on certain permits issued by IDOT. And then there's a third one that Senator Watson had --



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makes a small change in a Section regarding the issuance of limited continuous operation permits. The Department of Transportation has agreed to everything in this amendment, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn has moved the adoption of Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. ...I'm sorry. 1951. Senator Jones. On the Order of Senate Bills 2nd Reading is Senate Bill 1-9-5-1, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1951.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved to Table Committee Amendment No. 1. Is there -- those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY HAWKER:

Committee Amendment No. 2.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Leave to Table that amendment also -- No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones moves to Table Committee Amendment No. 2. Is -- those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 2 is Tabled. Further committee amendments?

SECRETARY HAWKER:

Committee Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Leave to Table No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones moves to Table Committee Amendment No. 3. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 3 is Tabled. Further committee amendments?

SECRETARY HAWKER:

Committee Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Leave to Table Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones moves to Table Committee No. 4. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 4 is Tabled. Further committee amendments?

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No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jones offers Amendment No. 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Amendment No. 5 deletes everything after the enacting clause, and adds the provisions of Senate Bill 1475, Senator Brookins, and that is a widow of a policeman who died after 1/1/90, while active, shall receive an annuity of the greater of thirty percent of the maximum salary of a first class patrolman or fifty percent of the annuity of the officer that -- would have received had he retired one day prior to his death. And this also includes a provision of Senator Jeremiah Joyce. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 5. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senators Jones and Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Amendment No. 6 retains the bill and provides funds for beneficiaries allowing benefits for legally disabled parties to go to their provider whether that be a guardian or a -- in a -- or a hospital, and providing benefits to a spouse of an employee who

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has disappeared. Also it allows a member of the General Assembly Retirement System to transfer credits to the Chicago Park District Pension Fund, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 6. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 7 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Amendment No. 7 allows State policemen or investigators of the Secretary of State to apply for a transfer of creditable service until 7-1-91 from the Chicago Police or the Municipal Retirement Fund to the State Employee Retirement System. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 7. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 7 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senators Jones and Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Amendment No. 8 allows persons receiving retirement benefits from the Chicago Teachers Fund who are reemployed as teachers by the Chicago schools to continue to receive benefits during reemployment, and I move its adoption.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 8. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 8 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 9 offered by Senators Jones and Ralph Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Mr. President, Amendment No. 9 amends the Downstate Police Article of the Pension Code and allows the surviving spouse and children of police officers who retired in 1973 and remarried in 1974 and died in 1988 to receive survivor benefits, even though they would have been -- they would be disqualified from such benefits currently, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 9. Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you -- thank you, Mr. President. Where is Senator Schuneman when we need him? Could I -- could I ask one question? Is -- is there -- how much more is this going to cost all the pension funds in the State? Seriously, we do need to have a chance to look at the impact of these, through a pension impact note, if -- if that would be possible, Senator Jones. I've no idea what the effect of all of these amendments to the Pension Codes might be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, in response to the Comptroller, I know you are watching

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the funds, but this has a very, very minimum impact on all of these amendments that I have placed on thus far. And if you want to -- in regard to the last amendment that -- which was recommended by Senator Ralph Dunn, and -- it's a very minimum impact. I know you don't want us to go beyond what we should do, and I was thinking about that as we were putting these amendments together.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you. Just one point. Is -- that's what they all say, Senator Jones. But quite -- again, quite seriously, could we have just a chart of what these amendments are, and what their -- their immediate and long-term impact is before we vote on it on 3rd Reading? That would be very helpful.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I will assure you, Senator, that you will have that prior to the vote either tomorrow or the next day.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Next day. Senator Jones has moved the adoption of Amendment No. 9. Further discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 9 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 10 offered by Senators Jones and Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Amendment No. 9 <sic> amends the Cook County Pension Article and allows a participant to apply

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for creditable service for periods of authorized leave of absence not exceeding five years. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones, this is Amendment No. 10. Is there discussion? Senator Jones has moved the adoption -- Senator Rock.

SENATOR ROCK:

A question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rock.

SENATOR ROCK:

Does any other fund have this particular benefit provision? The trouble I have is a philosophical one. Why are we affording someone pension credit for a period in which they were on leave?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I'll -- I'll yield to our -- my colleague who made the request, and perhaps he can afford you the answer that you may want to hear. Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Rock, this -- this particular amendment deals with one constituent of mine who was on leave of absence. He was a candidate for a county office several years ago, and he is trying to receive creditable service during that short period of time that he was on leave. He -- he intends to pay the employee's contribution, the employer's contribution, and full interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

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Well, and I can appreciate, and I know you're well-intended, attempting to help a constituent, and frankly the payment part does not bother me - that he's paying both the employer and the employee and the interest contribution. What troubles me is that this is going to set, it seems to me, a precedent of sorts, that we are actually affording pension credit for a period of time in which the annuitant or -- or the participant wasn't working -- wasn't doing what we're allowing pension benefits for. And I -- I -- I'm not aware that this is in any other -- in any other Retirement Article, and I'm just really concerned about this one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. What I think I'll do with this amendment is withdraw this amendment to give us time to look at it in depth. And I realize the impact of such, and so I ask leave to withdraw this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones seeks leave to withdraw Amendment No. 10. Leave is granted. Amendment No. 10 is withdrawn. Is there further amendments?

SECRETARY HAWKER:

Amendment No. 10 offered by Senators Jones and Madigan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. This amendment will be eleven.

PRESIDING OFFICER: (SENATOR DEMUZIO)

10.

SENATOR JONES:

No, 10. Okay. Amendment No. 10 -- for the purpose of calculating the limit on outside earnings, the salary rate on



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which the Disability Retirement Annuity is based shall be increased by fifteen percent on the tenth anniversary of such annuity, and I move its adoption. This amends the Downstate Teachers Article.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 10. Is there discussion? Senator Jacobs.

SENATOR JACOBS:

I really -- I don't know if I have a question as much as I -- will the sponsor yield for a question? It appears, with all these amendments - almost every one of them deals with Chicago -- of any -- those of any consequence seem to deal with Chicago only. Have we got anything in this entire pension bill for -- for downstate, other than the minor one that we just talked about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, Senator, had you been listening, you would have realized that many of the amendments impact on all of the retirement systems across the State, be it the Downstate Teachers, Downstate Police Article, and the -- this one and several others coming up will be dealing with downstate. I -- I'm not prejudiced. I deal with all the people across the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones has moved the adoption of Amendment No. 10. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 10 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 11 offered by Senators Jones and Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

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SENATOR JONES:

Yeah. Thank you -- thank you, Mr. President and Members of the Senate. Amendment No. 11 is really a cleanup amendment. If you recall, last year we passed Senate Bill 95 and House Bill 332, and what Amendment No. 11 does is provides that the annual three percent of the increase in the annuity that is currently provided under the State-funded systems is applicable to January 1 for survivors and members who died while receiving the -- a retirement annuity. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones has moved the adoption of Amendment No. 11. Is there discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR SEVERNS:

It's my honor today to have, in the President's Gallery, Judy Uphoff and students from Lovington, and also in the gallery today are -- are Girl Scouts from throughout the Fifty-first District, led by Gretchen -- led by Joan Bricker and Karen Deal. I would like the Senate to honor them with me today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery will please rise. Welcome to Springfield. All right. Senator Jones has moved the adoption of Amendment No. 11. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 11 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 12 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Amendment No. 12 requires -- amends the Pension Code of the Chicago Police and State Universities and Investment Boards, and it requires if a Chicago policeman changes his beneficiary from a former beneficiary, the -- the prior -- the current beneficiary shall be notified by the Board. The Board of Investment may develop affirmative action plan for the selection of brokerage houses and other financial services, and it restructures the Board of Trustees of the State University Retirement System. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 12. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 12 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones. The -- there are no further amendments. There has been a -- Senator Barkhausen, are you wishing to speak on this? Senator Barkhausen. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I -- I think you're about to answer the point of parliamentary inquiry I was just about to make, so...

PRESIDING OFFICER: (SENATOR DEMUZIO)

No. There is no parliamentary inquiry. I was just about to indicate to Senator Jones that according to the Statute, that there has, in fact, been a fiscal impact note filed with respect -- I'm sorry, pension impact note that has been filed, and therefore this bill will remain on the Order of 2nd Reading until

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such time as that requirement has been met. Senator Jones.

SENATOR JONES:

When was that filed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

It was filed today.

SENATOR JONES:

Well, okay, because I -- I had asked earlier and had not been one filed. I would have been -- does it have to be filed in a timely manner, or do my Republican colleagues pull these tricks through the course of the day?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, that's a rhetorical question, isn't it? Senate Bill 1977. Senator Barkhausen. On the Order of Senate Bills 2nd Reading is Senate Bill 1-9-7-7, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1977.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Barkhausen offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 1 to Senate Bill 1977 is to a -- a bill that comes to us from the Associated Employers of Illinois, and it passed our Labor Committee unanimously. But there was a question in the process of our consideration of this legislation as to its impact on actions that are brought under the Illinois Human Rights Act. The amendment addresses those concerns by making it clear that the requirement that a work-related

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dispute be submitted to a grievance procedure before an action can be brought in court would not - and I emphasize would not - apply to -- to an administrative remedy under the Illinois Human Rights Act and under similar statutory provisions. And I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Barkhausen has moved the adoption of Amendment No. 1. Is there discussion? Senator Berman? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1985. Senator Holmberg. On the Order of Senate Bills 2nd Reading is Senate Bill 1-9-8-5, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1985.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Holmberg offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This amendment makes persons holding bachelor's degrees, with a minimum of ten years' employment in a field other than teaching, eligible for teacher shortage scholarships. As it originally passed committee, it set up a loan program for such persons. Now they will receive full tuition scholarships under this amendment. Under the present law

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governing teaching shortage scholarships, only recent grads and those with teaching certificates are eligible, and this would allow persons with bachelor's in other fields to get a scholarship to allow them to prepare for teacher certification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Holmberg has moved the adoption of Amendment No. 1. If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1986. On the Order of Senate Bills 2nd Reading, Madam Secretary. 1-9-8-6.

SECRETARY HAWKER:

Senate Bill 1986.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Thomas Dunn offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment would require that upon the sale of an airport that's located in a county, or within a city or village, that the local government would require -- be required to pass an ordinance approving the sale.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn has moved the adoption of Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying

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Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 2000. Senator Welch. On the Order of Senate Bills 2nd Reading is Senate Bill 2000, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2000.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I'd ask to Table that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch requests -- has made a motion to Table Committee Amendment No. 1. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Welch offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 2 to this bill deletes everything in the bill. The original purpose of the bill

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was to make sure that Federal Clean Air Act changes would not automatically be passed through to Illinois utility consumers. What we are doing with the amendment today basically enables Illinois utilities to use Illinois coal or power from solid waste energy facilities, and then can pass on the cost of doing so to residential consumers after approval by the Illinois Commerce Commission through fuel adjustment clause review. The amendment offers an incentive to utilities to purchase Illinois-generated solid waste energy to better meet the new standards proposed under the Federal Clean Air Act. Utilities may forego the purchase of expensive low-sulphur coal by using a combination of both solid waste energy and Illinois coal. The amendment enables utilities to pass along costs arising from other aspects of the Clean Air Act dealing with issues other than coal, such as auto emission changes. Those will not be affected by this bill. Third, one of the utilities objected to the fact that existing contracts might be voided or rendered moot. This bill -- this amendment exempts these contracts from the purview of the change. What we're trying to do is make sure that utilities, when they try to comply with the new Federal Clean Air Act changes, do not rush to purchase low-sulphur coal and leave Illinois coal miners unemployed. I think this is a reasonable compromise, and I would move for the adoption of the amendment.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying



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Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 2001. Senator Welch. On the Order of Senate Bills 2nd Reading, Senate Bill 2001, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2001.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I'd like to Table Committee Amendment No. 1. Table...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch moves to Table Committee Amendment No. 1. Is -- those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Welch offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 2 changes the bill by deleting everything except the portion that applies to plastic

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connectors on beverage cans and containers. It requires those connectors to be recyclable or biodegradable. The second part of the amendment enacts the proposed recommendations of the Solid Waste Reduction Task Force with the exception of the taxes that had been debated by the Task Force. What we are trying to do is to use this bill as a vehicle to continue discussions on the Solid Waste Reduction Task Force put together by the Department of Energy and Natural Resources. We've taken out the provisions that were objected to most vehemently, specifically the taxing mechanism, the goal set in the year 2000, and we've created a bill that we want to move along and continue discussions. In fact, I have proposed a meeting on May 23rd that I am convening to begin discussions once again on a funding mechanism for this piece of legislation. I'd be glad to answer any questions, and I'd move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Welch has moved the adoption of Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 2012. Senator Welch. 13. Top of Page 5. 2050. Senator Rock. On the Order of Senate Bills 2nd Reading is Senate Bill 2-0-5-0, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2050.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health, Welfare and Corrections offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen. This is the bill we attempted to start to discuss yesterday, and it's an amendment to the Public Aid Code, and it is - as I'm sure everyone's aware of, the Hospital Association folks are in town - this is the -- the REACH Out Program as proposed by the Illinois Hospital Association. Committee Amendment No. 1 is a technical one, and we had tried to set up a designated -- almost like a trust fund. The Department didn't feel that that was a particularly good idea, so we have taken it out by virtue of that committee amendment, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, I -- yesterday I -- I missed on a bill and apparently in talking to the Assistant Secretary, I do have to make it known now that if we want a fiscal note on any amendment that would go on this bill that would change the structure in terms of the money - I have to alert you to that fact. So I will file a fiscal note, and would appreciate one following any amendment that changes any type of rating structure here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, I -- I would again move the adoption of the committee amendment. A fiscal note had been requested when the bill got out of committee. That has been complied with; the note has been filed. And I can understand the Lady's point. I just wish she'd hear me out before she charges of into the sunset.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved the adoption of Committee

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Amendment No. 1. Further discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY HAWKER:

Senator Rock offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 is the result of a lengthy meeting that I had with Director Kustra and members of her staff, and I publicly wish to thank her for her cooperation. She and her staff have worked, again, with the Illinois Hospital Association, and so Amendment No. 2 reflects some of the concerns and responses of the Department of Public Aid. We have changed the definition of "emergency medical condition" to make it the same as that defined in the Federal Social Security Act. Now what that means -- it has a fiscal impact. And the fiscal impact lowers the amount that this bill was supposed to have cost from like ninety million down to forty-five million or less. And so obviously the Department is in favor of that. We have also - and this is my amendment that's incorporated in Amendment No. 2 - we have also delayed the effective date, so that there will not be a fiscal impact in this fiscal year with respect to three-quarters of the REACH Program. We have delayed the effective date until July 1 of next year, recognizing that even though now the cost is down within reach, it is still forty million dollars out of reach. And we just simply

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don't have it. If indeed something happens in the next week or two or three or four that money is available, we can make the proper amendment in the House, or I can ask the Governor to move it up. But in the meantime, I am taking it effectively out of this fiscal year, with one exception and the exception was the one I attempted to start to explain yesterday with respect to the obstetrical component. The obstetrical component, Senator Watson - if you'll recall, you questioned me on that - would provide for additional payments to hospitals that provide obstetrical care that are outside of the metropolitan region, so it pertains primarily to downstate obstetrical care, where there was testimony in the committee that some thirty or forty counties in downstate Illinois literally do not have hospital-based obstetrical care. And so we had better do everything humanly possible to keep those hospitals viable that -- that are there, that do provide this care. The cost of the OB component is estimated by the Department to be some two and a half million dollars. So what I have done is move that one to January 1 of next year, with the hope, again, that somewhere in the next three to four to five weeks, we can find an additional million dollars. I think it's fair to say the Department recognizes that this is absolutely essential. They really want to do it. And the only question is, is there money to do it, and I suggest to you all that we can certainly find one million dollars to make sure or to insure that those hospitals that are providing the much-needed obstetrical care in Southern Illinois will, indeed, be compensated. I know of no objection to this amendment. Senator Topinka, I think I have responded to the Department and its concerns, and I would move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved the adoption of Amendment No. 2. Senator Topinka.

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SENATOR TOPINKA:

I have no objection to your amendment, sir. You can do what you wish, and I appreciate what you're trying to do, because I think it's a noteworthy cause. But money is money, and I realize we have the problem, so I just have to alert the desk of a fiscal note.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Further discussion? If not, Senator Rock has moved the adoption of Amendment No. 2 to Senate Bill 2050. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Topinka, say -- you -- you didn't ask me. The -- the -- the alert really doesn't do anything. So that -- I mean, according to the -- Chapter 63, it says, "as stated in the fiscal note attached to the measure prior to such an amendment, the majority of such house may propose that no action shall be taken upon the amendment until the sponsor of the amendment presents to the Members a statement of the fiscal effect of his proposed amendment." That, in interpretations to me, indicates that it has to be voted on by -- a motion had to be placed and passed by the -- by the -- by the Senate, prior to. All right. Senate Bills 2nd Reading is Senate Bill 2082. Senator Woodyard. On the Order of Senate Bills 2nd Reading, Senate Bill 2082, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2082.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Any amendments from the Floor?

SECRETARY HAWKER:

Senator Woodyard offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Senate Bill 2082 is a Department of Revenue administration bill dealing with partnership filings on the 1065. Amendment No. 1, which is, again, a Department of Revenue amendment, actually codifies what evidently is present practice, and it basically makes two changes. It restricts the tax on those assets which are dedicated to providing utility services. And the second part of this -- it also -- a building operator is exempt from paying this invested capital tax based upon the entire assets of such a business, and I would move for its adoption.

PRESIDENT ROCK:

Senator Woodyard's moved the adoption of Amendment No. 1 to Senate Bill 2082. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. It would have been helpful, Senator Woodyard, if we'd had this before us in committee. It's fairly technical. It looks okay on the surface, and I'm not going to raise an objection to it. We would like to have an opportunity to continue to review it. I think it is, as you say, that -- that those who are renting -- are in charge of buildings oughtn't to be treated as if they were utilities, and I understand that, but again, I'm -- we're not going to object to it; we would simply like an opportunity to look at it once more.

PRESIDENT ROCK:

Senator Woodyard has moved the adoption of Amendment No. 1 to Senate Bill 2082. Discussion? If not, all in favor, indicate by

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saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2101. Senator Maitland. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 2101.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2115. Senator Macdonald. Read the bill, Madam -- I beg your pardon. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise to ask for a change in sponsorship of 2115. Senator Schaffer would be the lead sponsor and I would be the hyphenated sponsor. So it would read Schaffer-Macdonald, Karpiel, Donahue and Kustra.

PRESIDENT ROCK:

All right. The Lady seeks leave to show Senator Schaffer as the chief sponsor of 2115. Without objection, leave is granted. Senator Schaffer, you wish the bill moved? Read the bill. Yes. No. Maybe. 2186. Senator Jones. -- 2-1-6-8. I'm sorry. 2-1-6-8. Read the bill.

SECRETARY HAWKER:

Senate Bill 2168.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.



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PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2174. Senator Jones. 2190. Senator Marovitz. Read the bill, Madam Secretary, please. Fiscal note has been requested and not filed. 2208. Senator Jones. Oh, Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

It's my understanding that with the fiscal note filed, we still can consider and adopt the amendment. It's a rather lengthy amendment, which I'd like the Membership to be able to read and digest, leave the bill on 2nd Reading, and have the fiscal note filed later today and then move it to 3rd. But we still could adopt the amendment so that staff could see it, the Members could see it, and an analysis could be done. It is a rather important and complicated amendment.

PRESIDENT ROCK:

Well, it -- the fiscal note Statute is pretty clear. We don't get to 2nd Reading while that request is filed and unfulfilled. (machine cutoff) All right. Fiscal note has been filed. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2190.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Marovitz offers Amendment No. 1.

PRESIDENT ROCK:

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Senator Marovitz, on Amendment No. 1.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the Expedited Child Support Act, which the State of Illinois must pass to become in compliance with the Federal Government in order to establish an Expedited Child Support System. This Act follows the arbitration model to expedite the handling of parentage and child support cases by the court system, so that we don't have a tremendous influx of cases. It particularly involves IV-D cases, which are cases where non-private attorneys are used, but public attorneys are used, sixty-six percent of which is reimbursed by the Federal Government. This will help get the child support dollars to the kids and those parents where it's needed, prevent backlogs in the court system. The amendment which has been filed has been approved by the judges, and I would ask for adoption of Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Marovitz moved the adoption of Amendment No. 1 to Senate Bill 2190. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2208. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2208.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

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Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2213. Senator D'Arco. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2213.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator D'Arco, on Committee Amendment No. 1.

SENATOR D'ARCO:

I would move to Table.

PRESIDENT ROCK:

Senator D'Arco has moved to Table Committee Amendment No. 1 to Senate Bill 2213. All in favor of the motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Hawkinson offers Amendment No. 2.

PRESIDENT ROCK:

Senator Hawkinson. Amendment No. 2 offered by Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Amendment No. 2 removes the words "close friend" from the -- the bill. What -- what this

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bill does is it sets up a procedure whereby anyone may challenge the decision of other relatives on the sliding scale, starting with spouse and then children and then other relatives, grandchildren. The way the bill is currently written, it would allow a quote "close friend" - anyone who comes in and files an affidavit that they're a close friend of the patient - to challenge a decision that may be reached by the physician and the spouse and the children of the patient, and I don't think we ought to be putting spouses and children in a position of having close friends challenge their decision-making, and that's why this amendment seeks to remove "close friends" from the bill.

PRESIDENT ROCK:

Discussion? Discussion? Senator D'Arco.

SENATOR D'ARCO:

Well I understand Senator Hawkinson's concerns, and -- and the question of a close friend and the priority of surrogates should be included, simply for the reason that if there are no other surrogates that are relatives of the patient, then the close friend may be the only person who is in a position, because of his relationship with the patient and his knowledge of the patient's wishes and desires, to make a decision concerning this very important procedure. I also understand Senator Hawkinson's feeling about the close friend having a mechanism to dispute the surrogate's decision-making capacity. And I agree with him on that point - that he should not be in a position to do that. Now, we will address that problem. There -- there is another amendment forthcoming. This bill has to go back to 2nd Reading once we adopt the amendments today, and we can, at that time, address this problem. And I think that's the best way to handle this, and for that reason, I would ask -- okay -- actually Mr. President, I am told this amendment is out of order because we Tabled the first amendment. But, Senator Hawkinson --

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PRESIDENT ROCK:

All right. Senator Hawkinson, the Gentleman has agreed he'd call it back again. Why don't we withdraw this one? Has been withdrawn. Further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Mr. President -- can you read the LRB number on Amendment No. 2, Linda?

SECRETARY HAWKER:

Yes. The ending numbers are 2213pam1/dwv.

SENATOR D'ARCO:

All right. Amendment No. 2 is the Senator Berman amendment, which is recommended by the Christian Scientists, and it does not authorize health care providers to be included within the definitions. I have no problem with this amendment, and ask that it be adopted.

PRESIDENT ROCK:

Senator D'Arco's moved the adoption of Amendment No. 2 to Senate Bill 2213. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman, Amendment No. 3.

SENATOR BERMAN:

Thank you. This is a simple amendment which was suggested by one of the doctors in my district. It's merely to require that a patient covered by this bill who has a living will or durable

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power of attorney -- some other kind of directive regarding this emergency situation, that the medical records prominently display and the identification band that's on this patient prominently display the existence of such a document, so that it's not just lost in the records, but that it's prominently displayed so that if something terrible happens to this patient, it's there in a very noticeable posture. I know of no opposition to this amendment.

PRESIDENT ROCK:

Senator Berman's moved the adoption of Amendment No. 3 to Senate Bill 2213. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2237. Senator Savickas. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2237.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Savickas offers Amendment No. -- No. 1.

PRESIDENT ROCK:

Senator Savickas, on Amendment No. 1.

SENATOR SAVICKAS:

Madam Secretary, could you read the number on that? 'Cause there were two at one time.

SECRETARY HAWKER:

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SENATOR SAVICKAS:

Right. Okay. Yes, Mr. President, Members of the Senate, Senate Bill 2237 was put in for a specific purpose to address a park problem between a couple of local community groups, and that problem evidently wasn't resolved with the amendment. We withdrew that. The City of Chicago has asked that we adopt the Amendment - I guess now No. 1 - to this bill to address a problem that the City of Chicago, and I guess many urban areas, face, and that is the ability to demolish abandoned buildings and acquire the land and put it to use. As you know, in the City of Chicago, oh, there's probably fifteen hundred demolition cases each year. And any time on the court docket itself, there can be three thousand to thirty-five hundred cases pending. This amendment hopes to address that problem to allow the City then to put the land on productive use, either through resale or through industrial use. I would move its adoption.

PRESIDENT ROCK:

All right. Senator Savickas moved the adoption of Amendment No. 1 to Senate Bill 2237. Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you -- thank you, Mr. President. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Savickas, I'm very well aware of the problem that we have in the City regarding the -- the abandoned buildings. Does this have anything to do with quick-take powers?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

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Yes, it would allow the city, under certain conditions, to take that property that's been abandoned and condemned, and put up either for sale or for use. At the present time, what happens now when the City demolishes an abandoned building, they do put a lien against the property for its cost - for not only the cost of the demolition, but the water bills and unpaid taxes and whatnot. This is in an effort to reduce the time now that is presently approximately four years to acquire and demolish the buildings.

PRESIDENT ROCK:

Further discussion? If not, the question is the adoption of Amendment No. 1 to Senate Bill 2237. All in favor, indicate by saying Aye. Opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2239. Senator Savickas. Read the bill.

SECRETARY HAWKER:

Senate Bill 2239.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2249. Senator Savickas. Read the bill.

SECRETARY HAWKER:

Senate Bill 2249.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:



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Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2253. Senator Welch. 2255. Senator Netsch.  
Read the bill.

SECRETARY HAWKER:

Senate Bill 2255.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue offers  
Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Netsch, on Committee Amendment No. 1.

SENATOR NETSCH:

Thank you, Mr. -- Mr. President. This is a Truth in Taxation bill. The committee amendment makes the following change: it provides that the -- the -- under the Truth in Taxation mechanism, a three-fifths vote of the governing body of every unit of local government which is subject to Truth in Taxation, would be required, whenever the aggregate levy - which is the term defined in Truth in Taxation - is in excess of one hundred and five percent. And it would also require, in addition, a referendum at one hundred and nine percent. Putting it very simply, the -- at a five-percent increase in levy, an extraordinary vote of the governing body would be required. A three-fifths vote. At a nine percent or more increase in the aggregate levy, that would have to go to referendum before it could become effective. That is the content of Committee Amendment No. 1, and I would move its adoption.

PRESIDENT ROCK:

Senator Netsch has moved the adoption of Committee Amendment No. 1 to Senate Bill 2255. Discussion? Senator Keats.

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SENATOR KEATS:

I recognize it's a committee amendment, so I'm not asking distribution and stuff, but how does this affect the City of Chicago and the County of Cook? Are they in any way treated differently from the rest of the State?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

No.

PRESIDENT ROCK:

All right. Senator Netsch has moved the adoption of Committee Amendment No. 1 to Senate Bill 2255. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Kustra offers Amendment No. 2.

PRESIDENT ROCK:

Senator Kustra, on Amendment No. 2.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This is an amendment that I attempted to deal with in committee as a -- as a bill. I have a problem with Senator Netsch's approach to this particular property tax relief measure. I have some difficulty allowing these property taxes to increase -- these levies to increase to nine percent without referendum. I think it makes a lot more sense to tie property tax levies across the State of Illinois to the consumer price index, and that's what my amendment does. However, it also says that once you reach five percent,

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then it must go to referendum. So it is certainly a more restrictive approach, but given the outrageous increases in property taxes that our constituents have experienced, especially in the northern end of the State, I think it makes good sense, number one, to tie it to the consumer price index, and number two, to limit it to five percent instead of nine percent. And that's what this amendment does. I'd move for its adoption.

PRESIDENT ROCK:

All right. Senator Kustra has moved the adoption of Amendment No. 2 to Senate Bill 2255. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is an important issue, so I think everyone should pay attention. My concern about requiring referendum at five percent or the consumer price index, whichever is lesser, is really the very concern that you raised the other day, Senator Kustra - I think once when we were in committee and when we were on a program together on Friday - and that is that with respect to those areas that are experiencing high growth - not just in their assessed valuation, but high growth in their population base - that frequently it is just -- it makes no sense to subject them to so stringent a requirement that they are not able to accommodate that growth. And let me give you an example. A fire protection district person came to see me the other day - probably saw you also - and said, "We are growing at..." and expressed this enormous increase in population, "...we have got to add, not only a new fire station, but a couple of new fire trucks, and that is going to take our levy for one year up to probably twelve or thirteen percent. We -- we would have to go to referendum at five percent, and we just -- it doesn't make any sense. It would hold up our whole planning process." So the idea of allowing a little bit of leeway is literally to accommodate those areas that are different from some other parts of the State

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and that are experiencing that high growth. That is precisely the criticism you had the other day of -- of my approach to Truth in Taxation. And I think this at least helps to address that.

PRESIDENT ROCK:

All right. Further discussion? All right. Senator Kustra has moved the adoption -- do you wish to close, Senator Kustra? All right. Senator Kustra has moved the adoption of Amendment No. 2 to Senate Bill 2255. Those in favor of the amendment will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 28 Nays, none voting Present. And the amendment fails. Further amendments? I beg your pardon. Senator Kustra, for what purpose do you rise?

SENATOR KUSTRA:

I'd like to verify the vote, please.

PRESIDENT ROCK:

All right. That request is in order. Senator Kustra has requested a verification. Will the Members please be in their seats. Madam Secretary, read the negative roll.

SECRETARY HAWKER:

The following Members voted in the negative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, Davidson, del Valle, Demuzio, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Severns, Smith, Vadalabene and Mr. President.

PRESIDENT ROCK:

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

SENATOR KUSTRA:

Senator Newhouse.

PRESIDENT ROCK:

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Senator Newhouse is in his seat.

SENATOR KUSTRA:

Senator Alexander.

PRESIDENT ROCK:

Senator Alexander is in the back of the Chamber.

SENATOR KUSTRA:

Senator Carroll.

PRESIDENT ROCK:

Senator Carroll is at my right hand.

SENATOR KUSTRA:

Senator Collins.

PRESIDENT ROCK:

Sometimes at my right hand. Yeah, right. Senator Collins.

PRESIDENT ROCK:

Senator del Valle.

PRESIDENT ROCK:

Senator del Valle is in his seat.

SENATOR KUSTRA:

Senator Holmberg.

PRESIDENT ROCK:

Senator Holmberg's in her seat.

SENATOR KUSTRA:

Thank you.

PRESIDENT ROCK:

All right. The roll has been verified. There are 28 Ayes, 28 Nays. Amendment No. 2 fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Netsch.

PRESIDENT ROCK:

Senator Netsch, on Amendment No. 3.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 3 is literally the

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same as the committee amendment with one correction. The word "aggregate" was left out in two places, and I think it more accurately reflects what we believed Committee Amendment No. 2 did.

PRESIDENT ROCK:

All right. Senator Netsch has moved the adoption of Amendment No. 3 to Senate Bill 2255. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Netsch.

PRESIDENT ROCK:

Senator Netsch, on Amendment No. 4.

SENATOR NETSCH:

I'll withdraw that one.

PRESIDENT ROCK:

Withdraw -- with leave of the Body, it's been withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Senator Welch is back with us. I hope all of you Ladies and Gentlemen are aware that I have asked the -- the Gentleman from the General Assembly Retirement System to be -- available. He is in the Podium -- the Podium office and will be there as long as interest is expressed. If you have any questions or wish to discuss anything, he is -- right behind me in the Podium office. Senator Welch, on 2253. 2-2-5-3, Madam Secretary. I believe there was an amendment pending also. 2253. Just back it up one.

SECRETARY HAWKER:

Senate Bill 2253.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Welch, on Committee Amendment No. 1.

SENATOR WELCH:

Mr. President, I'd move to Table that amendment.

PRESIDENT ROCK:

All right. Senator Welch has moved to Table Committee Amendment No. 1 to Senate Bill 2253. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Welch offers Amendment No. 2.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 2.

SENATOR WELCH:

Thank you, Mr. President. This is a cleanup amendment that amends the Toxic Pollution Prevention Act. It also adds a few new program requirements allowing hazardous waste research in the information center to award grants for toxic pollution prevention. Last year we passed the Toxic Pollution Prevention Act that I sponsored. We're tightening it up. We're adding a few more requirements on the Department, not on industry, as to what their priorities are, and what we want them to look for when we try to control air toxic emissions. I would move for the adoption of the amendment.

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PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 2253. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Newhouse, for what purpose do you arise, sir? Senator Newhouse. Newhouse. Not working?

SENATOR NEWHOUSE:

Thank you, Mr. President. In the gallery, immediate to the -- to my -- to the back of me is a class from the Adam Clayton Powell School, which is in my district. I'd like them to stand and be recognized by this Assembly.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Top of Page 6, Ladies and Gentlemen. Top of Page 6. 2267. Senator Marovitz. 2274. Senator Rea. 2291. Senator Brookins. Senator Rea, 2274. Read the bill.

SECRETARY HAWKER:

Senate Bill 2274.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Economic Development offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Rea, on Committee Amendment No. 1. Rea. Senator Rea, please.

SENATOR REA:

Thank you, Mr. President. Amendment 1 eliminates the provisions concerning education for employment programs, and also corrects some technical errors. The amendment removes objections



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raised to the bill's elimination on numerous boards and councils that administer employment programs and services. And the Governor's Task Force or -- they will have a master plan that will be completed by the -- sometime in June, which should take care of this situation. I would move for the adoption. Mr. President, I had the -- the wrong amendment there. I had the Floor amendment -- I mean, the committee amendment. I have now the Floor amendment, which -- all it does is transfers the authority to regulate the Business and Industrial Development Corporation from the Commission of Banks and Trust to the Department of Commerce and Community Affairs. I would move for its adoption.

PRESIDENT ROCK:

All right. Senator Rea has moved the adoption of Committee Amendment No. 1 to Senate Bill 2274. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Amendments from the Floor?

SECRETARY HAWKER:

Senator Rea offers Amendment No. 2.

PRESIDENT ROCK:

Senator Rea, on Amendment No. 2.

SENATOR REA:

Okay. Amendment No. 2 is the one I explained at first which eliminates the provisions concerning education for employment programs, and also corrects some technical errors. I would move for its adoption.

PRESIDENT ROCK:

All right. Senator Rea has moved the adoption of Amendment No. 2 to Senate Bill 2274. Discussion? If not, all in favor,

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indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2291. Senator Brookins. 2304. Senator Marovitz. All right. Ladies and Gentlemen, we have had two fiscal notes that have been filed, and we agreed earlier to go back to Senator Barkhausen's bill. If I can turn your attention again to Page 2. Senator Jones, Senator Barkhausen and Senator Rea. On the Order of Senate Bills 2nd Reading, Madam Secretary, the bottom of Page 2, is Senate Bill 1523. A fiscal note had been requested, has now been filed. The Gentleman wishes to proceed. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1523.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jones offers Amendment No. 1.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 1.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 is essentially the bill, and it establishes five hundred scholarships annually, beginning in the fall of 1991 and '92, that will be distributed among students in the associate degree, nursing diploma as well as baccalaureate degree nursing programs. The scholarships would cover tuition and fees, and the -- to a max of two thousand dollars a year, and provide a twenty-five hundred

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dollar a year stipend. The funding for this bill will be contained in Senator Topinka's bill, which comes from the -- a ten percent from the dedicated fund in the nursing scholarship -- the Nursing Fee Fund with the Department of Professional Regulation. And I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 1523. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 3. Senator Barkhausen. 1575. Read the bill, Madam Secretary, please. 1-5-7-5. 1-5-7-5.

SECRETARY HAWKER:

Senate Bill 1575.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Barkhausen offers Amendment No. 1.

PRESIDENT ROCK:

Senator Barkhausen, on Amendment No. 1.

SENATOR BARKHAUSEN:

Mr. President and Members, this is the amendment that I had started to present earlier to Senate Bill 1575, the Uniform Foreign Money Claims Act, and it was adding two other Uniform Act bills that I had earlier introduced, one dealing with international wills and another adding an Article 4A to the Uniform Commercial Code dealing with wire transfers. I answered

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some questions earlier. If there are any more, I'll be glad to answer them, otherwise move the adoption.

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 1 to Senate Bill 1575. Discussion? If not, all in favor -- say Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Earlier a fiscal note had been requested on 1701. The sponsor informs me that that request has been complied with. On the Order of Senate Bills 2nd Reading, 1701. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1701.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. Earlier on, also 1752. Senator Maitland. Senator Berman. Senator Maitland. Read the bill, Madam Secretary. On the Order of Senate Bills 2nd Reading, bottom of Page 3, is Senate Bill 1752, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1752.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

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PRESIDENT ROCK:

Senator Maitland, on Committee Amendment No. 1. Have these already been adopted? Have we been through this drill? Are they adopted now? Committee amendment has been adopted. What else has been adopted? All right. Okay. Senator Maitland, we are at the process where the -- or at the position where one amendment was ruled out of order and another was adopted. So we have had Amendment 1 and 4 <sic> adopted, 2 was ruled out of order, and -- further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman, on Amendment No. 4.

SENATOR BERMAN;

Thank you, Mr. President. I apologize for all the confusion. Just to refresh everyone's -- memory, this is an amendment that -- to the proposed bare-bones insurance policy for small employers to offer to their employees. Among the provisions that would be provided in this insurance coverage would be coverage for low-dose mammography in x-rays for women thirty-five years of age and older, and spouse and dependent coverage in the event of death or divorce. Both of these provisions are in our existing law. They are two very important -- two very important basic needs if we're going to provide coverage for anyone in the State of Illinois, and I urge an Aye vote.

PRESIDENT ROCK:

All right. Senator Berman has moved the adoption of Amendment No. 4 to Senate Bill 1752. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. A question of the sponsor, sir.

PRESIDENT ROCK:

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Sponsor indicates he will yield, Senator Maitland.

SENATOR MAITLAND:

Senator, could you enlighten us on what the responsibility would be of -- of the widow - in other words, the cost to -- to her if -- if the member were deceased?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

I stand to be corrected, but I think this is an existing law, and if an employer provides coverage today to an employee and the employee passes away, the law requires that the coverage that was afforded to the employee be available to the spouse and dependents of that employee for a certain period of time in which -- just one second. I believe that the -- the widow pays the same obligation that the employee had, and I -- I just don't recall what the period of time is, but it's -- it's a carryover coverage until the widow or the divorced spouse or their dependents can get themselves situated. It's a -- a short-term provision that we require for every policy issued now.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, I -- Senator, I think you make -- make our point over here. First of all, these are people who would be possibly lower income people and it would be difficult for them to pay this, which -- and -- and the cost of this coverage is incredibly high, and -- and what we're offering here is a no-frills plan to allow people who are not now covered to have at least some coverage. The two components that you're adding here are the two most expensive components, and a major reason why employers are unable to offer the policy in -- in the first place.

PRESIDENT ROCK:

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All right. Further discussion? Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this bill is a proposal to make a drastic change in public policy in the State of Illinois. Over the years we have mandated that insurance coverage provided to employees have a number -- a number of specific mandated coverages. Those -- that checklist of mandates is anywhere from twenty to thirty in number. The original bill cuts all of those add-ons out. I'm suggesting, by this amendment, that two important add-ons be included. And I haven't seen any numbers that reflect the cost, and I suggest to you today that between now and final passage of this bill, if it moves along, that our public policy ought to indicate that these two elements be included in a bare-bones coverage. Number one, low-dose mammography for women of thirty-five years of age and over. I don't have to -- to expand upon the exposure to all of society regarding the ravages of breast cancer. That should be in this bill. Number two, is that in the event of death or divorce that the widow or the divorcee be allowed to pay the cost that the employee would have paid. That's current law. That's all we're asking for in this - for a specific period of time. I'm not expanding the existing mandate. I'm only suggesting that these two things be included in this revised, very revolutionary approach to bare-bones coverage. But let's provide meaningful coverage. I ask for an Aye vote on Amendment No....

PRESIDENT ROCK:

All right. Senator Berman has moved the adoption of Amendment No. 4 to Senate Bill 1752. Those in favor of the amendment 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? Have all voted who wish? Take the record. On that

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question, there are 31 Ayes, 23 Nays, none voting Present. And Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator del Valle, you wish to go back to 1508? Bottom of Page 2, Ladies and Gentlemen. On the Order of Senate Bills 2nd Reading is Senate Bill 1508. Read it please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1508.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator del Valle, on Committee Amendment No. 1.

SENATOR DEL VALLE:

Thank you, Mr. President. Committee Amendment No. 1 establishes the penalty as a petty offense, fifty-dollar fine. I move the adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

Senator del Valle has moved the adoption of Committee Amendment No. 1 to Senate Bill 1508. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator del Valle offers Amendment No. 2.

PRESIDENT ROCK:



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Senator del Valle, on Amendment No. 2.

SENATOR DEL VALLE:

Thank you, Mr. President. Floor Amendment No. 2 changes the distance restriction from fifty to seventy-five feet. I move the adoption of Floor Amendment No. 2.

PRESIDENT ROCK:

Senator del Valle has moved the adoption of Amendment No. 2 to Senate Bill 1508. Discussion? If not, all in favor, 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. ...(machine cutoff)... All right. The Chair has been informed that the fiscal note that was requested on 1585, 1-5-8-5, has just now been filed. So with leave of the Body, we'll go back to that Order. Top of Page 3. On the Order of Senate Bills 2nd Reading is Senate Bill 1585. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1585.

(Secretary reads title of bill)

2nd -- 2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Collins offers Amendment No. 1.

PRESIDENT ROCK:

Senator Collins, on Amendment No. 1.

SENATOR COLLINS:

Yes. Thank you, Mr. President, Members of the Body. Amendment No. 1 to Senate Bill 1585 is amendment that was

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requested in the committee for clarification, first of all, of the needs-test Section in the bill and what this amendment does is makes it very clear that the -- the scholarships that we're talking about - persons would have to meet the existing needs-test that is currently used by the Scholarship Commission. It also clarifies that we're talking about fifty percent of the room and board for those students who qualify under the bill. Fifty percent in their last year - their junior and senior year. So I would move for the adoption of Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Collins has moved the adoption of Amendment No. 1 to Senate Bill 1585. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Schaffer was given the responsibility for 2115 - wishes to pursue that. On the Order of Senate -- with leave of the Body, we'll just move right on down. On the Order of Senate Bills 2nd Reading, Senate Bill 2115. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 2115.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. Senator Schaffer, for what purpose do you arise?

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SENATOR SCHAFFER:

I just want to indicate that there is an amendment coming from the Department and we fully intend to put that on before the bill advances.

PRESIDENT ROCK:

We'll be waiting with bated breath for the Department. All right. Ladies and Gentlemen, we'll now move to the Order of Recalls. Effectively we'll move to the Order of Senate Bills 3rd Reading, but we will deal with the Recall List. Members have indicated that they have bills they wish to recall for the purpose of an amendment. That list has been distributed, and I would ask the Members just to -- we'll start on Page 8. Page 8 of the Calendar. On the Order of Senate Bills 3rd Reading is Senate Bill 1491. Senator Watson 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 Senate Bills 2nd Reading, Senate Bill 1491, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Watson.

PRESIDENT ROCK:

Senator Watson, on Amendment No. 1.

SENATOR WATSON:

Thank you, Mr. President. This is the legislation that will repeal the ATV Act, and the amendment will add back some of the safety provisions that we feel should -- should remain in the Act. And it also gives the Department of Conservation the authority to refund the fees that they've already received, and it -- to expend those monies, and also authorizes the State Treasurer and the Comptroller to close out the fund by transferring the remaining balance to the Motor Fuel Tax Fund, which -- from which it came. I move for its adoption.

PRESIDENT ROCK:

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Senator Watson's moved the adoption of Amendment No. 1 to Senate Bill 1491. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 10. On the Order of Senate Bills 3rd Reading is Senate Bill 1768. Senator Jerome Joyce 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 Senate Bills 2nd Reading, Senate Bill 1768, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jerome Joyce.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

This amends -- thank you, Mr. President. This amends the Horse Racing Act regarding detention barns. We've held a hearing on this and this requires that every horse entered to race to be placed in a security area as designated by the Racing Board. Makes the trainer of record responsible for the security of the horse and stall area. I'd move for the adoption.

PRESIDENT ROCK:

Senator Joyce has moved the adoption of Amendment No. 1 to Senate Bill 1768. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

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3rd Reading. Senator Ralph Dunn. 1864. On the Order of Senate Bills 3rd Reading, Senator Dunn seeks leave 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 Senate Bills 2nd Reading is Senate Bill 1864, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Ralph Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you. I think that Amendment No. 1 -- or Amendment No. 2, I need to Table, so I can put -- give it another amendment. Is that right? I don't need to, they tell me. It tracks together, so I can just add Amendment No. 2. This clarifies, a little further, the homeowners insurance policy that we recommend that the insurance companies notify an applicant for insurance if they're in the earthquake zone, that they don't have earthquake coverage. That's all it amounts to.

PRESIDENT ROCK:

All right. Senator Dunn's moved the adoption of Amendment No. 2 to Senate Bill 1864. Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1877. Senator Joyce 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 Senate Bills 2nd Reading, Senate Bill 1877, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jerome Joyce.

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PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is the Emerging Democracies Freedom of -- Freedom Bond Authority. It will consist of a five-member board of experts appointed by the Governor and confirmed by the Senate. This board will have the power to issue up to twenty million in bonds or notes to create a loan fund to assist Illinois exporters with facilities in Illinois, and which have a minimum of twenty-five percent of the value of the products manufactured in Illinois. The bonds or notes shall not be general obligations of the State of Illinois. The bonds or notes shall be payable solely out of the revenues derived by the Authority, primarily from payments of the loan and interest by the borrowers. I'd move for the adoption.

PRESIDENT ROCK:

Senator Joyce moved the adoption of Amendment No. 1 to Senate Bill 1877. Discussion? If not, all in favor, 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. 1957. Senator Dunn 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 Senate Bills 2nd Reading is Senate Bill 1957, Madam Secretary. Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Yesterday I misspoke when I represented to the Body that the Department was in favor of Amendment No. 2. What actually happened was the bills -- the

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amendments got filed in reverse order, and based on that, I -- having voted on the prevailing side, I wish to Table Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Dunn, having voted on the prevailing side, has moved to reconsider the vote by which Amendment No. 2 to Senate Bill 1957 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Dunn now moves to Table Amendment No. 2 to Senate Bill 1957. Discussion? Senator Topinka.

SENATOR TOPINKA:

Just to avoid the confusion that went on yesterday, could he -- could Senator Dunn possibly say which amendment does what now, so we know exactly which one is where?

PRESIDENT ROCK:

Senator Dunn, explain the one you're going to Table.

SENATOR T. DUNN:

The amendment that will be Tabled would have called for CILA agencies to reimburse taxing districts for a loss in revenue.

PRESIDENT ROCK:

All right. Senator Dunn has moved to Table Amendment No. 2. Discussion? All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 2 is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1958. Bottom of Page 10. Senator del Valle 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 Senate Bills 2nd Reading, Senate Bill

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1958, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator del Valle.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Amendment No. 2 establishes the sale price of the property to be conveyed from the Department of Transportation to the City of Chicago. I move the adoption of Amendment No. 2.

PRESIDENT ROCK:

All right. Senator del Valle has moved the adoption of Amendment No. 2 to Senate Bill 1958. Discussion? If not, all in favor, 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. 2014. Senator Welch. Top of Page 11. Senator Welch 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 Senate Bills 2nd Reading, is Senate Bill 2014, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 1.

SENATOR WELCH:

Thank you, Mr. President. This is merely a technical change to the Legislative Reference Bureau legislation. I would move for its adoption.

PRESIDENT ROCK:



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Senator Welch has moved the adoption of Amendment No. 1 to Senate Bill 2014. Discussion? If not, all in favor, 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. 2037. Top of Page 11. Senator Ralph Dunn 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 Senate Bills 2nd Reading is Senate Bill 2037, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Ralph Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This amendment defines the term, "public awareness and education" that is in the bill as introduced. This also clarifies the contracts can be entered into between the Department of Energy and Natural Resources and other organizations in order to provide public awareness. Amendment's agreed to by Senator Rea, my co-sponsor, Department of Energy and Natural Resources, Coal Association, and I'd urge its adoption.

PRESIDENT ROCK:

Senator Dunn's moved the adoption of Amendment No. 1 to Senate Bill 2037. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

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PRESIDENT ROCK:

3rd Reading. 2052. Senator Daley 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 Senate Bills 2nd Reading is Senate Bill 2052, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 becomes the bill and what it does, it adds a Section that established the same enforcement procedures for administrative adjudication of Building Code violations as currently exists under State law for the administrative adjudication of parking tickets. This would be applicable in a municipality of more than a hundred thousand. I'd be happy to answer any questions.

PRESIDENT ROCK:

All right. Senator Daley's moved the adoption of Amendment No. 1 to Senate Bill 2052. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 11. Senator Topinka seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. On the Order of -- is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2089, Madam Secretary. 2-0-8-9.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Topinka.

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PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, this is a DCFS amendment, and it basically puts the State into compliance with federal law on the guardian ad litem in child abuse cases.

PRESIDENT ROCK:

Senator Topinka's moved the adoption of Amendment No. 1 to Senate Bill 2089. Discussion? If not, all in favor, 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. 2102. Senator Kustra. Well, we'll get back to him. 2176. Senator Brookins. All right. On the -- Page 12 on the Calendar, right in the middle. On the Order of Senate Bills 3rd Reading is Senate Bill 2176. Senator Brookins 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 Senate Bills 2nd Reading, 2176, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Brookins.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Mr. President, first I need to Table Amendment No. 2. I seek leave to Table Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Brookins, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 2 to Senate Bill 2176 was adopted. All in favor of the Motion to

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Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Brookins now moves to Table Amendment No. 3 -- 2 -- Amendment No. 2 to Senate Bill 2176. Discussion? If not, all in favor, indicate by saying Aye. Opposed. The Ayes have it. Amendment No. 2 is Tabled. Further amendments, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Brookins.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This amendment corrects the errors that was made in Amendment No. 2, which we just Tabled. And I'd...

PRESIDENT ROCK:

Senator Brookins moves the adoption of Amendment No. 3 to Senate Bill 2176. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2102 is found on Page 22. It was on the proposed Agreed List. Senator Kustra seeks leave to return Senate Bill 2102 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2102, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Welch and Kustra.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

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Thank you, Mr. President. This bill amends the Act dealing with the Pollution Control Board, the Environmental Protection Act. In committee there was an objection raised by myself concerning language allowing parties to supplement a record in determining appropriate civil penalties. It was my feeling that this would bog down the process that we tried to speed up last year. The agency agreed to this amendment and this amendment strikes the language that allows, unnecessarily -- unnecessary additions to the record. I would move for the adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to Senate Bill 2102. Discussion? If not, all in favor, 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. All right. Ladies and Gentlemen, that concludes the Recall List, as was presented by the Secretary. We will now proceed to the Order of Senate Bills 3rd Reading. This'll be final action. Middle of Page 8, be Senators Lechowicz, Netsch, Jones, Karpziel, Schuneman, Smith, Daley. Page 8 on the Calendar. On the Order of Senate Bills 3rd Reading. We'll begin at 1491, which was just on the Recall List. So the next order will be Senators Lechowicz, Netsch, Jones, Karpziel, Schuneman, Smith, Daley, Karpziel. We'll go right down the list. ...(machine cutoff)... No. Those that were on the Recall List will not be called today. They will -- they will -- ...(machine cutoff)... Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Just as a matter of inquiry. Will there be another call-back

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list this afternoon? I suspect not. But that means that there will be another one tomorrow.

PRESIDENT ROCK:

Well if -- if there's a request or a number of requests, we can certainly try to get to it today to accommodate Enrolling and Engrossing. Yes. Today would be preferable. Tomorrow we're running -- perilously close to trying to get out of here and --

SENATOR DEMUZIO:

That -- that's precisely my point, that if we're very good boys and girls we might be able to complete our business sometime in the -- in the immediate future.

PRESIDENT ROCK:

I don't hear any dissent from that point of view. The sooner we can conclude our business, the better off we will all be. All right. On the Order of Senate Bills 3rd Reading, the middle of Page 8, is Senate Bill 1497. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

I just received a note from the Governor's Office in reference to a -- this bill. I'd like to have some opportunity to read it and get back to it later today.

PRESIDING OFFICER: (SENATOR LUFT)

Take the bill out of the record, please. On the Order of 3rd Reading is Senate Bill 1501. Senator Netsch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1501.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1501 is the Family Responsibility and Medical Leave Act of Illinois. It is not unfamiliar to most of the Members in this Chamber. It is identical to the bill which we passed last year with just the very modest exception of a Christian Science amendment, which I put on the other day. In all other respects, it is identical. It provides that employers of fifty or more employees must provide up to eight weeks of unpaid leave for the -- an employee who has a new child, whether adopted or birthed, and a seriously ill child, a seriously ill dependent, parent or spouse, and it also has a medical leave component. There are a number of protections built into the bill, identical to those that were there last year. Let me just say, very quickly and very briefly - because we did have extensive discussion last year - this is an extremely important piece of legislation. There is absolutely no question that this is going to become the policy in this country at some point. It is just a question of whether it is going to be this year or next or the year after. I, for one, would like to see Illinois be a leader rather than a follower. We -- the American work force has changed. The structure of the American family has changed. What has not changed are our work rules, and we must do that, because women and -- and not just women, but men also who are part of families where there is no longer an adult at home, are going to be absolutely essential to the work force in the years to come. We must accommodate this. We must also accommodate the people who are currently put in the position of having to make an unconscionable choice between their family responsibility and

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their economic security, which is their job. That is not right, and we must learn how to adjust to it. It is an important piece of legislation. I urge you to give it your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she will yield. Senator Fawell.

SENATOR FAWELL:

What provisions have you made for women that are working as temporary workers?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

At the behest of some of the employers and employee groups who testified over a period of some time, we have a requirement that the employee, in order to be entitled to the leave -- the unpaid leave, must have worked for that employer for at least twelve months and must work at least twenty hours per week.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

To the bill then. This is a very difficult bill for some of us to -- to vote against. We are women. We have families. We know of these problems, but let me tell you the experience that I heard of down in -- when I was down at a Small Business conference that was put on by the Federal Government. I talked to some of our colleagues from Washington and from a couple of the other states that have a similar law, and asked them what their experience was with that law. What they told me was that this law, instead of helping the kinds of people that this bill attempts to help, does



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exactly the opposite. For instance, their experience has been that the young women, particularly those who are the single women with children, are no longer hired by a lot of the industries for the simple reason that they know they are probably the ones that will have to take advantage of such a bill. Some of the employees are being asked about parents; are they responsible for them, do they have widowed mothers that they might have to take off time for and take care of. Bottom line, what a lot of these industries were doing was, number one; if they were close to that fifty mark, they were letting go some of their permanent employees and bringing in some of the temporary employees to stay underneath that fifty mark that we have put in the bill. In fact, I was informed that if I really wanted to clean up when such a bill was presented to us here in Illinois, my best bet would be to invest in any temporary service. This bill is not going to help those we want to help. If we are going to do such a thing, it's got to be done at the federal level. If all states are equal, that's one thing, but for us to go ahead in this State and put our businesses at this disadvantage and our young women and our older women, who are the ones that are basically affected by this, at this disadvantage is unconscionable. This is not a good idea at this time. I do not think the time has come. As a woman I know I'm going to be criticized by some of my fellow women for taking this stand, but I do it in good conscience and I strongly urge my colleagues to join me.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, Senator Fawell, I think that it's fair to say that this bill is not designed just for women, it's designed for just about everyone. I probably am going to vote for this bill, but I

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-- I see a lot of problems with this bill also. I -- I see, number one that -- that we get into twenty hours. We're getting into part-time people and -- and that scares me a little bit and I think your argument makes some sense. I would hope, Senator Netsch, that if we get this bill out of the Senate, that we continue to work on it and to get the bill to where it covers full-time employees.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I know the bill sounds good, but it does have some ramifications as Senator Fawell said, and what employer, if they think they're going to be hamstrung, is not going to reduce their labor force by one. Any when it takes in people with twenty hours of work, I think we're doing a disservice -- absolute disservice to people as a whole, because I don't think it's fair. I don't think that we should have a bill like this. An employer - i'm an employer myself back home. When my people need time off, they get it from me. Depends on their service. And I think we're interfering with union contracts - we're interfering with an employer trying to keep his business going and particularly -- this is of fifty employees. It's not a very big business, and I don't think that this is the right way to do it, and I speak against the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpriel. Could we have some attention, please.

SENATOR KARPIEL:

Thank you, Mr. President. I have a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she'll yield. Senator Karpriel.

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SENATOR KARPIEL:

Senator Netsch, I filed a fiscal impact note on this. Unfortunately, when I filed it the bill had just -- had already gone to 3rd Reading. So of course I didn't get that. I just wonder if you could answer any questions. Do you have any knowledge of the fiscal impact of this? You know, my concern is that this, of course, covers government as well as private business, and although it disturbs me from several points of view, when you're talking, like say a school district down in rural Illinois somewhere when they have a physics teacher or some teacher they cannot easily replace that takes a -- an eight-week leave of absence - first of all, I mean, they have to -- they have to replace that teacher, which I think is going to not be easy for a lot of these school districts to do, but what I really need to know is what was the fiscal impact on -- on -- on State government? Just talking about State government or -- or -- and school districts, for instance, in this State?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Well, I can tell you that for the State of Illinois there is no fiscal impact at all, because the State of Illinois has a family leave policy that is considerably more generous than what we are providing in this bill, and I am currently looking for my figures. In 1988, at the end of the year, there were -- it was -- and I'm doing this from memory now, Senator Karpriel - there was approximately sixty thousand eight hundred State employees and the number who had taken this much, much more generous leave, by the way, that the State provides, I think, were four for adoption, something like ten or less for illness of a child, and two hundred and sixty for other family things, which included maternity leave.

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SENATOR NETSCH:

That was out of a total population of sixty thousand. And the -- the point is that the cost to the State of this bill would be absolutely nothing, because we allow a great deal more than is permitted right now. I can give you one other figure that is of some relevance. The estimated cost of the bill that is pending at the federal level, and that has been already voted approvingly by the United States House of Representatives -- parenthetically with Henry Hyde and Lynn Martin voting Yes -- would have an estimated cost for all of American business that would be covered by it, of now a hundred and eighty-eight million dollars. That is nationwide - every employer subject to the bill. That is the estimated cost that was used in Congress. So on -- the cost is not all that great. One of the things - if I might add one footnote, because this is responsive to your question - that you have to understand is that right now employers have employees who have a family responsibility at home, whether it is a new child or a seriously ill child, or whatever. And right now they have to make some accommodation, and so if they have to get somebody in to take the place, they've got to do it right now. So that the cost of replacing or retraining is not going to be any greater here than it would be if that employee just got fired or just simply went off because they had to take care of their family responsibility in any event. The point is that this simply accommodates in an orderly fashion a set of circumstances that are taking place right now.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Karpiel.

SENATOR KARPIEL:

Well, thank you. I -- I just want to point out that the GAO study that came up with the hundred-and-eighty-eight-million-dollar figure that you are talking about counted only the value of insurance benefit to absent workers. It didn't consider the expense of disruptions in offices, factories, the cost of replacing workers temporarily, the lost productivity when other employees have to take up the slack for missing colleagues, or the trouble when an employee takes a temporary leave and decides to make it permanent. It also, I don't think, would take into account the unemployment insurance that would have to be paid, when these workers - these temporary workers - then leave the company. To the bill, Mr. President. I spoke against this bill last year and I won't bore the Assembly with all my objections to the bill again this year. I think they're all well known, except to point out that even the Chicago Tribune has come -- come out against the bill in an editorial. First of all, I don't know why we always in the Legislature, or in government, think that we know best what should be done for everybody in the State. I think that if the reasons for this bill are so compelling, business in this State knows -- and in this country -- knows that it's compelling, and these things will change and they will change because business will feel that it is better for business and better for their employees. I don't think we should be telling them what to do. As I said last year, I don't think we need to tell the little plastics company up in Roselle, or all these little businesses around the State, or around this country, what kind of benefits they should include in their benefit package. There are some companies who might need other benefits or want other benefits through which this particular bill would not be a help, but because it has to be

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provided, might take away a benefit that might be more necessary or more desired by a certain company. I think it is the wrong way to go. Government should stay out of this kind of thing and I think we should have a lot of No votes.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Every other industrial country in the world, has family leave. The United States is still living in the dark ages. Here we have the wonderful system - the other alternative. If you need to have a child, if you need to take care of an elderly person, you quit your job. Now is that good economic policy? We need to change that policy. The State did it for its employees with one-year leave. My own school district in Rockford gives two years' leave without pay. That's the civilized approach. That's the way you save money so that you have people to care for the elderly. So that you have people who are still having children. Ben Wattenberg, in his book, "The Birth Dearth," has said that the economic outcome of working parents in the middle and upper class, deciding not to have children because they can't afford to take off from their jobs, will mean an economic collapse because there will be no future generations to buy the Coca-Cola, to buy the Chevrolets, to build the houses. In other words our economy is dependent on the next generation, and this is the bill to help it happen.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in support of this bill. Not because I believe that in its current form that it does not need continuous work on -- and that there are no problems as it relates to the private employers out there.

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I realize that this bill still has some problems. But I also realize that this issue -- this is the issue that must be resolved. And I think I said it last year, but let me repeat it again. I think it's extremely unfair to the employee whose worked and put in a considerable about of their time in to -- to a job, and have to go out on that job for a leave - and let me just use the maternity leave - that had to be extended because the baby -- they found that the baby had a heart condition and needed to go -- be hospitalized, and that the Mother had to spend some additional time off with this child. She had to lose that job. In addition to losing a job, she lost the benefits that she needed in order - through her health insurance - in order to pay for the hospital bill, for caring for a sick child. Now that's unfair, too. And -- and that's something that we're going to have to deal with. And I think Senator Holmberg said it, that we're probably the only industrialized State in the nation and world that don't really deal with that kind of problem in some kind of way. Somewhere we have to find a middle ground by which we can in fact be fair to the employers as well as to the employee. This is a beginning. I think it opens the door for continuous dialogue on it, and those of you who have some concerns and some suggestions about how to make this bill fair for everybody, rather than fighting the bill, I think you ought to offer the suggestions. I think right now is the best we have, and we should give it a fair chance, a vote, an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1501, as I rose last year in support of the bill that was passed by both Houses of the General Assembly, and was unfortunately vetoed by the Governor. And all

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the rhetoric aside and notwithstanding, I would urge all Members - particularly those on this side - to please vote Aye, because what we are trying to do with Senate Bill 1501 - as the bill so aptly says - is establish the policy of this State, and we have literally almost established a policy, because this is applicable currently to the State government. And what is the policy? The policy is that we find that working men and women have family responsibilities in addition to responsibilities held in connection with their employment. And I think that's what Congressman Hyde so aptly pointed out, as I read the newspaper reports of that vote in the Congress. That he said, "This is important. It's important to recognize those values with which we all agree, namely that family is very important, and we ought to recognize - and as a matter of policy establish that we recognize - that there are family responsibilities. And there is a need to guarantee," the bill goes on, "that employees in this State are able to assume those responsibilities without jeopardizing their employment." That's only basic fundamental fairness. And how do we do that? In our munificence, we say - "You, employee - in recognition of the fact that you do have a family responsibility, you can take unpaid leave." Unpaid. Unpaid leave. And how much can you take? Well, you can take, under this provision, eight weeks in a two-year period. And when can you take it? And what kind of responsibility are we talking about so that you, as an employee, can utilize unpaid leave? Because of the birth of a child? That, my friends, is basic, it seems to me. Because of the placement of a child with the employee for adoption or foster care? That seems to me again, is just basic recognition that we are a caring society. And finally, we say in order to care for the employee's child, parent or spouse who has a serious health condition. If, indeed, you meet that - that criteria, you, employee, are entitled to take eight weeks off at your own



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expense. But at least we can say, you're not going to jeopardize your employment. We recognize that you do indeed have a responsibility to that child, or to that spouse, or to that parent, and we want to have you -- afford you at least some minimum job protection. I don't think this is bad public policy at all. As a matter of fact, in my judgment, it is long overdue, and I would urge an Aye vote for Senate Bill 1501.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR NETSCH:

Thank you, Mr. President. I will make only one additional point to the very eloquent statement that Senator Rock has made. The American work force has changed. The American family has changed. We want American work rules to change to accommodate that. The only argument that we have not been able to respond to very directly is this philosophical argument, government should not do this. What I am saying is that that is the very argument that was made before we passed child labor laws, minimum wage and maximum hour laws and many others. It is time for this Legislature and this country to acknowledge that we must have a family responsibility policy for workers in this country. Please vote Yes.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1501 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wished? Take the record, please, Mr. Secretary. On that question, the Ayes are 31, the Nays are 27, none voting Present. Senate Bill 1501, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1510. Senator Jones. Read the bill,

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please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1510.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Senate Bill 1510 amends the Insurance Code and requires that the consumers be given a choice as it relates to coverage. And what the bills does is it gives the consumers a choice as to whether or not they want to choose a psychiatrist, a psychologist, or a clinical social worker. So what it does is includes clinical social workers in that choice. This is not a mandate for increased coverage. It adds a group who are located in many places of the State where psychiatrists and psychologists aren't. It will add providers who charge less than the current other professionals charge. And it will add a group of qualified providers who treat patients in an economically outpatient basis, not in an expensive office. So fifteen -- Senate Bill 1510 is a good consumer bill. Last year the National Federation of Independent Business opposed the bill. This year they support it. They are withdrawing their opposition. Last year Medicare did not include clinical social workers. This year they are included in Medicare and they are in all other federal and health insurance programs. So the bill as amended has taken away much of the opposition because the clinical social workers must tell the -- the consumer that they must get -- consult their physician, as related to the services -- with the clinical service social worker. Again, it is not a mandate; we passed this legislation last year and we ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise in strong support of this bill. Contrary to the picture this often gets painted here in Springfield when this bill is discussed, positive working relationships between clinical social workers and psychiatrists are almost always the rule. Nothing speaks to that fact more profoundly than the hundred Illinois psychiatrists who have joined together to openly support the social worker colleagues through their endorsement of Senate Bill 1510. I believe you each have received a copy of this list of psychiatrists and doctors who are in support of this bill. They're saying that the social work profession deserves the same treatment under the law that they and the clinical psychologists currently enjoy. Why this resounding support? Because these doctors see the successful treatment of family and marital problems of drug and alcohol addiction being delivered by clinical social workers both in agencies and private practice - social workers who have met the licensing regulations of the State of Illinois, including considerable postgraduate training and rigorous license examination. I certainly urge all of you to recognize this support of doctors who are out there working with social workers on a regular basis and join me in a Yes vote for Senate Bill 1510.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support of Senate Bill 1510. Probably one of the areas that plague us the most in Springfield are the rising medical costs. And yet, when there is an opportunity to provide care at a less expensive and more effective basis, we tend to resist it. Senate Bill 1510, in fact,

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is that answer. A group of very qualified people who are able to give very good service at a much lower cost, ought to be included in any health care program that we have.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, before the impression is given that this bill doesn't have opposition, I guess we ought to mention that it does. That in fact the Insurance Life Council is against it. The State Medical Society is against it. The Psychiatric Association against it. And the Association of Employers of Illinois are against it. I am sure for a variety of reasons. For the last few years we have started a new ball rolling down the hill by expansions in medical care costs. Now this at the current stage doesn't mandate a cost, but obviously the next step is to mandate it. And the cost implications down the road are extremely large. Now I am not saying that this -- that people that we are talking about don't deliver valuable services. It is also my understanding that they can, working through a psychiatrist or others, deliver these services - currently in fact, do - and be reimbursed. I'm just suggesting at time when we are wrestling with Senator Maitland's bill on a way to hold down medical costs, that this whole thing flies in the face of what we are attempting to do. Obviously, if we drive up costs in one area we're going to have to cut back in another. And I think you're going to find, as we've found with people on fixed incomes, that this medical cost is going to be the real crisis in government and in our society, in the next decade. And I think before we do anything that either directly raises costs or indirectly sets the stage for major increases of medical costs, I think we need to think about it. Frankly, as I look around the room, I don't think anybody's thinking about it. Pardon me. I've identified one. Two. Two. I understand these

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are very nice people. We've all had phone calls. But we have to eventually pay the piper. We've looked at the group medical lines, just in our own Department of Public Aid, and what's happened to them in last few years. I would think that every Member of this General Assembly would be very reluctant to do anything that could drive up costs. I think this is a wonderful, well-intended idea, like a lot of things we do here, but where's the money going to come from?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, if I may, I'd like to expand just a little bit on what Senator Schaffer just said. I think he made the point quite well that what -- what we're doing here does have a significant potential to increase the cost of commercial health insurance. The argument is made on the other side - and Senator DeAngelis kind of made it - that clinical social workers provide care that is potentially less expensive than that provided by psychiatrists or psychologists and -- and that is, I guess, normally true. But the question is -- is whether what we are providing for or mandating here is simply a substitution of coverage by one type of provider for another, or whether we are not - as indeed I think we are - significantly expanding the total volume of mental health coverage by mandating the inclusion of these providers in policies that include, as most of them do, mental health coverage. So I think there is significant potential here for -- for dramatic increases in commercial health insurance. I think if it were clear that what we were doing, were going to overall to lower the cost of health insurance, then commercial health insurance companies would clearly already be providing for the inclusion of these people in the provision of mental health benefits. A few of them apparently do do that, but most of them

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do not, and I think it is inappropriate for us, concerned as we are - or should be - about ever-rising mental health costs and health insurance costs, to -- to come at this problem from a legislative angle to statutorily mandate what this bill would do. So for those reasons, I think we ought to wait for -- at least wait for more evidence to come in on the question of whether or not this is indeed a cost-savings measure, as the proponents maintain.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins. Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I believe I'm the only mental health professional in this Senate Body. And I'm very aware of the costs for treatment. You can go to a clinical social worker for half the cost of your local psychiatrist, if there is one available. I think there is a twofold issue here. One, we're reducing costs by about one half per hour of treatment. Secondly, we're making treatment available in some communities where there is no psychiatrist present. Many communities in Illinois have access to social workers, few to psychiatrists. I think it's commendable, as Senator Macdonald has said, the number of psychiatrists that are backing this bill. This is one way to bring mental health coverage to many people in the State of Illinois. Mental health is just not only segregated in the big cities. We have it elsewhere, and those people need help as well.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. To those -- is my mike on?

PRESIDING OFFICER: (SENATOR LUFT)

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You're mike's on.

SENATOR COLLINS:

Yes. Thank you. Senator Joyce Holmberg basically indicated my concern here. And let me - let me just tell you that if we're going to really have any impact at all on the drug problems in this State that's facing our communities and our young people, our seniors and -- the only way that we are going to be able to address that problem is to make available -- readily available -- qualified counselors to deal with the mental and emotional problems that lead people to the state of having to -- I know, I can't hear myself...

PRESIDING OFFICER: (SENATOR LUFT)

Would we please give the Senator consideration and hold the noise level down, please?

SENATOR COLLINS:

No -- really -- I -- I see this issue here as a turf fight. And let me -- let me just tell you something. The problems that's facing us, as it relates to the -- the -- the amount of counseling that we need to attack the drug problems in our community far outweigh any turf fight here. And this is what this is really all about. And I don't think that anyone here could still sincerely believe that there is any question in reference to the cost of providing this services with clinical social workers versus psychiatrists. I don't even think that's the question -- in no one's mind here. The reality of the situation is that we don't have available in our community those qualified counselors. This is another whole resource pool that we could tap, if we make available - which I think is fair - third party reimbursements to these people through their insurance companies and of course, through the Department of Public Aid through Medicaid, which they are not right now qualified for. That's all this bill is -- is doing. And we got to forget about the turf fight. The problem

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out there is too great and we can't -- we don't have a solution to it. This is just another resource avenue which is the basic problem, a shortage of resources for addressing the drug problem in this State. I think we should give it a chance.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR JONES:

Yeah. Thank you, Mr. President. In a response to some of the remarks that's on my colleagues' main opposition to this legislation, they should have spoke forward, because there were reduced costs. It costs much less to go to see a qualified clinical social worker than it does to go see a high-paid psychiatrist. And you only have a few psychiatrists that are licensed to do business in the State of Illinois. Less than a thousand. But quite a few of them have signed up, indicating they support this legislation. So it is not a mandate. It's already licensed in many states to give this coverage to consumers. And there is no evidence whatsoever that the cost is going up. In many instances, the cost is going down. So you should be for the bill. I'm very shocked that the medical society take opposition to this bill, because many social problems are not medical problems. Where you got a very small elite group who are not located and not licensed in the State but don't have offices in your districts. And particular downstate, a qualified clinical psychologist can perform those services and perform them equally as well. We voted this bill out last Session. I want a favorable vote this time for the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1510 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? One last time. Have all voted who wish? Take the record, please, Mr. Secretary. On



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that question, the Ayes are 29, the Nays are 19, 3 voting Present. Senate Bill 1510, having failed to receive the required constitutional majority, is declared failed. Senator Jones moves that Senate Bill 1510 be placed on the Order of Consideration Postponed. All those in favor, signify by saying Aye. And Senate Bill 1510 will be placed on the Order of Postponed Consideration. On the Order of 3rd Reading, at the bottom of Page 8, is Senate Bill 1548. Senator Karpziel. Senator Karpziel. Top of Page 9 is Senate Bill 1593. Senator Smith. Senator Smith. Senate Bill 15 -- I'm sorry, Senate Bill 1614. Senator Daley. Senator Karpziel.  
SENATOR KARPIEL:

Senate -- Mr. President, I passed on Senate Bill 1548, which is my bill, but then you didn't read Senate Bill 1558, Senator Schuneman's bill, which I'll be handling.

PRESIDING OFFICER: (SENATOR LUFT)

I apologize. At the top of Page 9, on Senate Bills 3rd Reading is Senate Bill 1558. Senator Karpziel will handle that bill for Senator Schuneman. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1558.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1558 creates the Prophetstown Civic Authority and, as amended, the territory of the Authority runs congruent with the boundaries of the Prophetstown Park District. These boundaries were approved by a local referendum years ago and they're the same as the Prophetstown Consolidated School District. The membership of the Authority board will be composed of five members of the Prophetstown Park

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District and the eminent domain powers in this bill have been deleted. I ask for your Aye vote for Cal.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1558 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 52, the Nays are 1, 1 voting Present. And Senate Bill 1558, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is 1593. Senator Smith. Out of the record. Senate Bill 1614. Senator Daley. Senate Bill 1641. Senator Karpziel. Senate Bill 1652. Senator Topinka. Senator Topinka. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1652.

(Secretary reads title of bill)

It's the 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. This was on the Agreed Bill List and I took it off to put on an amendment. We did not put an amendment on it, other than the one we did on the Floor. So it is basically as it was on the Agreed Bill List. The bill comes from working with the Illinois Community College system, and it clarifies what is compensation to board members in terms of the ability to be able to get health care insurance. The amendment on it also put together a credit card policy. Again, these are both agreed-to and worked-out amendments by the Illinois Community College Board. There is no opposition that I know of.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1652 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, the Nays, none, none voting Present. And Senate Bill 1652, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1653. Senator Thomas Dunn. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1653.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill will require the Department of Corrections to arrive at a figure - the cost to incarcerate an individual, and that figure will become part of the sentencing of an individual inmate who is convicted. Discussion? Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

If the Department is not timely in -- in providing this information, is there any prohibition on the court proceeding with sentencing?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn. Further discussion? Further discussion?

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Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. I don't know. I'm sure the Senator's well-intentioned, but I think if it's going to cost - and I've heard estimates up to forty-five thousand dollars, when you look at the expenses of building and construction and everything else for housing one prisoner. I think if they look at that, it'll probably have a tendency to reduce a lot of the sentences, and I think it's a good idea that we identify what the cost factor is, which is apparently what you want to do. But I don't think we want to prevent, you know, imprisonment of people, particularly our recidivism in people who keep on committing the crimes, so I'm not sure what your are trying to get at, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Dunn, you may close.

SENATOR T. DUNN:

Thank you, Mr. President. Well, Senator Kelly, in answer to your question, I don't believe this will have an effect on the court in sentencing an individual - for instance there are Class X offenses which the judge is bound by law to sentence individuals to minimum sentences. The purpose of the law is to inform the public of what the cost is for incarcerating an individual, and this bill is supported by the Department of Corrections, and I urge a favorable Aye vote to allow the public to know exactly what the price is that we are paying to incarcerate people.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1653 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record, please, Mr. Secretary. On that question,

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the Ayes are 53, the Nays, none, 1 voting Present. Senate Bill 1653, having received the required constitutional majority, is declared passed. Middle of Page 9 is Senate Bill 1709. On the Order of 3rd Reading, Senator Topinka. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1709.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. What this bill did - it was an Illinois Hospital Association initiative and it suggested that we use the Dedicated Nurses Fund, now in the Department of Professional Regulation, to provide scholarships for nurses. So it would be nurses helping nurses. In our amendment and - which has been signed off by -- by the Illinois Department of Public Health, this would agree that ten percent of the money or any excess money left after the ordinary and contingent expenses are appropriated of the nurses fund, whichever is less, will go to the Department of Public Health for nursing scholarships for four years. And they will administer it and have agreed to that.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1709 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1709, having received the required constitutional majority, is declared passed.

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On the Order of 3rd Reading is Senate Bill 1732. Senator Welch.  
Senator Welch. On the Order of 3rd Reading is Senate Bill 1736.  
Senator Holmberg. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1736.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill amends the Medical Practice Act to grant immunity from liability to physicians who serve as a volunteer physician in an established free medical clinic. Very similar to the bill that passed last year, Senator Maitland's, but more tightly drawn, we feel will meet with better success in the House. Under current law, physicians who, in good faith, provide medical treatment, diagnoses or advice as part of the services of an established free medical clinic and who receive no compensation from that source or any other activity connected in any way with medicine, are not liable for civil damages. Current law, however, is ineffective in encouraging retired doctors to volunteer their services at free medical clinics, because the doctor would have to give up his tail insurance and purchase malpractice insurance. So therefore, we have inserted these similar provisions that physicians who provide certain medical services at free medical clinics to medically indigent clients are not liable for civil damages.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Question for the sponsor, Mr. President?

PRESIDING OFFICER: (SENATOR LUFT)

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Sponsor indicates she will yield. Senator Dunn.

SENATOR T. DUNN:

Who has requested this, Senator?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

This is a bill that I wrote that is similar to a law in Florida that I observed when I was there this year, where they have done this in order to -- actually bond family physicians with patients who are coming in to the free medical clinics. And it is working so well that I wanted to try it here in Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Senator, I am wondering if you are amenable to an amendment in the House that would provide the same hold harmless for attorneys who do pro bono work?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

I'm always amenable to something that might be of interest to people in the House. I -- I don't know if I have a House sponsor who's amenable to that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Well, Senator, it's your bill, and my question to you is, again, if you're willing to extend to attorneys who do free work for the poor the same right as you're extending to doctors. That's my question.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

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SENATOR HOLMBERG:

In this case, we are only talking about three or four medical clinics around the State that qualify for this. It basically becomes a pilot operation to see how this would work. Florida is trying this in two or three places where it qualifies, and we would like to do the same.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I speak in favor of the bill. I'm not going to worry about the lawyers. I am a lawyer myself. I think this is a very critical thing because there is a shortage of doctors, and if we can get them to work for nothing -- just pay their insurance -- whatever we have to do, I think we should do it. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Holmberg, you wish to close?

SENATOR HOLMBERG:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1736 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1736, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, Senate Bill 1741. Senator Jones. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1741.



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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 1741 requires that insurance companies doing business in the State of Illinois -- that they must disclose upon request the names and addresses of the authorized producers nearest to the residence of a person making that request. Also, it require automobile insurers to provide potential applicants with a oral telephone estimate of the -- of the premiums that they are charging for a particular coverage. It creates the -- it creates the Motor Vehicle Theft Prevention Council. And this is recommended by the State's Attorney of Cook County, based after the Michigan law. And it will set up a one-dollar fee that would set up this prevention fund and this prevention fund is to deal with the theft of automobiles in the State of Illinois, and -- and -- in Michigan the -- the law works good. The theft of automobiles has been reduced drastically. Also it requires that producers as well as the insurers must provide oral estimates to individuals who make the telephone solicitation for insurance business, and also that no insurance company can -- can require a customer to pay a surcharge just because that customer had a insurance policy with another company that was licensed to do business in the State of Illinois. This bill came out as a result of hearings that we had in the State of Illinois. The industry was involved with this and the Department of Insurance. And I know of no real opposition; I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Dudycz.

SENATOR DUDYCZ:

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Yes. Thank you, Mr. President. Just for the record, I'd like to ask Senator Jones to respond to a question.

PRESIDING OFFICER: (SENATOR LUFT)

Senator indicates he will yield. Senator Dudycz.

SENATOR DUDYCZ:

Senator Jones, I -- I've heard terms like fee, contribution, surcharge and tax. I'd just like for you to explain for the record the fee that -- that will be given according to the Criminal Justice Information Authority, the one dollar is not a contribution. Could you, just for the record, explain what it is?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well, what it does if each vehicle insurers that contributes to the Motor Vehicle Theft Prevention Fund, one dollar multiplied by the insurer's total earnings -- earned car years of a motor vehicle insurance policy within the -- provided physical damage coverage. So therefore, it is not a fee, just a one dollar for each automobile that's insured by the insurance company.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCZ:

I'm sorry, Senator Jones. Did you say it is a fee or it isn't a fee?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

It -- it's an insurance company fee. Not to the insurance consumer.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

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Question to the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Jones, I think there are a number of good consumer protection provisions in the bill, but I wanted to ask you about the provision that you and I discussed just a moment ago, for the record, dealing with the prohibition against companies imposing a surcharge where an applicant for insurance has not had any loss experience within the prior three years, and -- and can establish that to -- for a -- to the company for which he or she is seeking a new policy of insurance. My question has to do with the last sentence of that amendment that you added here last week that says that "In the event the applicant demonstrates three years experience with no loss, he or she shall receive the" - and here I emphasize - "the most favorable rate offered by the company." The concern on the part of the industry, I think, is that in some cases - maybe most - the most favorable rate is actually a rate that takes into account the fact that the insured places all of their insurance - mainly meaning their homeowners as well as their auto - with that company, and thereby qualifies for an extra discount. Could we do something with this bill maybe over in the House, make it clear that while we don't want an insured to be penalized where one has been with -- with another insurer other than the one for which he or she is applying for insurance, we -- we don't necessarily mean that they should qualify for a rate that applies only when one gets this extra discount.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Jones, you may close.

SENATOR JONES:

Yes. In response to this, Senator Barkhausen, you and I

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discussed that particular issue. That is not the intent of that particular sentence as it says "most favorable," and if necessary we can change that, to clear up the real intent of that particular sentence.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones. Senator Barkhausen, did I cut you off? I didn't mean to. All right.

SENATOR JONES:

So -- so if necessary, we'll take care of that when the bill gets over in the House. But again, this is a consumer protection bill. We worked on this with the industry with the Department of Insurance to clear up many problems as well as the Auto Theft Prevention Fund. It's a very good piece of legislation, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1741 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1741, having received the required constitutional majority, is declared passed. On the Order -- of 3rd Reading is Senate Bill 1760. Senator Dudycz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1760.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCH:

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

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Senate Bill 1760 will allow nominating petitions to be filed in the State Board of Elections Offices in Springfield, as well as in Chicago. The State Board had a question of simultaneous filing, if someone was filing for an office in Springfield and someone else was filing for the same office in Chicago at the same time -- they had a question about that. But their concern was satisfied with Floor Amendment No. 1. I think it's a good idea. I know of no opposition, and I seek your affirmative support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1760 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present, and Senate Bill 1760, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, at the bottom of Page 9, is Senate Bill 1761. Senator Joyce. J.J. Out of the record. Senate Bill 1766 on 3rd Reading. Senator Kustra. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This allows two of the teacher institute days, which are now authorized under law, to be used for parental institute days. There was an amendment offered on 2nd Reading which clarifies that the districts have the option of requiring district staff to attend

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and participate in parental institute days, and it also requires the district's inservice advisory committee to approve using institute days for parental institute purposes. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUPT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1766 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present, and Senate Bill 1766, having received the required constitutional majority, is declared passed. Top of Page 10. Top of Page 10 on your Calendar. Senate Bill 1768 was on recall. We will move to Senate Bill 1862. On the Order of 3rd Reading. Senator Topinka. Out of the record. Senate Bill 1864 was recalled. Senate Bill 1867. Senator Mahar. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1867.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUPT)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill was drafted to correct a problem in my district. There is a section of the Village of Alsip that is being taxed twice for fire protection service. This bill would allow those taxpayers to disconnect by frontdoor referendum from one of the units of local government which provides this service. And I'd be happy to answer any questions.

PRESIDENT ROCK:

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Discussion? Is there any discussion? If not, the question is, shall Senate Bill 1867 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 52 Ayes, no Nays, none voting Present. Senate Bill 1867, having received the required constitutional majority, is declared passed. 1877 was on the recall. 1881. Senator Smith. 1905. Senator Macdonald. 1916. Senator Rea. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1916.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. Senate Bill 1916, as the bill now stands as amended, applies only to the State correctional centers and is strongly supported by the Department of Corrections, Illinois AFL-CIO, the John Howard Association and AFSCME. The central issue of this bill is to prohibit prison privatization at the State level, and there are a number of reasons why we should support this. Despite some of the proponents' claims, private prisons have not proven to be cheaper to operate. Twenty-five to thirty-year contracts don't promote competition, and it's the taxpayers of the State who get the extra tab. Unlike Texas or New Mexico - they have tried this - Illinois doesn't have prisons full of illegal aliens, and Illinois prisons do have dangerous, violent offenders in them and need the accountability and security that only public management can provide. No matter how much we like to escape liability issues with respect to inmates, it simply remains a fact that a state is ultimately reliable if inmates' rights are

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violated. And it's not the -- it's not wise to turn over operations when the liability risks remain with the State. Nowhere else in the State government is such a practice tolerated. For these reasons, private prisons, in my opinion is not a good thing. I hope we have not gone so far with privatization that we, as a society, are ready to others reap a profit from opposing punishment on others. To me this is bad. We need public accountability in prisons in the same way we need public accountability in our police departments. No one thinks that it would be good to hire minimum wage private police from XYZ security agency to patrol our streets. It doesn't make sense to staff our State correctional centers that way either. For the safety of our communities and the best management of correctional centers that we can possibly provide, I would ask for your Aye vote on Senate Bill 1916.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

When we were talking the other day about this bill, I brought up the question of -- of private facilities as far as juveniles are concerned. We in -- in my county, for instance, do put some of our juveniles in -- in -- in non-for-profit organizations. Now that's in effect -- they have been sentenced there by the -- by the courts, and I want to know if you are talking about that kind of problem?

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:



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Thank you. Actually this - with the amendment that went on - this only applies to State facilities now. And also took out the home rule and local government.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you saying then, the way the bill reads with the amendments on, that it only relates to the State, that the State cannot contract with private -- with the private concern. Is that right?

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Yes.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I don't know why we have to go ahead and have legislation of this nature to prevent any contracting by the State with a private concern. Who knows? It might be very beneficial. We haven't tried it in Illinois, and there has been considerable success in other states that have tried private contracts with -- contracts with the private concerns for correctional work, and I -- I -- I don't think we should preempt the time when we might need to do it. And this bill would definitely stop the State from making any effort to get any private contracts. I feel it's untimely, and I speak against the bill.

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PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I do want to correct one thing, and I know that in talking to Senator -- has talked to some people at Corrections. But the Department of Corrections is not supporting this bill. I just talked to them. Department of Corrections is not in support of the bill. But they are not intending to do this. It's not like this is some big project where they're out here trying to privatize prison guards. They're not trying to do it. So what we have done, we have found a solution to a problem we don't have. But it is a problem we could have, if we are not careful. Because private vendors in Corrections, this bill would go far enough. Let me give you an example. We're talking boot camps for young drug offenders. I think ninety percent of us agree that's a great idea. Many of the people who will be working in those camps will be private individuals. They're not going to want to work for the State full time in the drug area. We will be seeking outside people to work in these boot camps who will be excluded under this law. So if you want boot camps, you really have to ask yourself whether or not you want this type of legislation that would destroy the ability to bring in outside counselors, who in some sense are technically guards at these boot camps. The Department still has control over who they hire. And we, as a Legislature, control the Department. If we think their staffing is bad, we are the ones who are going to be responsible. But since the Department isn't even trying to hire these guards, it's not like it's a big problem. We do contract for outside experts, outside lawyers, outside doctors, et cetera. We should, at Corrections, be allowed to hire outside experts to help in boot camps, et cetera, and I think it's important to protect those alternatives

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for young people who frankly -- this would be a good way to help them. I would hope you would vote No.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, I think all of us have seen the statistics that indicate that the next few years here in Illinois are going to see regrettably that the Corrections Department is going to be the growth industry. And I've heard quite a bit of talk on the Floor of this Senate about looking for new and innovative ways to handle the prison population. I would suggest to you that this bill will close the door on any number of them. The way it's drafted - and I think we all understand the reasons -- reasons for the bill being introduced and -- and what the idea behind it is - but I think we may be tying our hands behind our back as we search for ways to protect the society in an appropriate manner and to provide settings for those people who cannot obey society's rules. We need to be looking for many new approaches, and I'm afraid this bill will leave us with one approach. Build more prisons. More prisons. More prisons. I think we need to look beyond that.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this bill, and I do it because I know who populates the prison system here in the State of Illinois. And I also know that this is a capitalistic society. And if we put an incentive for private industry to grow, then therefore we will be encouraging them, and they will be sending out salespeople and advertising for more prisons to populate their prisons to make the private industry a profitable way. And I don't think that we should do this. I know that there

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have to be other ways, and we need to explore them other ways. We need to explore them in a sane and sensible way. So therefore I rise in support of this bill, and think it is a good bill, and a good thing to do at this time.

PRESIDENT ROCK:

Further discussion? Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCZ:

Point of personal privilege, Mr. Secretary.

PRESIDENT ROCK:

State your point.

SENATOR DUDYCZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In the President's Gallery on the democratic side, we have some special guests from Chicago. We have members of the Save Our Neighborhood/Save Our City Coalition. I'd like for us to welcome them.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to Springfield. Further discussion on Senate Bill 1916? Senator Etheredge.

SENATOR ETHEREDGE:

On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, sir.

SENATOR ETHEREDGE:

Mr. President, Ladies and Gentlemen of the Senate. We have two groups of visiting students and parents from Aurora, Illinois - one group from Annunciation School and the other from St. Peter's - and I would like for them to rise and be recognized.

PRESIDENT ROCK:

Will our guests please stand and be recognized? Welcome to

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Springfield. Further discussion on Senate Bill 1916? Senator Rea may close.

SENATOR REA:

Thank you, Mr. President. Just to clarify a fact or two here at the end, is that this does not close the door for privatization, because what it does it does leave the door open for legislation later on if we see that there is a need to go that direction. But one thing that it assures by doing that. It assures that the General Assembly is a partnership in this decision-making. And I think that this is very critical, and that we should be a part of this. Secondly, as it relates to the cost, we have had instances like in Kentucky, where there has been a facility that the cost far exceeded what was projected. Over two hundred thousand dollars more than what was projected for the first year of operational costs. As far as the Department -- the Department to begin with, was somewhat neutral, but it is my understanding that since then, they have supported it and have told various supportive groups that they would support this. As far as eliminating outside and supportive contracts, this would not do that. It would not eliminate like the contracting for medical services, for educational services, and for other types of services that our presently going on within our correctional system. I think that this is something that we need. It's very important, and I would ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1916 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? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 20 Nays, none voting Present. Senate Bill 1916, having received the required constitutional majority, is declared passed. 1957 and 58 were on the recall. 2014 was on

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the recall. Top of Page 11. 2020. Senator Marovitz. 2052.  
Senate -- was on the -- 37 and 52 were on the recall. 2062.  
Senator Demuzio. Read the bill, Madam Secretary, please.  
2-0-6-2. Top of Page 11.

SECRETARY HAWKER:

Senate Bill 2062.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
This is a bill that would increase the State's bond authorization  
by a hundred million dollars for the school district construction  
bond fund. Obviously there is no money around for the General  
Revenue to provide for the revenue stream at the moment. But I'll  
talk with Senator Schaffer who's the co-sponsor -- would like to  
move the process along -- send it over to the House, and maybe  
something with happen by the end of the Session; and if it  
doesn't, why we'll be back discussing this next year. So I would  
ask for your favorable support.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall  
Senate Bill 2062 pass. Those in favor, vote Aye. Opposed, vote  
Nay. The voting's open. Have all voted who wish? Have all voted  
who wish? Have all voted who wish? Have all voted who wish?  
Take the record. On that question, there are 53 Ayes, 3 Nays, 1  
voting Present. Senate Bill 2062, having received the required  
constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR COLLINS)

On the Order of 3rd Reading is Senate Bill 2075. Senator  
Mahar. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 2075.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill moves provisions concerning the Self-Sufficiency Trust Fund and the Fund for the Developmentally Disabled, into the powers and duties section of the Code. I know of no objections. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 2075 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 52 Ayes, no Nays, none voting Present. And having received the constitutional majority, Senate Bill 2075 is declared passed. Senate Bill 2076. Senator Mahar. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2076.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Well, Mr. President, Senate Bill 2076 permits disclosure of records and communications in order to protect an individual who has been threatened by a patient where a therapist-patient relationship exists. I'd be happy to answer any questions. If

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not, I'd move for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 2076 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, none voting Present, and having received the constitutional majority, Senate Bill 2076 is declared passed. Senate Bill 2086. Senator Topinka. Senate Bill 2087. Senator Mahar. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2087.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. As introduced, this bill would require each state-supported institution of higher education to develop a waste reduction plan by January the 1st of 1995, realizing a forty percent reduction in the waste stream by the year 2000. When we were in committee a long time democratic staffer on the appropriations committee, Garrett Deakin, who now works for Southern Illinois, shared his concern that it was interesting that we were going to mandate this upon higher ed, and yet the State of Illinois -- the General Assembly, is not taking the same action with the State -- the government of the State of Illinois, so therefore we offered Floor Amendment No. 1, and what that would do would require that CMS and ENR implement recycling programs for all executive agencies to include the constitutional officers and even us in the Illinois General Assembly. This program will be designed to achieve a twenty-five percent waste



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reduction by December 31st of '95, forty percent by December 31st of '97, fifty percent by December 31st of the year 2000. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2087 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no -- no Nays, none voting Present. Having received the constitutional majority, Senate Bill 2087 is declared passed. Senate Bill 2088. Senator Watson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2088.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This piece of legislation was introduced on behalf of the Illinois Commerce Commission to clear up some technical language that was passed last year. The -- we divided the legal counsel's office into a transportation section and a public utility section. With that we created a situation in which the legal fees were being paid just by one section. What this does is clears that problem up. And it also -- an amendment was added to allow two of the three members of the employee boards to come from the same division within the commission. This current law requires that each member come from a different division. This says that they can come from the same. I know of no opposition. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

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The question is, shall Senate Bill 2088 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 2088 is declared passed. Senate Bill 2089 was on the Recall List. So Senate Bill 2097. Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Madam President. Senate Bill 2097 addresses the problems of -- the problem of underground storage tanks in institutions that are -- would not be covered or are not covered under the underground storage tank insurance fund. And this legislation would close that loophole and put these hospitals and other tanks that have eleven hundred gallons or more under that protection. At the request of the Realtors, we did put in an amendment that excludes residential property from this -- from this particular bill. So I know of no opposition, and I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2097 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 52 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 2097 is declared passed. Senator Demuzio, for what

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purpose do you arise?

SENATOR DEMUZIO:

I wanted to ask the sponsor some questions on that last bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Well -- Senator, you have to light your -- punch your button so that the switch would light -- board would light up up here.

SENATOR DEMUZIO:

That would be -- that would be -- you -- you should also ask if there is discussion.

PRESIDING OFFICER: (SENATOR COLLINS)

I'll do it next time.

SENATOR DEMUZIO:

All right. And I will put my light on.

PRESIDING OFFICER: (SENATOR COLLINS)

And you put your light on.

SENATOR DEMUZIO:

Okay.

PRESIDING OFFICER: (SENATOR COLLINS)

Thank you very much. On the Order of 3rd Reading at the bottom of Page of 11. Senate Bill 2106. Senator Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate. This bill amends the Unified Code of Corrections to impose a fifty-dollar fee on a convicted drug offender. However, it was amended so that it would be up to the judge if the drug offender

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could not afford it, that the judge can decide whether to waive the fee or take less. In addition, there was an amendment that was made to this bill, which I think is a good amendment and it allows circuit court clerk fees that apply to convictions to also apply to supervision dispositions. And these dispositions involve a guilty plea or finding of guilt but are technically deemed not to be a conviction. Therefore, I ask for favorable consideration on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2106 pass. Any discussion? If not, those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 2106 is declared passed. At the top of the Page 12. Senate Bill 2110. Senator Dunn -- Ralph Dunn. Senator Dunn. Senate Bill 2116. Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2116.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill does two things. It creates a uniform fees and penalty section in the Department of Revenue for delinquent taxpayers. That particular section I don't believe is terribly controversial. And it has been -- has the support, I believe, of all the various business groups who are principally affected. Would make life a lot easier for the taxpayer and for those people who have to handle the

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rather immense array of tax forms and regulation that we have out there. The second section of the Act would create a Tax Amnesty Program. The Department estimates that this Tax Amnesty Program, which is modeled after a very successful program that this General Assembly enacted in the first half of the second to the last decade of this century, and I believe is a workable plan. It was from benefits. It would be a one-time revenue enhancer, if you will - to used a much overworked phrase - projected to bringing in about seventy million dollars. In the Governor's budget proposal, he suggests that money be earmarked for mental health. I suspect, in light of the joint bipartisan program that has been worked out here in the Senate, that the Department of Mental Health's budget - at least from our perspective, at this point in time - is going to rise or fall with or without this. So I cannot in good conscience suggest to you that evil things will happen to mental health. Hopefully those things will not happen, because I think the General Assembly recognizes in the face of OBRA and several other situations, that there's a certain number of dollars that are going to have to be appropriated, one way or the other. I would suggest to you - and this is just purely my thought - that we advance the bill, with the additional seventy million dollars, with the thought that it be placed perhaps where a one-time expenditure might more appropriately be placed, and that's in funding the pension systems, which our Senate plan nor the Governor's budget addresses. Frankly, it occurs to me that this may be our only hope of putting a reasonable number of dollars into the various pension funds this year and beginning to live up to the obligation of the legislation that we passed last year and are well on the road to ignoring even just one year later. I think it's a reasonable idea. I present it to you. I do not minimize the difficulties that this concept will have in the House. But I think we should send it over there and keep the

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discussions going. I'd be happy to answer any questions from any Member except Senator Netsch.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. Senator Schaffer, I won't ask questions then - I'll just make some points. The first part of the bill, which is an attempt to bring into coherence all of the penalties and interest provisions, is a very good idea, which the Department has been talking about for some time. There may be one or two places where one can raise a particular question that might be a little bit tough on people on negligence and a few other things. But for the most part, I think it's in reasonably good shape, and I expect it will have some more attention as it goes along. It's the second part that I am concerned about, and which will lead me to vote No on the bill. I am painfully aware of the fact that only eight of you voted against the -- my attempt to remove amnesty from this bill by amendment the other day, although I have a strong feeling that many of you are much more concerned about it than that vote would indicate. I think it is a matter of very grave concern on two counts. One is that the revenue estimate - which is, we believe, inflated - of about seventy million dollars is going into mental health. Admittedly into the Mental Health Fund, but nevertheless into mental health. That is a program that requires - whatever it gets, it requires a continuation of that activity. It -- absolutely, if we are going to do any one-shot things, they should never go into a continuing operations program. And I think Senator Schaffer himself recognizes that, but the fact is that that's what the bill does at the present time. The second thing is, amnesty as a matter of tax policy. There are many of us who have some question whether it is a good idea the first time. It is clearly a terrible idea for the second

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time in six years. And it's not just that we are not going to be able to get the kind of money we got the first time. If you have ever read the report, almost all of it was known tax liability; we simply accelerated it. We didn't get anything we would not have gotten eventually; in fact we got considerably less. Most of it came from a handful of businesses -- of corporations and a very large part of it was unitary. That same experience simply will not be repeated this time. And I think that itself is a matter of grave concern. The other thing that worries me is not just sending out a message to those who may start holding back on their taxes because they think they are going to get an amnesty program every five years. It's the message it sends to the law-abiding people who are indeed paying their taxes on time. They are now being told, "Gee, all of those who've been holding back and who were risking penalty and interest, are now going to be told, 'Come home. You're forgiven; your penalty and interest will be waived.'" I don't think it's fair to those people who have indeed been law-abiding and tax-abiding - if you will...

END OF TAPE

TAPE 4

SENATOR NETSCH:

...is very, very bad tax policy. And I really hate to see us reach out desperately grasping for something that will give us enough money that we can tell people in Mental Health that, "Yes, we're going to give you a few more dollars." This is not the way to do it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jeremiah Joyce.

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SENATOR J.E. JOYCE:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR J.E. JOYCE:

Senator, I -- I could not imagine what you would do to someone if you were on the opposite side of this issue. You would have such fun. Let me ask you. Do you or would you have the information, or could you get the information of the names and the amounts to - let us say - the top thirty, forty, fifty, or the top ten percent of those who are going to take advantage of this program?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

It's my understanding that information is protected by a confidentiality clause in the law, and that that type of information is not available.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.E. JOYCE:

Would you have available for the Membership the top ten or twenty taxpayers who took advantage of this program the last time we sought to enact it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Yes. I'm sure the Department can give you that information, although I'm not aware of any of them - who they would specifically be.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- Senator Joyce.



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SENATOR J.E. JOYCE:

Is there anything in here which would preclude someone who previously took advantage of an amnesty from participating in this?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

No.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.E. JOYCE:

Well, I'm sure you know, Senator Schaffer, that there were just a handful of major taxpayers who took advantage of -- or got the greatest bulk of the break the last time we did this. And there was severe criticism about the program because of that. But back to Senator Netsch's point. How many dollars will come into State coffers - because we enact this program - that would otherwise not come into State coffers?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

What was the -- I apologize, I did not get the question.

PRESIDING OFFICER: (SENATOR COLLINS)

Would you repeat your question, please?

SENATOR J.E. JOYCE:

Well, if we fail to enact this, how many of the dollars which will -- would come into the State coffers will not come in?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

I think we'd have a difficult time giving that figure, because obviously the Department of Revenue is going to continue to pursue

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any delinquent taxpayers, and we will get a certain percentage of it. Part of this is a -- is a speedup in revenue, and part of it is additional revenue.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.E. JOYCE:

Well, I -- I'll go back to the point that I made when I started to talk, and that is, Senator Schaffer, if -- if you were opposing this, you would have us here for a half hour, and by the time you were through, anyone who would be voting Aye for this would be going home greatly embarrassed and -- and -- and -- oh, forget it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR GEO-KARIS:

It seemed to me we had an amnesty provision once before. About how much money did we take in from that amnesty provision a few years ago that I believe we passed? Would you recall?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

I'm getting estimates of somewhere between a hundred and three and a hundred and fifteen million dollars.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, let's not kid ourselves. Sure, we who pay our taxes can be justly

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disgusted at those who don't pay their taxes. But it would cost the State millions of dollars for enforcement on the present ones who haven't been paying their taxes, and they're willing to pay under an amnesty provision. And if we can get around fifty or sixty million dollars in to help Mental Health, I think we have to consider that, too. Because as I heard yesterday and the day before, that there was a bipartisan agreement on the budget and the appropriations, and that's -- that we just have so much money to spend and no more. So rather than spend millions of dollars in additional enforcement, let's put those millions to help the Mental Health and pass this amnesty law.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer, to close.

SENATOR SCHAFFER:

Madam President and Members of the Senate, I think frankly Senator Netsch has made a very good point, that this type of one-shot revenue enhancer should not be aimed at an ongoing program such as Mental Health, although I would confess that my sponsorship of it probably relates to my involvement with Mental Health and my concern for funding levels for mental health. If the Governor in his wisdom had chose to consult me on this particular part of his budget - which he did not - I would have argued that it go into Pensions, where it might be more appropriately handled as a one-shot thing. The bottom line is that we are facing an extremely tough budget year. I think both Houses of the General Assembly are unwilling to vote for tax increases. I see no support for that. I think we in the Senate have thus far come up with a very responsible budget-balancing program, which is going to involve some very painful cuts, many of which will come when the House bills - budget bills - come over here to the Senate. I would respectfully suggest and -- and plead with the Body to send the bill forward to the House so that the

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concept of a seventy-million-dollar add-on this year without a tax increase would be at least available for discussion in the waning days of this Session of the General Assembly, so that perhaps we don't have to cut seventy million from Education, Mental Health, Pensions, or whatever. I would also say that I -- I shared some of the skepticism that some of the speakers have had about the seventy million dollar figure. But I thought the Department of Revenue did a very good job of defending that figure in committee. And since then, in discussions I've had with them, they feel that this amnesty program could be used very effectively to bring some new taxpayers into the system who are currently not identified and not paying taxes, and who have built up a little bit of an accrual in taxes and are a little afraid about when they come in what's going to happen when we go chase them for the past four or five years. I think it's a sound proposal. I think at the very least it deserves the opportunity to go to the other Chamber and to be part of the mix in those final days of the Session when we all are going to have some tough decisions. This may allow us to fund some things that might otherwise not be funded. And I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2116 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 30 Ayes, 19 Nays, 2 voting Present. Having received the constitutional majority, Senate Bill 2116 is declared passed. Senator Netsch is requesting a verification of the affirmative votes. Will the Secretary please read those voting in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Barkhausen, Davidson,

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DeAngelis, Donahue, Dudycz, Ralph Dunn, Thomas Dunn, Etheredge, Fawell, Friedland, Geo-Karis, Hawkinson, Hudson, Karpel, Keats, Kelly, Kustra, Macdonald, Madigan, Mahar, Maitland, Philip, Rea, Schaffer, Topinka, Vadalabene, Watson, Weaver, Welch and Woodyard.  
PRESIDING OFFICER: (SENATOR COLLINS)

Senator Netsch, do you question the presence of any of those voting in the affirmative?

SENATOR NETSCH:

Senator Friedland.

PRESIDING OFFICER: (SENATOR COLLINS)

Is Senator Friedland on the Floor?

SENATOR NETSCH:

All right. Okay. Senator Tom Dunn.

PRESIDING OFFICER: (SENATOR COLLINS)

Is Senator Tom Dunn on the Floor? Senator Dunn on the Floor? Strike his name.

SENATOR NETSCH:

Okay.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further -- Okay. The roll call has been verified. And the -- the Ayes are 29, 19 voting Present -- I mean, 19 voting Nay, and 2 Presents. Having failed to receive the constitutional majority, Senate Bill 2116 is declared lost. The -- the sponsor is requesting postponed consideration. On the Order of 3rd Reading, Senate Bill 2143. Senator DeAngelis. Read the bill, Mr. Secretary. Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Madam President, I've been requested to hold this by several Members who want to review it further. But I would like -- like to have some assurances from the Chair that we will return to this order of business, and that this bill will eventually be heard before we go home this week.

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PRESIDING OFFICER: (SENATOR COLLINS)

I'm sure we're going to get back to some order of business -- to 3rd Reading before this week. I'm sure we'll get back to 3rd Reading this week, Senator DeAngelis, if that's the question you're asking.

SENATOR DeANGELIS:

All the way to 2143?

PRESIDING OFFICER: (SENATOR COLLINS)

I'm sure we will.

SENATOR DeANGELIS:

Thank you, Senator Collins. --

PRESIDING OFFICER: (SENATOR COLLINS)

Okay. Senate Bill -- Senate --

SENATOR DeANGELIS:

I appreciate your commitment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senate -- Thank you, Senator. Senate -- on the Order of 3rd Reading, Senate Bill 2171. Senator Dunn. Thomas Dunn. Read the bill -- read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. This bill is a vehicle, and is serving as a negotiating tool between the parties as it goes over to the House. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Is this bill just relating to the -- according to my analysis here - it just amends The Radiation Protection Act? Will he --

PRESIDING OFFICER: (SENATOR COLLINS)

The Lady is asking a question. I assume you will yield. Senator Dunn.

SENATOR T. DUNN:

Yes.

SENATOR GEO-KARIS:

Okay.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 2171 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 2171 is declared passed. Senate Bill 2176 is on the Recall List today, so we're moving to Senate Bill 2142. Senator Jones. Senator -- Senate -- 92. Senate Bill 2228. Senator Severns. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. Senate Bill 2228 is recognition that Europe '92 is right around the corner, coupled with the fact that the changes in Eastern Europe have provided new opportunities for Illinois exports. We heard a report just last week that State of Illinois exports in the large

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business category are soaring. The area that we need to address is giving greater opportunity to small and medium businesses in this State for that same opportunity, and that's what this bill does. It provides a deduction to businesses who are certified by the Illinois Export Council and businesses that have seven and a half million dollars in gross sales or less for the taxable year for two years following certification. We've restricted the language simply because we recognize that it's a fiscal year that is tight. But I believe that this is a progressive measure and would help provide those small and -- small and medium businesses the opportunities they need to compete in the global markets. I'll be happy to answer any question.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 2228 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 52 Ayes, 5 Nays, none voting Present. Having received the constitutional majority, Senate Bill 2228 is declared passed. Senate Bill 2231. Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2231.

(Secretary reads title of bill)

It's the 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. What the bill now does is allow defendants in suits brought under the Environmental Protection Act to bring third party defendants into the same lawsuit, instead of requiring - as the current law does - that separate lawsuits be brought. This would result in judicial economy; the complete



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determination of the -- of the question involved; and would save the State and the parties money. I would be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Keats.

SENATOR KEATS:

I'm trying to find the original bill. Did you delete everything after the enacting clause? Okay. I'm sorry. Our amendment didn't say that. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill -- Senate Bill 22 -- Senator Raica, did you wish to speak? Your light came on and off. Senator Raica. I'm sorry.

SENATOR RAICA:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR RAICA:

Senator Welch, who requested this piece of legislation, please?

SENATOR WELCH:

It was suggested by the 3rd Appellate Court District seated in Ottawa, Illinois.

SENATOR RAICA:

Where was this problem at?

SENATOR WELCH:

The problem arose and was brought to the court's attention by a lawsuit brought in Ottawa, Illinois.

SENATOR RAICA:

Is that your district?

SENATOR WELCH:

Yes, it is.

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SENATOR RAICA:

Okay. Thank you, Mr. -- Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch, do you wish to close? The question is, shall Senate Bill 2231 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 2231 is declared passed. Senate Bill 2256. Senator Severns. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2256.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. This bill is a companion bill to the bill that we just passed, providing the Export Development Authority more financing tools - again, directed to those small- and medium-sized businesses in Illinois. I think our ability to compete globally is only diminished by our ability to act globally. This bill will help assist those areas that we need help. And I know of no opposition. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 2256 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the

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constitutional majority, Senate Bill 2256 is declared passed.  
Senate Bill 2277. Senator Rea. Senate Bill 2293. Senator Luft.  
Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft.

SENATOR LUFT:

Thank you, Madam President. Senate Bill 2293 - as the Secretary stated - simply amends the Metropolitan Pier and Exposition Authority Act. This is obviously a vehicle bill. I would request that the Senate pass this over to the House, where we will find out at a future date what, if anything, this bill attempts to accomplish.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 2293 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 21 Ayes, 29 Nays, 5 voting Present. Having failed to receive the -- the sponsor is requesting postponed consideration? Are -- are you requesting -- Senator Luft.

SENATOR LUFT:

Yes. I am requesting postponed consideration --

PRESIDING OFFICER: (SENATOR COLLINS)

The sponsor is requesting --

SENATOR LUFT:

-- on Senate Bill 2293.

PRESIDING OFFICER: (SENATOR COLLINS)

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The -- the sponsor is requesting consideration postponed.

PRESIDENT ROCK:

While we're compiling -- while we're compiling the Recall List, any Member who has a bill on 3rd Reading that they wish to have recalled, please let the Secretary know and get the amendment filed. While we're compiling that list, in order to move more paper, we'll, with leave of the Body, go to the Order, again, of House Bills 1st Reading. A number of Members have indicated their willingness to sponsor a House bill. House Bills 1st Reading, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 391 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 1632, by Senator Weaver.

(Secretary reads title of bill)

House Bill 1681, by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 2013, by Senators Smith and Topinka.

(Secretary reads title of bill)

House Bill 2178, by Senator Jones.

(Secretary reads title of bill)

House Bill 2181, by Senator Carroll.

(Secretary reads title of bill)

House Bill 2903, by Senator Maitland.

(Secretary reads title of bill)

House Bill 2948, by Senator Demuzio.

(Secretary reads title of bill)

House Bill 2965, by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 2998, by Senator Maitland.

(Secretary reads title of bill)

House Bill 3037, by Senator Maitland.

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(Secretary reads title of bill)

House Bill 3038, by Senator Maitland.

(Secretary reads title of bill)

House Bill 3107, by Senator Maitland.

(Secretary reads title of bill)

House Bill 3118, Senator Rea.

(Secretary reads title of bill)

House Bill 3150 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 3176, by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3181, by Senator Demuzio.

(Secretary reads title of bill)

House Bill 3294.

(Secretary reads title of bill)

And offered by Senator Lechowicz.

House Bill 3325, by Senator Maitland.

(Secretary reads title of bill)

House Bill 3506, by Senator Maitland.

(Secretary reads title of bill)

House Bill 3562 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 3572, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 3578, by Senators Smith, Berman, Demuzio and others.

(Secretary reads title of bill)

House Bill 3582, by Senators Smith, Thomas Dunn and Demuzio.

(Secretary reads title of bill)

House Bill 3583, by Senators Smith, Zito, Marovitz and Collins.

(Secretary reads title of bill)

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House Bill 3584, by Senators Smith, Thomas Dunn and Savickas.

(Secretary reads title of bill)

House Bill 3603, by Senator Madigan.

(Secretary reads title of bill)

House Bill 3651, by Senators Demuzio, Maitland and Luft.

(Secretary reads title of bill)

House Bill 3658, by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 3739 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 3971, by Senator Holmberg.

(Secretary reads title of bill)

House Bill 3972, by Senator Holmberg.

(Secretary reads title of bill)

House Bill 4068, Senator Jones.

(Secretary reads title of bill)

House Bill 4080, by Senator Maitland.

(Secretary reads title of bill)

House Bill 4085, by Senator Demuzio.

(Secretary reads title of bill)

House Bill 4202, by Senator Maitland.

(Secretary reads title of bill)

And House Bill 4203, by Senator Maitland.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

The bills that were just read in by the Secretary will be referred, of course, to the Rules Committee. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 1076 offered by Senators Lechowicz, Rock and all Members.

Senate Resolution 1077 offered by Senator Hawkinson.

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Senate Resolution 1078, by Senators Dudycz, Raica and all Members.

Senate Resolution 1079, by Senators Dudycz, Raica and all Members.

They're death and congratulatory resolutions.

PRESIDENT ROCK:

Consent Calendar.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 1080 offered by Senator Rea.

It's substantive.

PRESIDENT ROCK:

Executive. All right. If I can have the attention of the Members - particularly those who have drifted to their offices - we have what appears to be less than an hour's work remaining today, and I would ask the Members to please rejoin. A list of the recalls has been distributed. There is one additional, and that is Senate Bill 2115, sponsored by Senator Schaffer. There are two amendments that have been filed. We will add that to the list, rather than have to print another one. So I'd ask Senators Welch, Macdonald, Carroll, Welch, Dunn and -- and Schaffer to join us. In addition, there's been a request to go to the Order of Conference Committee Reports. And I'd just alert the Membership, copies of those reports have been, or are being, distributed. Senator Jones has a Conference Committee Report on Senate Bill 1289. Senator Hawkinson has a Conference Committee Report on Senate Bill 1333. And Senator Lechowicz has a Conference Committee Report on Senate Bill 1456. Those are at Page -- found at Page 44 on the Calendar. 44 on the Calendar. Then there has been a request to go to the Order of Motions in Writing. There are a number of motions that have been filed, Motions to Discharge and ask that bills be moved out to the Order of 2nd Reading. And we will address those motions also this afternoon before we

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conclude. The motions that have been filed are also on the Calendar at Page 46. You'll notice the date of filing. There are motions filed on May 15th, May 9th, May 4th - all the ones filed in May of 1990. Two additional motions have been filed, and the Secretary indicates that there will be a Supplemental Calendar, so that everybody is aware of what's out there. Senator Macdonald, as long as you are here, you want to deal with 1905? All right. Page 10 on the Calendar, Ladies and Gentlemen. On the Order of Senate Bills 3rd Reading is found Senate Bill 1905. Senator Macdonald 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 Senate Bills 2nd Reading, Senate Bill 1905, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Yes. This was added language to the language that we had to clarify that this -- this is regarding double-barreled bonds and backdoor referendums. And this amendment merely says that the question on the ballot shall include a statement of any revenue source that will be used to pay the principal of and interest on the alternate bonds. So I move for the adoption of this amendment.

PRESIDENT ROCK:

Senator Macdonald has moved the adoption of Amendment No. 2 to Senate Bill 1905. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.



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PRESIDENT ROCK:

3rd Reading. Senator Welch has joined us. Senator Welch, you ready? If you'll turn to Page 45 on the Calendar. 4-5. Page 45. On the Order of Consideration Postponed, you'll find Senate Bill 1482. Senator Welch 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 Senate Bills 2nd Reading is Senate Bill 1482, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 2.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 2 to Senate Bill 1482 deletes the original language and it turns the bill into a vehicle for purposes of coming up with a solution to the question of municipal incinerators. In the committee the other day, we discussed that we are going to continue to work on the issue of finding a solution to what to do with the incineration problem. What I'm trying to do is get this bill in a position to be sent over to the House to be used this fall for potential legislation that is worked on by a bipartisan committee. And I would move for the adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 1482. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading and back to the Order of Consideration Postponed.

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Senator Welch, you also have one at Page 4, which earlier today was moved to 3rd Reading. That's Senate Bill 2000. On the Order of Senate Bills 3rd Reading is Senate Bill 2000. Senator Welch 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 Senate Bills 2nd Reading, Senate Bill 2000, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a technical amendment. We found after putting on the Amendment No. 2 that the Section clause did not appear after the enacting clause, so we reversed that. And we'd like this to be put on.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 3 to Senate Bill 2000. Discussion? If not, all in favor, 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. Senator Dunn. At Page 12 on the Calendar, Ladies and Gentlemen, on the Order of Senate Bills 2nd Reading, having been moved to 3rd earlier, is Senate Bill 2110. On the Order of Senate Bills 3rd Reading, Senate Bill 2110. Senator Dunn 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 Senate Bills 2nd Reading, Senate Bill 2110, Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 1 offered by Senators Ralph Dunn, O'Daniel and Woodyard.

PRESIDENT ROCK:

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you -- thank you, Mr. President and Members of the Senate. Senate Bill 2110 is a bill that affects the oil and gas legislation in this State. And ever since we've had the bill filed, we've been working with the Department of Mines and Minerals, the independent oil producers, and Petroleum Council. So far they haven't gotten really together with it yet, so we'd like to offer this amendment, send it over to the House, and then we'll work out an amendment over -- work out some agreements over there, and we'll have it back for this House later. So I'd move the adoption of Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Dunn's moved the adoption of Amendment No. 1 to Senate Bill 2110. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Schaffer. 2115. On the Order of Senate Bills 3rd Reading is Senate Bill 2115. Senator Schaffer 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 Senate Bills 2nd Reading is Senate Bill 2115, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Schaffer.

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PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 1.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, Amendment No. 1 embodies the recommendations of the task force the Department of Energy and Natural Resources put together on the solid waste problems -- non-siting problems minus any reference to funding mechanism. So the bill in effect does not have a funding mechanism in it, although the recommendations of the task force are embodied in this amendment.

PRESIDENT ROCK:

All right. Senator Schaffer's moved the adoption of Amendment No. 1 to Senate Bill 2115. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 2.

SENATOR SCHAFFER:

Amendment No. 2 comes at the request of what we sort of refer to around here as the several business groups on some of the requirements for standards and timetable for diminishing waste. I am told that with this recommendation we have reached virtual agreement among the several business groups on the bill. I might add that none of us on this side of the aisle that I'm aware of have been contacted by what we call the environmental lobby, so I'm not sure where they are. Some of us are actually interested in their opinion, and would like to hear from them. But I don't know if they talk to Senate Republicans any more. But the amendment does modify and address the concerns of the business communities. And I just wanted to - for the record - say, that

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some of us are concerned about other interests, but if they don't talk to us, we don't know about them.

PRESIDENT ROCK:

Senator Schaffer's moved the adoption of Amendment No. 2 to Senate Bill 2115. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Carroll, you ready? On Page 20, Ladies and Gentlemen, on the proposed Agreed Bill List, you'll find Senate Bill 1962 on the Order of 3rd Reading. And Senator Carroll 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 Senate Bills 2nd Reading, Senate Bill 1962. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1962 is a sort of cleanup bill to the Comprehensive Health Insurance Plan Act. Amendment No. 2 is the agreed amendment that had been discussed in committee and by the committee that operates CHIP. This is the piece of legislation that'll do the technical language changes necessary, and hopefully is now the agreed language on how to deal with the issue of dumping, so that there will not be dumping into the CHIP Plan. I would move adoption of Amendment No. 2.

PRESIDENT ROCK:

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Senator Carroll has moved adoption of Amendment No. 2 to Senate Bill 1962. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I'd like to ask a question of procedure. After this is amended - it came off the Agreed Bill List - does it go back on the Agreed Bill List or does it come off?

PRESIDENT ROCK:

It does not go back on the Agreed Bill List. It comes off and will be returned to the Order of 3rd Reading on the regular order. Senator Carroll's moved the adoption of Amendment No. 2 to Senate Bill 1962. Discussion? If not, all in favor, 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. All right. Ladies and Gentlemen, we have two remaining orders of business. One are the conference committee reports found on Page 44 and 45, if the sponsors wish to pursue them. And on Page 46 there are a number of Motions in Writing - nine to be specific. In addition, the Secretary has - as a result of Motions filed just earlier today - submitted a Supplemental Calendar reflecting those two additional motions. So we will go to the Order of Conference Committee Reports, with leave of the Body, handle those that the sponsors wish to handle, then we'll do the Motions in Writing, and that will effectively conclude our business for this afternoon. On the Order of Conference Committee Reports, Senator Jones, on 1289. Madam Secretary, on the Order of Conference Committee Reports, there's a conference committee with respect to Senate Bill 1-2-8-9, please.

SECRETARY HAWKER:

Second Conference Committee Report on Senate Bill 1289.

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PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Conference Committee Report No. 2 provides clarifying language to several acts. It allows a peace officer to be exempt from fingerprinting requirements for licensure as a private detective, private security guard. Also include the practice of esthetics under the -- under the purview of cosmetologists. That's the cleanup language of the Act that we passed. And also deals with the -- with the failure to renew -- an expiration date requiring -- requires -- the felony of -- a new application and deletes the provisions on procedure the Department of Labor must take if a license is not renewed by the expiration dates. And renames the placement counsel as the employment counselor. What that does basically is the Act that we passed as relate to the Cosmetology Act -- it cleans up that language and that's all the bill -- all the conference committee does.

PRESIDENT ROCK:

Is there any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1289. 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 53 Ayes, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1289, and the bill, having received the required constitutional majority, is declared passed. Senator Hawkinson, you wish to proceed? On the Order of Conference Committee Reports, Madam Secretary, there's a report with respect to Senate Bill 1333, please.

SECRETARY HAWKER:

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First Conference Committee Report on Senate Bill 1333.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The initial bill dealing with tobacco products has been entirely deleted by this Conference Committee Report. Last year we passed a bill in the -- in the Senate, unanimously, which was designed to allow a group of private citizens in my home school district who were raising money - non-tax money - to build an auxiliary gymnasium and give it to the school district. We passed that in the Senate and it went to the House, where some Members in the House added an amendment which completely froze the maintenance tax levy of the district. We had no objection to not using any increased maintenance money to operate this building, but the problem is that that school district was substantially below where they were entitled to levy for maintenance purposes, and have plans unrelated to this -- to this building to increase that maintenance as they're allowed to by law. The House has agreed to back off that amendment, and we would ask that we would pass Senate Bill 1333 in conference committee, which would allow these folks to go ahead and build and donate the building to the school district.

PRESIDENT ROCK:

Is there any discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1333. 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, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1333, and the bill, having received the required constitutional majority, is declared passed. Senator Lechowicz,



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on 1456. Top of Page 45, Ladies and Gentlemen, on the Order of Conference Committee Reports. There is a Conference Committee Report, Madam Secretary, on Senate Bill 1456, please.

SECRETARY HAWKER:

First <sic> Conference Committee Report on Senate Bill 1456.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate do concur in adoption -- in Conference Committee Report No. 2 on Senate Bill 1456. It enhances the penalties for selling drug paraphernalia. It increases the penalties for selling paraphernalia from a petty offense - one thousand dollars - to a Class 4 felony - from one to four years and ten thousand. It increases the penalties for a person over eighteen selling drug paraphernalia to a person under eighteen from a Class 4 felony to a Class 3 felony. And I don't know of any opposition. And I move that we do concur in Conference Committee Report No. 1 <sic> to Senate Bill 1456.

PRESIDENT ROCK:

All right. Any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1456. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1456, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we are proceeding to the last order of business, unless any other Member has any other business he would like to bring before the Body. The last order of

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business will be the question of the Motions in Writing. You'll find those motions at Pages 46 and 47 of the Calendar, and also on Supplemental Calendar No. 1, where there's been a motion filed by Senator Newhouse and Senator Woodyard. 1488. Senator Zito. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Finance and Credit Regulations be discharged from further consideration of Senate Bill 1488, and that the bill be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Zito.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. Senate Bill 1488 is a bill that has been developed with Commissioner Harris, the Commissioner of Banks and Trusts, the Illinois Bankers Association and the Community Bankers Association. When the bill was presented before the Senate Finance Committee, the lengthy amendment, which I've distributed to members of the Finance Committee, was not prepared, and since it was a controversial subject matter dealing with branches and limitations thereof, Senator Keats and I, as a minority spokesperson and chairman, decided that in -- in the best interest of the Membership, it was better to hold the bill until such an agreement was reached or at least an amendment. We have been presented with the amendment - yesterday afternoon, I believe. Copies of the amendment are available, and I would, at this time - in keeping with my promise in committee, and Senator Keats joins me in this - would move to discharge Senate Bill 1488 from further consideration of the Senate Finance Committee, and that it be placed on the Order of 2nd Reading.

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PRESIDENT ROCK:

Discussion on the Motion? All right. The question is the Motion to Discharge the Committee on Finance from further consideration of Senate Bill 1488, and that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor will vote Aye. Opposed, vote Nay. 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 51 Ayes, no Nays, none voting Present. And the motion carries. 1489. Senator Lechowicz. Read the motion.

SECRETARY HAWKER:

I move to discharge the Committee on Appropriations I from -- from further consideration of Senate Bill 1489, and that the bill be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Lechowicz.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the appropriation that would open up a trade office in Poland. It originally called for two hundred thousand dollars. In discussing this matter with the Governor's Office and DCCA, they proposed an amendment to be prepared, which I did prepare and I offered in Appropriations Committee. The office would be for two hundred and fifty-five thousand dollars in Poland, two hundred and twenty-nine thousand dollars in Hungary. And the total other costs of sixty-two thousand dollars or approximately five hundred and forty-six thousand dollars. Let me point out to the Membership that this came about when Lech Walesa visited Chicago, and not only the State of Illinois, but everybody from the Midwest came in to meet this dynamic leader from Eastern Europe. And the -- the labor convention that labor hosted from Illinois - the

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Governor addressed that group - made mention of the fact of having a -- the importance of having a trade office in an Eastern European country. I also discussed that with Neil Hartigan that same weekend. And Neil thought it was a great idea that we would have a trade office located in that area. And I told him that I had discussed this with Thompson, and that both parties agreed to the importance of it. And they both came out publicly in support of it. I put that bill in in the -- in that -- in the October Session based upon those premises. Since then, we've -- were host to some other dignitaries from that section of the world. I think it's vital that all of us go on record and say, "Yes, we appreciate the fact that sweeping changes occurring in Eastern Europe and Illinois will lead the nation in making sure that the trade and economic benefits of Illinois are available to that section of the world." For that reason, I'm asking that this bill be discharged from committee, and placed on 2nd Reading on the Floor.

PRESIDENT ROCK:

All right. You've heard the motion. Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As the sponsor has indicated, this is a matter which was discussed at some length in the Senate Appropriations I Committee. And it was the considered judgment of the Approps I Committee that this bill should not be reported to the Floor of the Senate Do Pass. I think that I can speak for the majority of the members of that committee, however, in -- in -- when I say - and I think I do speak for the majority of them - when I say that we do support the -- the idea of opening these offices. The point is, that the money that is requested to open these offices was not even included in the Governor's budget. This is an add-on to the

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Governor's budget. And what I -- I'd like to remind you, that just yesterday, you've approved a series of amendments to appropriations bills that we've labored over as a group, and the -- the bottom line is that we are -- we have removed five hundred million dollars out of the Governor's budget, because it was that much beyond what we expect the revenues to be. I would suggest that this is a good idea, but it is not timely. I suggest that we defeat this motion and that we continue to see - over the next six weeks - if there is not some way in which we could open these offices in some way that would minimize the budget impact. I would ask for a No vote on this motion.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Yes sir, Mr. President, Ladies and Gentlemen of the Senate. I stand in support of Senator Lechowicz's motion. It was a commitment that Illinois made to Poland. The Polish people aren't looking for a handout, they're looking for investments in their -- in their -- in their area. If this was a word that Illinois had with -- with Poland, I think that it's -- it's only right for us to keep to that commitment. And I stand and ask for everyone's support.

PRESIDENT ROCK:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I, too, rise in support of Senator Lechowicz's motion. The hour is still young here in the General Assembly. We've got six weeks left. There is plenty of time to debate the issue of where this money is going to come from. I think the important and crucial point is the one that Senator Raica has made - Illinois has made a commitment; we ought to live up to it. And we can find the

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dollars.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz, to close.

SENATOR LECHOWICZ:

I'd appreciate an Aye vote, Mr. President.

PRESIDENT ROCK:

All right. The question is the Motion to Discharge Senate Bill 1489 from the Committee on Appropriations I, and ask that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor will vote Aye. Opposed will vote Nay. And the voting is 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 36 Ayes, 11 Nays, none voting Present. And the motion carries. Senator Macdonald, for what purpose do you seek recognition?

SENATOR MACDONALD:

A point of personal privilege, Mr. --

PRESIDENT ROCK:

State your point, please.

SENATOR MACDONALD:

Yes. I would like to introduce some very distinguished guests that are from my district that are here today. They are from Alexian Brothers Medical Center. Their chairman, Mrs. Ethel Kolerus, who is beside me here; and Sue Redfield, who is also a friend of Senator Netsch's and who is also here beside me; and Mr. Lee Demonico; Roger Johnson; Sue Brent; Mary Daugerty; and Patrick Coleman. And they are up in the Speaker's Gallery. And I'd like for them to stand and be recognized, please.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. All right. Motion on Senate Bill 1529. Senator Smith. 1748. Senator Etheredge. Senator Etheredge. Going once.

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Going twice. 1748. Senator Jacobs, for what purpose do you arise?

SENATOR JACOBS:

Point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, please.

SENATOR JACOBS:

Up in the President's Gallery, here on the Democrat side, we have a group from Illini Hospital in my district, plus their bus driver, Fosco. So I'd like to have them stand and give them a hand.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to Springfield. 1852. Senator Raica. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Energy and Environment from further consideration of Senate Bill 1852, and that it be advanced to 2nd Reading.

Filed by Senator Raica.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this bill would do is this amends the Environmental Protection Act and provides that certain facilities intended to take waste from outside Illinois must undergo local siting approval. Mr. President and Ladies and Gentlemen of the Senate, this is an important issue to all legislators, local government, and the people we represent back home. What we're asking for is local siting approval for incinerators and that's all. When this bill was heard in committee, they put a subcommittee together to

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go, and hopefully, go out to my district and Senator Savickas' area - and Senator Kelly was on this bill and Senator Mahar - and I -- I said we need something to take back from the constituents back home 'cause we have a problem with Sun Chemical Company. They were disapproved their zoning by Bedford Park by President Plotsek. And yet, they continue to try and put an incinerator within that community. At that point, it was recommended that the subcommittee that was put together come out to our district and listen to the concerns of our constituents, and both Senator Savickas and I and Senator Kelly and Senator Mahar agreed. Mr. President and Ladies and Gentlemen of the Senate, that did not happen. The subcommittee did not come to our district. Did not come to hear the concerns of our constituents. Instead they went to another state, when the problem we're having is right here in Illinois and right in our backyards. What we're asking for is that if you're going to burn waste outside the State of Illinois, that you undergo local siting approval. The subcommittee agreed that we need to seek the issue of incinerators, and they wanted to wait until we came up with a bill that everybody agreed on. Well, Mr. President and Ladies and Gentlemen of the Senate, we don't have that time. If the community - if the local representatives - the local governments - don't want this in their community, they should have the right to approve or disapprove it, and that bypassed that system. I think this is an important issue, and I think it deserves the attention of the Body, and I would just ask for an Aye vote.

PRESIDENT ROCK:

Discussion on the motion? Senator Welch.

SENATOR WELCH:

Thank you -- thank you, Mr. President. The subcommittee did have a meeting concerning these bills, and the -- and it was the sense of the subcommittee - the three Members - to keep this bill



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in the committee. We did that after discussing the matter with the other members of the full committee. What we felt we should do is, instead of reacting on a case-by-case basis and a district-by-district basis, try to fashion some legislation, and come back with it perhaps this fall, that would cover these similar situations throughout the State. We all have problems with incinerators attempting to be built by different companies in our districts - either contemplated or real. What we had hoped to do was to try to get a situation where we could force these incinerators to be of the highest technology available; to enforce recycling requirements before they incinerate; make sure that they burn only Illinois waste; make sure that the waste is turned into energy. This bill doesn't do that. And that's why we didn't want to rush out there with an emotional issue without taking care of problems one at a time, instead of trying to fashion a comprehensive solution. For that reason, the committee felt that we should keep the bill in the subcommittee and talk about it through this fall, and perhaps bring it back this fall. That was the subcommittee's intention, and that's why we asked to keep it in committee.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, stand in strong opposition to -- to this discharge motion. This was a bipartisan, unanimous vote in the Energy and Environment Committee. I think we are complying with the intent of what the legislation is all about. I think that we're looking at a much broader picture. And I agree with Senator Welch that we shouldn't address these on a per-case basis. And this thing gets a lot more involved than what it sounds like here. And I think that we are responsible by allowing the subcommittee to do its

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work - reporting back in the fall. And I ask for a No vote.

PRESIDENT ROCK:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes. I, too, rise in strong opposition to this particular motion. This bill does have far- far-reaching implications to it. As both of the Senators before me said, we need to study this whole issue of -- of incineration and -- and the consequences that it will have over the whole State. This is not the only issue - the only incinerator - that is right now being looked at. And -- and we certainly think that we need more time, and that we cannot address issue-by-issue and -- and crisis-by-crisis in this particular manner. So I would strongly suggest that we keep this bill in subcommittee, as we have placed it there, and give us an opportunity to work in a comprehensive fashion to find answers to a very serious environmental problem in Illinois.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, I rise to join Senator Raica to discuss this hypocrisy of our Energy Committee's thoughts and ideas. Senator Welch mentioned that he wants to bring everything in conformity. The only thing that Senator Raica and I and Senator Kelly and Senator Mahar and other Senators located on the Southwest Side of Chicago and running those suburbs seek is that the conformity be that the local community has a voice in the construction of these incinerators. Just like Senator Jacobs has in his community. Just like Senator Macdonald has in hers. Or Senator Welch has in his. When we talk about this hypocrisy of looking at the problem in a whole, let me tell you what this Energy Committee did. They wanted to look at to see where this incinerator that would burn hazardous material located next to

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Reavis High School where the children go to school, and how it would affect them. And how did they accomplish this? They went on a paid trip to the -- I guess to Ohio - to Ohio - to see how a municipal incinerator works that burns city garbage. This is their idea of how to check on a hazardous waste incinerator that's going to affect the lives of our children and a high school located right next door. And this is our Energy Committee that's going to solve our problems of hazardous waste in our communities. They don't want us to have any say-so in our local communities. Why? Because many of them are concerned that this hazardous waste may go downstate. So they'll say, "Put it in Cook County in residential communities - in residential communities - and let it burn." I think they should be taken to task. I think this bill should be reported out. And let's have a -- a full -- full Senate discussion about this problem. I vote Aye.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you -- thank you, Mr. President, Members of the Senate. I also rise in strong support of Senator Raica's motion. It's a very important issue - certainly in Cook County - and it's one that's not going to wait until the fall. I -- I would -- I would be glad to go along with what the committee wants to do if the incinerator people would also have a moratorium on their activities. But I -- if you recall what's happened on television during the last six months about all the communities that have been involved with incinerators and in proposed incinerators, well this is an issue that's going to continue to harass us throughout the summer months. And it's going to be a major issue. And I do think the committee could have been a little -- fairer to the sponsors of these bills. There were several bills which we all sponsored, and they in -- in earnest - and I know the chairman is

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very fair most of the time - advised us that we would have an opportunity to have a -- an agreed bill, and that never happened. So I would vigorously ask you to support the motion of Senator Raica.

PRESIDENT ROCK:

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I would first remind the Membership that the discussion is not on the merits of the legislation, but on the discharge motion to move this bill from committee to 2nd Reading. I was not at the last Energy and Environment Committee, but I stand in support of Senator Raica's motion. Three Senators - Kelly, Raica and Savickas - came to our committee and asked for immediate consideration of a problem that they have in their districts or adjoining districts. There was a subcommittee that was established. It was supposed to investigate it. And apparently it was talked about at the meeting that I was not in attendance of. This problem however, and I - whether we're going to debate the merits now or later - I think it would be advantageous for us to debate merits on 2nd Reading. I don't know if the bill is going to be a cure-all for incineration problems in this State or the country. Senator Raica, in all due respect, I don't think it is. Incineration is going to be a very, very difficult problem that we're going to have to deal with, and over a greater period of time. But Senator Raica, Senator Kelly and Senator Savickas have a very serious problem in their districts right now. And there hasn't been a Senator on this Floor that hasn't had a problem that needed immediate attention and we didn't give consideration to. I'm not standing here today and asking you to vote for or against this bill, but I do stand here and ask you to support this motion so we have an opportunity to talk about it and alleviate that incineration problem in Senator Raica's

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district. Vote Aye.

PRESIDENT ROCK:

Further discussion? Senator Mahar.

SENATOR MAHAR:

Well, thank you, Mr. President and Members. I rise in strong support of Senator Raica's motion. Maybe we could clarify a point. I would ask if the sponsor would yield for a question.

PRESIDENT ROCK:

Sponsor of the motion indicates he will yield, Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. During the course - I -- I was not there at this last meeting - but -- and certainly, we in the General Assembly from time to time act in haste, and maybe we should spend more time in studying serious problems like -- like incineration, but I -- my concern is in the immediate, where the EPA has received an application for this siting process. Senator Raica, at any time during this past committee hearing - from the committee members or from the EPA - have you received any indication that the EPA would not move forward with this siting before the timetable for the committee to review this in the fall?

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Senator Jacobs asked a question in committee, and he asked it particularly to Sun Chemical. And he says, "We want to come up with some guidelines and come up with an amendment or come up with a bill that would be encompassing to address everyone's concerns." At that point, he asked Sun Chemical, "Would you be willing to wait until the point where we come up with our study, which may not be till the fall or till the first of the year." To which Sun Chemical answered, "Huh?" So being the reasonable and prudent man that Senator Jacobs is, he

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asked the question a second time, probably hoping to get Sun Chemical to say, "Yes, we will abide by the committee's wishes; we will wait." Sun Chemical did not give an answer. Which means, they continue to pursue this issue. If I didn't feel it of an emergency nature, Senator Mahar, I would not have made a Motion to Discharge. But we're dealing - Senator Savickas and I and Senator Kelly and yourself - are dealing with the time constraints here. EPA can approve this thing and -- and we want something in writing that says, "If you're going to bring waste from outside the State, just go through local siting approval." That's all.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Then to the motion. Obviously if the committee wishes to move forward with their intent to -- to study incineration in general in the fall, it's totally appropriate to do so, and they may do so the following spring and the following fall. But however, this is an emergency issue, that's affecting the neighborhoods - the residential neighborhoods of four Senatorial districts - and it's totally appropriate for us to ask you, our colleagues, to move for and allow this to be deliberated on the Floor. And I would ask for your support of Senator Raica's motion.

PRESIDENT ROCK:

All right. Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I rise in opposition to this motion. And I do so because it wasn't a couple of years ago that I came to this General Assembly and asked for a special consideration for a situation that was happening in my area - recognizing and fully aware that it is bigger than my district. We have a landfill that's being sited in my area, according to the

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law. There's no problem there, but we were asking that the disenfranchised voters have a right to vote on this through county approval. And it was rejected - as I unfortunately understand - because the issue is bigger than my district. But I'm only one Senator that came here and asked that, because that is the way this State is. I have eight counties that I serve, as opposed to a number of the Senators in this area that happen to represent this one district - this one area of the State. They're lucky to have that many people that represent them and can vote for 'em. So I think this issue is the same. It has to do -- we have even asked that we reject garbage being sent down from other parts of this State, and only take it within our county. That was rejected. I can understand why. And I think that we are getting into a very complex, very comprehensive issue that needs to be looked at for the betterment of the State of Illinois. It has nothing to do with Senator Raica or the other Senators. I fully understand their desire and their constituents' request, but we have to look at this on a broader basis. And I would ask that you reject this and allow the committee process - as we do in every regard - to allow this process to work. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President, Ladies and Gentlemen of the Senate. I think Senator Raica has merit in this request, because at the present time, even landfills are subject to local siting by a municipality. So this is the same thing for incineration. I support this -- this motion.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Thank you -- thank you, Mr. President. To the -- to the

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motion: well, you mentioned Senator Jacobs asking the question about when they would start. I was there, and I heard them say that they had to take it back to their corporate people, but that they wouldn't start before January or February of next year. I think perhaps rather than trying to discharge this, you ought -- you might think about putting in a resolution asking them not to start this facility until the Senate had an opportunity to go into the -- the bigger picture on incinerators. And it's been mentioned hypocrisy a few times on this Floor, and -- and the right of Senators to protect their district, Senator Raica. And I might point out to you Senate Bill 1915. It was two years ago. That was a bill that amends the Environmental Protection -- Protection Act with respect to siting of regional pollution control facilities, provides that approval of a site in a regional pollution control facility by a municipality which has annexed the property, the site within the five years prior to the annexation, and it shall not be effective unless ratified by referendum - by referendum of the people. That was my resolution, Senator. And I note here with some interest on the roll call at that time - it was Senate Bill 1915, 5/19/88 - Senator Kelly voted No; Senator Mahar voted No; and Senator Raica voted No. So let's not talk about hypocrisy on the Floor of the Senate here, when you're -- when you're -- when we have handy little things like roll calls, Senator.

PRESIDENT ROCK:

All right. Further discussion? Is there any further discussion? Senator Savickas, for the second time. All right. Senator Raica may close. Senator Raica may close.

SENATOR RAICA:

Thank you, Mr. President. What Senator Joyce was talking about, Mr. President, was the regional pollution control facility. This is not the regional pollution control facility. We would



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rather make it that so they would have to go through local siting approval. In the committee they mentioned that -- or Sun Chemical mentioned that they would exceed EPA standards. But then again, the committee says that the EPA standards are lax. You know, there's an exemption in the law right now -- there are three -- basically three exemptions, and what it states is that sites or facilities used by persons conducting a waste storage, waste treatment, waste disposal, waste transfer, waste incineration operation or combination thereof for waste generated by such person's own activity when such wastes are stored treated, disposed, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported between State facility -- or State sites or facilities owned, controlled or operated by such persons. What we're saying is Sun Chemical is going to transport from twenty-seven other states into the State of Illinois. All we're asking to do with this bill is that they go through local siting approval. The problem is EPA may grant them this permit before January, when they're thinking of building. And Senator -- Senator Welch stood up and said about -- you know, that this is particular to my district. Senate Bill 2231 was particular to his district. This is just as important. All we want them to do is go through local siting approval, and I'm just asking for an Aye vote.

PRESIDENT ROCK:

All right. The Motion is to Discharge the Committee on Energy and Environment from further consideration of Senate Bill 1852, and the Gentleman asks that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor of the Motion 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? Have all voted who wish? Take the record. On that

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question, there are 23 Ayes, 27 Nays, 2 voting Present, and the motion fails. Further motions, Madam Secretary? 2-0-3-2. Senator Daley. 3-3. 2040. Senator Kustra. Read the motion. Top of Page 47, Ladies and Gentlemen. A Motion in Writing with respect to Senate Bill 2040.

END OF TAPE

TAPE 5

SECRETARY HAWKER:

I move to -- discharge the Committee on Revenue from further consideration of Senate Bill 2040, and that it be advanced to 2nd Reading.

Filed by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you -- thank you, Mr. President and Members of the Senate. This is the Property Tax Levy Limitation Act of 1990. It provides that no taxing district may levy a property tax which exceeds the prior year's levy by the lesser of five percent or the rate of inflation as measured by the Consumer Price Index. Levies which exceed that threshold would be subject to referendum. It also has a provision which allows districts to capture new tax dollars generated from increased assessed value due to improvements or new construction. Earlier in this day when Senator Netsch and I were debating property tax relief, she raised the question of whether or not there would be a particular opportunity to capture those new assessment dollars for new construction. This particular -- provision, from the beginning,

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allowed for that. What's most important about this particular approach to property tax limitation is that it caps at five percent. Right now we have a bill that is on 3rd Reading - Senator Netsch's - that caps at nine percent, and frankly for those of us who come from Northern Illinois, where property taxes have been escalating at gigantic proportions, that simply doesn't do the job. This particular bill, by capping it at five percent or the CPI, whichever is less, is effective property tax relief, and I would ask for your consideration.

PRESIDENT ROCK:

All right. Question on a Motion to Discharge. Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Oh, I also rise in support on this proposal. Frankly, I think when -- one of the advantages of this abbreviated Session is we're getting to spend a little more time back in our districts, and I don't know about the rest of you, but I, for one, have been getting an awful lot of heat about property taxes and inflation-driven property tax increases. I suspect in some parts of the State it's not a problem, but we're seeing some outrageous increases in property taxes that are not justified, and not conscionable. And that's what this is aimed at. It's a long way to the Governor's desk, but this bill has some teeth in it, and we need to get this discussion on the Table, and we need to see this bill go forward.

PRESIDENT ROCK:

The question is the Motion to Discharge the Committee on Revenue. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Yes. Senator O'Daniel just reminded me that this bill was put in a subcommittee. And let me suggest, Senator Kustra, that number one, we now have several

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bills that are out on the Floor. You had an opportunity to present the essence of what is in Senate Bill 2040 in an amendment this morning, to - I think it was to my bill - and that lost. So that it is not as if there has been no opportunity at all for this particular point to be raised. I would further point out that I think what is out on the Floor right now, which is a nine -- at nine percent - or a hundred and nine percent, if you will - referendum with virtually no exceptions - that is just those that are already in the Truth in Taxation Bill - is, indeed, a very tough, tight limitation on local governments. And I don't see that your five percent or CPI adds that much more, particularly if you were successful in attempting to make accommodation for the growth in those districts that are experiencing high growth. I would point out to you once more, I think you have not been successful in doing that in this bill, but I know that that is your intention. And if that's so, it seems to me that my version in 2255, which has none of those exceptions built in, is a much tougher version. I -- I don't really see why we need another bill out on the Floor at the present time.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Coming from a district that has really been hit extremely hard by tax increases, because of assessed valuation going up -- in fact, my assessed valuation on my own home went up fifty percent, and I am now paying five hundred dollars a month real estate taxes. It seems to me that certainly Senator Kustra's approach makes a great deal of sense. I happened to have been -- could you turn it up? I happened to have been in the Revenue Committee while these bills were being discussed, and I was rather amazed that only one bill, who happened to be the chairman's bill, managed to get out of committee, and everybody

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else's bill was put in a subcommittee. It seems to me that this is an important enough issue that those of us, particularly who come from districts that are so very badly hit by the assessed valuation, ought to be able to look at these bills, ought to be able to vote on them, up or down, and at least have a chance, rather than having one small group decide - for my district, anyway - what bills we are interested in at -- particularly when it comes to tax relief. I think we ought to -- discharge this bill.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. I stand -- I stand in support of Senator Kustra's Motion to Discharge 2040. You know, when we debated the Tax Accountability Amendment earlier this year, Senator Netsch and others in this Body expressed their concern that -- saying that as far as they were concerned, the problem was not the income tax in Illinois, the property <sic> with the taxpayers is in their property taxes. And yes, there are more than one -- bills on the Floor or being deliberated in both Houses dealing with the property tax issue. And I think that if you're sincere in -- in giving some property tax relief to your owners, you will give serious considerations to every bill that deals with the property taxes and would support 2040's discharge from committee.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't -- I guess I'm in opposition to -- to this discharge motion for maybe a different reason than everybody else. I guess I'm getting a little bit tired of local government

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bashing. And that's really all we're talking about here. You know, we talk about the property taxes going up; well, if you don't like the property taxes going up, you already have a remedy. You can vote the people out of office that are raising those taxes. And I think we've got to get back to that responsibility. You know, whenever you look at the taxes that we collect on the State level, you look at the taxes we collect -- on the Federal level, and then you look at the taxes you collect on the local level, the only place you get your dollar's worth is on the local level. And I think maybe it's time to keep our damn nose out of their business.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. I know that the die is pretty much cast on the votes, but Senator Netsch, I do need to point out to you that there is a distinct difference between your bill and Senator Kustra's bill. In fact, from an elementary math standpoint, nine percent is far greater than five percent. And there's a big difference there. But let me tell you where the major difference is, and that is that Senator Kustra's bill does, in fact, take account for those situations in which communities have grown, have had need to build infrastructure for that growth who under your bill, would not be allowed to capture that. In fact, under the nine percent with no growth, you could actually be having a tax -- referendum when the tax is decreasing, because if the new growth is greater than ten percent, and they have to go for nine, that means they would be voting on a tax decrease. There virtually is no similarity in the two bills. And this bill, coupled with some type of meaningful property tax relief, would put us on our way to ensuring that the property taxes will not rise the way they've been rising in the past.

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PRESIDENT ROCK:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, we've had the misfortune to have our tax bills out already in DuPage County, and I'd like to give you -- report to you the bad news. They are up on an average of 14.3 percent. Now I know some of the other counties around us are not out yet. I understand Kane County's tax bills are in the mail, or some of them have hit the target already, but in most of the collar counties, they are not out yet. Cook County is not out yet; I've been led to believe they're going to be out some time in August. Well, let me tell you one thing - there are some angry, angry people out there who're going to have to make those installments and make those payments. I would suggest to you this may be one of the few times this Session you may be able to vote for something that may give them a tax break on real estate, and -- suggest that you consider your vote and vote Aye.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I think Senator DeAngelis made the point that I would want to close on. Five percent's lower than nine percent, and if you take a look at the increases across the northern part of the State, I think that spells the difference, and it spells the reason why we ought to be in favor of this. For those of you who are downstate, the fact is this bill simply isn't going to affect many districts downstate. But for those of us who have been experiencing these large increases, this will help, and we need your help. Appreciate an Aye vote.

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PRESIDENT ROCK:

All right. Motion is to Discharge the Committee on Revenue from further consideration of Senate Bill 2040, and asks that the bill be placed on the Order of 2nd Reading. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 32 Ayes, 18 Nays, 1 voting Present, and the motion carries. 2225. Senator DeAngelis. All right. Supplemental Calendar No. 1. We're on supplemental number one. There is a motion with respect to Senate Bill 2181. Senator Newhouse. Okay. 2700. Senator Woodyard, I am going to rule that out of order. That's a House Bill. We can -- talk to Pate, we can deal about that -- because it has to clear Rules Committee, and it is a House Bill, so it's not under the same kind of deadline. Senator Newhouse, do you wish to pursue the motion? All right. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Rules be discharged from further consideration of Senate Bill 2181, and that the bill be placed on the Order of 2nd Reading.  
Filed by Senator Newhouse.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. This is a bill to -- that speaks to the problem of -- of -- of clear rates on parking lots in the City of Chicago, and I would move that we discharge committee, and place this bill on 2nd Reading.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Committee on Rules be discharged from further consideration of Senate Bill 2181, and that the bill be placed on the Order of 2nd Reading.



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Those in favor of that motion 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 12 Ayes, 13 Nays, 1 voting Present. And the motion fails. Is there any further business to come before the Senate? Senator Sam, for what purpose do you arise, sir? Senator Vadalabene.

SENATOR VADALABENE:

Mr. Chairman, I think I have a motion up there. Don't I?

PRESIDENT ROCK:

All right. There has been a motion filed, the Secretary informs me, with respect -- another Motion to Discharge. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Appropriations I from further consideration of Senate Bill 1589, and that it be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Vadalabene.

PRESIDENT ROCK:

Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. Chairman -- or Mr. President and Members of the Senate. It seems to me that what's good for the goose is good for the gander. It also seems to me that the Chairman of the Appropriations Committee was conveniently absent when Senator Lechowicz made the Motion to Discharge the Appropriations Committee in regards to his funding for the Country of Poland. Now as an Italian, I take exceptions that I'd follow orders, and I also try to do what I think is best for the State of Illinois. However, I am filing a motion now after considering what is going on and what's taken place with the Committee Chairman that they don't object to motions once we've defeated the -- the bills

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prior. Now Senate Bill 1589 is not a membership bill as the Chairman and the bipartisan appropriation committee indicate. This is appropriation to the Department of Conservation in the amount of up to one million dollars for the purchase of easements allowing the Great River Road, the Olney Parkway, one of the most scenic areas in the State of Illinois and in the Country. This is not a pork barrel bill. If it was a pork barrel bill, I would have had to haul it down home in a trailer, but this bill stayed up here in the Department of Conservation. I was advised to do it this way, but the Chairman of the Committee, Howie Carroll, and the bipartisan group, decided that this was pork. I want to be treated fairly just like everybody else, and I don't think when I said I will not make a motion to file -- to discharge the Appropriations Committee -- that I kept my word, but when others are attempting to circumvent the appropriations process, and get their bills on the Senate Floor, then I think I have been here long enough to get my just dues also. So I file now, Mr. President, for the discharge of Appropriations Committee to get that one million dollars to the Department of Conservation.

PRESIDENT ROCK:

All right. Senator Vadalabene has moved to discharge the Committee on Appropriations from further consideration of Senate Bill 1589. Those in favor of that motion 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? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 11 Nays, none voting Present, and the motion carries. Senator Smith, you have a motion on 1529. That will be the final motion, Ladies and Gentlemen. Then we'll adjourn until -- I am sorry. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

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I'll wait till after Senator Smith's motion. I just wanted to Table a bill.

PRESIDENT ROCK:

Oh, great. We're always -- that's always in order. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

Thank you, Mr. President. Just for an announcement. Immediately after we adjourn this afternoon, there will be a slide presentation in Room 400. Last March, State Representative Myron Kulas and I visited Eastern Europe, specifically the Soviet Ukraine - by the way I might add it was not at taxpayers' expense - and we observed their first-ever free elections. We documented the elections with photographs, and we will be presenting a slide presentation. It'll take approximately one-half hour, immediately after Session in Room 400 this afternoon, and everyone's invited. Thank you.

PRESIDENT ROCK:

All right. All right. We've got one final motion, Ladies and Gentlemen, if I can ask you just to stay put for five more minutes. The motion filed, page 46 on the Calendar. There is a motion filed with respect to Senate Bill 1-5-2-9. 1529, Madam Secretary.

SECRETARY HAWKER:

I move to discharge Senate Bill 1529 from the Senate Insurance Committee and have it placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Smith.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I beg to -- a Motion to Discharge the Committee on Insurance, and

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that the bill -- Senate Bill 1529 will be placed on the Calendar on the Order of 2nd Reading.

PRESIDENT ROCK:

All right. Senator Smith has moved to discharge the Committee on Insurance from further consideration of Senate Bill 1529, and asks that the bill be placed on the Order of 2nd Reading. Discussion? Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President. I support the Lady's motion, because she was away on official business, and didn't have an opportunity to have her bill heard in committee. So I support her motion.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, Members, I don't remember entirely what the -- what the circumstances were if it -- if in fact it's correct that Senator Smith was away, I -- I assume she might have found a substitute sponsor. But in any case, and more importantly on the substance of the measure - since I don't think it was addressed in any way by Senator Smith's opening remarks - as I understand it, what this bill provides is that any maternity coverage offered under a commercial health insurance policy would mandate that anyone who was a dependent also receives such maternity coverage. It is clearly a well-intentioned idea, but like a number of other measures that we have had before in this Session and in other Sessions, it is once again broadening mandated coverages for commercial health insurance policies that are regulated by the State Insurance Code. And none of us wants to sound like a broken record, but at the risk of being one, let me just again restate the -- the position that I feel is true, that the more we mandate, the more commercial health insurance -- the cost of commercial

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health insurance is going to go up, and this is just one more example. I'd like to make quickly one additional point that I didn't make when speaking to the clinical social worker bill, which is something we always need to keep in mind.

PRESIDENT ROCK:

Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah. Thank you, Mr. President. With all do response to the Gentleman that's speaking, the motion is to discharge the committee, not the motion -- we are not talking about the substance of this bill nor the substance of a bill that he voted against. You must speak to the motion, and the motion is to discharge the committee not the substance of the bill.

PRESIDENT ROCK:

All right. Senator Barkhausen, if you can confine your remarks to the motion, we'd all appreciate it.

SENATOR BARKHAUSEN:

Very quickly, Mr. President, I know a number of other discharge motions have seemed to dwell on the merits. Let me just quickly finish my -- my point is that where we are regulating the coverages of commercial health insurance policies, we are not able to, because of federal law, deal in any way with policies of -- of the self-insured which are regulated by the federal Employee Retirement Income Security Act (ERISA) and therefore are exempt from any attempts by states to regulate them. So, we're regulating a fairly small area of the marketplace and a shrinking portion of the marketplace, and where -- each time we do this, we're providing disincentives for employers to provide commercial health insurance, and I urge a No vote.

PRESIDENT ROCK:

It's 3:15 in the afternoon, you know. All right. Any further discussion? Senator Smith may close.

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SENATOR SMITH:

Mr. President and Ladies and Gentlemen of the Senate. And to my colleague, I think that you are out of order. I merely stood to ask if this piece of legislation would be removed from the Insurance Table so that we can discuss -- we can discuss it in full. All I ask right now that the Assembly will permit me to move this here from the committee - that's all - and then we can go into it.

PRESIDENT ROCK:

Senator Smith has moved to discharge the Committee on Insurance from further consideration of Senate Bill 1529. Those in favor of that motion will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? 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 28 Ayes, 24 Nays, and 1 voting Present. And the motion fails. All right. Ladies and Gentlemen. Ladies and Gentlemen, we will -- we will reconvene tomorrow morning. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

My -- my button did not come on -- flash on.

PRESIDENT ROCK:

All right. The record will so reflect. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 2130 is at present on the Agreed Bill List. I would like to take it -- remove it from the Agreed Bill List to Table it.

PRESIDENT ROCK:

All right. Top of page 23, on the Order of 3rd Reading is Senate Bill 2130. Senator Karpziel moves to Table Senate Bill 2130. Discussion? If not, all in favor of the Motion to Table

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indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the bill is Tabled. All right. Ladies and Gentlemen, we will reconvene tomorrow morning at the hour of ten o'clock. Rules Committee will meet in 212 at 9:30, because of the action today where we have a number of bills that have been moved to the Order of 2nd Reading, it will require us to be here on Friday if we are to deal with those, so plan on being here Friday morning. If there is no further business to come before the Senate, Senator Vadalabene moves that the Senate stand adjourned until Thursday, May 17 -- Thursday morning at the hour of ten o'clock. Tomorrow morning at ten. Senate stands adjourned.

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