

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

31st Legislative Day

May 17, 1989

PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to order. Will the Members be at their desks; will our guests in the gallery kindly rise. The prayer this morning by the Reverend Lewis M. Krause, Springfield Southern Baptist Church, Springfield, Illinois. Reverend.

THE REVEREND LEWIS M. KRAUSE:

(Prayer given by the Reverend Lewis Krause)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President. Mr. President, I move that readings and approval of the Journals of Wednesday, April 26th; Thursday, April 27th; Friday, April 28th; Monday, May 1st; Tuesday, May 2nd; Wednesday, May 3rd; Thursday, May 4th; Friday, May 5th; Tuesday, May 9th, Wednesday, May 10th, Thursday, May the 11th; Friday, May 12th; Monday, May 15th and Tuesday, May 16th in the year 1989 be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor will indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 314 offered by Senator Geo-Karis.

Senate Resolution 315 offered by Senator Jerome Joyce. They're both congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 316 offered by Senator J. E. Joyce.

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It is substantive.

PRESIDENT ROCK:

Executive. Committee Report.

SECRETARY HAWKER:

Senator Carroll, Chairman of the Committee on Appropriations I, reports Senate Bills Numbered 53, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 1187, 1188, 1189 and 1190 Do Pass.

Senator Hall, Chairman of the Committee on Appropriations II reports Senate Bills Numbered 19, 439, 442, 443, 1191, 1192, 1193 and 1194 Do Pass. And Senate Bills Numbered 279, 280, 282, 284, 288, 437, 438 and 441 Do Pass, as Amended.

PRESIDENT ROCK:

Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 413, 414, 576, 618, 729, 873, 963, 977, 1051, 1207, 1266, 1269, 1278, 1300, 1338, 1428, 1429, 1553, 1569, 1579, 1623, 1699, 1745, 1866, 1868, 1873, 1878 and 1879. Passed the House May 16, 1989. Filed by John F. O'Brien, Clerk of the House.

PRESIDENT ROCK:

Madam Secretary, while we're waiting for the Members to pick up their files, we'll go, with leave of the Body, to the Order of House Bills 1st Reading. Page 40 on the Calendar. House Bills 1st, Madam Secretary.

SECRETARY HAWKER:

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House Bill 58. An Act to add -- pardon me, offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 95 offered by Senator Alexander.

(Secretary reads title of bill)

House Bill 100 offered by Senator Rigney.

(Secretary reads title of bill)

House Bill 156 offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 207 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 251 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 302 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 307 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 313 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 370 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 484 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 487 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 535 offered by Senator Carroll.

(Secretary reads title of bill)

House Bill 546 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 586 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 620 offered by Senator Welch.

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(Secretary reads title of bill)

House Bill 730 offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 883 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 931 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill...963 offered by Senators Karpziel, Friedland and Etheredge.

(Secretary reads title of bill)

House Bill 1094 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 1095 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 1096 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 1116 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 1117 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 1140 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 1151 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1153 offered by Senator Alexander.

(Secretary reads title of bill)

House Bill 1261 offered by Senators Hawkinson and Demuzio.

(Secretary reads title of bill)

House Bill 1286 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 1304 offered by Senator Karpziel.

(Secretary reads title of bill)

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House Bill 1312 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1314 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1358 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1360 -- offered by Senator del Valle.

(Secretary reads title of bill)

House Bill 1402 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 1425 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1467 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 1480 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 1514 offered by Senator Alexander.

(Secretary reads title of bill)

House Bill 1576 offered by Senator Weaver.

(Secretary reads title of bill)

House Bill 1665 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1670 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 1674 offered by Senator Jones.

(Secretary reads title of bill)

House Bill...1672 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1723 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1746 offered by Senator Daley.

(Secretary reads title of bill)

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House Bill 1774 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 1777 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 1789 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1881 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1896 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1940 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 1997 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2035 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2042 offered by Senator Weaver.

(Secretary reads title of bill)

House Bill 2061 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2064 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2077 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2280 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2313 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 2323 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2373 offered by Senator Welch.

(Secretary reads title of bill)

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House Bill 2374 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2433 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 2514 offered by Senator D'Arco.

(Secretary reads title of bill)

House Bill 2757 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2776 offered by President Rock.

(Secretary reads title of bill)

House Bill 2808 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2805 offered by Senator Daley.

(Secretary reads title of bill)

1st Reading of the bills.

House Bill 312 offered by Senator Philip.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, we will begin on the Order of Senate Bills 3rd Reading on Page 11, where we left off yesterday, which is Senate Bill 68. So to afford the Members the opportunity to gather their files and themselves, we'll stand at ease for fifteen minutes.

SENATE AT EASE

SENATE AFTER EASE

PRESIDENT ROCK:

I would ask the Members, those who are still in their office, we will be on Page 11 on the Calendar on the Order of Senate Bills

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3rd Reading. So for those of you who have bills on 3rd Reading, this is the appropriate time. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 317 offered by Senator del Valle.

Senate Resolution 318 offered by Senators Geo-Karis and Barkhausen.

Senate Resolution 319 offered by Senator Karpziel.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Resolution 318 is in -- is a congratulatory resolution, and the man is being honored Sunday. And I wonder if I could suspend the rules for immediate consideration of 3-1-8.

PRESIDENT ROCK:

All right. Senator Geo-Karis has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 318, a congratulatory resolution. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Geo-Karis now moves the adoption of Senate Resolution 3-1-8. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. Ladies and Gentlemen, if I can have your attention. We will be on the Order of Senate Bills 3rd Reading. The staffs are in a posture of -- of preparing for our approval the Motions to Discharge from the respective committees, and we will get to that as soon as that list has -- has been finally approved. We will work until approximately five-thirty or six o'clock this evening. So I would ask the Members to keep abreast of the Calendar. We will begin on the Order of Senate

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Bills 3rd Reading, Page 11. Senate Bill 68. Senator D'Arco. On the Order of Senate Bills 3rd Reading is Senate Bill 68. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 68.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 68 puts in the Illinois Statutes a definition of death, which heretofore has been undefined. Now, the definition of death is defined in the Anatomical Gift Act, and that Act provides for the donation of a person's organs when the person is, in fact, considered to be dead. This bill would simply put this definition in the Illinois Statutes for all medical purposes. I want you to know that the Catholic Archdiocese is in favor of this bill. I've been told that Cardinal Bernardin is in favor of this bill. I've also been told that some Right to Life representatives are not in favor of this bill. But the fact is, and I have correspondence here from people in the Right to Life movement throughout this country that do support this definition of death. So I don't know if they've got their act together. But the fact is that this has nothing to do with lessening a person's life in -- when a person is in a terminal condition. All this bill says is that if a person is brain-dead and the stem of the brain is completely nonfunctional, that person is considered dead. It's accepted medical practice throughout this country. Forty-five states have this definition of death. The Illinois Appellate Court has determined that this is the appropriate definition for death. This has nothing to do with the sanctity of life. In fact, it defines the sanctity of

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life. I ask your support of this important bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I would speak in support of this bill with Senator D'Arco, and -- and certainly do appreciate the leadership that he's taken on this issue. Because as it is, you know, as he has brought out, basically, other than in the Anatomical Gift Act, the definition of death really and truly is not addressed in Illinois Statute. It's strictly done by court precedent. It obviously makes people nervous who have to deal with these kind of instances. Not to mention the -- the anguish it creates to -- to families who are faced with these kind of difficulties and really have no place to go. I -- with the consistently progressive way that medical technology has gone forward, and -- and the way that we can basically keep dead people almost alive, or at least keep the facade of life going indefinitely, it not only creates pain and anguish; it creates a tremendous expense for the public at large. I think this is a very good bill, and as Senator D'Arco has pointed out, it has worked very effectively in forty-five states. It's my understanding that the Catholic Council does, indeed, support the bill, and I think if we could get a positive vote on this, we would be doing something for the citizens of Illinois that would be very worthwhile at this time. Especially in light of what we have seen come out of the town of Cicero in that case of the Linares baby, which I think gets into this whole issue very, very closely. So I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise

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in opposition to this bill. We cannot play God. There have been instances where people have come back, and are living normal lives. And when you say accepted medical standards - supposing a doctor makes a mistake, so we kill the person? I think this is wrong. I rise against this bill. I don't think we should play God, as I said, and I don't think we should take chances on someone else's life like that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I'd like to ask the sponsor a question or two.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator D'Arco, under your bill, the individual -- for instance, if somebody is on a life-support machine the doctor -- a doctor makes an individual decision at that time that the individual is -- is so-called brain-dead and not -- not functioning, and therefore is legally dead. And it would be a physician that will make that determination, one person? And also, how -- how quickly is that decision made? Is it made, you know, is there any kind of a time frame, or can it be made any time that the individual is on this equipment and considered brain-dead?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Under normal situations, if a -- if a person is -- is on a respirator, he's -- for all -- he's alive when they hook him up to a respirator - he is, in fact, alive at that time. Now, subsequently, he might die, and he may lose all respiratory

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function, or his brain might die. If his brain dies, in effect, he is dead at that point in time, and the determination is -- is made by the physicians who are -- who -- who are his -- his doctors at the -- at -- who are his doctors. Now, under normal medical practice, it takes more than one physician to make the determination that a person is dead.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

So what your intent is, then - if an individual is on one of these machines which is keeping him alive and -- and their brain is still functioning, then you are not at that point advocating pulling the plug?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

I'm glad you brought that up, because that's exactly correct. If this person's brain is still functioning, I am not advocating pulling the plug. I want that understood, and I want Senator Geo-Karis to understand this. If a person is in a comatose situation - they're in a coma; whether or not that person, under this definition of the law, is still alive - their brain is still alive; now whether you pull a plug in that situation is up to the family, the physicians, and maybe a court, depending on the circumstances. That has nothing to do with the definition in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in opposition to this bill, and I guess it's because there's what they call hypothermia. And that's when

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someone is either submerged in - if we want to call lake water - or is out in the cold weather for a long period of time, and at that point in time all the -- bodily functions at that point are slowed down. Would this bill - because we're talking about organs - I don't know what the priority in that case would be. Would it be the patient that is suffering from the hypothermia, or if it's going to be to save the organs and give it to someone else. I just, with this bill, see some kind of time element being put on for the possibility of saving organs for someone. And -- and one case that -- that comes to mind is the Jimmy T. case. Jimmy was submerged in -- in -- in the lake water for a long period of time and is -- is with us today, and I would hate to see an arbitrary decision to -- to pull the plug on someone to try and save an organ, and not a full, earnest attempt on saving that patient's life. So I would have to stand in opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I, too, stand in opposition to this bill, principally, because I think we are getting in advance of ourselves. We can talk all we want here about accepted medical standards, and yet recognize the fact that at the same time the medical authorities are in almost total disarray and -- and -- and not in agreement as to what constitute -- really constitutes death. And it would seem to me that in this case, if we were going to err at all, we ought to err on the side of caution, rather than getting -- moving along too fast putting something in the law. And it worries me a little on the Anatomical Gifts, too, and I'm not knocking that idea. But I have a lurking feeling that sometimes we...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me, Senator Hudson. Pardon me. Ladies and Gentlemen,

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can we have some order? Senator Hudson.

SENATOR HUDSON:

...sometimes we may be faced with the danger of being so interested in organ donation that we are willing to come to the conclusion that a person has actually died. Now I hate to suggest that - but it's a possibility, and I think it's a real possibility - suggest that a person has died before we're absolutely sure they have died. Now I think -- I think -- I think the thing here is to proceed with great care, and I, too, would join those who are urging a No vote on this particular bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I -- I think if some of the things were true that the opponents of this legislation have just said, I -- I -- I doubt very seriously for one, that you would find the Illinois Catholic Conference endorsing this bill, as Senator D'Arco has pointed out. Nor, if there were confusion on medical standards of what really constitutes death, I also doubt that you find the Illinois Medical Society endorsing this bill. I would also point out, as Senator D'Arco did, that this legislation is -- is actually codifying what is now Illinois common law. Illinois Courts have -- have ruled that the definition of death is as it is written in this bill. So we're really doing nothing new here, other than putting in Statute what is already the law in Illinois. I would also like to add as a -- as one of the nine Illinois members on the National Conference on Uniform State Laws, that we are seeking to do with this Uniform Determination of Death Act and also with the revision to the Uniform Anatomical Gift Act, we are seeking to make uniform what these standards are throughout the country, so that those who are called upon to make determinations of what constitutes death and when it is

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permissible to make or to seek anatomical gifts will have a -- as uniform a standard as possible by which to be guided. So for all of these reasons, I also ask your support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? All right. Senator Topinka, for a second time. Senator Topinka.

SENATOR TOPINKA:

Yes, and please excuse me, Mr. President and Ladies and Gentlemen of the Senate, in addressing, if I, may Senator Raica's question, because I know he is very close to issues like this, being a paramedic. But I don't think this would be applicable to hypothermia, wherein, indeed, there would be a slowing down of body functions, and not being a doctor and not wishing to practice without a license, I do think, though, that the brain waves would continue under those circumstances, and hence would not fall under this definition - i.e., there would still be life, and it would be preserved to everybody's best possibilities here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. The objection to this bill from Senator Kustra, as Senator Topinka pointed out about hypothermia, is absolutely unfounded. Because you can do an electroencephalogram on a person - and I don't care how much his respiratory system has slowed down - if he's still alive, there will be brain activity going on in that person's brain. It's only when the brain stem is completely dead is this -- does this definition come into play. Now, this bill is the law in forty-five states in this country, and if it was such a -- if this is such a terrible idea, you would hear about it from these other states that have passed this exact definition. And it is already

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the law in Illinois. And it is the law in the -- Anatomical Gift Act Statute of the law of Illinois. And it is absolutely proper that Illinois finally have a definition that is consistent with what is going on in the real world, and that's all this bill does. Make what is put into Statute what we are -- are already doing in the real world. I ask your favorable support on this important measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 68 pass. Those in favor will vote -- will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 20, 3 voting Present. Senate Bill 68, having received the required constitutional majority, is declared passed. Senate Bill 70. Senator D'Arco. Senate Bills 3rd Reading. Senate Bill -- 70, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 70.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 70 is an attempt to recruit minority students in the -- in engineering, and sciences, and mathematics in our State universities. The Illinois Institute of Technology is very interested in recruiting minority students from our high schools and trying to get those people that excel or have an aptitude for mathematics, and science, and engineering, to get them interested and recruit them into IIT and other universities that concentrate in these areas. All the bill does

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is set up a pilot program more or less with criteria giving the State -- giving the State Board of Election - strike that - the State Board of Education the power to implement the program and to reach out into our universities and to have them recruit the students who so badly need to be recruited when they show some aptitude for these -- for these particular endeavors. This is a good bill. It's a bill that is going to make some scientists in the future from recruitment by our universities, if we have the foresight to implement this legislation. Thank you, and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 70 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, The Nays are 14, 1 voting Present. Senate Bill 70, having received the required constitutional majority, is declared passed. Senate Bill 79. On the Order of Senate Bills 3rd Reading is Senate Bill 79, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 79.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 79 seeks to, in my judgment, create a better and -- and more level playing field as we address the issue of salary increases for Members of the General Assembly and -- and others. I was one who stood with most of you when the Compensation Review Board was created. It seems to me that that Board does an

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excellent job of seeking proper salary levels for legislators and other State officials. My concern with that has always been that once that report has been filed, emotion is found in one or the other Chamber, perhaps in both, and first of all, you react to that in a -- in a positive way to defeat the notion. I think that in itself probably is wrong. It causes a lot of confusion with Members of the Body, certainly with members of the press, and our constituents back home. One who believes very strongly that legislators ought to vote for their own salary increases, and I have done that. I think we must keep legislative salaries consistent. But I think it's also imperative that we all vote that issue up or down. It seems to me not proper for one House to reject the pay raise, have the other one act on it, and thus allow it to become law. With the bill that I have before you this morning, Senate Bill 79, the report will be filed by March 1 by the Compensation Review Board, and within thirty days a legislator in either Body, or both, will introduce legislation that contains the components of that report or a -- or a portion of it - a prorated portion. But that legislation will have to pass both Houses and be signed by the Governor to become law. I think this is fair. I think it makes it easier for our constituents to understand what's going on down here. I stand ready to answer any of your questions, and would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. -- thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 79. We have heard the phrase many times, and I think it's apropos here - "If it ain't broke, don't fix it." It doesn't take much of a memory to recall how virtually impossible it was, before the passage of the Compensation Review Board, to obtain adequate

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increases, even modest increases, for the Executive Branches and Judicial Branches of Government, not to mention, even, the Legislative Branch. It was virtually like pulling teeth, and if you recall the process which will, in fact, be invited back again by the passage of this bill, it was never done in an open process. There was a -- a bill that was put on in conference committee on June 30th, and that's where those raises would come from. There was never any public participation. There was never any committee hearings. There was never any opportunity for the people that are affected - legislators, judges, the Governor, executive elected officers, and members of the Executive Branch, to come before the Legislature and justify pay increases. There just wasn't that opportunity, because we were all afraid to even discuss pay raises. Since the passage of the Compensation Review Board, it has become an open process, and let me point out why I say that. The Compensation Review Board holds public hearings. The public comes and testifies pro or con. Affected, elected and appointed officials come and testify pro or con. There is the opportunity for legislative input before the Compensation Review Board. That's an open process, and that's the process that has worked well. We have been able to increase in the past few years the compensation levels of the Executive Branch and the Judicial Branch to reasonably adequate levels. When -- last year, when money was very tight, we turned down a pay raise, as we should have, overwhelmingly. I think that this is a giant step backwards. The sponsor of this bill says that he has voted for his own pay raises. So have I, but I've got to tell you that there are many, many people who don't feel the political security to be able to do that, or have the political backbone to do that, and those are tough votes. I urge a No vote on this, not only for ourselves, and I'm not really pleading for ourselves. But I think more so for the Executive and Judicial Branches of government, who

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have benefited by the open process and the method of requiring both Houses to reject pay raises. We have given them reasonable raises in the past. Last year we turned it down. It works well. Don't throw it out by voting Aye. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I, too, rise in strong opposition to Senate Bill 79, and frankly, I was a little - I guess concerned - when Senator Maitland indicated that the Compensation Review Board - the members of which are appointed by the legislative leaders, have, in fact, done an excellent job. They have justified every recommendation that they have made to us by virtue, as Senator Berman pointed out, of public hearings and testimony, and now he seeks effectively a repealer of that system. Back in 1971, when I first got here, Senator Bradley Glass and I sponsored a similar program, and it was overwhelmingly defeated for, I guess, some of the same reasons, that everybody says, "Well, we've got to stand up and vote for our own pay increases." The fact of the matter is, without this system, we are in serious trouble, and I would urge the Membership to seriously consider what we're about. And I would urge a No vote on Senate Bill 79.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I urge support of this bill. Unfortunately, what has really happened in the real world, and those of us who are in the Assembly know, that there is another Legislative Body over here that doesn't seem to feel that they should take the blame, or the credit, for voting for a pay raise or for letting it be. Basically, what's been happening, as you

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well know, is that they have consistently defeated it, run over to the Senate, and said, "Now, you've got to pass it." It seems to me if they're going to play the games, then what we ought to do is everybody vote for it, and everybody take the credit, or everybody take the blame. We ought to all vote for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the position taken by Art Berman and Phil Rock. I have been here long enough now - this is my thirteenth year - I remember both how this was done in the past and how it's done now. And we have actually acted quite responsibly on the Commission's recommendations. At times I felt they were too high. At times I felt they were too low. And when we agreed with them we accepted it, and when we didn't, we killed it. That was what the system was supposed to do. But for a moment, for those of you who have been here a little longer, remember what it used to be like. I still remember 1978, when about one second before midnight, on, you know, whatever the end of the date was after the Session, after the election, the whole works - all of a sudden a large pay raise surfaced that caused all sorts of problems. But because the system had so bottled-up the issue, the only way this could ever be done was sneaky, underhanded, backdoor way. If we abolish this system that's up front with outside people giving us recommendations, you're going to go back to the same system, because you know and I know there's certain Members of this Body who have a distinctive lack of something - we'll call it backbone. And if they don't think they're worth a dime, well I agree with -- on that with some of them. But the simple fact is, you need an outside recommendation to give you reasonable recommendations, so you have some idea what to move forward on. Think about what it

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-- what is used to be like, before you do away with a system that actually is working fairly well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this legislation. Those who have opposed -- speaking -- spoken in opposition to this bill, have expressed the -- their support of the Compensation Review Board. I, too, support the Compensation Review Board. I -- I view the establishment of that Board as a -- as a good step that was taken a number of years ago. I think they've done good work. I view this legislation as not in any way undermining the work of that Board. They will still do they -- their work. They will make their report to the General Assembly, but then what will happen is that, under this legislation, we will be required to make a positive action to support or to reject the recommendations of this Board. I think this is a -- this bill represents a step in the direction of greater openness, which one of the opponents has spoken for. So I see this as a natural, next step for us to take in dealing with this very thorny problem of salary levels for members of our Judiciary, for members of the Executive Branch, and yes, even for ourselves. I would urge support for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, what's wrong with being up front and honest with the public in advance, so they'll know exactly what we're doing? And that's what this bill purports to do, and it will do it. Why do we have to worry about ourselves and hide it? We're not hiding it under this bill. It'll be open to the public in advance. If they want to scourge

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us - fine; if they want to agree with us - fine, but at least it's there. And it's -- it's - I believe in being very direct and forthright, and I certainly support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Maitland may close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Rock and -- and Senator Berman I -- I know of no two attorneys on this Floor who I respect more. You argue a case very well, and you've done that for a number of years. I'm really -- I'm really concerned about the argument that you presented for this case. Your argument was in favor of the Compensation Review Board, you talked about the excellent job that they're doing, and how we ought to continue to follow that process, and I agree. The Members on this side who spoke in favor of my bill said the same thing. No one for a moment is suggesting that the Compensation Review Board is not doing their job. They are, indeed, doing an excellent job, and they help us achieve this goal. Our only point is, Ladies and Gentlemen, this is the only legislation - this is the only issue that we decide in this Body or the other Body that becomes law that doesn't -- doesn't -- bring it -- doesn't call for a need for ratification of both Houses and a signature by the Governor. Now, please tell me, what's wrong with that? The media is -- confused on this. Our constituents are confused. This puts everything up front. This will not set back pay raises - not at all. I think -- I think it may legitimize what we're doing. Absolutely will. I plead my case. This is good legislation - necessary legislation - and I ask for your support for Senate Bill 79.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 79 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 20, none voting Present. Senate Bill 79, having received the required constitutional majority, is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

To request a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. There has been a request for a verification. Can't find the bell. There's been -- Senator Rock has requested a verification. Will all Members be in their seats? The Secretary will read the Members who voted in the -- in the affirmative. Madam Secretary.

SECRETARY HAWKER:

Davidson, DeAngelis, Donahue, Dudycz, Ralph Dunn, Thomas Dunn, Etheredge, Fawell, Friedland, Geo-Karis, Hawkinson, Holmberg, Hudson, Karpel, Kustra, Macdonald, Madigan, Mahar, Maitland, Netsch, O'Daniel, Philip, Raica, Rea, Schaffer, Schuneman, Topinka, Watson, Weaver, Welch, Woodyard and Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock, do you question the presence of any member who voted in the affirmative? Senator Rock.

SENATOR ROCK:

Senator Donahue in the hall?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue is in the phone booth in the back on the floor. On the verified roll call, there are 32 Yeas, 20 Nays, none voting Present. The -- Senate Bill 79 is -- having received the required constitutional majority, is declared passed. 85. Senator Jacobs. 86. Senator Jacobs. Page 12. Page 12. 89. Senator Collins. Senator Collins. All right. On the Order of

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Senate Bills 3rd Reading is Senate Bill 89. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 89.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. This is a very simple amendment. It amends the Abandoned Housing Rehabilitation Act that we passed two years ago, and at the request of some of the local housing groups, they thought that the bill would probably work better if we would eliminate the requirement that the property would have to be delinquent in taxes also for two years. This legislation, as many of you probably have seen, we passed it, I think, with almost unanimous vote, and it has become model legislation for other states across the country. And I think this is a great improvement in the Act. And I would just ask for your considerable support on this bill. And I would be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill - well, all you got to do is turn your lights on. Senator Topinka.

SENATOR TOPINKA:

If -- if I may ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

She indicates she will yield. Senator Topinka.

SENATOR TOPINKA:

If you're -- if you're talking about unoccupied property, and if it would be an apartment building, are we talking about the landlord who may not physically occupy it but still own the

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property and still have -- control over it? Or are we taking it down to the last possible tenant? Could you kind of define what is unoccupied?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Yes. Senator, I would -- am I on?

PRESIDING OFFICER: (SENATOR DEMUZIO)

You certainly are.

SENATOR COLLINS:

Okay. Senator, although this -- this amendment is not dealing with that - the -- the provisions for that is in the existing law - but unoccupied building means an abandoned building where there is no -- no one living or no use of a building. It is just there open, and it is a menace to the community. It is a den by which many of the drug dealers and -- and other undesirable people congregate to conduct illegal activities, and that's what abandoned means. It does not a landlord would have to live in his or her property in order for it not to be abandoned.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The sponsor indicates she will yield. Senator Karpziel.

SENATOR KARPIEL:

Thank you. From the way I -- I read the bill very quickly on this analysis, it seems like you've got two classifications of property that can be taken. One of them is the tax delinquent property. And then -- another is that broader definition which

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would say that if you have property that has been a hazard and continuously occupied by persons legally in possession for a -- for a year, that property can also be taken. Is that so?

SENATOR COLLINS:

Senator, I don't know what your staff analysis says, but if the staff who did it would have looked at existing law - we did not change anything in the existing law with the exception of allowing now taking away the requirement that the -- that the bill didn't have to be delinquent in taxes for two years. That's all this amendment is doing to existing law. And I don't know where you all staff getting all of the other concerns from, because this bill does not - this amendment to the Act does not address any of that. That is already defined in the Statute, and all this amendment is doing - it is taking away the double requirement that the bill didn't have to be delinquent for two years in taxes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpel.

SENATOR KARPIEL:

Well I'm -- I'm sorry, but I am very confused on it. If you look on Page 1 of the bill on lines 13, 14 and 15, that's new language, from what I understand. I mean it's all underlined. That's -- that's new language that you're putting into the bill, "...which because of its condition constitutes a hazard to the surrounding area and has been continuously unoccupied by persons legally in possession for the preceding year." And we're putting a whole new category, of property which can be taken, into the Statute by that language.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Collins.

SENATOR COLLINS:

I'm look -- I'm looking at the underlined language, but this was already a condition in the new Act -- in the Act.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, let's get -- maybe Senator Hawkinson can shed some light on this. Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will yield.

SENATOR DAVIDSON:

Are you saying that this Act would become law would by your definition that someone who owns the property, who have been paying the taxes, and for whatever reason has left it unoccupied for a year, and someone decides that it's a hazard in a community, you can go in and take the property?

SENATOR COLLINS:

No. Again if you understood the -- the -- the law on the books, they are -- it established conditions by which you have to go into the circuit -- the courts. You cannot do this. It is done by the courts.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

Senator Collins, you didn't give me an answer. I understand clearly what the law is. The law is if there's -- if you haven't paid the property tax for two years, it is -- declared delinquent, the court can give it to whoever bought the taxes. I understand that clearly. That goes on all the time. But what you're saying in this bill, if it would become law, that someone who's a property owner, who has paid the taxes, and for whatever reason has been unoccupied for a year, and someone else decides that it may or may not be a hazard to the community, you can go in and take their property. And that's absolutely un-American. You can't go in and take someone's property, if they've been paying

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the taxes and, for whatever reason, they left it unoccupied. You got buildings in your district, I got buildings and property in my district that are unoccupied, that taxes are paid by the owner. This is a terrible bill. This is -- this is going back to the days of Hitler.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I -- I hesitate to rise in opposition to this bill, but Senator Davidson is absolutely correct. Now, if the Senator would wish to, you know, simply limit this to the areas that have a million inhabitants or more, it may be more applicable that -- that it would have my support. But in downstate, the illustration that Senator Davidson has given is absolutely true. I think this is a terrible concept, and I wouldn't want it to happen in my counties.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

At the request of the sponsor, the bill will be taken out of the record. Senate Bill 90 will be held at the request of the sponsor. Senate Bill 100. Senator Zito. Senate Bill 107. Senator Severns. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 107.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Bill 107 is a bill that simply says "No school - no wheels." If a student drops out of school, they lose their driver's license under the provisions of this bill. We've simply written this bill that it not be a

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revocation or a suspension to imply further break in the law --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Please proceed.

SENATOR SEVERNS:

-- but it -- that it be a bill that provides for cancellation of a driver's license when a student drops out of the classroom. It is intended to provide an incentive for students staying in the classroom rather than students dropping out. Our dropout rate in Illinois is exceeding our ability to deal with it effectively. While I don't pretend that this is the answer to the dropout problem, I do believe that it will provide an incentive for students to stay in the classroom. Students drop out all too often in a shortsighted decision not well thought out. This, I guarantee you, will make students think twice before they drop out of the classroom and suffer a life of -- of -- of a lesser future because of a decision too often made quickly. I would be happy to answer any questions, and I would urge adoption of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator. Will the Senator yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will. Virginia. Senator Macdonald. Senator Barkhausen's recognized.

SENATOR BARKHAUSEN:

Senator Severns, I'm...inclined to view the concept behind this bill with some sympathy. I -- I wonder, however, if you and your staff have by any chance looked at this bill in light of a recent Illinois Supreme Court decision known as People vs. Lindner, in which -- in which the court -- I believe in ruling on the constitutionality of revoking and suspending licenses for certain offenses that weren't necessarily related to the operation

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of a vehicle, said that constitutionally that can't be done. And at least as I -- as I read the opinion, and I'm wondering, in light of that, whether there isn't a good chance that this bill, if it goes into effect, will be declared unconstitutional.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Senator Barkhausen. We most certainly have looked at People vs. Lindner, and find that there's no evidence to suggest that it would be applied to the legislation proposed. The argument can be, in fact, that too often driver's license has something very much to do with the decision for a student to drop out. Unfortunately, many students decide that the idea of seeking a job to earn the money to buy a car is very much -- is part and parcel to their decision in dropping out. Once a student has earned the money to buy a car, if they are in the classroom, they've decided too often that they like driving their car better than they like being in the classroom. While I don't pretend that this bill is a cure, I do believe, based on very preliminary evidence, that it would impact the amount of dropouts today. In West Virginia and in Wisconsin, although the results are only preliminary, it is suggested that these kind of bills have had an impact. I think it's important that we've written cancellation in this bill, rather than revocation or suspension. That would be considered under the arguments of -- of anyone who would try to apply People vs. Lindner to this legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will yield.

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SENATOR KUSTRA:

Senator Severns, I do not have a copy of the bill in -- in front of me, and if I did, maybe I would be able to answer my own question. My analysis says that in addition to being enrolled in school, you also would allow for that student to be enrolled in a GED course. There are a number of other opportunities for students who might want to drop out of high school and engage in some kind of vocational program for -- in some kind of special study course that might not be considered high school, and it might not be GED, but it is furthering this person's education in some other area. Does your bill account for anything else other than the GED approach? That's it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

GED and graduation is the only thing that is included in the bill. I think that's a fair concern, and I would be willing to have an amendment applied in the House to address the concern.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. I -- I don't know whether we can trust the -- the House to pass something like that. I think it's absolutely critical, because there is language that I think you can use that will give students more opportunities and allow them to embark in studies aside from GED. And I see what you're getting at, and frankly I'm not going to stand up and oppose this bill, but I -- I do hope that we could have your assurance that you'll do everything you can to broaden the opportunities for students to enhance their educational opportunities.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

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SENATOR BROOKINS:

Thank you, Mr. President. I stand in support of this bill. I know that in my community, once a young person gets an automobile, his mind --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Please proceed.

SENATOR BROOKINS:

-- Once a young person gets an automobile, he forgets all about education, all about school, and only think about riding in his automobile. We even have young folks that leave school, take a job, with the sole purpose of getting an automobile and driving around. I think this is a good bill, and I stand in support of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Seaverns, to close.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I would just urge adoption of this bill. It's written in a responsible manner, with cancellation rather than revocation or suspension. For the student who has a legitimate reason for needing to appeal this measure, there is that provision already written into the Motor Vehicle Code. I would urge its adoption and --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 107 pass. All in favor signify by voting Aye. All opposed, by voting No. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 48 Ayes, 3 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 112. Senator Berman. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 112.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

END OF TAPE

TAPE 2

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill that has embodied a number of other bills that were originally introduced to address the question of the Board of Higher Education's minimum admission requirements. And what this bill does is, I think, address a number of concerns that were addressed when the State Board of Higher Education adopted their requirements of fifteen hours. This bill provides for fifteen hours, but allows a degree of flexibility, and that flexibility allows three units of coursework to be redistributed among the categories of the -- in the form of electives. Those electives also would include vocational education, and those people were very concerned about the State Board of Higher Education's mandate. So we addressed vocational education here. The community colleges have signed off on this bill, because they also were very concerned as to the impact of the community college program. And we have still not backed down from the setting of high standards for our high school graduates for the admission to the universities and colleges of the State of Illinois. I would be glad to respond to any questions. There are some concerns that have been voiced, and I think we can address that as the bill moves along in the House.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President. I wanted to, Senator Berman -- yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will yield.

SENATOR RALPH DUNN:

Senator Berman, I understood -- I don't see Representative Maitland -- there he is. You know, I didn't know whether we had some questions yet on this, or whether we had had them all worked out yet or not. I...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn yields to Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senator Berman, I apologize. I was off the Floor. I -- I knew this bill was on the Calendar, but I -- I -- I -- it was my understanding that we were kind of on hold on -- on this bill for the near term. You and I have not yet even discussed -- the plan and I -- and I thought we were going to do that. You -- I feel very strongly about this issue, and I want to see something get out of here. I'm not sure I support what we have on this bill at this particular point in time, and I would -- I would ask you to take it out of the record for the near term. And -- and, quite frankly, I thought you moved it to 3rd just to -- to get it to 3rd. We'd move it back when there's another amendment. And I -- I'd -- I'd like to see you hold it, if you would, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

You put me on a spot. I'm just concerned about getting back

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to it. Let me indicate to you that, you know, this bill is on -- has been on 3rd Reading. It was on 2nd. We held discussions. I have no -- you know, I want to -- you and I talked about this earlier. We had one meeting. May I suggest that we move it? I'm -- I'm -- it's the only bill, I believe, that's still on the Calendar that addresses this, and I thought, in the amendment, that we've tried to address, you know, virtually everyone's concerns. I -- and I'm not trying to, you know, ram it down your throat. I'm -- I'm just concerned about getting back to it in ample time.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland. Maitland.

SENATOR MAITLAND:

I appreciate that, Senator Berman. The -- the point is, I think, Senator Del Valle's task force is -- is still meeting. I'm not sure we really have a firm position yet on this. He has spent an incredible amount of time on -- on this issue - he and Representative Levin. And -- and there are other vehicles around that can perhaps address this problem, too. And I just hate to see the -- the bill go out of here. I'm not sure we all agree with the concept. I -- I want to support something. I'm not sure this is what I want to support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, frankly, I always look forward to listening to Senator Berman's arguments, but I can barely hear him over the din on the Floor. I couldn't hear -- Senator Dunn at all.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, Dunn yielded to Maitland.

SENATOR SCHAFFER:

Well, I know, but I couldn't hear him say it, because this

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place was such a madhouse. It would seem to me we're having a full day of 3rd Readings here. We've got...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The point is well taken.

SENATOR SCHAFFER:

...a ton of people on the Floor. Let's -- let's look a little bit more like a deliberative Body.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

All right. Your point is well taken. Will all the unauthorized personnel remove themselves from the Floor, please? Thank you. Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will yield.

SENATOR WATSON:

Senator Berman, there's some confusion on this side, and I'll have to admit even with myself. You and I discussed this, and there was, I guess, some sort of an agreement that was reached by the Higher Ed Committee that one vehicle would come out, and this would be it. And that it would contain the language that was in Senate Bill 885, which I was the sponsor, and which is the vocational education approach to this particular issue. Is that a fact, Senator?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

The -- the question of vocational education has been addressed. I don't think there was a commitment, and I think that Senator Welch, who chaired the -- or Senator del Valle, could better respond to that. But I think what we have done is to address the question of vocational education in the bill, but I

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don't -- I'm not aware that there was a commitment. Let me -- let me ask the Chair. Could we have leave to come back to this at a specific hour?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I would strongly recommend you take it out of the record for the time being, and we'll -- we'll come back.

SENATOR BERMAN:

Let's take it out. We'll touch base. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you. ...(inaudible)... renegotiates and discuss it. Senate Bill 117. Senator del Valle. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 117.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Can't hear him. Please proceed.

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. This bill would require that all Higher Education Appropriations Bills, except those for community colleges, shall be itemized by campus location, chancellor's office and school of instruction. We need to increase accountability at the same time that we are increasing funding. And today's numbers show - for those that are being passed out in -- in a proposal to increase taxes - indicate that there would be a significant increase for public higher education. So I think at the time that we're looking to increase funding -

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and I agree we need to increase funding - we also need to know more about how those dollars are being spent, and I think that it's important that the appropriations process include additional information that will allow us to better evaluate what is happening in public higher education in the State of Illinois...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion?

SENATOR DEL VALLE:

...Public higher education is increasing in demand, and I think that it is important that we have this additional information made available to us.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. First of all, I would ask the control operators there to monitor, perhaps a bit more carefully, the -- the -- the sound on the speakers. Some people we can hear. Some we cannot. We could hardly hear Senator del Valle, and that's not fair to him. And I -- I think that's -- that ought to be taken care of. Senator, to the -- to the legislation. I -- I once again commend you for all the efforts that you've been -- put forth on the task force. They've done an excellent job of addressing some very serious concerns that we have with higher education. I do rise with -- Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yes, sir. Senator Maitland.

SENATOR MAITLAND:

Well, I...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would you give the Gentleman your attention, please?

SENATOR MAITLAND:

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...Well, I concur with Senator Schaffer. If we're going to do business on the Floor, we'd like to be able to hear what we're talking about.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR MAITLAND:

I am concerned, Senator, with -- with what this legislation purports to do. First of all, this...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Senator Berman, could you bring your group together off the Floor temporarily? Please proceed.

SENATOR MAITLAND:

Thank you, Mr. President and Members. I am concerned about what this bill purports to do. First of all, this information is all available to us from the universities. I mean we -- we can get this information very readily and very quickly. What I think your legislation purports to do is to put all of that in the appropriation bill, and -- and it -- I'm not sure it's going to accomplish what you want it to do. It makes the analysis certainly much more confusing to the Members. All the information is available to them whenever they want it. But I think it will make an incredibly difficult bill with each one of the institutions, for us to understand and for Members to understand. I don't think it's going to accomplish what you want it to. And quite frankly, to be very honest with you, I think it might have a reverse effect on -- on what you're trying to do, Senator. And I -- I would certainly ask the Body to take this under consideration and perhaps reject the measure at this time.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

Well, thank you -- thank you, Mr. President. I speak in

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opposition to this bill. I -- I don't think it's workable with universities that have multi-campuses. The determination of how and the change in circumstances on enrollment at various campuses; it's just impossible for us to know June 30th how to allocate those funds throughout the system. There may be a time where you want to split these off into separate boards - separate governance, but one central administration, at, say the U of I, operates several campuses. They operate campuses in Rockford, Peoria. It's just an unworkable program, and particularly when you get down to conference committees, the last day to deal with all those line items, and not break the law throughout the next year and still handle the mission of all of those various campuses is just unworkable. So I would hope that we give this more thought. If there's any information that any Member needs about expenditures at any campus statewide, I'm sure that that information's available, if you ask for it. So I'd stand in opposition to this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio:

SENATOR DEMUZIO:

Well, thank you, Mr. President. I -- I have a question, if I might, of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will yield.

SENATOR DEMUZIO:

Senator del Valle, does this or does this not include line iteming for the University of Illinois and also for Southern Illinois University?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio...Senator del Valle. Del Valle.

SENATOR DEL VALLE:

This does include the U of I and SIU.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I hesitate to rise in opposition to your bill, but I mean, if, you would be -- if you would kindly take this Southern Illinois University out of there, perhaps I could support this bill. It just seems to me that in our neck of the woods we really don't need line item -- line iteming, Mr. President. So if perhaps with SIU out of there, perhaps we could -- and I guess Senator Weaver wants the University of Illinois out, and somebody will want somebody else out. It just seems to me to be a terrible precedent.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this bill, and let me give you some reasons why. Number one, I have requested to see where the money was being spent, how it was being spent, and with whom it was being spent. You say it's easy to get this information? It is not easy to get this information. I think that if it was designated for them to do this, we would have it readily at our fingertips. We could look down and see where it's going, if it's being utilized correctly, if it's going to where we intended it to go to when we passed the appropriations for it to go there in the beginning. I think this is a right time for this to be done. We're -- we're thinking about passing an increase in the income tax to support them schools. Now would be the appropriate time to do that. And I would imagine that the same people that are opposed to this bill will also, when we look up at that board when the income tax come, will be opposed to it also, del Valle. I stand in support of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank -- thank you, Mr. President. I, too, oppose this bill. I think it would be a horrendous cost. It'd be a lot of hard work, and we'd not be able to understand if we had line items for -- such as University of Illinois or Southern Illinois University with their multicampuses. We have a campus here in Springfield. We have Edwardsville and Carbondale. And I just think it's an unworkable idea. And, Senator Brookins, if you want to know anything about Southern Illinois University, why I'd suggest that you talk to the Chancellor or the Chancellor's Office, and I'm sure they'll find it for you. So I - I urge you oppose this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, I want to speak very briefly to this issue. Looking at the expenditures of capital from the standpoint of higher education institutions is not an easy job. And I would support Senator del Valle's proposition that this information isn't readily available. Now you must understand that we're talking about limited staff resources and looking into some fairly complicated problems. And this is only one of many. So that if we're talking about an education system that truly reflects the good of the State, which means the education of all youngsters who are entitled to it, we need to know what the distribution of the monies are. For example, in the City of Chicago, the census request can take an -- enormous amount of time to -- for response. I've asked, for example, for a mission statement from some of our higher education institutions. It just boggles the mind to try to figure out why it takes so long to get some clear understanding of precisely what that institution sees its mission as, and what it -- how it relates to the

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communities that it serves. This is simple information. Somehow, if that dollar information were available to us, we would know what could be allocated to specifically what job. We'd know who had what kind of responsibility. We'd know who to go to, for example, to ask for information. Now I don't know what kind of staff arrangements other legislators have, but you know what our resources are for supportive staff. And isn't very good. So we need the cooperation of all institutions in trying to look at where the funding is they're doing. We want to cast informed votes for them. We want to help support them. Then we certainly need to know what it is that they are doing, and that's all that it seems to me is being asked here. I support this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

Well, Ladies and Gentlemen, there is no need of cluttering up the appropriations system, because what Senator del Valle or any other Member who would want this kind of information, all they got to do is ask the Board of Higher Education, who last year sent through the RAMP process - and don't ask me what R-A-M-P stands for - because I don't know. But that information that you're seeking by this individual line to clutter up the appropriation process is available to you. All you got to do is ask the Board of Higher Education for it, and they can do it through the RAMP process without cluttering up the appropriation. And I urge an -- a No vote on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle, to close.

SENATOR DEL VALLE:

Thank you, Mr. President. I think probably the U of I is a -- is a good example exactly why we need this bill. We have no way of -- of really telling, or we have no way of appropriating

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dollars to the Chicago campus versus Urbana. I think that we shouldn't be afraid of information - information that is valuable in the decision-making process. We break out other institutions by line. We break out DMH. We break out by institution. We break out these agency budgets. I don't understand why we can't do the same thing in higher ed. Higher ed is growing. It is important that it continue to grow. And as we appropriate more and more dollars, we need to increase accountability of our public institutions, and this information moves us in that direction. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 117 pass. All in favor signify by voting Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 21 Ayes, 32 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Senate Bill 118. Senator Joyce. 119. Senator Joyce. Senate Bill 126 is on a recall. Senate Bill 127. Senator Smith. Please read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 127.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 127, after its amendment, delete the original bill, and it merely provides for the repeal of the Minority and Female Business Enterprise which would have Sunset Act 9/6/89. And it now runs to 9/6/94. And I merely ask for your support on

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this. This is on the Minority and Female Business Enterprise Act.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in support of this bill. Being the originator of this bill when we passed it five years ago, with myself and Senator Rock as sponsors of it. With the five-minute -- five-year sunset on this bill so we can get any further feel on it, I urge everybody to vote Aye.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Demuzio. Okay. The question is, shall Senate Bill 127 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 129. Senator Collins. Senate Bill 131. Senator Geo-Karis. Read -- for what purpose does the Lady seek recognition? Geo-Karis.

SENATOR GEO-KARIS

Mr. President, I would like to put that on recall, if I may.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Fine. 133. Senator Luft. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 133.

(Secretary reads title of bill.)

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

ACTING SECRETARY: (MR. HARRY)

3rd Reading of the bill.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 133 is permissive in

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nature - one part of it. It permits the State Treasurer to accept instruments of the World Bank and Development as collateral for State deposits, and it also permits the State Treasurer, with the Governor's approval which is now incorporated in the Treasurer's Act, to invest in loan participations which are fully guaranteed by agencies of the Federal Government, which is, in this case, the Commodities Credit Corporation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 138 pass? All in favor, signify by voting Aye. All opposed, by voting No. It's 133. Voting is open. Have all voted who wish? Have voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, 1 recorded as Present. This bill, having received a constitutional majority, is hereby declared passed. Senate Bill 134. Senator D'Arco. Read the bill. It's a recall? Okay. Senator D'Arco? For what purpose do you seek recognition?

SENATOR D'ARCO:

Yeah. The Floor amendment is going to be withdrawn. So we can proceed with 134.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, it's going to go on the Recall List, John. Senator Marovitz?

SENATOR MAROVITZ:

There's nothing to recall.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Oh, okay.

SENATOR MAROVITZ:

As a accommodation to my good friend and my great leader, John D'Arco, I happily withdraw the amendment, so the bill doesn't have to be on the Recall List. Is that all right?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

All right. Fine.

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SENATOR MAROVITZ:

It's my amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Mr. Secretary, read the bill. 134.

ACTING SECRETARY: (MR. HARRY)

(Secretary reads title of the bill.)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill is known as the Grandparents' Bill of Rights. And what this bill does, it gives the grandparents of a child the right to visitation privileges in a situation where the child's present environment may be in danger seriously, and that includes his physical, mental and emotional health. This bill really, the genesis of it -- of it comes from grandparents who feel very much beleaguered and -- and -- and very much saddened by situations where they are unable to have visitation privileges with their grandchildren. This bill would correct that deficiency in the law, and allow these grandparents to see their grandchildren under very very determined circumstances by the judge. It's a good bill. It's a fair bill. It's an equitable bill. And it protects the rights of all the parties concerned.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in opposition to this bill. I think it would have been improved had Senator Marovitz's amendment gone on, but that wouldn't have satisfied all my objections. I passed a bill here last year, unanimously, dealing with the same subject. And the reason I introduced the bill last

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year is the very solid premise that nobody is against grandparent visitation, but you have to realize that we're talking about situations where you're talking about court petitions to interfere in - with the decisions that parents are making with regard to their children. And I passed a bill which said that there ought to be at least the minimal threshold before you get the courts involved in a hostile family situation where, at the very least, the grandparents ought to have to allege that they were being denied visitation. I see nothing in this bill that would require that threshold. Now there are affidavits required under one of the sections, if there's a reason to believe that the present environment may endanger the child, but there's no threshold requirement such as that that we passed last year that, at the very least, before you have the courts interfering in parental decision-making, there ought to be a threshold that there's been some denial of reasonable visitation, because the very filing of one of these petitions interferes in family life. Correct me if I'm wrong, Senator, but I believe there's a provision in the amended bill which says not only can there be interference with parental decision, but the parents can be made to pick up the attorney fees for the grandparents in the case, if the court so orders. Now what Senator Marovitz's amendment would have addressed is also a serious problem with this. You can have a situation where there's been no death, no divorce, no family disruption whatsoever, and yet, under paragraph D, there can be a petition filed, if the grandparents believe that the way the parents are -- are raising the child would interfere with his moral - moral - M-O-R-A-L health. So all that means is that there has to be a disagreement between grandparents and parents over morals of some kind or -- or perhaps religion or some definition of -- of -- of what is moral. It seems to me this is way too broad. We're all in favor of grandparents' visitation, but this

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opens the door to tremendous interference within families. You've got to realize once you're in court it's almost an irretrievably hostile situation within that family, and we ought to have some threshold requirements and burden of proof before these kinds of petition can be filed. I think the -- the bill could be amended to do that - to take care of some of these - but -- but this would overturn the action that we took last year regarding the threshold of at least alleging that there's been a denial before you involve the courts. And until those things are worked out, I would urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will yield.

SENATOR T. DUNN:

Is there an agreement that the word "moral" will be removed over in the House from the list of things that would endanger a child?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco. D'Arco. Come on. D'Arco. No. Would you turn on D'Arco, please?

SENATOR D'ARCO: '

Hello.

PRESIDING OFFICER: (SENATOR D'ARCO)

There you go.

SENATOR D'ARCO:

Okay. Let me -- let me straighten something out, Senator Hawkinson, right now. The moral - we agree to the moral amendment, and that's going on in the House. So there's no - so your objection about the moral issue will be taken care of in the

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House. So that is not -- not an issue. As far as a threshold is concerned, you have to understand, the reason we put language in the bill was to make this a very restrictive situation in which a grandparent could have a right to visitation privileges. When we put in the bill that it -- a petition had to be filed based on affidavits that there is reason to believe that the child's physical, mental and emotional health is in danger, that is to protect the court, the child, the parents and the grandparents. And the judge, at his discretion, will determine if there is a endangerment situation to that child, and allows those grandparents the proper visitation privileges that they have been denied by the parents. That's what this bill is all about. The grandparents are not allowed to see their own grandchildren. And that's the wrong that this bill is attempting to correct. And there's a lot of grandparents out there...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR D'ARCO:

...that feel this way, Ladies and Gentlemen, and they need your support to pass this legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I apologize for rising a second time, but I -- I would have a question then for the sponsor, if he would yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HAWKINSON:

Senator, am I to understand that -- that, as the bill has been amended, that those affidavits of endangerment have to be filed with every petition for visitation, in all situations?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

No, not in -- not in every situation. No.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

In -- in what circumstances do there not need to be affidavits before - and in those situations, what is the threshold before a petition can be filed?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

The situation in which they have to be filed is when a grandparent is asking the court for visitation privileges. Now the -- the threshold that is -- that is at issue is whether there is endangerment to the physical or -- there is endanger to the physical, mental or emotional health of the child.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

I -- I think from your explanation that your answer then would be yes. That in all situations where there's a petition for visitation, affidavits are required, and if that's not so, in what situations are the affidavits not required?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

No, wait a minute. If -- if an affidavit has to be filed, if it's a request by a grandparent, so that doesn't include every situation in which visitation privileges are requested of the court.

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PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

But in every case where a grandparent is filing a petition, whether it be a dissolution or there's an adoption - in all those cases where a grandparent is filing, there must be this kind of threshold affidavit? I was under the impression that the only place the affidavits were required under your bill, was the absence of a dissolution proceeding or the like.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

No. That's -- that's where we're -- we're confused. That - what you said is correct. Only in a situation where no dissolution of marriage is pending, is the affidavit required to be filed. But it is required to be filed by grandparents only.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

I -- I understand that part of it. The bill -- I -- the situation that my bill addressed last year was where the parents were deceased and relatives were making the adoption. In that situation, the law required no threshold whatsoever. Grandparents were getting visitation, yet court proceedings were introduced, and because there was no threshold, there was tremendous pain. There was no standard for the court to go by. I think you've clarified my -- my question by indicating that in those kinds of situation, there will be no -- no affidavit required.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise

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in support of the bill. This bill makes it discretionary on the courts, so no matter what it is, if there are attorney's fees - don't forget if a grandparent files a capricious lawsuit, they're going to be stuck with the fees. I think it's a good bill. It's a bill in the right direction, because we must remember that grandparents are the ones who produce the parents, and sometimes parents are so arrogant and so vicious with their own parents, for no reason, that they really hurt the child more. I think it's very healthy if grandparents do take an interest in a child - the grandchild. As a matter of inheritance, it will help the child. As a matter of having the love and attention of a grandparent. I've had a case where the parents use to sit and smoke cocaine. What kind of a healthy attitude is that for the child? And the grandparents were concerned; they couldn't do a darn thing about it. I speak in favor of the bill, and I urge your support.

PRESIDENT ROCK:

Further discussion? Is there any further discussion? Senator D'Arco, you wish to close?

SENATOR D'ARCO:

Thank you, Mr. President. The -- the issue if a parent is deceased is taken care of in this bill, because the grandparent can ask the court for visitation privileges under that section of the law. As Senator Hawkinson indicated, that is not a problem with him. The threshold question really isn't a problem. That's the issue at hand. That's the real issue that we're talking about here today. These grandparents need the protection of the law, so they can have the right, under our law, to visit their grandchildren. That's what this bill is all about. It's to protect their interest in the law regarding their own grandchildren, and I ask you for a favorable vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 134 pass. Those in favor

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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. On that question, there are 44 Ayes, 12 Nays, 1 voting Present. Senate Bill 134, having received the required constitutional majority, is declared passed. 136. Senator Dunn. 141. Senator Welch. Top of Page 13. 142. Senator O'Daniel. On the Order of Senate Bills 3rd Reading, top of Page 13, is Senate Bill 142. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 142.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 142 amends the Fence Act. It enforces the full cost of a division fence to the -- to the person desiring it, when the adjoining owner does not use his or her land for the purpose of requiring an enclosure. We often address the fencing law since -- since the late twenties, and -- and farming and agriculture has changed so much. I think we need to take a look at this, and I don't feel that it's fair for a person that doesn't have livestock or doesn't need his -- his property enclosed to have to pick up part of the cost of a person that -- that runs livestock or...(inaudible)...of this nature. If there's any questions, I'll attempt to answer them.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Donahue.

SENATOR DONAHUE:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR D'ARCO)

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He indicates he will yield.

SENATOR DONAHUE:

Senator, what happens in a situation where someone gets out of the business who is in -- in livestock operation, and then decides to get out of the business? Can he then go back to his adjoining landowner, and say, "You owe me for half the fence, because I'm not in the business anymore"?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Oh, I'm sure -- I'm sure that -- that couldn't happen. Why -- why would that -- all this does - it deals with boundary fences. If -- if a neighbor doesn't run livestock, and a neighbor -- his neighbor has livestock, and he wants to build a boundary fence - the one that's a grain farmer, or the person that doesn't have livestock - it just says that he isn't required to pay for half the cost -- cost of that fence.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rigney. Oh, I'm sorry. Senator Donahue.

SENATOR DONAHUE:

I think we, on our side of the aisle, we have some question about the situation where if a farmer - two adjoining landowners - were in the livestock business, they pay for a fence and then one -- the adjoining livestock owner get out of the business and is strictly a grain farmer, then he can go back to his neighboring landowner and say, "You owe me for half that fence, because I'm no longer in the business." We have some concern about this, and I know that, for Senator O'Daniel, this addresses a -- a -- a specific problem in his area. But this law has been on the books for many, many years, and you're correct, that we haven't adjusted it. But we feel -- the Farm Bureau opposes it, the Illinois Beef Council is in opposition to this bill. And I feel that, at this

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time, this is something we don't want to fix.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel, to close. Wait a minute. No. Senator Rigney. I'm sorry. Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President and Ladies and Gentlemen of the Senate, I hope we're all paying attention on this one. Because this is a major piece of legislation that will affect the agricultural community. What Senator O'Daniel is attempting to do is to violently change - drastically change - fencing laws within this State. Traditionally, those who have crops to protect or livestock to protect are expected to bear their equal burden for fencing. Now, Senator O'Daniel, in effect, is saying, "Well, the crop farmer really doesn't have any type of an obligation to protect his crops from a neighbor that might be raising livestock." Agriculture's a very fluid situation. I mean, people are into and out of livestock farming from year to year, kind of depending upon economic terms, and I can see all kinds of trouble when someone who has gone to the expense of building a fence suddenly finds that the neighbor now wants to get back into the livestock business. And presumably, I think he has to go over then and collect from the neighbor, because now the neighbor is in the livestock business. Or at least that was the way the issue was -- was presented, as I understood it. Believe me, this is not the sort of legislation that should be casually adopted in this State. We've got a lot to protect here. Livestock farming is going to be very adversely affected by this legislation, and I strongly seek a No vote on -- on this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

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

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Senate. For a point of information, will the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR HALL:

Senator, I -- I -- I'm looking here, and it says three people decide to put up a fence. And I'm -- they're surrounding me, and I don't need a fence. Now, do you mean to say, I have to pay, when I don't need a fence? Is that -- is that what goes on right now?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'Daniel:

The way the fence law is now that - and we're just talking about boundary fences - if your neighbor has livestock, or wants a fence put up, you have to share half of the cost. And -- and what this bill does - this is a fair piece of legislation - if a person doesn't raise livestock, or if he -- he doesn't have any reason to have his - his land fenced, he shouldn't have to pick up half of the cost of the -- of the neighbor's fence. This is a good neighbor bill. You know, of course, my colleagues suspect that -- that Senator Rigney would be a person that would probably want someone to pick up his cost. But if you're going to be fair, this bill is a good piece of legislation. This should have been addressed years ago. Agriculture has changed. Most livestock, other than a few cow-calf herds are -- are held in confinement. I have a cow-calf herd down in southern Illinois. The neighbor's land - all it's good for is to hold the world together. You think I should ask those people to -- to share the cost of me building a boundary fence? This is a good, fair piece of legislation. I've talked to people in Senator Rigney's district, and I've asked them. I said, "You mean to tell me that if you didn't have -- your neighbor didn't have livestock, you think you should have to

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pick up half the cost of the fence?" And they said, "Well, no. Not really," that "the Cattlemen's Association wants this." And I talked with the Farm Bureau. The thing that the Farm Bureau told me was that the board had met early. They said they was going to take a - a position against it. Then they came back and said, they were going to stay neutral. That's all they ever told me. I've been a member of Farm Bureau for forty years, but it doesn't mean I'm a rubber stamp for them, and it doesn't mean they're always right. And -- and this is a good piece of legislation, and -- and it's really fair, and it should have been addressed years and years ago.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Well, I certainly support this legislation of Senator O'Daniel. Why in the world should I be forced to put up a fence, when I have no need for it? I hope that everybody puts a green light up there on this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR SCHUNEMAN:

Senator, I -- I think I understand what you're trying to do here, and certainly there's not the need for fence laws in Illinois like there were many, many years ago. But I think Harlan Rigney brought up a point, and I'm not sure that he was right on that issue, but I -- I want to ask you. If -- if you're a livestock farmer, and you want to fence the boundary between your farm and mine, and right now I'm a grain farmer, and I don't care

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whether there's a fence there. I mean, I don't want to pay for your fence. So then, under this bill, the only alternative would be for you to go ahead the pay for the fence, as I understand it, and I wouldn't have to pay anything. But say next year, my tenant decides that he and I are going to go into the livestock business, and because there's that new fence out there, that you built and paid for, it seems to me that if that's the way it works then there's no -- no way that you can collect from me when I want to use your fence. You know, that doesn't seem to be quite fair, either. How -- how do you see that working?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Well, this issue is addressed in the legislation. If you decide to go back into livestock, then you have to pick up part of the cost of the fence - half the cost. If it's ten years from now, you know, fencing is a capital investment, and it's depreciated, so you'll have to pick up a part of that cost if you decide to get back into -- to the livestock. And there's not only livestock, you know, if you bought some property, if I sold some property to a person out of the city to -- to build a -- a home on and a few acres, he shouldn't be required to have to fence my livestock. That -- that -- that should be my responsibility. And -- and there's nothing wrong with this legislation. I had an elderly couple call me that had some -- had some land that they cash rented to a farmer. Just got a little bit of income off of it, and they tried to live off that. Their adjoining neighbor bought a farm, and now they're asking them to build half of a -- half a mile of fence which is very expensive. And they don't have money enough to do that.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

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SENATOR SCHUNEMAN:

Well, simply to say this to those Members of the Senate - probably the majority of the Members of the Senate - who really are not familiar with this issue, that what we're doing here is -- is changing ancient law in Illinois. And, you know, maybe ultimately that would be the right thing to do. The only problem that I see with it is that under current law, there are -- there are ways whereby disputes - fence disputes - are supposed to be resolved, but I know many times the people that are charged with the responsibility of resolving those disputes won't even meet. I suspect that, under the scenario that I outlined, it might be pretty darn hard for the neighbor to collect from me for the fence that he put up, and so this is a major change we're talking about.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I think this is a good piece of legislation for a couple of reasons. You know, Senator Rigney, you sound like it's earthshaking things we're doing here. You know, ninety-five percent of the fences that are going to be put up are electric fences anyway. It's one little strand of wire and a few posts. We're not talking any big bucks here at all. The one thing that -- that could happen to you, though, is if your neighbor decides to put some kind of a cyclone fence or something, it could cost you a heck of a lot of money. And this is trying to prevent that sort of thing, and I think Bill O'Daniel's right on the money when he said this is a good neighbor's act. It keeps a lot of feuding from happening between neighbors, and -- and if -- if a person just puts up a -- an electric fence around there, it's not that money to begin with, and he can afford to do it. Now, if the guy wants to be a bad guy, he can -- he can really stick you with a -- with a very expensive fence that -- that he probably

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doesn't need, and you don't either, unless he's going to raise giraffes or something. And I don't think that's -- that's part of our problem. I'd urge everybody to vote for this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rigney, for the second time.

SENATOR RIGNEY:

Well, again my apologies for the second time. Senator Joyce, the law describes what's a legal fence - division fence. We're not talking about one strand of wire. That's not a legal fence - division fence - and furthermore, there's nothing in the law that could require like a cyclone fence. You know, let's pay attention to what the -- the description is of a legal fence. I think it's basically what - forty-seven inches high or approximately that height. It has to be able to turn livestock. That's really what we're talking about. It's -- it's described in the law. I'm sorry, I don't have it in front of me, but again I repeat, this is a major change, as far as responsibility in fencing law.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel, to close.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. You know, there's -- there's a famous saying that Carl Sandburg said, "Good fences make good neighbors." And I might respond a little bit to Senator Schuneman. You know, we're not living in the past. Back when I was a kid, we all had fences, and we had a milk cow, and -- and a few hogs, and that's the way we made our living. But agriculture has changed, and we have to change with it. This is a good, fair piece of legislation. It should be passed. I appreciate your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 142 pass. Those in favor will vote Aye. Those opposed, vote Nay. The

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voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 31 voting Yes, 24 voting Nay, and 1 voting Present, and Senate Bill 142, having received the required constitutional majority, is hereby declared passed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

I'm sorry, Mr. President, but I would like to request a verification.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Everyone in their seats. Senator Donahue has requested a verification on the affirmative vote. Will the Clerk please call the roll?

SECRETARY HAWKER:

Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco.

PRESIDING OFFICER: (SENATOR D'ARCO)

Hi.

SECRETARY HAWKER:

del Valle, Demuzio, Thomas Dunn, Geo-Karis, Hall, Holmberg, Jacobs, Jones, J. E. Joyce, J. J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Severns, Smith, Topinka, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator O'Daniel, do you wish to question -- I'm sorry, Senator Donahue, do you wish the question the presence of any Senator?

SENATOR DONAHUE:

Minus the O, O'Darco. Berman. Senator Berman.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman. Senator Berman. Senator Berman is here.

SENATOR DONAHUE:

Senator Luft.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft is here.

SENATOR DONAHUE:

Oh, I can't see you, Dick. Senator Welch.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch --

SENATOR DONAHUE:

-- You're right there, too.

PRESIDING OFFICER: (SENATOR D'ARCO)

-- is here.

SENATOR DONAHUE:

Anybody else you see, guys? Senator Carroll.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll. Senator Carroll is here.

SENATOR DONAHUE:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

The roll call has been verified. There are 31 voting Yes. What was the Nay? What was the Nay? 24 voting Nay, 1 voting Present, and -- and Senate Bill 142 is declared passed. Senate Bill 148. Senator Kelly. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-4-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. Senate Bill 148 is very similar to Senate Bill 1-0-7, which was just considered and approved. It provides for cancellation of driving privileges for students who drop out of school. It's a law which

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went into effect in West Virginia. I did pass out some information onto your desk, and -- and on national TV, this issue was also reviewed -- that the program is working very effectively. I don't have to tell you that we have drop outs of over fifty percent in -- in many of our schools throughout Illinois, and we know that this translates into problems in society in many other respects. There is provisions in this bill for a hardship, if a student has a -- a problem. And in response to Senator Kustra's question about vocational education, there is a provision in here not only for high schools, but for an equivalency which would cover vocational schools. I would ask for your support for this bill, and I'll be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Collins. Put on -- put on my light.
Senator Collins.

SENATOR COLLINS:

Yes. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR COLLINS:

Senator, does this hardship license you're talking about take care of that student who's dropped out of school for whatever reason, recognizing that the compulsory attendant age in the State is only sixteen? And if they come out of school, according to the law - get a job, go to work, need a car to drive to and from work, because they -- most of them don't have the skills, and they -- they -- they are usually have to have laboring jobs, often in suburbs. For example, if you're talking about Chicago, having to go outside of the transportation mass transit area, and would need a car to get to and from work. Would -- would your exception in the law allow this person, who has dropped out of school, to -- to drive to and from work?

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

Yeah. They would consider it. This is under the Secretary of State, who would have the review privileges on -- on these licenses, so they would be the authority that'll oversee that area.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll, for what purpose do you arise?

SENATOR COLLINS:

... not finished.

PRESIDING OFFICER: (SENATOR D'ARCO)

You'll -- you'll get a chance to finish. Senator Carroll, for what purpose do you arise? Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President. First, I apologize to Senator Collins, but on a point of personal privilege, if I may. While these are not quite old enough to be impacted by Senator Kelly's bill, I have some students from the Solomon Schechter School up here in the gallery. I would like them to stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR D'ARCO)

Will our guests please stand and be recognized by the Senate. Senator Collins.

SENATOR COLLINS:

Thank you. And thank you, Senator Carroll. Senator, I think it's too important to leave this up to the discretion of the Secretary of State's Office. I -- I would hope that it would be to find some kind of criteria, established in the law, that would allow for -- that would insure, rather, that person a right to drive to and from work and -- and while I don't support the -- the basic concept, I -- I -- I just think that we are, you know,

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really getting away from what really matters about education, when we often come up into this whole concept of trying to induce and pay people to -- to stay in school. You know, we've got to come -- got to begin to produce the kind of atmosphere in the school system that would encourage and motivate students to stay in school, because they recognize the value of education in this society. And I think that's -- that's where we've -- we've just kind of come short of the mark, and why we're having the problem that we're having now, because most students don't really see the value of education to them, and -- and now we're talking about taking away their driving privileges and all these other frivolous kinds of things that we do. Doesn't have any real impact at all, but -- but -- but it most certainly will have some impact on that student who is operating under the law that says after sixteen, you don't have to go to school anymore. You didn't raise that requirement, and therefore this bill poses a contradiction with existing law. On the one hand, you say that you don't have to go to school over sixteen, but then if you don't, we're going to punish you legally, under the law. That makes no sense at all, and I think it's unfair.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, Members of the Senate. I don't really know how many bills we need to pass over to the House to catch up with what is apparently now a nationwide fad to deny driver's licenses to students who drop out of school. It seems a little silly to me that we're standing here on a day when we've got all kinds of business to do, debating within one hour something that we've just passed on. Senator Severns had the same bill. The only difference is that Senator Kelly has some kind of a provision for extenuating circumstances. You guys sit next to

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each other. You really ought to talk - figure out a way to work your extra language, Senator Kelly, into Senator Severns' bill when it gets over to the House, and Table yours. Look at the list we've got; and here we are engaged in a second debate on the same subject. I'll guarantee you one thing, Senator Kelly. If you were on this side of the aisle, your bill would be dead, whether it was Tabled or otherwise, because it would be pointed out to us immediately that this was duplicative. I would suggest you Table the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I rise -- I rise in opposition to Senate Bill 148. This is a nationwide fad that we do things like this, and this is supposed to -- to keep young people in school. And as Senator Collins has indicated to you, quite the opposite is true. Driving is extremely important, Senator Kelly, to young people. There's no question about that at all. But this is not going to deter them from driving. If they don't have a driver's license, they're going to be driving anyway. They simply are. Senator Collins, you were right on target. We have, over the last five years, passed legislation to try to address the drop out rate in this State. The problem is, we're not funding those programs. Senator Kelly, we tried to address the Chicago Reform Issue last -- last winter, and -- and I think that's going to assist us in keeping young people in school. But this kind of legislation simply -- simply is not going to do that. Let me suggest to you something, sir. What about the young person who -- who drops out of school, and -- and decides to go get a job someplace? They need the car to drive, obviously, or in many cases they will. And so they end up -- end up, quite frankly, driving without a driver's license.

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That young person may very soon realize the importance of an education. He or she is going to find out that, by golly, without a high school education, you can't really get a decent job, and so they might go back to school. That's what this is all about. That's what this is all about. If they drop out, lose a license, or don't get one in the first place, you haven't helped the young person at all. This is very popular legislation, but it happens to be wrong legislation. I would urge defeat.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Woodyard.

SENATOR WOODYARD:

Thank you -- thank you, Mr. President and Members of the Senate. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR WOODYARD:

Senator Kelly, I probably should have directed this question to Senator Severns on her bill. Our analysis of her bill indicated that this reporting of drop outs was voluntary, not mandatory, in private schools. Thus -- thus a person could drop out of a private school, still retain their driver's license, if it was not reported, whereas, if a person was in a public school, that could not occur. Does your bill address anything with the private school?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

It covers public and private schools both.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly, to close.

SENATOR KELLY:

Well, I -- I would just ask for your favorable support. I --

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I note on the sheet that Senator -- Maitland had made an opposing argument, and he voted for the last bill, 1-0-7. And I certainly -- I don't know why he had a change of conscience in such a short period of time. But I -- I would like to point something else out to you. I don't know when Senator Severns began on this, but I know back in November I asked the Reference Bureau to get involved, and I gave them information, and I wanted to pre-file the bill. It took them a long time to put a bill together. And I'll tell you something else. I've got six bills this Session. That's what I introduced, and this is one of the six. And I think you could do a lot worse voting for, you know, I think this is a good bill to vote for. If you don't want to vote for it, don't. But I want to, before I close, ask that both Senator Dudycz and Senator Raica be added as hyphenated sponsors. Other than that, I ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Is leave granted? Leave is granted. The question is, shall Senate Bill 148 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 voting Yes, 13 voting No, none voting Present, and Senate Bill 148, having received the required constitutional majority, is hereby declared passed. Senate Bill 158. Senator Severns. Senator Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-5-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

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To indicate for the record, that had I been noticing my switch -- I inadvertantly pushed the wrong number. I would like to be recorded No on Senate Bill 148.

PRESIDING OFFICER: (SENATOR D'ARCO)

The record will so reflect. Senator Severns, on Senate Bill 158.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Bill 158 amends the Purchasing Act in four ways. First, it requires the Comptroller to report annually to the General Assembly on the fiscal impact of bid-exempt contracts awarded by the Executive Branch of Illinois Government in excess of five thousand dollars, it -- beginning on December 31st, 1990. Secondly, it requires that no person who has served in State government for a period of two years shall be the recipient of a contract in excess of five thousand dollars during any fiscal year for the two years that follows their employment with the State. Thirdly, it says no business entity in which that person entitled to receive more than seven and a-half percent of that income shall be the recipient of such contract. Finally, it requires accountability of the Directors of the State, by including a letter in advance of the contract, to be filed with the comptroller, certifying that this contract has been awarded in the interest of the State, and that it is necessary that it be nonexempt. Finally, this language follows, almost to the T, the Federal Act adopted many years ago, following postgovernment employment. I think this bill requires additional accountability. It is a measure of good government, and I would urge its passage.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

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She indicates she will yield.

SENATOR FAWELL:

I notice that we are doing all these good things to the Executive. Just out of curiosity, are you going to also include former legislators not to receive contracts?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Senator. Senator, if you would like to sponsor that amendment, I'll be glad to co-sponsor the measure.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats. Senator Fawell.

SENATOR FAWELL:

Would you -- would you be willing to pull the bill back, and -- and allow such an amendment to be added, so that we have the same restrictions on former legislators as we are going to put on former directors, and former employees?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Severns.

SENATOR SEVERNS:

I think to slow down the process more than it has been slowed down during these last few weeks would be detrimental to this process. You've had the opportunity on 2nd Reading. No, I would not.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

SENATOR KEATS:

Would this cover legal services contracts that are

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occasionally alleged to be the lawyer-client relationship, in that they need not discuss what they're doing? Would it cover the lawyer-client relationship?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Severns.

SENATOR SEVERNS:

It -- it covers every category of contract that would exceed five thousand dollars in any given fiscal year. It covers -- as it relates to the employees of -- of the State Government, as described in this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

Following up on that - there's been some argument on the federal level that the legal contracts do not apply, and that law firms do not need to disclose. As an example, it's given to Firm X, of which that former whatever is a member. They say there's been tremendous confusion on that subject. My concern is, since the one who would rule on this would be the Supreme Court, and they normally will hold lawyers exempt from all normal statutes, you may have a serious loophole here, in the fact you have not expressly said, "They're covered, and it's the firm and the whole works." It's just a free advice. We'll think about the bill some more, but it's free advice. I think there's a loophole there that's not your intention. I think it's a loophole put -- put upon us by the court system.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Karpel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

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SENATOR KARPIEL:

Senator, I think you're probably on the right track, and I know what you're trying to get at. But it seems to me there are abuses in more than just the departments of the State. Would you be willing in the House to have an amendment put on that would do what Senator Fawell was talking about - you know, ex-legislators, and perhaps even candidates? You know, candidates that are now running or did run for elected office, state office, congress, or something. And would you like to -- would you agree to include that in your amendment in the House?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Severns.

SENATOR SEVERNS:

I would have no objections, Senator, to having such language included in the bill. Quite frankly and quite seriously, this is one beginning step. And I think if we're serious about trying to make some progress, we have to be realistic in terms of what will pass. I would personally have no objection to such language being included.

TAPE 3

PRESIDENT ROCK:

Senator Karpriel.

SENATOR KARPIEL:

Well, Senator, if you say this is a first step, do you have any other steps in mind? What's the next step then?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

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I -- I guess that -- I think there's always plenty of room for improvement in government, Senator, and I don't have an agenda outlined at this moment.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Well, if we can have a commitment on the amendment that we discussed to the House, perhaps I could support the bill. But I think the bill, while as I say, it is a -- trying to get at abuses in government, certainly doesn't do far enough, if we're just going to identify those - the department heads and people that work for State departments. There is a lot going on, as we all know, in State Government right now with legislators who are in office, legislators who ran for office, people who ran for other offices, and who may have been defeated. I mean there's all kinds of that kind of thing going on, and I -- I really think that if we're going to pass this bill, we should include everybody.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

She indicates she will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, my understanding is that this is -- only applies to the Executive Branch. Is that correct?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

That is correct.

PRESIDENT ROCK:

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Senator, I wonder if you would take your bill out of the record, so we can put all branches in there? I think this would only be fair, not only to Executive. Put us all in there.

SENATOR SEVERNS:

Thank you, Senator Geo-Karis, I...

PRESIDENT ROCK:

That -- that -- I didn't interpret that as a question. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm asking if the sponsor would take the bill out of the record, so we could apply it to all branches - not just the Executive Branch,...

PRESIDENT ROCK:

Senator Severns...

SENATOR GEO-KARIS:

...and I'd be happy to support it and be a co-sponsor with her.

SENATOR SEVERNS:

Senator Geo-Karis, I answered a similar question of Senator Fawell earlier. I do not intend to take this out of the record. I would not object to such language being added. It has had the opportunity on 2nd Reading in this Body to do that, and if you wish such language to be added, I would not object to it being added in the House.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, there was an amendment on this bill which took the -- took the Economic and Fiscal Commission out and put it -- the -- put all the information in it to the Comptroller's Office. Well, I can tell

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you right now, the Comptroller himself usually has about twelve million dollars a year for consultant services. Well, I haven't been too happy about that, and I feel that the bill, as amended, is not going to do the job that it should do. It's not fair to the -- to not include the other branches. And regretfully, since you won't take it out of the record, I'm going to have to speak against the bill, and I'm going to oppose, it because it's not fair just to limit to one branch. Put us all in. We shouldn't be any exceptions as legislators.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

Indicates she will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I have not had an opportunity to look at the bill. We only have our staff analysis in front of us. But it indicates that the bill applies to contracts awarded by the Executive Branch. Are you talking about the branch administered by the Governor, or are you talking about all constitutional officers?

PRESIDENT ROCK:

Senator Severns:

SENATOR SEVERNS:

These include the Governor's agencies.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm curious to know why you would exclude the Attorney General, the Comptroller, the Treasurer, the Secretary of State. Why -- why did you only decide that this is a good idea for the offices administered by the Governor of Illinois?

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PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

I would have no objections having the language include everyone. At this point, I would like to see this bill passed. If an amendment needs to be added in the House, it can be.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. To the Members, I think Senator Severns has what is probably a pretty good idea, and a lot of us could support it. But it seems to me that it's narrowly focused. Perhaps we ought to have something like this apply to everybody in State government, but at this time I think it's -- it's wrong to single out one particular branch of government, and we ought to make it apply to everybody.

PRESIDENT ROCK:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Obviously, it's -- it's our time to pick on the Governor's Office. I certainly would think that we ought to include the other constitutional officers. I'll bet you there isn't a constitutional officer in this State that doesn't have an ex-legislator, or his daughter's son, or wife on the payroll. You ought to include everybody. Include the General Assembly, also. And include -- how about the -- the daughters, the sons, and the wives and husbands. If you really want to do it. Be my guest, because I don't have any on my payroll. And I'll tell you one thing, there's enough guilt to go around to everybody, and I would suggest, Senator, you move this back to 2nd, prepare an amendment, put it on, and then we'll think about passing it.

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PRESIDENT ROCK:

Further discussion? Further discussion? If not, Senator Severns may close.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I have no objections to the points raised by many Members of this Chamber regarding the expansion of this bill. But I think for any Member of this Chamber to use the excuse that a good idea is not worth doing, because you have failed, or any of us have failed, to expand the idea - it is nothing but an excuse. Let's not kid ourselves, Ladies and Gentlemen of the Senate, the evidence is documented. We want to speak to the evidence? We can stand here at length, and speak to the evidence. I'm not saying it's unique in the Executive Branch. I'm not saying it's unique in the State of Illinois. This is a bill that attempts to require greater accountability. As we do more business of government by contract, this bill is suggesting that we make those contracts accountable. Nothing more. Nothing less. If you believe in accountability in the contracting process of State government, if you believe that we need to require our directors and people in government to statewide, contracts must be required, nonexempt, bid-exempt, this bill does just that. For those who believe the greater accountability in government is required, I urge an Aye vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 158 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 26 Ayes, 24 Nays -- 27 Ayes, 23 Nays, 4 voting Present. Senate Bill 158, having failed to receive the required constitutional majority, is declared lost. 162. On the Order of Senate Bills 3rd Reading is Senate Bill 162. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 1-6-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. This is our annual exercise with respect to pensions, and certainly this bill will have a number of modifications, as it will when it reaches the House. Senate Bill...Senate Bill 62 <sic> is a bill that would give a three percent annual increase to survivors of the various pension systems, including the State employees, universities, downstate teachers, Chicago teachers' system. It also provides, by virtue of two amendments that were Senator Davidson's bills - both Senate Bill 81 and Senate Bill 84 - that were incorporated by virtue of Amendments 1 and 2. The first one would limit the Social Security offset, and that estimated cost is somewhere around 3.3 million. And the third amendment with respect to Senate Bill 84, which is the increasing the survivors' and widows' benefits at an estimated cost of about three hundred and three thousand five hundred dollars. The accrued liability to the four pension systems obviously is awesome. The annual cost with respect to this bill would be 15.8 to State employees, 18.9 to universities, 47.6 to downstate teachers, and 22.7 to Chicago teachers. Obviously, it will take a great deal of reform and further discussion, Senator Schuneman, as it reaches the House. My suggestion is that we simply put it out of here today, and keep working on it. And I would ask for your support.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

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SENATOR SCHUNEMAN:

Thank you, Mr. President. The sponsor was unusually frank about the cost impact of this bill. It's sure a lot of fun to vote for these bills. Especially when we know there's no money to pay for them. I'm not sure what your numbers total up to, Senator. We have numbers from the Economic and Fiscal Commission which indicate that the accrued liability of the pension systems would be increased by over a billion dollars with this bill. That the normal cost - that is, if the State, in fact, was paying what we should be paying to support these increases - that the normal cost to the State would be thirty-three million dollars per year. I think almost all of us voted for the bill that Senator Netsch and I have been trying to get passed, that would require the State to begin funding the unfunded liability. This would simply -- and as I remember those numbers, it would take around forty million to do that. This would simply add another thirty-three million in annual cost to that forty million which we already aren't paying. So while those of you who represent State employees, and we all do, certainly would find it difficult to vote against this bill. We ought to recognize what -- what the cost impact would be if it really ever takes effect.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in support of this bill. This was worked out in a bill that Senator Demuzio and I sponsored from the five different retirement systems. We added the two bills, which I had, which were all part of the same package. I urge all the people on this side to vote Aye on this bill.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Demuzio,

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you wish to close?

SENATOR DEMUZIO:

Yes. Senator Schuneman, I don't know whether or not you said I was unusually frank or usually frank. I didn't quite catch it, but we all know that this bill is going to receive a number of modifications as it reaches the House and before June 30th. And I'm glad Senator Schuneman added up all those accrued liabilities, because I -- I gave them to you individually and I did not want to give you the entire number. So I congratulate you on having the courage to do so. We know that these pension systems are -- are in desperate need of a -- of new additional revenue, and obviously putting this vehicle bill out of here today with respect to this, affords us the opportunity to continue negotiations between now and June 30th, and I would certainly ask for your support.

PRESIDENT ROCK:

The question is, shall Senate Bill 162 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. On that question, there are -- 48 Ayes, 3 Nays, 3 voting Present. Senate Bill 162, having received the required constitutional majority, is declared passed. 166. Senator Netsch. On the Order of Senate Bills 3rd Reading. The middle of Page 13, Ladies and Gentlemen, is Senate Bill 166. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1-6-6.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 166 would restore the

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AIDS Confidentiality Act to the form in which it was initially passed by both Houses of the General Assembly by very substantial margins last -- early last Session. What it deals with is the question of written informed consent when someone is tested. And the change that was made - the language that was eliminated - indicated that a physician could, without complying with all of the other protections that had been written into the original bill, test someone without notifying them, and most importantly, without providing the counseling and other information that is considered so critical to the HIV testing thing. The bill is strongly supported by the Illinois Department of Public Health, which has pointed out that the -- the written informed consent, and the counseling, and information-giving that are part of the -- that were part of the original Confidentiality Act are, by all of those in the Public Health field, considered absolutely critical to helping to stem the tide of this very major disease. I would also point out that the American Medical Association, which normally does not take this kind of a position, has also made the point that counseling and information-giving are a critical part of the whole and written informed consent - are a critical part of any testing for AIDS. And this -- this bill, as the amendment proposes to put it, is totally consistent with their position, and as I indicated, is supported by the Department of Public Health. I'd be happy to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. To the bill, Mr. President, I -- I know this bill addresses some concerns of the Gay and Lesbian Task Force. However, I do not believe that the Public Health Policy should be determined by the potential for discrimination or ignorance about

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AIDS. Our Public Health policy should be determined by sound medical practices. The current law recognizes this. And It should remain as it is, and that's why I stand up and oppose, and urge a No vote on Senate Bill 1-6-6.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

The sponsor indicates she will yield, Senator Fawell.

SENATOR FAWELL:

Senator Netsch, you and I were on a panel together at Northwestern University when we had a similar discussion. And I have talked to a number of -- of emergency room people, who are very concerned about the fact that some of these patients are brought in to the emergency room, and -- and are either bleeding and unconscious, or they obviously don't know what directly is wrong with them. Both the emergency room people and our discussion at Northwestern had a surgeon from Northwestern Memorial Hospital who said, you know, this information has to be known by the physicians, and particularly the nurses and the doctors in the emergency room. Have you made an exception for those kinds of people?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Not in this particular area. Not in this section. Although I have a dim recollection that there are some other parts of the law that have dealt specifically with -- with that circumstance. This generally is -- has to do with when a patient is being examined by a physician, and does not deal specifically with the emergency room procedure.

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PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Can you tell me, what is the position of the Illinois Medical Society? Do you know?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

The Illinois Medical Society opposes the bill. The American Medical Association, I believe would not, because it is completely consistent with a major policy that they have adopted, but the ISMS opposes the bill.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill, then, if there's a paramedic -- picking up someone who's bloody all over the place and blood spurting out and touching the paramedic, then would eliminate the -- would provide the confidentiality, then the victim who is injured could not be tested. Is that correct?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

I think the answer to your questions is No, that is not correct, if I heard your question correctly.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, with a patient who's unconscious, and he's -- blood is spurting all over from him onto a paramedic who's trying to help him out, I suggest, Ladies and Gentlemen -- Mr. President and

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Ladies and Gentlemen of the Senate, that that paramedic is not protected, if this bill is passed. And I think we owe a duty to people who put their lives on the line to help other people - to help them and protect them. And I think I would oppose this bill on that basis.

PRESIDENT ROCK:

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

SENATOR NETSCH:

I think I did hear your question correctly, Senator Geo-Karis. It has nothing to do with paramedics, by the way. Let me read you just two sentences from the Illinois Department of Public Health physician's statement - a couple of sentences - and bear in mind if you would, Senator Fawell, that -- that this is the Department that is for all of us in charge of the public health consequences - not only of AIDS, but of all other diseases. The statement says, "The exemption of physicians from obtaining informed consent presents a barrier to health care for persons at risk of HIV infection." And later on, "The current exemption from counseling afforded physicians is detrimental to public health efforts to control the spread of HIV, because it creates a situation in which testing is separated from counseling." And they go on to point out a statement from the President's Commission on the HIV Epidemic, which stated in its report, "Testing and counseling represent a single set of services to be delivered to an individual. They cannot be separated. The individual interaction that is involved in counseling offers one of the most effective techniques available to encourage positive behavioral training." The AMA, the President's Commission, and our own Illinois Department of Public Health, all make the point that testing and counseling are absolutely inseparable. This bill is contrary -- or the -- the one that we passed last year, was contrary to that.

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This bill would restore that extremely important interconnection, and is a major public health piece of legislation.

PRESIDENT ROCK:

The question is, shall Senate Bill 166 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. On that question, there are 16 Ayes, 39 Nays, 1 voting Present. Senate Bill 166, having failed to receive the required constitutional majority, is declared lost. 169. Senator Luft. On the Order of Senate Bills 3rd Reading is Senate Bill 169. Read the bill. Senator Luft, the Secretary informs me there is an amendment on file. Is that -- read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-6-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. In 1984 the Legislature afforded the business community in this State a credit against the Personal Property Tax Replacement, equal to one-half point. In July, then, of 1986, an additional half point was added, bringing it to a total of one point tax credit against the Personal Property Tax Replacement. In that bill, there was a sunset provision December 31 of 1989. What we're doing with Senate Bill 169 is removing that sunset provision.

PRESIDENT ROCK:

Any discussion? Discussion? If not, the question is, shall Senate Bill 169 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 169, having received the required constitutional majority, is declared passed. 170. Senator Jones. 179. Senator Welch. 181. Senator Marovitz. 182. Senator Etheredge. 185. Senator Jacobs. On the Order of Senate Bills 3rd Reading, Senate Bill 185. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1-8-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Jacobs.

SENATOR JACOBS.

Thank you, Madam Chairman, Ladies and Gentlemen of the Senate. This is a substantive bill on -- that increases the bond limit for support of civic center authorities from one hundred one million five hundred thousand to two hundred million. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? The question is, shall Senate Bill 185 -- I'm sorry. Senator Keats.

SENATOR KEATS:

A -- a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

The sponsor indicates he will yield. Senator Jacobs.

SENATOR KEATS:

The question being, I was reading something Senator Netsch sent us recently, having to do with bonding. Is this, number one, a hundred million dollar bond increase? Is that the first thing we're doing?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Jacobs.

SENATOR JACOBS:

Not in this bill. There is an -- there is an appropriation bill that will follow. This bill is the substantive portion. This does not -- this just allows for it to happen. The appropriation bill is -- will follow. The -- there is an identical bill that has passed the House, which is coming over to us, which has a -- a flow of revenue to take care of the bonds. And that is the concern that everyone has as to whether we're going to take it from the General Revenue Fund or whether we have a -- a special dedicated source. And we have developed that source.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Keats.

SENATOR KEATS:

So this is a hundred million increase in bonding, on faith. Next question. Do we have any input on where this hundred million goes, or is it simply going to DCCA and they will then decide where it goes?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

The substantive bill, Senator, does name a number of civic centers that are already on line in -- in order from DCCA. DCCA does approve each of these as to whether they are ready to go. These that are named in the plan are ready to go. There are -- there is a remaining twenty-nine million dollars of civic center funds that remain from the dedicated sources that are already on the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, the question is, shall Senate Bill 185 pass. The voting is open. All voted who wish? All

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voted who wish? All voted who wish? Take the record. On -- on that question, there are 47 Ayes, 1 Nay, none voting Present. Senate Bill 185, having received the constitutional majority, is declared passed. Senate Bill 185. Senator Dunn. Thomas Dunn. 186. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-8-6.

(Secretary reads the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR DUNN:

Thank you, Madam President. There are instances where the county board chairman, by Statue, must appoint a person of the same political party when there is a vacancy. What this bill simply does, is permits the out-of-power county chairman to submit a list of prospective appointees who are, in fact, true party members. It does not distinguish between parties, and it cuts both ways.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDING OFFICER: (SENATOR COLLINS)

The sponsor indicate he will yield.

SENATOR DUDYCYZ:

Senator Dunn. My analysis states here that you are excluding Cook County. Could you explain why?

SENATOR DUNN:

Yes, Senator Dudycz. I'm excluding it because they asked to be excluded.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Dudycz.

SENATOR DUDYCZ:

They asked. Who are they, Senator? I don't understand. Who is they? I am part of Cook County, and there's a few of us here on this side of the aisle from Cook County, and none of us have asked for it, to be excluded.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR DUNN:

They are the majority in Cook County.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, I'm going to have to oppose your bill. You, as a member of the minority of your county, and I, as a member of the minority of my county, I think if it's good enough for Will, it should be just as good enough for Cook County, and I think this is not fair. I am going to oppose it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. The amendment is the bill, and the amendment says that in counties with fewer than two million inhabitants, within fifteen days following selection of a county board chairman or county executive, a county chairman of a county central committee of a political party other than -- than the chairman of the county board, shall prepare and submit to the county clerk a list of qualified members of the political party? Since when does that county chairman have to supply a list of about two hundred and some thousand people? I think it's asinine. That's a silly bill. Ye gods, what are we getting into? As much as I love the sponsor,

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I think it's a bill that's way out up in left field. And I'd ask that you vote against this bill. I think it's silly.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, as I interpret this bill, the political -- the political chairman of a particular county will determine who is fit to serve and who is unfit. And if you don't happen to buy tickets to their fund raisers be related to their families to do whatever you want, you are disqualified. You are unfit. I find that somewhat offensive, to be real honest with you. I would think that if you wanted to use party registration or some other legitimate gauge of who is a Republican or who is a Democrat, I could be comfortable with that. Frankly, this is going to come to a shock to some of you. There's some real fathead county chairmen of both political parties in existence, who might -- who might be prepared to disenfranchise, to deny the constitutional rights of citizens, simply because they may be honest, they may be outspoken, they may be philosophically unacceptable. I don't want to give that power to a nonelected official, who does not stand for election. I am a Republican Committeeman and I vote for county chairman, but I do not think this is an appropriate role for a political leader, to cast judgment on all the citizens of their county as to who is fit and who is unfit. It's a horrible precedent.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR COLLINS)

Sponsor indicate he will yield.

SENATOR HAWKINSON:

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Senator -- my -- I don't have the bill in front of me, I just have an analysis. Your explanation indicated that the county chairman out of power would submit a list of possible appointees. Some of the debate has centered around whether that county chairman would be filing a list of every party member in the county, and I'd like you to clarify which it is.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR THOMAS DUNN:

It is not the intent, nor is it the language of the amendment, to do that. As a matter of fact, I put the amendment on to prohibit exactly that, so that the county chairman would not have to submit the primary voting list to the party in power, but would, in fact, select from the voters a true party member. And to address Senator Schaffer, the question about fund raising -- it has nothing to do with fund raising. What it has to do with, and by the way that cuts both ways - I mean not to suggest that a party out-of-power person wouldn't contribute to a nonfellow opposition party member - we all know that happens. But the intent of the bill is to prevent a person pretending he or she is a Democrat or a Republican. And that has happened. It happens all too frequently. Maybe it doesn't happen in your county, but it has happened in mine. And when I -- the purpose is, that when a vacancy occurs and a Statute calls for a Democrat to be appointed, it really ought to be a Democrat. Or and if it's a Republican, it really ought to be a Republican. That's what it says.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not -- Senator Luft.

SENATOR LUFT:

Thank you, Madam President. I would rise in support of Senator Dunn's attempt. It happened in my county, where the

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county board is controlled by the Republican Party, and the county treasurer died, and the county board picked the weakest possible candidate that could exist, to fill that position. I would suggest that this could happen, and may have happened, in any counties on both sides of the aisle, and would be something that we should consider. I'm not so sure that Senator Dunn's bill effectively solves the problem that I'm talking about, but I would hopefully -- we could pass this bill on, and try to come to a conclusion with this problem.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? Senator Dunn, to close.

SENATOR DUNN:

Thank you, Madam Chairman. I've made my argument. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 186 pass. The voting is open. All who voted who wish? All who voted who wish? All who voted who wish? Take the record. Take the record. On that question, the sponsor requests Postponed Consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Senate Bill 187. Senator Maitland. Senator Maitland. Senate Bill 189. Senator Kustra. On the Order of 3rd Reading. Senate Bill 189. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-8-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland. I mean Senator Kustra. I'm sorry.

SENATOR KUSTRA:

Thank you, Madam President. The Residential Services Authority of Illinois is, at this time, preparing a master plan

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for service to behavior-disturbed and severe emotionally disturbed children. What this bill does is require that when that master plan is submitted, that it be submitted to the directors of all of the agencies who sit on the Residential Services Authority. I know of no opposition to the -- to the bill. It was requested by the Residential Services Authority just to clarify this issue. I ask your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 189 pass. The voting is open. All who voted who wish? All who voted who wish? All who voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 189, having received the constitutional majority, is declared passed. Senate Bill 195. Senator Kelly. On the Order of 3rd Reading, Senate Bill 195. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-9-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. Senate Bill 195, which is sponsored by Senator Hudson and myself, requires physicians to determine viability of an unborn child of twenty or more weeks. And it also requires that abortions are done in a hospital, instead of in a medical clinic. This bill not only calls on the physicians to use their best medical judgment in determining viability, but it also provides much more protection to a mother who's seeking an abortion. The hospital has the life-sustaining procedures and equipment which would be able to address the life of the mother and, hopefully, the unborn child.

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This legislation is supported by the Illinois Pro-Life Coalition. And I solicit your support. Be glad to try to answer any questions you might have.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it seems to me that we passed a law some time ago saying if certain hospitals did not want to handle abortions, or go into anything like it, they wouldn't have to, and someone wouldn't have to go to that hospital. Number two, the very question that the Senator is bringing forth in this bill is up before the Supreme Court of the United States. I urge my colleagues to vote Present on it till we see what the decision of the United States Supreme Court will come forth and say. And I feel that we're being premature in addressing the question when we know that it's up before the Supreme Court of the United States.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President -- Madam President. I rise in opposition to Senate Bill 195. And I think there's one point that really ought to be made. Again, however you feel about the issue of abortion generally, what this bill would do would be actually to jeopardize the lives of a great many women. And something that needs to be pointed out is that in this State, as well as in other states, the only post-viability abortions that are performed are those that, in fact, do threaten a woman's life. It may be that she is suffering from cancer. It may be a whole bunch of other things. But they do not perform post-viability abortions unless the woman's life itself is really in danger. And that is, of the abortions performed in this country, at least ninety-one percent,

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remember, are performed in the first trimester, nine percent in the second trimester, and only 0.01 percent in the third trimester. Those are the ones that really involve the health, and life, in most cases, of the woman involved. What you are saying, in passing this bill, is that a -- a physician is risking criminal prosecution if some a -- an abortion has to be performed in an emergency circumstance on a woman who is in that condition. Vote for it if you choose, but please do not be under any illusion that you are saving lives in this case. You are probably costing lives.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Madam President. Well, to argue that a bill of this type is going to cost lives rather than save, or to mitigate and -- and -- or to act in their defense, to me, seems to be - with all due respects to the Senator who so alleged - to be unreasonable, to say the least. It seems to me that what this bill is doing is to providing -- to -- to provide a much-needed safety net, if you will if you will, for those babies who might be aborted and who might - just might not have died or might need medical assistance, once born. And I think that we all recognize that there are cases of that kind, babies born that desperately need -- they were intended not to live, but they have lived nonetheless. And what this bill would do is to provide a safety net and some protection, some humane consideration, for those little ones who might find themselves in that situation where life-support mechanisms could be brought into play. I think this is a humane -- a humane approach for a rather bad situation or situations that can exist, albeit there may not be too many, but there are enough, I believe, to make these protections humane, justified, and deserving of your Aye vote.

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PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussions? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR COLLINS)

Sponsor indicate he will yield.

SENATOR KUSTRA:

Senator Kelly, I'm -- I'm confused by the remarks of Senator Netsch, because what I took from those remarks is that somehow we're costing lives in, that medical emergencies would prevent certain things from happening that ought to happen on the spot. I'm reading our analysis here, and unless I'm wrong, your bill specifically exempts the medical emergency. Is -- is that not true? And if that's the case, then maybe you can respond to Senator Netsch's remarks. I -- I don't understand why, if you're so concerned about the life of the woman or the fetus, you wouldn't want to be in a hospital situation. And I -- I think for that reason, this is a good bill. And if you could elaborate on the exemption which I think deals with what Senator Netsch was concerned about -- thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Raica. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. Yes, that's true, there is a provision for emergencies. We don't want, if a mother has -- has -- life-threatening problems, we don't want that life to be threatened, either. So there are provisions for emergency. I want to point out, though, to Senator Netsch -- she mentioned that there aren't that many late-term abortions. My concern is with the new medical procedures we have, that incident of late-term abortions can be increased, because we know with the information that's available now, we can find out about defective babies,

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whether they be mental or physical. And there will be a tendency to increase the number of abortions in late-term abortions. So, I think it's an area that we should look at. We have to protect a baby if it's unborn. This whole issue is under review, but yes, Senator Kustra, there is a provision for emergency matters.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I think what Senator Kelly has done in this piece of legislation should be applauded. I really -- when you -- when you take a look at the concept that is in this piece of legislation, we are saying that you have to put things in perspective and in a controlled environment, remove it from the clinic atmosphere, and put them in a very professional atmosphere, such as a hospital. A lot of these clinics that are performing out there are probably -- not -- I would hate to use the word professional -- but do not at all times have the patient, whether it be the fetus or the mother, in -- in its best interest. We are taking a look at situations in the press that have been reported over the past four weeks about Cesarean sections that -- that have been performed -- that -- what they're saying now is that they are so -- they're being performed every day. And -- and what they're trying to do now is take a look at whether or not they are really needed, or should the mother be allowed to deliver naturally. I think what -- what Senator Kelly's doing is just saying that we have to protect both the unborn fetus, and we have to protect the mother, and put things in a controlled environment and make the physician responsible. That's all we're asking here. And I don't think that's too far out of the question. Therefore, I stand in support of -- of Senate Bill 195.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Question of the sponsor, Madam Chairman.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicate he will yield.

SENATOR T. DUNN:

What happens to the physician who makes a wrong judgment and thinks the fetus is not viable, and, in fact, the fetus is viable, and the fetus subsequently dies.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Well, this is within the context of his best, or her best, medical judgment. And that's -- far as I'm concerned -- would -- cover that, and would not be a -- a -- problem.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR TOM DUNN:

Is -- is there a criminal penalty attached to this?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

To be honest with you, I don't know. I don't -- I don't see it on here. But, yeah -- Class 3 felony. Yeah.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR TOM DUNN:

So do I understand then that when he legitimately makes a wrong decision, his -- his defense is that he used his best judgment, and that he will not be indicted or prosecuted?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

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SENATOR KELLY:

I think there's probably going to be some difficulty in -- in convicting a physician who violates the Act, but that doesn't mean we shouldn't have the Act as part of the law.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR TOM DUNN:

Doesn't he not become a witness against himself in that instance?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

It would appear that if there is no other witness, he'd be the witness against himself. Yeah.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I think that Senator Dunn and Senator Kelly's exchange on the last question really spells out the problem with this bill. We are imposing a Class 3 felony potential criminal sentencing on a relationship that doesn't belong in the criminal sector. This is a decision, that, according to present law and present medical practice, is a decision made between a woman and her physician. You are now, by passing this bill, putting a chilling effect on that relationship. You are, in fact, intimidating, by the potential indictment for a Class 3 felony, the decision that should lie between the patient and her doctor. This is the wrong approach, Ladies and Gentlemen. If we have respect for the medical profession, and we have respect for women, the vote here should be No.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I apologize, Madam President, for speaking a second time, but would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR GEO-KARIS:

Why was there a committee amendment accepted which removed the standard requiring the doctors, when determining viability of a fetus, need not use the same care as other doctors engaged in similar practice under the same or similar conditions?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Well, it was -- it was removed in here, and it was replaced by common medical procedures instead. So, the wording was just changed, and we felt it was better language.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I submit by you putting that -- allowing that amendment on this bill, it required a lesser standard of doctors, and it would worry me about the health of the women. I still speak against the present bill until the Supreme Court comes out with a decision. And I am going to vote Present accordingly.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Kelly may close.

SENATOR KELLY:

Well, I just ask for your favorable support. We might point out there may be some problems, like it was said, with this felony being too much. I think you need a penalty. I don't think that's unreasonable. If someone is doing something wrong, there ought to

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be a penalty involved. We can change it in the House if that penalty isn't appropriate. But -- anyway, this is the law, and we can't wait for the -- in fact, if we can save one life, and you know, I've heard a lot of incidents about protecting the mother, protecting the physician. I haven't heard any mention from the opponents about protecting the unborn child. That's my real problem, my real difference, and our opinion on this. And that's who I would support. So I would say, I would appreciate your support. And let's take a vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 195 pass. Those -- those in favor will vote Aye. Opposed, Nay. The voting is open. All who voted who wished? All who voted who wished? All who voted who wished? Take the record. On that question, there are 28 Ayes, 14 Nays, 9 voting Present. Senate -- the sponsor requests Postponed Consideration. Senate Bill 195. Senator Jacobs. For what purpose does Senator Dudycz rise?

SENATOR DUDYCZ:

Thank you, Madam President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point.

SENATOR DUDYCZ:

Ladies and Gentlemen of the Senate, we have some special guests from Chicago this afternoon with us in the rear gallery behind the Republican side. We have the eighth grade class from St. Bartholemew's, and they are chaperoned by Miss Sharon Johnson, Miss Lois Galleke. And I would like for them for be recognized, please.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise, and be recognized by the Senate. Senator Karpiel, for what purpose do you rise?

SENATOR KARPIEL:

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On a point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

State -- state your point, please.

SENATOR KARPIEL:

Well, I -- as long as we're introducing schools, I have eight pages here on the Republican side of the aisle today from -- from the West Chicago High School. And their names are Heather Campbell, Tracy Brockman, Steve Uroff, Dave -- Sirovatka, Renee Manning, Kelly Lee, John Barstad and Kate Donovan, and I would like to have a thank-you for their help today.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests stand and be recognized by the Senate? Senator, 198. Senator Jacobs. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-9-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam Chairman, Ladies and Gentlemen of the Senate. This bill amends the Municipal Code and regards aldermanic terms of offices, and permits by frontdoor referendum staggered terms of office in any municipality. Elects only one alderman from each ward; is permissive. It takes a frontdoor referendum. It's requested my -- by my city in East Moline, and ask for your favorable support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

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The sponsor indicate he will yield.

SENATOR GEO-KARIS:

Senator, you're not -- what you're just doing then, if I understand correctly, is that only if a referendum that can change their form of government is added?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

No, Mayor -- Senator. What -- what actually is the situation here - we have already -- my city, East Moline, has already changed its form of government by referendum. Not form of government, excuse me, changed its number of -- of elected aldermen. And in so doing, the way it is set up now, in the absence of law, all seven of those council people have to be elected at the same time. We want to make sure that we have some continuity, and so we break it up to four and three.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And to provide for the staggered terms, then your bill provides a referendum for it. Is that right? Okay, I have no objection.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

I just ask for a -- your support.

PRESIDING OFFICER: (SENATOR COLLINS)

No, Senator Hall, before.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

The sponsor indicate he will yield.

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SENATOR HALL:

Senator, you say this applies only to Moline. Is that -- is that what you're saying? East Moline?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

No. What I'm saying is any municipality who has single member districts may, by referendum, elect to -- to have those council people elected in staggered terms. In other words, half in -- in one -- one election, say in '89, and then half in '91. But it has to be done by a referendum.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

I just wanted to be straight on that, because we reduced our aldermen from sixteen to eight, and this will have no effect on -- on that at all. We -- we -- we got eight wards, and we got one alderman, instead of two in each ward.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Senator Hall, it will not affect the outcome of that. What it means is now if you desire to, your board can call for a referendum to where they will elect half of them at one election and half at another election.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DUDYCYZ:

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Senator, would this bill apply to the City of Chicago?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Chicago already has this right.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

You mean by referendum they can vote to have aldermen stagger terms every two years?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

They are four-year terms. It's just that their election comes staggered. Yes, it's my understanding that they can do that now. The only people who cannot do that, at the current time, are council-mayor forms of government that are not home rule units.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As minority spokesman on Local Government, I'd like to say I -- I looked at this bill. This is a good bill, and I suggest some of my colleagues vote for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Jacobs may close.

SENATOR JACOBS:

Thank you. In the absence of Senator Sam, Senator Fawell, I -- I accept that. And incidentally, I -- I might add that Senator Sam -- I did talk to him last night. He is feeling fairly well, and hopefully he's going to be getting out of the hospital. He wants to return Monday -- but whether he will or not. But in the absence, Senator, I appreciate that. I just ask for your support.

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PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 198 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. All who voted who wished? All who voted who wished? All who voted who wished? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 198 is declared passed. Senate Bill 199. Senator Jacobs -- Raica, for what purpose do you rise?

SENATOR RAICA:

Thank you, Madam Chairman. A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point, please.

SENATOR RAICA:

First of all, I would like to thank Representative Terzich for coming over to the Senate to help me welcome a group of senior citizens from our district, who, along with their chaperon, Father Tom, are very -- very concerned with the community and very involved with the community and the church. So if we could, I'd like to welcome the visitors - the seniors from St. Bruno's Parish along with their chaperon, Father Tom.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise and be recognized by the Senate. Now, on the Order of 3rd Reading, Senate Bill 199. Senator Jacobs. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-9-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

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SENATOR JACOBS:

Thank -- thank you, Madam Chairman, Ladies and Gentlemen of the Senate. This really is a fairly simple bill. It provides for limited liability for Credit Union officers, directors, and persons who serve without compensation. I know of no known opposition, and ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR HAWKINSON:

Is it only uncompensated persons who are exempted under this bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobson.

SENATOR JACOBS:

Yes, Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, the question, shall Senate Bill 199 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. All who voted who wished? All who voted who wished? All who voted who wished? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 199 is declared passed. Senate Bill 200. Senator Holmberg. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 200.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Madam President. This is the Fund Education First Act. It's the bill that you've talked about when you visited with constituents in your district, when you campaigned. It's the result that you got when you did polling and surveys. Your constituents told you that education was their top priority. "Would you do something about it when you go to Springfield?" And in most cases, you said, "Yes." The problem is that when we get here, our favorite sewer project, our road project, our civic center intervenes. And so the very last bill that we put together in the Legislature on June 30th is the Education Funding Bill, and too often it is way short of what we should be giving our schools. As a result, Illinois is now forty-fourth in per capita expenditures behind our neighboring state even - Indiana - behind Florida. Higher Ed, since 1986, has only seen a one-percent gain, when the average of other states in the union is twelve percent. Therefore, this bill does these things: Beginning in Fiscal Year '90 and in each subsequent Fiscal Year, the Governor shall budget and the General Assembly shall appropriate at least fifty percent of total new General Revenue Funds available for appropriation, as well as General Funds available because of budgeted growth and decline of programs for that fiscal year for Elementary and Secondary Education and Higher Education programs. Those amounts shall continue to be appropriated until the sum of General Fund appropriations for Elementary and Secondary Education programs and projected revenues from federal sources meet or exceed fifty-one percent of the State Board of Education's estimate of total spending for public schools in Illinois. Appropriations shall be allocated on the basis of a two-to-one ratio with Elementary and Secondary Education receiving two-thirds and Higher Education

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receiving one-third of total General Funds Appropriations made under this proposal. Under this proposal, we could truly work towards that goal of primary funding, and we would be funding education first.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President. May I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR KUSTRA:

Senator Holmberg, we were greeted this morning with a new tax proposal of Speaker Madigan, and as I understand it, he has a specific way to allocate funds to schools across this State and cities. Could you comment on what this newest plan does to your proposal, or how it fits in with what you're prescribing here?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

As I understand it, and I haven't read through the whole proposal, but I -- I, too, have heard the news reports. Speaker Madigan's plan does allocate fifty percent of a proposed new income tax to education. So we're thinking along the same lines. It's my understanding it's -- it's but a two-year proposal, and would not necessarily do what Senate Bill 200, does which carries us through until the Federal and State Governments become the primary source of revenue.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President. Just a comment on the bill. I -- I certainly would not stand in the way of an attempt to send

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another message to people across the State that we're trying to do something for them in the area of education. On the other hand, I wouldn't want to confuse the people back home into thinking that this bill is going to make that difference, or this bill is going to send any more dollars back to those schools. 'Cause the fact is, it isn't. It's a good headline grabber. It's a way to get a lot of attention back home. It'll be a good press release for you folks, I suppose. But the bottom line is we've already dealt with this in the Constitution of the -- of the State of Illinois, as a matter of fact. That line that everyone keeps reminding us of -- the State shall have the primary responsibility for financing schools. What's -- what's the -- what's the problem there? We haven't done that, have we? There's no penalty to that. Just as there -- as far as I can tell -- will be no penalty to our not acting on this. So while this is a nice thing to say, and should all make us feel very good as we leave here today at five o'clock, the fact is, it isn't going to have any effect unless we're willing, as a Legislative Body, convened in the appropriations process -- I mean if you really want to talk about how you're going to provide more money for schools, Senator Holmberg, I would suggest to you that the Appropriations Committee, which is controlled by your party, could have done this last year, could have done it the year before, could have done it the year before that. Both Houses of this Legislature are controlled by the Democratic Party, and they are more than able to send budgets to the Governor which provides for the kind of funding you're suggesting we should do now. So I'm not going to vote No. I'll go along with you. Let's send another symbol out there, but until somebody gets serious at the funding level of this thing, these symbols are just that. They're ways to grab headlines. And I'd suggest to you that instead we reflect on some of the other proposals that are around here, and some ways of redistributing

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those dollars.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. I'm glad to hear that Senator Kustra joins Senator Holmberg, myself, and I hope about fifty-eight others - fifty-six others - to make it unanimous. What we do do by this bill is to put into law what a lot of us talk about on the campaign stump, and what we really ought to do and we'll be able to point to it on June 29th and June 30th. When it comes to these emergencies that we sincerely look at and try to solve each year, and has caused us to move from seventh to forty-fourth, nobody does it out of malice. Nobody stands up and says, "I hate the school kids of Illinois." But we've allowed, I think the phrase used to be "benign neglect," and that is what we've allowed to happen. I've allowed it to happen. You've allowed it to happen. This says "Stop." Education must come off the top. Half the money goes there. Then - then we will address Emergency A and Emergency B and -- and Good -- Good Cause C. But if you asked your voters in every one of our districts how they vote on this bill, you would have an overwhelming -- overwhelming Aye vote. I hope you can reflect the feelings of your voters, and vote Aye today on Senate Bill 200.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mrs. -- thank you, Madam President. I think that this is an outstanding bill. In contrast to what Senator Kustra said, I think he has stated the facts all wrong. The Constitution does say that we have the primary responsibility for funding education. That doesn't mean fifty percent plus. That's been determined by the court. It doesn't mean that. To compare this

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bill to that Constitutional statement just clouds the issue. This is a definitive statement that we are going to fund education at fifty percent of new revenues. It is a bill that can be taken to court and enforced. The Constitutional statement has been taken to court, and the court ruled it doesn't mean what you just said it meant, Senator Kustra. It doesn't mean that at all. Here's a bill that, if we don't fund education fifty percent, we can be taken to court, and we can be forced to do what we should have been doing all along. And I think that this is an excellent idea, and I'm proud to be a co-sponsor. We have talked about the income tax increase proposed this morning by Speaker Madigan. Number one, there's no guarantee it's going to pass. There's no guarantee it's not going to be changed. You know how bills change as they go through this Legislature. To use that as an issue is a bogus proposition. I think that what we have to do is strike while the iron is hot, while everybody's worried about funding education. Instead of getting built up in this euphoria about the -- the Madigan proposal in the House and the Rock proposal over here, let's do what we should have been doing. Let's make sure that that tax increase, if there is one, does go fifty percent to education, and this is the way to do it. Let's -- let's make sure that after two years, when that bill expires, that any other income tax increase, or any other increase we have, goes to education at the rate of fifty percent. Let's do it instead of quit talking about it. Let's stop saying this is a symbol. This is something solid for a change, and I think it's a good bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. There's probably been no area that's caused more consternation and frustration than the area of educational funding. In the ten years that I have been down here,

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I have watched just a series of devices to camouflage what we are not doing, or to, in fact, send out a signal that indicates we're doing more than what we really are. This is another one of those devices, and frankly, I think we ought to say - and have the guts to stand up and say - "No more of this." I have had to listen to how the lottery was going to save education. I have learned -- I've had to listen to how we finally put that in the Common School Fund, and all of a sudden we have solved the issue of education. What this bill does essentially -- it does four things, none of which is correct. First of all, it signals the bankruptcy of the legislative appropriation process. It says that we, who serve down here, are not to be trusted, are idiotic, don't know what the needs are, and therefore we are mandated to give this amount of money out. Because we don't have the courage, or we don't have the integrity, or whatever it is, to do what should be done. Secondly, it does not deal at all with the inequity of funding. Not at all. In fact, we talk about educational funding. I would submit that you ought to go back and take a look in your own districts, and see the differential that exists right now in your own district - from one school district to the other. And then try to justify that from either a fiscal standpoint, from a legislative standpoint, from a rational standpoint. And I want to tell, you there is no way of justifying that. Absolutely none within your own district. The third thing it does - it does not deal with the most serious problem confronting education, and that's the need for formula change - a formula that's been admitted by every Member of the Educational Committee since I've been down here - a formula that does not work, because the two premises upon which it was based are incorrect. They don't exist. One of the formula -- the -- the -- the premise that we were going to have increasing enrollment. That doesn't exist. And that we were going to have stable real estate values. That doesn't exist

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either. The fourth thing - it does not, in fact, deal with what is perhaps the biggest anger of the public against us and the educational community, and that is the rise of property taxes. And frankly, Senator Kustra, you might want go to ahead and vote Yes, but I want to tell you right now it's a bad vote. Because I can't go back to my area, and stand in front of these people who, by the way, are now calling us in to talk to them - ask Senator Kelly - and they're not real happy people when they call you in there. And I don't want to go back and give them this thing, and say, "Hey, look, we're going to really take care of you." Because I'll tell you what they're going to tell me - that it starts with a B, and it ends with a T, and it's got eight letters. And I'm going to tell you - I don't want to be any part of that at all.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. This issue concerns me a great deal, Senator Holmberg. I -- just to make sure you understand this is not a partisan issue with me, I have for many years opposed mandating certain levels of funding for any agency in State Government. So my opposition to your bill is -- is philosophical in nature and not political. I hope you understand that. Nobody has worked harder than I have to increase the funding for Elementary, Secondary, and Higher Education. I believe very strongly in it. I think it has to happen. But I've been down here for eleven years. I get very

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concerned about the shell games that we -- we tend to play, and, Senator, this is nothing more than a shell game. You and I both know that. You're an educator, and you want increased funding for education, too. We're elected to carry out a job and responsibility down here. I have stood on this Floor now for three years -- for three years, and urged support for an increase in the State income tax to fund not only education, Senator, but every other agency in State Government. I'm in receipt of a letter that Doctor Mandeville sent to you asking for some understanding of what this bill says. Your premise by which you base your revenue estimates on is wrong, and you know that. And, in fact, there is not the available new revenue for next year that you would suggest by either -- by either agency mentioned in this letter. In fact, according to my interpretation of the bill, elementary and secondary education would take a reduction in what's proposed in the FY '90 budget, and that has to concern me -- concern me a great deal. What do we tell, Senator Holmberg, what do we tell the Medicaid providers? What do we tell foster parents? What do we tell all those other people across this State who are providing services to us as well? Do we say, "No, we're sorry. The Legislature refuses to raise the income tax to adequately fund Government, and we're going to take it away from you and give it to someone else"? Is that right? It's tough for me make that argument on this Floor, being as strong a supporter for education as I am. My name was on the line. I'm committed. This bill doesn't do as Senator DeAngelis has said what you want it to do, and let's not play this shell game. Let's be fair with our constituents. Let's be fair with education. Let's be fair with everybody else in this State, and do what has to do. I urge rejection of Senate Bill 200.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch.

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SENATOR NETSCH:

Thank you, Mr. -- Madam President. Senate Bill does not do what the Constitution mandates, and I don't think Senator Holmberg has really made that representation. And if I might pause just a moment and just say something about that sentence - that famous infamous sentence in the Illinois Constitution, because to be honest I'm the one who wrote it and got it inserted into the Constitution. So I -- actually it ought to be my intent that counts. When we -- when we inserted that, we never had the figure fifty or fifty-one percent in mind. In fact, I think I said at the time that my ultimate goal was that the State would be paying at least seventy or seventy-five percent of the total cost of public education, and that still is my goal, although I clearly am not going to live long enough to see it realized. But I think the -- the point that was being made when that sentence was taken to court was not that it is meaningless. It is meaningful. In fact, it has helped to keep the hammer over our heads at least, for the last umpteen years, while we struggle and agonize every year because we have not adequately funded public education. What the court decision said was that you cannot mandate a General Assembly to pass appropriations at a particular level. That will be true even under Senate Bill 200. And I -- Senator Holmberg, has not suggested otherwise. What Senator Holmberg's bill and the one that all of us are co-sponsoring does do, is it takes a step in the right direction. It is more than symbolic. It is -- it does have meaning, because it does put a certain obligation on us to -- to dedicate a particular portion of new revenues to education. It does not satisfy the Constitutional Mandate, if indeed it means fifty percent of total funding. But what it does do is it says that we are serious and we are going to impose some restraints and constraints on ourselves in terms of how much money we dedicate to public education. It is a step in the right direction - an

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extremely important step, and for that reason, it should be supported.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 200. And probably my district in the State is as hard hit as any district, as far as school funding. The need is there. And since I have been in the General Assembly and over the last few years, each year as a crisis comes forth, it seems like that we do it by piecemeal, that we deal with the crisis at the time, and we do not come forth with a long-range plan. I think that this will work out as a long-range plan, that we're finally putting together something that will be meaningful both in the short range as well as in the long range. Regardless of what the intent is of the Constitution, the State should be providing more than fifty percent to the schools. This has dropped drastically over the last few years. I feel we have an obligation. I feel this is a bill that would get us back on course, and is one that we should support in order to place our priorities in the right order, and placing education at the top of those priorities. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. A question of the sponsor. Senator, I was off the Floor for a minute, and if someone else has asked this question, I apologize. But one of the things I wondered about under this bill is the possibility that in the future, bills will pass out of here with the -- with an exemption from this particular Statute. All we're -- all we're doing here is adopting another Statute. And in future years, if a bill passes out funding some other program, and

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exempts itself from this particular provision - I guess what I'm asking you is, is that not a possibility? Just like we do all the time around here with States Mandates Act.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Holmberg.

SENATOR HOLMBERG:

Senator Schuneman, it would seem that your predictions are merely speculative. I'm not one who has a crystal ball and can foresee the future on any particular bill that may be introduced three years or four years from now. That is certainly not my intent at this time, and it's a very straightforward bill, with no speculation about those things in the future.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. My -- my question was a real one, Senator. But -- and I'm inclined to think that the real answer is it'll work the same way that the -- that the State Mandates Act has worked. However, I happen to think this is probably pretty good show business, and I'm going -- I'm going to vote for the bill, because I think the folks back in my district want me to make some of -- some kind of a statement about what we should do about education, but I really don't look to this bill to do a whole lot about it.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Holmberg may close.

SENATOR HOLMBERG:

Thank you, Madam President. To the reference that several of you have made about Senate Bill 200 being a shell game, on the contrary, Senate Bill 200 will end the shell game. When you lift up the three shells you will find the pea, and the pea stands for priority in education. I'd like to point out two things in closing about educational funding in the State of Illinois.

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First, over the past ten years, new tax dollars which should have gone to education have always been spent on other State needs. Second, even though the Constitution says that the State should be the primary funder of education, the budgetmakers have never had a plan to meet that goal. This is that plan. Senator DeAngelis, Congress passed such a plan to deal with the deficit. It is time for us to pass a plan to deal with the deficit in education. Senator Maitland, the Bureau of the Budget and the Governor, in their charts, listed the same amount of money that we are talking about here today. We, in letters back and forth to Mandeville, have agreed on the semantics of it, and have changed the original bill to cover that. Fund Education First indicates the Legislature's intent to make education our State's first priority. Even though we are talking once again today about a proposed income tax increase, there is nothing in Illinois law to guarantee that it would go to education. Fund Education First guarantees that half of any tax increase would do so. Fund Education First establishes the means to eventually provide fifty-one percent of funding for our schools. It's supported by the Illinois Education Association, the Illinois Federation of Teachers, the Chicago Teachers Union, the Illinois Association of School Boards, the Illinois Association of School Administrators, the Illinois State Board of Education, the Illinois State Board of Higher Education, the Parent-Teachers Association, Board of Governors, the Board of Regents, the University of Illinois, SIU, the State Universities Retirement System, the University Civil Service Merit Board, and the Illinois State Scholarship Commission. This is more than just a Senate bill. This is a statement, a commitment, and a priority. It's a statement of our intention that education be funded before everything else. A commitment that education is our first priority. It's a policy insuring that the great State of Illinois is willing to invest in its future. It has been said that you can

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put off building a road or a bridge for ten years, and you may not be worse off for it. But if you put off funding for education for another ten years, we will have lost a generation. Let's fund education first.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 200 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. All who voted -- have all voted who wished? All voted who wished? All voted who wish? Take the record, Mr. Secretary. On that question, there are 48 Ayes, 9 Nays, none voting Present. Senate Bill 200, having received the constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We're gonna pick up the pace. Senate Bill 204. Senator Jacobs. Senator Jacobs on the Floor? 212. Senator Netsch. 213. Senator Netsch. 219. Senator Schuneman. 220. Senator Schaffer. On the Order of Senate Bills 3rd Reading is Senate Bill 220, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 220.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate. I have an interesting legislative district. I go from South Beloit to Mundelein. In the eastern portion of my district, the major county is McHenry, my home county. McHenry is - and has for the last several years and I suspect for the foreseeable future - is undergoing a tremendous wave of growth. We built more houses in McHenry County last year than they built in Cook, or just about any other county,

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with the exception of DuPage. We're going to build, I understand, forty-two hundred homes this year, along with I don't know how many shopping centers, factories, parking lots - the growth is phenomenal. And any of you that have driven in the area know what I'm talking about. Those of us that live there are concerned that this rate of growth and the steps we have to take to protect the quality of life in the area and the environment. This bill would, by a frontdoor referendum, and increase the bonding power of the McHenry County Conservation District. It has been amended at the request of the County Board to have the board of this agency expanded from five to seven, to require a two-thirds vote for condemnation, and to give them some flexibility in acquiring land that they can dispose of part of it within two years after acquisition, if it's not appropriate for their mission. This open space district has done a good job in our county. We want to avoid the mistakes of some of the other developing areas. We want to take advantage of this opportunity, this last opportunity to save as many of the natural areas as we can, to provide for a high quality life, not only now, but in the future of our area. The Chicago Tribune recently described McHenry County as the DuPage County of the 1990s. And the universal cry - I hope Senator Philip isn't listening too carefully - is that we don't want to turn out like DuPage County. We want to profit from their mistakes, and we want to profit from their successes. And one of the successes that they in Cook and other counties have had, has been the preserving of open space. What we propose to get into it now while the natural areas are still there so we aren't forced to buy areas that we have to plant trees in. I know of no opposition to the bill. Again, I emphasize a frontdoor referendum. There's tremendous public support in the area for this, and I would certainly be happy to answer any questions, and would appreciate a favorable roll call.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Karpziel, for the rebuttal for Senator Philip. Senator Karpziel.

SENATOR KARPIEL:

Thank you. Though I'm not about to rebut for Senator Philip or anyone else, although I do rather take umbrage at his DuPage County statements. And I also want to correct him that you may be faster growing than DuPage, but I don't know that you're faster growing than Kane, which is now the fastest growing county in the State. I did have a question, however. You did say -- you did say that -- well, first of all, this is a Conservation District, so this is not a Forest Preserve Commission, obviously. But you did say that one of the -- one of your County Board requirements or requests was that you amend it so that if you buy property and then decide you do not, in fact, want to use it or keep it, you can then dispose of it. Are we talking about condemning property and then turning around and selling it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

No. The problem is, for instance, occasionally conceivably, the Conservation District might acquire a stretch of railroad right of way for a bike trail, not popular things in certain parts of the county and the State. And it may be -- it may make sense for instance, not to run the bike trail right through the center of town, but to put a loop around the town, which then leaves them with a section of track that they -- of land that they have no use for. And all we're saying is that if they acquire it within two years, they have the right to get rid of a portion of it, if it is not -- does not -- is not part of their goal or mission and doesn't fit into their program. Occasionally, you get a take-it-or-leave-it thing. You know, for instance, buying a

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stretch of railroad property. The railroad doesn't want to sell you just part of it; they want to sell you all of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Well, when you say acquire it, I mean my concern is acquiring it by buying it or purchasing it or whatever. But it's a different thing to condemn it and then not use it or sell it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, this unit of government, unlike a Forest Preserve, has almost never used condemnation, and we also amended the bill to provide a two-thirds vote whenever they do, if they ever do use it in the future. We are very sensitive to that, and that is not a problem in our area and has not been a problem in our area. Lake and Kane, it has been a problem, but not in our area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer may close.

SENATOR SCHAFFER:

This is an important bill to the future of one of the largest counties in the State that's developing very quickly, and we would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 220 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40 -- 46, the Nays are 2, none voting Present. Senate Bill 220, having received the required constitutional majority, is declared passed. Senate Bill 226. On the Order of Senate Bills 3rd Reading is Senate Bill 226, Mr. Secretary. Read the bill, please.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 226.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and Members of the Senate. This bill does just what he said -- read in the analysis of it. Deletes a three-hundred-dollar limit on funds that a county board can appropriate for abandoned or neglected cemeteries. Due to a change in the law in our consolidation loan, PA -- Public Act No. 84-163, we changed it so that they could no longer levy and collect -- and tax for any more than three hundred dollars. Union County requests I do this. They spend or have been spending seven or eight thousand dollars a year on cemeteries, so this would correct a mistake that we made. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 226 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are nothing, none voting Present. Senate Bill 226, having received the required constitutional majority, is declared passed. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

A point of personal privilege, Mr. President. I don't know if anybody else has had this problem, but I notice that with the new system, when you say, "Have all voted who wish?" and the Secretary hits that button, it cuts out earlier than our old system. And I notice there's been a greater number of people not voting

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recently, who I think intended to vote. And I got caught twice myself on that today. So I'm just wondering if the Secretary would count one thousand, and then hit the button, so that we can get on a roll call. I got on the last one, but I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis, we were having the same conversation awhile ago on our side of the aisle, and we are, you know, we are very pleased to learn you're having the same problem, too. Because we didn't want to have one side to have the more disadvantage than the other. But you're absolutely correct; the system is a little slower than it has been in the past. I got caught myself this morning on a bill, so we will -- both Secretaries are here, and -- and we'll take the appropriate consideration on -- of your request. Senator DeAngelis.

SENATOR DeANGELIS:

I am pleased to find out that the nonfunctioning is nonpartisan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes. All right. 3rd Reading. Senate Bill 228. Senator Joyce. On the Order of Senate Bills 3rd Reading is Senate Bill 228. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This is a -- a bait-and-switch bill that the meat and poultry industry have asked for, and it's the intent to close three loopholes processors and sellers have been using to circumvent the Meat and Poultry Inspection Act. I'd be

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happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would just say that this is a good bill, and ask for our side to...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 228 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that questions, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 228, having received the required constitutional majority, is declared passed. Senate Bill 231, Mr. Secretary. On the Order of Senate Bills 3rd Reading is Senate Bill 231. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 231.

(Secretary reads title of bill)

It's 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes. Thank you, Mr. President. This -- this bill creates the State pheasant stamp. Fifty percent of the funds going to aid groups like Pheasants Forever. It's the only one right now that is in existence in the State. It's very similar, in fact, exactly like the -- the duck stamp that we have in this State. And the money is hopefully going to be spent for nesting areas, habitat, and that sort of thing. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

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SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

Senator Joyce, I think we -- we all know that this is something that we support and feel very comfortable with, but we're hoping -- or asking the question, "Do you have any plans to amend this in the House, or have it amended that will deal with a habitat stamp, instead of just specific to pheasants?"

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, the -- the Department has talked to me about that, and I don't know right now. As this thing goes along, you know, there aren't other -- other agency or other groups like Pheasants Forever. I know there's a Quails Forever, but I don't know that there's a chapter in the State of Illinois. No one has talked to me about that, and -- and it's certainly open for discussion. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Well, we feel that there are a number of various hunting organizations and such that would benefit from this type of thing, and we're hoping that we will be able to come to some accommodation. Other than that, I would -- I would support this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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The sponsor indicates he will yield. Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Which -- which sex is going on the stamp? Which sex is going on the stamp? The hen or the cock?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, it must be a rhetorical question. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates that he's yielded enough, but he'll take one more. Senator Davidson.

SENATOR DAVIDSON:

Two questions, Senator Joyce. One, I understand that the sportsmen's coalition, which is a coalition of about fifty or sixty outdoor conservation, hunting groups, etc., had made approach to you to look at a habitat stamp, rather than just say a pheasant stamp. Also, this isn't a question, but for your information, it's Quails Unlimited, and there's a number of chapters in Illinois. If you don't belong to one, I'll be glad to take your dues to belong to the chapter here in Sangamon County. But I would like to know whether you're giving any consideration to changing this to a habitat stamp, so quail hunters, which I happen to be one, and people who are rabbit hunters and other people could have an opportunity to participate in this. As this is, we're either going to have a hunting license that's gonna be ten feet with each individual stamps, or else we could solve this with having a habitat stamp that would help all wildlife.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senator Davidson, Senator Donahue

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just asked that same question, and I told her that I was considering it. Yes. And we'd certainly want the five bucks from the quail hunters, I would think, so...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, the question I really wanted an answer to, Senator Joyce, did the lobbyists, or the sportsmen, or whoever it is, correct title for the gentleman, from the sportsmen's coalition talk to you, or make an approach to you to make this a habitat stamp, and what was your response?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce, for the third time.

SENATOR JEROME JOYCE:

Yes, the same response that I just am gonna give for the third time. I -- I'm considering it. Yes, he did talk to me, but he said he would back to me with more, you know, names and so forth. And no one has gotten back to me yet.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Joyce may close. The question is...

SENATOR JEROME JOYCE:

A favorable roll call, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 231 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 231, having received the required constitutional majority, is declared passed. Senate Bill 243. On the Order of Senate Bills 3rd Reading is Senate Bill 243, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 243.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the -- of the Senate. Senate Bill 243 would transfer responsibility for giving veterans preference in employment with the Sanitary District from the Civil Service Board to the Director of Personnel. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Daley, first of all, welcome to the -- to the Senate. I believe this is your first bill. I would like to ask you a couple of questions. First of all, is this going to be a vehicle bill of any kind?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

It is not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

When you talk about veterans, are you talking about veterans - both male and female?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Yes. It's -- it's all veterans.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- Senator Fawell.

SENATOR FAWELL:

What about -- what about nurses? Are they included in this? If a nurse wants to work for the Metropolitan Sanitary District, will she be also considered a veteran?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Whatever -- whatever veterans are covered now by the Sanitary District would be covered under this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator, is -- is this the bill that all the veterans' groups are so worked up about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

It is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Is this the -- the group that's picketing Senator Rock's Office at this very moment? Is this the bill that has caused them so much unhappiness?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

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SENATOR DALEY:

In support of it. All -- all of the senators they're picketing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Hoy! But they have the tar and the feathers in the hallway? Is this an honorarium they're preparing for the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley. All right.

SENATOR DALEY:

No, for you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Daley, looking at the synopsis of this bill, I -- I would have some concern that you seem to be removing this particular function from a Civil Service Board to a personnel director. Does that mean we're taking some jobs out from under Civil Service protection, and potentially subjecting them to some possible patronage abuses?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

No. This has been the practice of the district, of giving veterans preference. So there would not be any abuse of the patronage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Has the Civil Service Board been doing an inadequate job of performing this function?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

The Director has always done this, and what we're doing in this bill is just merely conforming the Statute to what has always been practice.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Are -- are these jobs now under Civil Service protection, and will they continue to be, or -- or are they not now under Civil Service protection? And what will be their future status?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

This does not have to do with Civil Service protection. It deals with veterans preference in employment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jacobs.

SENATOR JACOBS:

One question of the sponsor, if I may. Will he yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator Daley, does this, in any way, involve the Chicago Art Institute?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Will the sponsor yield for a question? Did you say that -- your bill will now legalize what was done illegally before?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

I don't think it was illegal. It was just -- this bill just -- this bill merely conforms to Statute what has -- was the practice. I don't think it was illegal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Daley, is this your first bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Yes. Yes it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 243 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted -- oh, my goodness. Have all voted who wish? Have all voted who wish? Have all voted who wish? Remember this thing's a little -- Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 243, having received the required constitutional majority, is declared passed. Senate Bill 244. Mr. Secretary, read the bill. Senate Bills 3rd Reading.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 244.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Mr. President and Members of the Senate, Senate Bill 244 is -- Senate Bill 244 states that when no candidate is to appear on the ballot for an office, any person intending to seek such office as a write-in candidate shall provide written notice of intent to seek the office as a write-in candidate with the proper election authority.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Daley's correct. This is a noncontroversial initiative of the State Board of Elections, along with the next bill, 245, and we urge its unanimous support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 244 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all opened who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 244, having received the required constitutional majority, is declared passed. Senate Bill 245, Mr. Secretary. On the Order of Senate Bills 3rd Reading.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 245.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Mr. President and Members of the Senate, Senate Bill 245 is a

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State Board of Elections initiative. What it states is that the State Board of Elections may select as many election jurisdictions as it deems advisable, in order -- in order to provide -- have a special test of the automatic tabulating equipment and programming. At now -- presently, they're limited to only ten percent, and the State Board believes that if they have the authority to administer the -- the elections, that they should not be limited to ten percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 245 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 245, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading. Senate Bill 247, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 247.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Mr. President and Members of the Senate, Senate Bill 247 allows the Sanitary District of Greater Chicago, by a two-thirds vote, to make -- transfers of appropriate funds between department -- between departments. Presently they are...limited only within a department.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall Senate Bill 247 pass? Those in favor will vote Aye. Those opposed, Nay.

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The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 247, having received the required constitutional majority, is declared passed. Senate Bill 248. 249. Senator Joyce. On the Order of Senate Bills 3rd Reading. 250. On the order -- bottom of Page 14. Senate Bills 3rd Reading. Senate Bill 2-5-0, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 250.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This requires the Department of Public Health to issue permits for the construction and operation of all water wells in the State of Illinois. Currently, only potable water wells are -- have to be registered. There -- there are many, many irrigation wells being drilled now that we just don't know where they're at, and I think that this is something that we ought to do. The Agency supports it, by the way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I rise in opposition to this bill. We feel that it is technically flawed, and I would correct one statement, Senator Joyce. The Department supports the concept, but we have other legislation that is coming that they support that does it correctly, and does it the way I think we all want it to. We feel that this is flawed, and there's better things coming, guys. Thank you.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JEROME JOYCE:

Well, let me read to you what the Department says. The Department position support - the Department currently issues permits for the construction of potable water wells. The Department of Mines and Minerals issues permits for the construction of nonpotable water wells. This amendment is needed so that the permitting of all water wells is performed by the same agency. Since the Department of Public Health regulates water wells construction and licensed drillers, it is appropriate that all water wells permits be issued by the Department. Legislation is also being supported by Mines and Minerals which would delete their authority to issue permits for the construction of nonpotable wells. Now, we need to know where wells are being drilled in the State of Illinois, and that's all this says -- is that any well that's drilled - it gets registered with Public Health. We have all kinds of problems surfacing all over the State where there is shortage of -- of water, and we don't know where the wells are being drilled. I mean, this is ridiculous to oppose this, and I would ask an Aye vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 250 pass. I beg your pardon. Senator Donahue. For a second time --

SENATOR DONAHUE:

Mr. -- and I do apologize for the second time, but I -- as I stated, they're not opposed to the -- the concept of what you're trying to do. They're opposed to this legislation. And Senate Bill 1036 and Senate Bill 1124 are bills that are coming down that are better. Illinois Department of Mines and Minerals and Illinois Department of Public Health support those, too.

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PRESIDENT ROCK:

All right. The question is, shall Senate Bill 250 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 23 Nays, 2 voting Present. The sponsor requests that further consideration be postponed. So ordered. 252. Senator Rea. 254. Senator Holmberg. On the Order of Senate Bills 3rd Reading, top of Page 15, Ladies and Gentlemen is Senate Bill 254. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 254.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

This bill, Senate Bill 254, is an outgrowth of deliberations by the Teacher Certification Board, and was brought to us by the State Board of Education. It basically sets up procedures for early childhood education programs, and teacher certification procedures. Allows teachers that are holding elementary certificates with experience in kindergarten, or preschool, or baccalaureate degrees in child development, to teach early childhood programs. It prohibits holders of DCFS licensure from being hired for these public school programs after the effective date. By July 1st of '98, all teachers in these programs shall hold early childhood certificates. It also provides Teacher Certification Board with additional procedures for conducting revocation hearings and exempts from the Act the part of the meetings of the State Teacher Certification Board in which

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suspension or revocation of an individual certificate is deliberated.

PRESIDENT ROCK:

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. I -- I asked a question on -- on 2nd Reading on this amendment. My question was, are the agencies and the employees licensed separately, so that if a certified employee who was grandfathered in under this bill, lost his or her job, they could maintain their license and still be grandfathered in as long as they kept their own certificate up. I think my staff now tells me that the -- it was answered incorrectly, and, in fact, if they lose their job because a child care agency goes out of business or they're laid off or something, that they will no longer be grandfathered in. And I -- I guess that causes me some concern, and I'd ask -- would ask the sponsor why someone who has been qualified and perhaps wants to switch jobs should not be grandfathered in.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you -- thank you, Senator Hawkinson. Yes, we did go back and -- and get, you know, verification of your question, and got a little different interpretation. One of the things that we do know is that if the -- if the employee wishes to go to another day care center that is not a problem. The problem will be if they are involved in the public school program, and they leave -- and they leave without getting their early childhood certification. Then they -- they would not be able to be reemployed.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

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SENATOR FAWELL:

Thank you very much. As a -- as a former kindergarten teacher, I -- I agree with the concept of this bill. There is a difference between elementary and secondary education certificates and early childhood certificates. It's a -- it's a good idea and well worth supporting, and I suggest people on my side do support it.

PRESIDENT ROCK:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, Members of the Senate. As my analysis shows, this bill is part of the agenda this year of the State Board of Education. I think it's a good piece of legislation. We're spending more and more time finding ways of funding early childhood education. It's absolutely critical that the people we entrust to these children's care are properly prepared and certified. This bill does that, and I urge an Aye vote.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Holmberg, you wish to close? The question then is, shall Senate Bill 254 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 254, having received the required constitutional majority, is declared passed. 257. Senator Luft. On the Order of Senate Bills 3rd Reading is Senate Bill 257. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 257.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Can I ask that the conference be -- please. Please. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Let me begin by saying that Senate Bill 257 is a vehicle bill. It's designed to satisfy the correctional problems we have in the State of Illinois. Specifically, referring to a bill that we passed in the Senate which established the Regional and County Correctional Facilities Assistance Program, and then a House bill that established the County Jail Revolving Loan Fund, administered by the Department of Corrections. What the vehicle does at this point is increase the General Obligation Bond authorization for correctional facilities to two hundred million dollars. We expand the Correctional -- Facilities Grant and Loan Programs to include juvenile centers. We impose an additional penalty of ten dollars for each forty-dollar fine imposed for a conviction of felonies, misdemeanors and traffic offenses, to reimburse the General Revenue Fund to pay for the bonds. As I stated at the beginning, this is a vehicle. We hope to satisfy the problem we're addressing in a conference committee later on, and I would ask that we pass Senate Bill 257 at this time.

PRESIDENT ROCK:

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

A question of the sponsor, please.

PRESIDENT ROCK:

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, some counties, fairly recently, have handled their own problems with jails and -- and others and have built new - new facilities, and would have some debt that they're paying off. Is

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there some consideration going to be given those counties in this process, or are we only going to deal with counties that have not yet addressed their problems?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This bill specifically deals with that situation. Those counties that have already established their facility, and may have a higher interest rate, will be able to access bonding through the Illinois Development Finance Authority at a lesser rate. The revenues produced by the fines we're talking about - part of them will go to relieve the bonds for that purpose also.

PRESIDENT ROCK:

Any further discussion? Further discussion? If not, the question is, shall Senate Bill 257 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 57 Ayes, no Nays, none voting Present. Senate Bill 257, having received the required constitutional majority, is declared passed. 2-6-7. Senator Rigney. On the Order of Senate Bills -- 3rd Reading is Senate Bill 267. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 267.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, this is one of these bills that from time to time you put in for one of your constituents, but I think

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probably the good part is that there's quite a few people in the State that will be affected by it. One of my constituents, who is president of a school board, is going to buy the local True Value Hardware Store from his father, and when he buys it, he's going to be limited to no more than five hundred dollars worth of materials within a year that they will be able to purchase from that local hardware store. Now, if this individual were serving in municipal government or county government, they could do up to two thousand dollars worth of business every year with that hardware store. So what we're doing here is just saying the school board people will be treated the same as other local officials, and it'll raise this limit to two thousand dollars. We do not, in any way, affect any of the other limitations upon doing business with members of school boards.

PRESIDENT ROCK:

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, Sir.

SENATOR ETHEREDGE:

In the gallery over here on the Republican side, I have groups from two schools in Aurora - a group from St. Peter's School, under the leadership of Sister Elise, and a group from Annunciation School under the direction of Sister Ann, and their parents. And I would like for them to rise and be recognized, please.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to Springfield. All right. The question is the passage of Senate Bill 2-6-7. Discussion? Senator Joyce.

SENATOR JEROME JOYCE:

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Yes. First, I have a point of personal privilege on the same matter. In the back of the President's Gallery there's a St. Ann High School. Mrs. Sowell is the teacher. If they would stand and be recognized.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Senator Joyce.

SENATOR JEROME JOYCE:

Yes. Thank you, Mr. President. Now I have a question on the bill to the sponsor. I guess maybe it's more of a comment. We're now allowing a conflict of interest, it would seem to me, to go to two thousand dollars rather than just five hundred dollars. And I think people on this side of the aisle ought to be aware of what -- what we're doing here, and, in fact, what we have been doing for the last several minutes here. I think it is -- would be appropriate that we would kind of wake up here and see that, you know, this is a conflict of interest. I don't know. Maybe they ought to require an ethics statement or something. But I would suggest, Members of this side of the aisle, that we vote against this.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Rigney, you may close.

SENATOR RIGNEY:

Well, I don't know if we look upon a hammer and a few bolts and nails and so forth as being a conflict of interest, but I guess maybe the fact that we're just simply going to equalize it with all other units of government at two thousand dollars. I suppose we ought to do one or two things - either bring this up to two thousand, or bring all the others down to five hundred. Frankly, I think the two-thousand-dollar level makes sense, so I ask for an Aye vote.

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PRESIDENT ROCK:

The question is, shall Senate Bill 267 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 34 Ayes, 20 Nays, none voting Present. Senate Bill 267, having received the constitutional majority, is declared passed. 270. Senator Berman. On the Order of Senate Bills 3rd Reading is Senate Bill 270. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 270.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill deals with crime on the CTA - Chicago Transit Authority. Almost on a daily basis, we hear either in the press, the TV, the radio, or from friends, the overall fear of being assaulted, attacked, when we ride the CTA, whether it be the Els or the buses. Once in a while, and too often, we read about terrible crimes on the CTA - serious assaults, rapes, and murders. This bill was heard in the Transportation Committee. I think there were six Members present at that time. The two witnesses that I presented on behalf of this bill - one was a expert in public transportation, and the other was the widow of Bruce Plantenberger - a young lawyer from Oak Park who was killed last year while riding the late Dan Ryan train home from the loop. At the present time, ladies and gentlemen, as the result of a Supreme Court decision last year, any injury that you suffer as the result of a criminal act on the CTA - you cannot sue the CTA. Regardless

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of how negligent they are, regardless of how disinterested they are in providing some degree of protection for their passengers, you cannot sue the CTA. It's crazy, but that's what the Supreme Court said. This bill addresses in restricted language the situation - not where there's a chain -- a gold chain pulled off of a rider, or even a purse snatch - this bill doesn't anything in those cases. This bill is limited to serious bodily injury which would include, of course, death or disfigurement. That is a precondition of this bill. The other condition is that when the authority - the CTA - has notice that an area is unsafe because of past criminal activity within that area in the previous three years, and when, because of a failure to provide adequate police protection or security, or to correct the physical condition causing the area to be unsafe, a person is personally injured, or disfigured, or is killed, that's only the time that a lawsuit could be brought against the CTA. Ladies and Gentlemen, this is probably one of the most important bills that your constituents, if they travel the CTA, wants you to vote for. Because without this, the CTA doesn't have to give a damn about the safety of the buses, the Els, the platforms, or the stations that you and I and our voters use. I ask your Aye vote, and be glad to respond to any questions.

PRESIDENT ROCK:

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise reluctantly in opposition to this bill, because I agree with virtually everything the sponsor said, except when he said that they're reinstating it in "restricted language." The language is not restrictive, and is so wide as to open the entire system for liability, because I can't imagine any bus, or any train, or any platform, or any station where there hasn't been some problem within three years. The fact

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is that in our Tort Immunity Statute, normally you do not sue local governments for failure to provide police protection. There are limited exceptions, and the problem that the Senator is seeking to address is because the Supreme Court has held that that limited exception does not apply to the CTA. And so there is a problem that needs to be addressed, and it could be done, I suggest. And I think the sponsor's willing to work on this further down the road and in the House. It could be done by using Supreme Court language to narrow the area of liability to those cases where the system has actual knowledge of a problem that is going on. And examples that have been given, such as a bus driver who has knowledge of a problem and refuses to do anything, should fit exactly within that parameter, and there ought to be liability. But if someone burglarizes your home, you cannot sue the police for not being there. If a crime is committed on our buses downstate or on our streets, and a crime has been committed there before, there is no liability against that unit of government. This would open up a Pandora's box, and make us the guarantors, dollarwise, for failure to provide police coverage. But there is a specific problem here. I suggest that it can be done with narrow language, and probably the narrow language that is found on Page 1 of the amendment, that says, "to any extent any provision of the Metropolitan Transit Authority Act is inconsistent with this Section, the provisions of that Act shall control, "or something to the contrary, and then narrow -- a narrow scope of liability. But to say that -- that any crime within three years at that location opens you up to liability, I think, just goes too far. And I would hope that there would be more restrictive language, so we can put the CTA in the same posture with all other units of government, and -- and not open it up this wide

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Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senator Hawkinson has said most of what I would say. I would just remind the Members, any -- particularly those from the City of Chicago, you will have twenty lawsuits coming off every line every night in the City of Chicago if you have something like this. This is totally unenforceable. There's no way to detect what is going on, and I would suggest there is a problem, as Senator Hawkinson has said. Once the potential defendant is put on notice, you know, we can proceed from that point, but at this point, I would suggest that we turn this down.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDENT ROCK:

The sponsor indicates he will yield. Senator Dudycz.

SENATOR DUDYCZ:

Senator Berman, I'd like a clarification on your explanation. I -- if I heard you right, you said that this bill will allow the citizens to sue the CTA if a citizen is injured on CTA property, if they are injured by a act of -- of just breaking the law, of somebody robbing them or injuring them in some way. Is that correct?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Robbery isn't covered here. Only if you're injured as a result of a criminal act, where the CTA knew that the area was prone to crime and doesn't do anything to -- to address the -- the criminal in dangerous area where that takes place.

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PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

But the responsibility of the security on the CTA property is to the Chicago Police Department. Is that not correct?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

No, and that's just the reason this bill is here. When you pay a dollar to get on the -- to ride the CTA, you're entitled to some degree of protection from criminal acts. The CTA has seen fit to contract with, or work out a deal with, the Chicago Police Department, but that doesn't relieve the CTA of their responsibility to their passengers. And, in fact, let me point out to you: in the item that I passed out here, the -- the Chicago Police Department in its discretion has removed forty officers from the CTA patrol now. Why? Because it's the summertime. They need those policemen to patrol the beaches, and, therefore, there's even less protection on the CTA. While I would suggest to you when you pay a fare on the CTA, the CTA is responsible to provide a reasonable degree of protection for you as the fare-paying customer.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, then just for that same reason, the person who is suing the CTA can include the Chicago Police Department also, if they are withdrawing their police officers from patrol. I take it that they can say, that the person who is suing can say, "Well, since you removed the security that was on the CTA property, you are part of the lawsuit."

PRESIDENT ROCK:

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Senator Berman. I guess. Was that a question?

SENATOR BERMAN:

Senator Dudycz, as a lawyer, the answer is no, you couldn't.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The question, first, before a comment, can I -- will he yield?

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Raica.

SENATOR RAICA:

Senator Berman, how long ago did the police department remove these individuals from the CTA platforms?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

I'm reading from an item in the Chicago Tribute dated April 19th, where it was announced that they were disbanding a special strike force formed last fall to patrol the Chicago Transit Authority Lines.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

I -- Mr. President and Ladies and Gentlemen of the Senate, I would have to agree with Senator Joyce, and at this time, at least, vote against this bill. There's a new administration in the City of Chicago. I know that a lot of the effort's being put by the new mayor and the organization are against the criminals who have been invading the CTA properties and all the other various problems that they have within the City of Chicago. And I would very -- I don't know if this would cause harm to the new

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administration and what they're attempting to do. For that reason, I would like to -- I would just ask for a No vote at the present time, to see what changes are going to be made within the administration.

PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in support of -- of this bill. Not necessarily ignoring some of the problems are legitimate problems which has been raised by several of the Members here. But I think the basic concept and philosophy behind what Senator Berman is trying to do here is right. The only reason that the Chicago CTA is now -- probably have immunity is because of the -- the cost factors involved, and many of you raised before, and that is true. But when you talk about and consider the lives and safety of the people who ride that system, and you pit that against the cost, then I think that the rational, and sane, and fair thing to do is to be more considerate of the welfare of the people who are forced to ride that system. And their lives and safety should not be pitted against or determine the worth of that of whether or not the CTA has money. Now, I'm for one who feel that this bill should, in fact, stay alive. We should work on it. There's no doubt about it. There are some problems in it, but at this point, I think it should proceed through the system. And the fact that we do have a new administration - it will send a message, and I think would focus on and highlight the urgency of the new administration working with the CTA, to try and come up with better means of security and protection on the CHA -- I mean CTA. Now, it was my district back here not long ago where -- and I think it becomes a different story once you are faced -- faced head-on -- face-on with your constituents of survivors who have to -- who's been -- someone has

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been killed or maimed by riding the CTA and, find out that there's absolutely no help, no nothing, no support after all of this is over. The person is dead, and whether or not there are expensive hospital bills, to say that no one is responsible for paying for it I think is absolutely wrong. We do have to keep this bill alive, and move it on to the House, and then work with the sponsor, work with the new administration and the CTA, to see what we can do to ensure and protect the safety and welfare of the passengers that ride CTA in Chicago. And for that purpose, I strongly support Senate Bill 270.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I, too, rise in opposition to this bill. Most of my comments have been made by the other speakers. So I'll -- I'll be brief. I would simply point out that the -- the costs of this legislation, if it were to be passed and approved, would be -- would be really substantial. Not only in the possible costs of judgments against the CTA, but even to a greater extent, the cost of actually simply defending the lawsuits. The cost of merely defending one lawsuit could very easily, in many or most cases, equal the salary of one patrolman on the CTA. So I would -- I would suggest that the -- the best way to protect our citizens is not to open up the CTA to liability; the best way to do it is to try to provide the -- the kind of police protection that I'm sure many of us have confidence that the new city administration, working with CTA officials, will provide to these individuals. To the extent we open up the CTA to this widespread potential liability, we not only raise the potential cost to the patrons of the system through higher fares. We all recognize that the system these days is substantially subsidized by residents of the city and the region, and -- and

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yes, even the State. So it is a cost that all of us throughout the State would bear, and I ask you all to -- to keep that in mind in urging you to vote against this legislation.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Senator Berman, have you any idea of the cost of this legislation would -- would be to the CTA?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

No. If they do a good job, the cost is zero.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Senator Berman, there's a line which is called the Jackson Park elevated line, that runs from Twelfth Street to Sixty-third and Cottage. Is it any idea what effect this legislation would have on that line of CTA that runs -- the El that runs that distance?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Yes. I'll tell you what this bill will do. It will require the bureaucrats at the CTA to provide some safety, some patrolmen, some guards, some security for the people that ride that line. Those are your voters. They are entitled to that kind of

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protection.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. To the bill - that line runs through the heart of a troubled area. In that area are unemployed young folks that have not got the proper education that we should be providing for them in this Chamber. It is a troubled area where there's high unemployment, and desperate people looking for a way out, and looking for anything, and that line runs through there. But also on the other end of that line, there are people that work, good taxpayers, tax-paying citizens that have to use that line to go to work. I can envision that what would happen is that they would cancel that route, cancel it out, not run a line through there, under the pretense of cutting cost. Not only that line - there's lines that run up and down the Eisenhower, that runs that way, and that same condition is happening. We have passed bills in here and has said that we are going to add more police officers to the CTA. We were proposed that. There's a -- a piece of legislation that will do that that is coming up. Also, we know that there is a special squad set aside which -- from the Chicago Police Department that is not moved because of summer or what have you, Senator Berman, to give that added protection. I can envision more protection being given and shifted where it's needed. I think that this bill, in effect, would put CTA out of business, that it would put transportation at a premium, and the cost of transportation out the reach of the average working man.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I was one of those Members that sat on the Transportation

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Committee, and listened to the pros and cons on this bill. I also am probably one of the few fellows that probably take the El downtown, and know firsthand some of the reservations of the average consumer - the rider of the CTA, whether it be the bus or the El. And what their concerns are, one, they want to have a dependable service; two, they want to make sure they're able to get to and from work as quick amount of time as possible; and three, the most important thing in their minds is safety. As you take a look at the ridership of the CTA and the City of Chicago, your highest percentage of riders are during the working hours - in the morning and in the afternoon. After six o'clock everybody's a little bit hesitant getting on the El. Why? Because they have a problem with security. What do I tell a family? In fact, I felt very hurt when I listened to this lady testify in committee about her two children. A very strong family man, a lawyer, coming from his loop office going home to Oak Park, a very active individual within the community, a civic leader, slain at a very young period of his life. What do you tell his wife and two kids? Say, "Now, well, yeah, your dad was a model in our community. He was fun to be with. He was a delight, but unfortunately under our system you have no retribution from the CTA. He took his chances and lost." In my opinion, that is totally wrong. What do I tell the family when I made the wake - the young Hispanic boy that was killed on the Fullerton Avenue Bus? Knifed in the afternoon, and the bus driver didn't even try to summon the additional police aid, because he didn't know what was going on in the back of the bus. There were too many kids on the bus. What did I tell that family when I said, "Well, I'm sorry. You're going to have to go to the Court of Claims, and you're going to have to get your Crime Victim's Compensation. And we'll give you some money from the Ward Organization to help you bury your son." I don't think that was right, either. What do

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you tell the young lady who was molested on a bus, say, "Well, unfortunately under this jurisprudence system, we don't have any recourse." This is your recourse, Ladies and Gentlemen. If you're concerned about the riders, you would strongly consider that if it's a terrible, heinous crime, there should be some retribution and protection for the rider. That's who we're supposed to be representing down here - the people of Illinois who'll be using this system, and I would strongly encourage an Aye vote.

PRESIDENT ROCK:

Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. I have not heard the opponents mention the duty that the RTA or the CTA owes to its passengers. For those of you who do not know, in the law,

END OF TAPE

TAPE 5

SENATOR TOM DUNN:

they are what's called a common carrier, and they owe the highest degree of care there is to their passengers, because they are, in fact, carrying people; they are not carrying cans of soup. What this bill does is provide an incentive, a motivator, to them to do their job. No, I don't think they ought to cancel a line because it goes through a bad neighborhood. I don't think that's being responsive. But what I do think is that maybe they'd get off their duff and put some more policemen on there to protect the people. What are you going to tell the slain father? Nothing. "Hope you had insurance." You have no remedy - zero - none. This

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will get the CTA moving.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Berman, you wish to close?

SENATOR BERMAN:

Thank you. I passed out some newspaper clippings. I've got a lot more, but I didn't want to burden you with them. Let me tell you what's happening. Ridership on the CTA is declining. Here's a headline - December 22, 1988 - "Serious crime up sixteen percent in CTA trains and stations." Ridership is down and crime is up. The people that speak against this are saying, "Leave it to the CTA." "Leave it to the administration." "Leave it to somebody else." Ladies and Gentlemen, this is what happens when you leave it to somebody else. Ridership goes down, because people are fearful, and crime goes up. This bill addresses not a blanket situation, but let me tell you what it addresses. If on the late California Line, there are five rapes in the past six months, and tomorrow night somebody else is raped, and it can be shown that the CTA didn't put any guards there, didn't put any safety measures at that -- at that place, they ought to be sued and sued heavily, because they've encouraged that kind of crime. If on the Dan Ryan Lake Extension, there are repeated holdups at a station right in Senator Brookins' district, and every week there's a different holdup - armed robbery, time and time and time again - and tomorrow night that armed holdup results in a guy being killed, the CTA ought to be sued and -- and should be -- a judgment should be entered, if it is shown that they didn't put anybody there to protect the passengers, after all of those armed robberies. It makes sense. Don't say, "The bureaucrats will do it." Because the bureaucrats won't do it. They haven't done it. The statistics show that they haven't done it, and ridership will continue to decrease and crime will continue to increase. The

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bill is limited, and I have no problem in amending the bill as suggested by Senator Hawkinson, over in the House. But let me tell you something, Ladies and Gentlemen, when we talk about good faith, I announced that the bill -- that this bill would be introduced last December. I have been in touch with the lobbyists for the CTA on a weekly basis. When the bill was in committee, I suggested to them that they give me language -- give me language that is as restrictive as they could live with. Ladies and Gentlemen, I have received nothing -- nothing. Now that is an insult, not to Senator Berman, but to this process. I ask for your Aye vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 270 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? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 27 Nays, 3 voting Present. The sponsor has requested a further consideration of Senate Bill 270 be postponed. It will be so ordered. 272. Senator Smith. 273. 292. Senator Netsch. 293. Senator Berman. 294. Senator Marovitz. We -- we have to read the resolution in. I'll get to it. 297. Senator Joyce. 298. Senator Marovitz. Bottom of Page 15, Madam Secretary. On the Order of Senate Bills 3rd Reading is Senate Bill 298. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 298.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.

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This is basically a cleanup bill that was recommended by the Task Force on Child Support and the Legal Assistance Foundation. It's been indicated to us that judges are not applying the guidelines for child support when entering temporary support orders, because the Statute doesn't specifically indicate that those guidelines apply. That's what this bill does.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield to a question?

PRESIDENT ROCK:

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you saying, Senator, that under the present Statute, Chapter 40, that -- is your bill saying that if there is an order entered, it can be changed when there's a final judgment entered? Is that what you're saying?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR GEO-KARIS:

I don't quite understand the -- the essence of your bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Would you repeat your question?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would you give me the essence of your bill? I -- I didn't quite understand it the way you explained it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

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SENATOR MAROVITZ:

Again -- let me explain it again. Basically, what this is saying that the -- the child support guidelines that we passed for regular, permanent orders will also be for temporary orders. The Statute wasn't clear. The -- the Task Force on Child Support and Legal Assistance asked for this, as did the judges, to make it clear. That's all this is.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you trying to make it clear that they are permanent orders - the guidelines? This is what I'm saying. Are the guidelines going to be permanent under your bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

The guidelines are permanent under Statutes that we passed. They are permanent. But the Court hasn't been applying them to temporary orders. So they -- this makes it clear that those same guidelines should be enforced under temporary orders as well.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 298 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 56, none voting Nay, none voting Present. And Senate Bill 298, having received a constitutional -- majority, is declared passed. On the top of Page 16 -- on the top of Page 16 is Senate Bill 300. Senator Smith. Senate Bill 300. On the Order of 3rd Reading. Senator Netsch. 301. I'm sorry. Read the bill, please, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 301.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 3-0-1 deals with the circuit breaker. It is identical to legislation which the Senate, and indeed the House, passed last Session. And which was vetoed by the Governor, just as part of his general, "I won't veto anything that has" -- I mean, "I won't sign anything that has any dollar repercussion at all." It does a very simple thing with respect to the circuit breaker. It provides that where there are two people living together who are sixty-five or disabled, and their joint income - their household - income exceeds the current fourteen thousand dollars, which is the ceiling, and takes them a little bit above that, that they might still be eligible for the circuit breaker. What often happens is that if there is a slight increase in Social Security benefits or in someone's pension benefit, it might mean that the -- their household income goes above fourteen thousand. But there are still two of them, and it still means that they can have a very difficult time in other respects meeting their expenses. So this just gives that one circumstance a -- an additional threshold, if you will, of sixteen thousand dollars household income rather than fourteen thousand. The cost is very modest. I believe it is -- I'm looking for the figure right now -- I think it is only about two million dollars or less. It does not do anything else to the circuit breaker except this. And I think all of us agree that if, as the Session goes on, it's possible to do some additions to the Pharmaceutical Assistance Act or perhaps even generally to raise the income

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ceiling for the circuit breaker, that would be very desirable, and we would like to do it. In the meantime, this is really, as much as anything, a matter of fairness to those who are just missing eligibility for the circuit breaker. I would be happy to answer questions. If not, I would again remind the Legislature that we did pass this last Session almost unanimously. In fact, I think we passed it on several occasions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she will yield.

SENATOR SCHUNEMAN:

Senator, I -- I must be hearing this wrong, but the way this came through to me was that you're raising the threshold for people who are living together and not married, but not raising the threshold for people who are married. Did I -- did I miss something in the interpretation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

You did. That is not what I -- I hope that is not what I said. That is certainly not what I intended to say.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I -- I find that I'm not the only one that got that impression, Senator, so maybe you'd better expound on that a little bit.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

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SENATOR NETSCH:

Let me read you the language. This is the language of the basic determination of eligibility for grants. Current law: "Any individual, sixty-five years or older, or any individual who will become sixty-five years old during '84 or a subsequent calendar year in which claim is filed, and any disabled person whose "income -- whose -- annual household income," I'm sorry," is less than fourteen thousand dollars." This is the new language: "If such taxpayer is not living with a spouse, or is living with a spouse who is not disabled, or who is less than sixty-five years old during the calendar year, and sixteen thousand dollars if such taxpayer is living with a spouse who is disabled or who is or will be sixty-five years old during the calendar year." That is the new language. It refers specifically to living with a spouse.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Particularly to my friends on this side of the aisle, we know that there are a lot of various tax giveaway schemes that have been proposed in this Session of the General Assembly. But looking over the whole bunch, I think this is the one that makes more sense than any other one single bill that's been proposed. And the good part is it's affordable. So, if we're going to pass something in behalf of senior citizens, I think this is the one bill that deserves consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch, to close.

SENATOR NETSCH:

Thank you. As Senator Rigney said, it's a matter of basic fairness. It is very modest cost. We've approved it before. I hope we will approve it again.

PRESIDING OFFICER: (SENATOR LUFT)

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All right. The question is, shall Senate Bill 3-0-1 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 55, none voting Nay, and none voting Present. Senate Bill 3-0-1, having received the constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 3-0-2. Senator Netsch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-0-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 302 is a relatively simple bill which simply requires the -- the Department of State Police. to make public, on an annual basis, compilations of crime statistics, which they are already required to compile. It was particularly requested by the Illinois Coalition Against Sexual Assault, and the reason, again, is fairly simple. It helps enormously in being able to track the effectiveness of State criminal laws - and most particularly the Illinois Criminal Sexual Assault Law that we passed several years ago - to know the kinds of statistics that are provided for here. The Department of Police said they had no philosophical objection to what we were trying to do. I would solicit your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 3-0-2 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 55, none voting Nay, none voting Present. And Senate Bill 3-0-2, having received a constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 3-0-8. Senator Berman. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-0-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

Thank you. This bill is to correct an error that took place when we passed a bill dealing with tenure for teachers that participate in -- in joint agreement districts where they have special education services. All the bill does is change from September 23rd, '87 to July 1, '87 - the date upon which their commencement of service should take place. I'd be glad to respond to any questions. I know of no...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate 3-0-8 pass. Those in favor will vote Aye. Those opposed, 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 57, the Nays are none, and none voting Present. And Senate Bill 3-0-8, having received a constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 3-0-9. Senator Berman. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 309.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

Thank you. This also deals with joint agreement districts. It provides for the details of multiyear contracts with the directors of such joint agreement operations. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Questions? Questions? If not, the question is, shall Senate Bill 309 pass? Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, none voting Nay. The Presents are none. And Senate Bill 309, having received a constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 3-3-3. Senator del Valle. Senator del Valle on the Floor? I'm sorry. On the -- Senate Bill 3 -- on the Order of Senate Bills 3rd Reading is Senate Bill 3-3-8. Senator Smith. Out of the record. On the Order of 3rd Reading, in the middle of the Page, is Senate Bill 3-3-9. Senator Carroll. Out of the record. Senate Bill 341. Senator Brookins. On the Order of 3rd Reading is Senate Bill 347. Senator Severns. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

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Thank you, Mr. President and Members of the Senate. Senate Bill 347 simply extends immunity from civil action to those individuals, primarily restaurant owners and others, who in good faith, donate food to soup kitchens across this State. Right now nearly every one, except restaurants, are covered under the Act. This bill stems from a request from the food kitchen in Decatur, who has had problems now with concerns over liability and is -- with restaurants who no longer want to donate. And that's what this bill attempts to address. I know of no organized opposition. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Questions? Questions? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she will yield.

SENATOR HAWKINSON:

Senator, how is good faith defined in the bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Simply by using those terms.

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry. Senator Hawkinson.

SENATOR HAWKINSON:

I guess my only concern -- our analysis indicates that this might cause some laxity in the use of outdated shelf products, or other things that -- that can no longer be sold by regulation. Is there -- is there any protection against blatant negligence, if -- if there should have been reason to know that a product is tainted or something? That -- that shouldn't be given? Would that be under your definition of good faith? That if there's that kind of

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situation where -- where a donor ought to have known that a product is tainted that that -- that would not come within your definition of good faith?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

That is correct.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just a question of the sponsor...

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she will yield.

SENATOR GEO-KARIS:

Senator, would this apply, for example, to senior citizens who get together at the -- at their various senior citizens centers, and, you know, bring food and donate it? Would that apply to them too?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Yes. It does.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is -- did you wish to close? I'm sorry, Senator Severns. Okay.

SENATOR SEVERNS:

No.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 347 pass? Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57,

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the Nays are none, and none voting Present. And Senate Bill 347, having received a constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 348. Senator Berman. On the Order of 3rd Reading is Senate Bill 354. Senator Karpziel. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpziel.

SENATOR KARPIEL:

Yes, thank you, Mr. President. Senate Bill 354 simply changes the word "may" to "shall," and states that the Department of Children and Family Services shall accept for care and training any child who has been adjudicated delinquent, addicted, a truant minor in need of supervision, or a minor requiring authoritative intervention. And it provides that the Department, shall, instead of may, make grants for the programs to reduce or eliminate the involvement of youth in the child welfare juvenile justice systems. The Department is -- is -- is at the present time, providing this service, and is making grants for this service. But it -- right now it is, you know, they can choose whether or not to fund these programs. These programs have had problems in the past with having their funding cut. They're never totally sure whether they're going to be funded, and this would put them into the budget process.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 3-5-4 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record,

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please, Mr. Secretary. On that question, the Ayes are 51, the Nays are 4, none voting Present. And Senate Bill 354, having received the required constitutional majority, is declared passed. At the bottom of Page 16, on the Order of 3rd Reading, is Senate Bill 355. Senator Jones. Read the bill, please, Mr. Secretary.
ACTING SECRETARY: (MR. HARRY)

Senate Bill 355.

(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 355 is included in Senate Bill 29, which is minimum funding for State Retirement System, which passed this Body last year. Also, the County final average salary will be calculated based on the last twelve months, and it removes the power of attorney from Municipal Pension Board at no cost. I see no objection to the bill, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill basically affects the Chicago Firemen Pension Fund, and while it may be of great interest to the City and the firemen in the City, there's -- there's no direct involvement for the State of Illinois in this issue.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 3-5-5 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

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the record, please, Mr. Secretary. On that question, the Ayes are 57, none voting Nay, and the Presents are none. And Senate Bill 3-5-5, having received a constitutional majority, is declared passed. On the top of Page 17, on the Order of 3rd Reading is Senate Bill 3-5-6. Senator -- On the Order of 3rd Reading is Senate Bill 361. Senator Jones. I'm sorry. At the top of the Page again, on Page 17, on the Order of 3rd Reading is Senate Bill 3-7-0. Senator Demuzio. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 370 amends the Farm Development Act. It increases from a hundred and forty million to a hundred and seventy million dollars the aggregate principal amount that the State guarantees authorize under this Act. Basically, what it amounts to is that this measure is designed to assist farmers who have been affected by the 1988 drought to restructure their -- their -- their loan from the Farm Development Authority. I know of no opposition, and I think a number of Members had asked the Secretary today to be a hyphenated co-sponsor. And I have no objections to that, and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Questions? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

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SENATOR WATSON:

Senator, what's a -- what kind of a fail rate have they had? Do you have any idea of how much -- how many loans have gone south on them?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I don't -- I don't happen to have that information before me.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Just to make a quick answer to that, Senator Watson, it's two or three. So it's very few loans have gone sour with the Illinois Farm Development Authority. I would tell this side, this is a good bill, and it's something we want on the books for future with the Drought Assistance.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio, do you wish to close?

SENATOR DEMUZIO:

Well, I wish we'd quit picking on the south. You know, a couple of these might have went north, too. I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question, is shall Senate Bill 370 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, there are 56 Ayes, no Nays, and none voting Present. And Senate Bill 370, having received a constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 371. Senator Demuzio. Read the bill, please, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 371.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 371 does have a couple of detractors, I am told. It would direct the Commerce Commission to exclude from the rate base all costs for any electric generating facility recovery that was not begun by January the 1st of 1990, unless such a facility would be fully needed within two years and would provide power at lower cost and alternative supplier sources of -- or conservation programs. This commission would -- is currently directed to include in its rates only the value of the utility investment which is prudently incurred and used and -- is useful. And I would, Mr. President, now yield to my hyphenated co-sponsor, Senator Severns, for further comments.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns. Senator Severns, please.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I rise in strong support of Senate Bill 371, and I think it's a -- a bill that all Members of the General Assembly should support. We -- we applied this in the rewrite of the Public Utilities Act a few years ago. It's been reiterated with resolutions that have passed out of this Body overwhelmingly in the past two years, and again it was reiterated in January with the United States Supreme Court ruling in Duquesne versus Pennsylvania Light and Gas Company. This is a measure that -- that requires the Illinois Commerce Commission to the rigorous standard that we intended in the

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rewrite of the Public Utilities Act. It is a measure that the United States Supreme Court in January said is quite appropriate for State Legislatures to apply. It is a measure finally that -- that we should adopt in fairness to the consumers of this State. It is something that should not be looked at as unfair, but something that is quite in line with the rulings of governmental bodies and the courts at every level. I would urge strong support of this measure.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He or she indicates -- she indicates that she will yield.

SENATOR MACDONALD

Senator Demuzio, how do you define "fully" in your bill - fully needed for reliability? What standards -- what definition do you have there? That seems to me to be very broad and difficult to define.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Let me -- give me a minute to look at the bill here. Haven't had a chance to -- well, apparently it is -- it is not defined, but apparently that is language that has been used with respect to decisions that have been rendered by the court and previous cases on this same subject.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Macdonald.

SENATOR MACDONALD:

Reluctantly, I'm going to have to oppose this particular piece of legislation. I think that it is vaguely written, and I think

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that it can cause maybe ultimately the building of more power plants because of it. So I'm rising in opposition to this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. A question of the sponsor if he'll yield.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR MAITLAND:

Senator, our -- our analysis indicates that the -- the ICC order suggested that there was only twenty-seven percent usefulness -- or I -- I assume that means that the power plant at Clinton was only used twenty-seven percent of the time, or at twenty-seven percent capacity. Is that -- is that what that order said?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns, you wish to answer that question? Senator Severns.

SENATOR SEVERNS:

The -- the Illinois Commerce Commission Hearing Examiner -- Examiner showed us determined that the Clinton Power Plant, as one example of many throughout the State, was determined used and useful only twenty-four percent of the time, or that twenty-four percent, more specifically, of that capacity was needed to meet the demands of a summer that experienced the highest of drought.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

I guess what I'm trying to determine, Senator, who's -- who's -- who's the sponsor of this bill? I mean, who are we suppose to be talking to -- I -- I...

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio and Senator Severns.

SENATOR MAITLAND:

I want to address the right person. Okay. Senator Demuzio? Okay. It's -- it's my understanding that at one point last summer and for a period of time, the Clinton Power Plant was at -- was at one hundred percent capacity. And I understand that was because that at least one fossil fuel plant was -- was closed down for -- for renovation or for work or -- or for something. And what I'm -- what I'm trying to determine here is how does the twenty-four percent, or whatever it is, fit into the scheme of things here?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Well, first of all, Senator Maitland, let me refer to the fact that as long as I've been around here, there are hyphenated co-sponsors on these bills, and I have yielded to Senator Severns with respect to that -- to those -- to that question, and I will yield again.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

First, to -- to correct the record, Senator Maitland, the plant has not been up and running for a hundred percent capacity. It is not. Going back to part of your question, and in response to the earlier question and/or statement by Senator Macdonald, the intent of this bill, quite simply, is that current law in Illinois and throughout the United States permits a standard of excess capacity. It permits a guaranteed rate of return for utilities. What the intent of this legislation is is to simply say the capacity and -- the need and capacity must be in line. You cannot build a plant with the anticipated use. You cannot build a plant

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unless the need is demonstrated, and expect to be able to place the cost of the building of that plant, and the use of that plant, on consumers on the hope and prayer that someday it might be needed at a hundred percent capacity.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

Well, thank -- thank you, Senator. I am -- I understand what the law is. I was part of the rewrite. We're not talking about construction here at all. I don't know where you get the construction aspect of this. The plant's already built. As our understanding is, this deals with rate increases. Isn't that what this bill deals with? What's that got to do with construction?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

As it relates to the construction of any plant. That is, for example, with the Illinois Power Case, very much a part of what the rate case was about. To try to claim the full cost of construction for a power plant that has not been determined under existing law in Illinois, and verified by the Court at the U.S. Supreme Court level to be determined under our definition in Illinois and elsewhere as totally used and useful.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland, are you finished? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. I'm -- I guess what we're trying to determine here is -- as I read the bill, it doesn't match the explanation that I just got, and I'm -- I'm just trying to, you know, to try to eliminate some of the confusion here. Have I misunderstood, Senator, something you've said? Are we on the same bill?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

I'll try to make it clearer. Unless a plant that is being constructed or has been constructed is fully used and useful - and the used and useful language is part and parcel to this bill, and to the intent of this bill - unless that plant is fully used and useful - not twenty-four percent, not fifty percent, not seventy percent or seventy-five percent - unless a plant is fully used and useful within two years after the completion of the construction of that plant, when the switch has been turned on, it would not meet the standards set by this legislation to be able to apply those costs to the consumers.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

Well, in essence, what you're saying is they -- they -- they cannot file for a rate increase if -- if that new plant or any other new plant isn't at least what percent?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Currently, it is suppose to be considered fully used and useful. I would like to just pause for a moment.

PRESIDING OFFICER: (SENATOR LUFT)

We will pause for a moment. Would you like to take this bill out of the record, and have leave to come back at a later time, or do you want to proceed? Senator Demuzio, what's your wish?

SENATOR DEMUZIO:

Why don't we take it out of the record for the time being and get back to it?

PRESIDING OFFICER: (SENATOR LUFT)

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All right. We will take Senate Bill 371 out of the record for the time being, with leave to come back with it if the sponsor so desires. And we'll -- proceed on the Order of 3rd Reading on Page 17 on Senate Bill 373. Senator O'Daniel. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-7-3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 373, as amended, creates the Private Enterprise Review and Advisory Board for the purpose of studying the impact of having private enterprise perform activities currently being done by the State and local governments. I've had a lot of inquiries about -- from the private sector of small businesses concerned that they were competing with the -- with the State, and they could do it more efficient. So the Small Business Administration gave me this legislation, and I'll attempt to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? If not, the question is, shall Senate Bill 373 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, Madam Secretary. On that question, the Ayes are 47, the Nays are 3, 1 voting Present. And Senate Bill 373, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 374. Senator Smith. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 374.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 374 -- it merely requests that no contract for coverage issued by the Health Maintenance Organization shall exclude coverage of emergency ambulance service, as defined in the Emergency Medical Services System Act. An HMO shall, upon reasonable demand by a provider whose emergency ambulance service was arranged by HMO for its enrollees, pay promptly for such services provided to its enrollees. Ambulance operators are complaining that the Health Maintenance Organizations often refuse to pay them, and if the HMO later determines that the emergency transportation was not even necessary or improperly -- authorized, or if the patient was taken to a hospital that does not even participate in HMO, they refuse to pay. The -- many times the ambulance providers -- they respond to the emergency, and the payments are denied because the patient HMO later determines it was not necessary or it was not even an emergency, and so therefore they are entitled, so they think, not to pay the providers. This bill, 374, will merely help to clarify that HMO contracts must include provisions for emergency transportation by ambulances, as defined in the Emergency Medical Service. This was a request of the Illinois Ambulance Association.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I just wanted the record to reflect that on the previous bill, I had intended to vote Yes, and I

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erroneously voted No.

PRESIDING OFFICER: (SENATOR LUFT)

Will the record please reflect Senator Dudycz's intent. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I -- I'm not sure exactly what possible problem exists that this bill is attempting to -- to rectify, but I -- I do note that it was passed on an -- on an attendance roll call apparently on an agreed bill list in the Senate Insurance Committee. And some individuals representing HMOs who wanted to express their concern about an opposition to the bill didn't have a chance to testify. I -- I think what their concern is -- is the open-ended definition in the bill as to what constitutes an emergency. The first paragraph of the bill references for the definition of emergency - The Emergency Medical Services Systems Act. And if you look at the definition of emergency in that other legislation, it says that "Emergency shall mean a condition or situation in which an individual declares a need for immediate medical attention." The problem apparently is that that judgment or standard is left solely in the judgment of the -- to the judgment of the individual patient, and there is no more objective way to determine when, in fact, there is an emergency that might justify the calling of an ambulance. And so, the -- the HMOs are -- are in the position where they are -- might potentially, if this legislation is approved, have to pay for ambulance care that is not really of an emergency nature, but -- but rather is dictated by the -- by the particular opinion of the individual patient that they are -- have -- for one reason or another want to -- want to get to a doctor or a hospital, and perhaps an ambulance, in their opinion, is the most convenient way to get there, but it isn't necessarily an emergency. So I think that unless this definition is -- is tightened up, I strongly feel

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that we ought to oppose the bill at the present time.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Did you wish to comment on that, Senator Smith, or do you wish to wait till you close? Senator Smith? Senator Smith? I -- I'm -- I got you. Senator Smith.

SENATOR SMITH:

Comment now. Thank you. I'll be happy to -- when we get to the House, if we can improve on it. But this is very important, because people have died because their providers have said they didn't think it was quite necessary for them to go to the hospital. And when a person calls for an ambulance, I think that it's very important that we -- and then if a provider does give them that service, they should be repaid for what they've done. I merely ask for your favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry. I didn't want you to close. I'm sorry. There were other lights blinking here. I simply asked if you wanted to respond to Senator Barkhausen. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she will yield.

SENATOR DAVIDSON:

What kind of impact -- fiscal impact does this have on the existing HMO contract, if you are going to, by law, mandate and many of these contracts for HMOs are more than a year old, and the thrust behind them are to try to get some reasonable control on medical cost. Does this violate the existing contracts that would be in place, as to what they cover or not cover when it becomes law, if it becomes law? And I certainly hope it doesn't

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Smith.

SENATOR SMITH:

I do not know about the fiscal impact on that. HMO would have to do that. But the merely thing that we're trying to do is to see that they will provide for the providers who are serving them.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I rise in opposition to this bill. I happen to be in one of those health care professions that is excluded from HMOs, but that doesn't mean we should have -- by legislation go by another group. What you and I may decide is an emergency, and what is truly an emergency that ambulances be called, is two different things; it's in the eyes of the beholder. A number of people - being in the health care profession - a number of people need something in an emergency, and I have participated in seeing people at midnight, or two o'clock, or on Sunday, which was not an emergency, particularly when they say it's something they've had for a week or two weeks and suddenly decide. And I think this is a wrong attack, if you're going to try to have any reasonable control on -- on cost in the health care delivery system. This may be supported by the Illinois Ambulance Association. If I was a member of them, I'd probably support it. But I think you need to think twice before you vote Yes on this bill, 'cause you're gonna violate what's a contract between those who are covered and the person who's providing the service. And I think you need to think very seriously putting a Yes vote down on this, and I urge all of you to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. As I read your bill, Senator Smith,

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it seems like a very reasonable proposal. I think what you're asking is that the HMOs simply provide the coverage that is customarily provided now under most health care policies. And while HMOs may not want this provision in their contracts, certainly people who require emergency care should have the -- the assurance that they're not gonna have to pay their -- their ambulance bill themselves. And it seems to me, too, that when this bill gets to the House, you may want to amend it so that you don't give everybody a blank check to pay for transportation by ambulance, if they've got a black eye or something. But on balance, I think you've got a bill that I can certainly support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have been jaundiced with some of the HMOs, and it's -- and I think it's high time they took some responsibility. First of all, they can always check with the doctor - was it an emergency or not? And I think the bill should be passed, and I vote -- I support it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The word "emergency," as defined in the EMS Act states the emergency is determined by the caller. Various departments or city agencies or municipalities determine whether they're going to send an ambulance, or whether they're not going to send an ambulance. They all have call cards that New York and other states have adopted as far as rating different types of emergencies. I think this bill is -- is an excellent bill. It helps a lot of the senior citizens. And quite frankly, if you're going to determine that a nosebleed isn't an emergency - it's like

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if the patient has high blood pressure, that definitely is an emergency situation. And I think all we're trying to do is assist those patients who have to use ambulances by means of getting to hospitals. There are protective provisions that are put on by various departments. I think this is a good bill, and solicit an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I would like to think that if a person were in need of an ambulance, that there would be some question on their part on whether or not they would call one out, because payment were -- were questionable or it would -- would stand high priority in their mind, and rather just let them die on the spot than go forward and do what they had do. I think this bill is a very wellintentioned bill. It's a bill that is easily supportable. If there is need, it can be amended in the House, but I think, you know, Senator Smith is on the right track. And I would urge your support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith, you wish to close?
Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I merely ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 3-7-4 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, Madam Secretary. On that question, the Ayes are 50, 4 voting Nay, none voting Present. And Senate Bill 374, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is

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Senate Bill 375. Senator Smith. Senator Smith.

SENATOR SMITH:

Yes, thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-7-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 375 is a recommendation from the Illinois State Ambulance Association. The purpose of this bill is to allow ambulance providers to participate in the decision-making process concerning services for trauma victims. Currently, the Protocol Committee is made up of Level I Trauma Center Director -- Medical Director, Level II Trauma Center Medical Director in the Emergency Medical System, Project Medical Director of the Emergency Medical System, and Project Medical Directors, administrators and nursing directors of the Associate Hospitals of the Emergency Medical System. And the providers are asking if they might be -- have representation with these trauma centers in helping to make a decision. That's all it is.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? If not, the question is, shall Senate Bill 375 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Senator Netsch is seeking someone's attention. Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, none voting Nay, none voting Present. And Senate Bill 375, having

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received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 376. Senator Smith. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-7-6.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Out of the record.

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry. I' sorry. On the Order of 3rd Reading is Senate Bill 383. Senator Jones. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-8-3.

(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 383, as amended, removes the arbitrary fine that the Department can impose on a nursing home. Now there was much complaint as related to other aspects of the bill, but those provisions have been restored since they're -- filing quarterly reports, and also that part as relate to knowingly transmitting false information against a nursing home. All those parts have been restored to the bill. All the bill does now is remove that arbitrary onehundred-dollar fine, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 383 pass. Those in favor will vote Aye. Opposed,

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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, Madam Secretary. On that question, the Ayes are 56, none voting Nay, the Presents are none. And Senate Bill 383, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 384. Senator Jones. Out of the record. Senate Bill 388 on the Order of 3rd Reading is Senator Zito. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-8-3, pardon me, 3-8-8.

PRESIDING OFFICER: (SENATOR LUFT)

Oops. I'm sorry. It's 388.

SECRETARY HAWKER:

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. This bill, Senate Bill 388, would permit the bank for savings and loans to serve all financial institutions, rather than just the Savings and Loan Associations. We've discussed this with the Commissioner. He's in support. I don't know of any opposition to Senate Bill 388. Be happy to answer any questions, and would move for its passage.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 3-8-8 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, there are 56 Ayes, the Nays are none, and none voting Present. Senate Bill 3-8-8, having received

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the required constitutional majority, is declared passed. On the Order of 3rd -- 3rd Reading is Senate Bill 389. Senator Demuzio. Senator Demuzio. 389. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3-8-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. This is the rewrite of the Land Surveyors Act. It -- it is a compromise that has been worked out now between the Department and the land surveyors. I know of no known opposition, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm reliably informed that what Senator Demuzio has just represented to you is, in fact, the view of the Department, and so we stand in support of it -- the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? You wish to close? He indicates he does not. The question is, shall Senate Bill 389 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. And Senate Bill 389, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, at the bottom of the page, is Senate Bill 391. Senator Welch. Out of the record. I'm sorry. Senator Hudson, for what purpose do you

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seek recognition?

SENATOR HUDSON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point, please, Senator.

SENATOR HUDSON:

May I have the record show that had I been able to vote on Senate Bill 373 -- had I been at my seat here -- desk, where I should have been, I would have voted Yes.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Would the record please reflect Senator Hudson's intent. At the bottom of the page, Senate Bill 392 on 3rd Reading. Senator D'Arco. Before we get to Page 18, Senator Demuzio, do you wish to return to Senate Bill 371?

SENATOR DEMUZIO:

No.

PRESIDING OFFICER: (SENATOR LUFT)

Thank you. On the top of Page 18, Senate Bills 3rd Reading, is Senate Bill 393. Senator Welch. Out of the record. Senate Bill 400. Senator Larroll. On the Order of 3rd Reading, Senate Bill 449, Senator Severns. Yes, please read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 449.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Bill 449 simply changes the compulsory school attendance age from sixteen to eighteen. If -- if we want to fight the dropout problem in Illinois, if we don't

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want to condone students dropping out at the age of sixteen, I believe that we should raise the age to eighteen, unless they've met prior graduation requirements. I'll be glad to try to answer any questions. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Questions, questions? If not, the question is, shall Senate Bill 449 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 wished? Take the record, please, Madam Secretary. On that question, the Ayes are 31, the Nays are 18, 4 voting Present. And Senate Bill 449, having received the constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 452. Senator Rea. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 452.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea. Can we have some order, please? Senator Rea.

SENATOR REA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 452 creates the Citizens Council on Water Resources, and, as amended, also includes the Citizens Council on Senior Citizens. There is a great need for a Citizens Council on Water Resources to deal with a very valuable resource that we have here in the State of Illinois. We -- this will deal both with the quality and quantity issues that affects us. Many time we have this type of resource, and we do not pay enough attention to it, and do not plan for the future. This will study, review, make recommendations that will also get into the legislative action, not only for water resources, but also for senior citizens. And,

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of course, Illinois ranks sixth in the total sixty-five-plus population, and I would certainly move for approval.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I'm sorry. With the noise level in here, I really could not hear very well, and I don't have a copy of the bill in front of me - just our analysis. Are you creating, Senator Rea, are you creating two more councils?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Yes, I am indeed, because these are two areas that are very important to the State. We do have some Citizen Councils now that are dealing with some very important issues including children, economic development, energy resources, mental health, public aid, school problems and women.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel. Senator Karpziel.

SENATOR KARPIEL:

I'm sorry, Mr. President. I still can't hear. Would you -- I still don't understand what...

PRESIDING OFFICER: (SENATOR LUFT)

Could we -- could we please have some attention. We're having a little trouble with the dialogue on this bill. Thank you very much., Senator Karpziel.

SENATOR KARPIEL:

One of them, from what I understand has to do with water resources. That's what it says up there, so that's what I'm assuming it does. It doesn't spell it out in my analysis here what the other one does. I still couldn't hear that.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Rea.

SENATOR REA:

The -- the other one creates the Citizens Council on Senior Citizens, and this, as I mentioned earlier, we are sixth in terms of sixty-five-plus population in the State of Illinois as compared to other states. This is an important area that we should study what their needs are, make recommendations. We should develop a plan - an integrated, coordinated approach to our problems here in the State of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I see now that that was added yesterday by amendment, and I do seem to remember when we discussed it. Well I stand in opposition to this -- to this bill. I don't know that we need all these councils to be studying all this. We do have at the State a State Department of Aging, and I would assume the Department of Aging takes as a part of their -- their jurisdiction planning, and -- and -- and taking into account the needs of the senior citizens of Illinois. And I don't know that we need another council. I would just ask for a -- a No vote on this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, as you know, the Citizens Assembly has joint chairmen - one in the House and one in the Senate, and I am the one in the Senate. As we created these councils, the original seven councils, as a result of all of the hullabaloo that went on in the Legislature roughly two or three years ago when everybody decided that the volume of commissions that we had floating around the General Assembly, on

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every issue that you could conceive of, was just getting to be a bit unwieldy and unbearable. And so we created these seven commissions that are now in existence. They do a very good job, and they cover the topics that have been assigned to them. Our budget certainly would not be able to attract or sustain any further such councils. We're just barely holding it together, and I think we do a real good job on a shoestring. But this is gonna break the string, and we don't have enough bubble gum and baling wire to -- to be able to support this. I would also submit that we have individual legislative committees that we sit on that cover these areas of endeavor, and therefore public hearings or any type of legislation, or any type of an agenda can be run through those. We also have State Agencies that deal with these various problems, and those can be enlisted to deal with this. On the flooding issue alone, the Governor's Task Force was created, and I think did a very admirable job. So there are many ways that this can be accomplished without once again creating commissions pell-mell under the guise of councils, or whatever else you want to call them. So unless we wish to return to yesteryear, when we had everybody taking care of their pet project through a commission, I would strongly suggest we not vote for this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I think that if the State of Illinois adequately funded the Illinois State Water Survey, that many of these problems could be identified and dealt with, but for years we've not adequately funded. The head count and the technicians are down probably thirty-five percent over the last few years, so I really see no need for this, Senator Rea.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

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SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR DAVIDSON:

Is this Citizens Council on senior citizens? Wow. I heard the Floor shake, she dropped so much. They already exist - the Illinois Council on Aging, which -- a couple Members in this august Body are on that - maybe four. Are you trying to duplicate what they're -- as I read your amendment, this Citizens Commission will be an identical duplication of the duties and -- that the Illinois Council on Aging are supposed to do - meet with the Director of Aging, review legislation and make recommendations, etc. Is that a duplication that you're trying with this Commission?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Absolutely not. In fact, this is to bring about the lack of -- to prevent duplication and to bring about a coordinated approach, which is very badly needed. And -- and to also go a step further, this will also bring in much more of the public input, which is also very important to this process, and would be no different than the other councils that are in operation.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Well, I rise in opposition to this -- this amendment. I don't know anything about the water part, but I know that some of us in this Chamber are on the Illinois Council of Aging. And we do exactly what you were saying this Commission's gonna do. We have public members. We have hearings. We have recommendations. We

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have recommendations for -- for proposed legislation, position on legislation. It works in concert with the Department of Aging. It must, by the Statute requirement in the Department of Aging -- must work with us. And I would urge all of you to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you Mr. President and Ladies and Gentlemen of the Senate. I rise in strong support of Senate Bill 452. I think it's high time that we have some innovation, and creativity, and -- of the nature of the proposal that is before us, and I would hope that every Member would look positively with respect to the proposals that are being proffered in this -- in this bill. And I would ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR REA:

Thank you, Mr. President. Actually, you've -- you've got to also remember that this will provide a great opportunity, as it does with the other Citizens Councils, for the public input. These people do serve without compensation. As I listened to Senator Topinka, I would think that she might be suggesting that you abolish all of the Citizens Councils, from her arguments there, and this, I'm sure, is not what it's all about. This would, as a result, because when she talks about, "Well, there's other committees. There's committees in the Senate. There's agencies." Well, we could take any one of the ones that have already been established, and we could say, "Hey, there is a department, or there is a Senate committee that deals somewhat with these issues." But not with the public input, which I feel is so important to have, and these are two great areas that we really need to devote some attention to, and give some direction

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over the next few years. So I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 4-5-2 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, Madam Secretary. On that question, the Ayes are 29, Nays, 25, Presents voting two. Senator Rea asks for Postponed Consideration on Senate Bill 4-5-2. On the Order of 3rd Reading is Senate Bill 472. Senator Lechowicz. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-7-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

I believe Senator Berman wants to be...

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry. I'm sorry. Senator Berman, for what purpose do you seek recognition?

SENATOR BERMAN:

Thank you, Mr. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point, please.

SENATOR BERMAN:

I inadvertently pressed the wrong button on Senate Bill 449. I want the record to indicate I intended to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

The record will so indicate. Senator Brookins, for what purpose do you seek recognition?

SENATOR BROOKINS:

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While we're under -- I rise on a point of personal privilege also.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR BROOKINS:

Mr. President, a record was made here on Monday, May 15, 1989. The first time in history in the 86th General Assembly a woman - Assistant Majority Leader Earlean Collins - presided over this Body. I just wanted to make note that it was a point of history. That it has never happened before in this Chamber, and may we give her a hand?

PRESIDING OFFICER: (SENATOR LUFT)

All right. On the Order of 3rd Reading, we will return to Senator Lechowicz on Senate Bill 473.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR LUFT)

-- I'm -- Senator, I'm sorry. Senate Bill 472. I read the...

SENATOR LECHOWICZ:

How about 472?

PRESIDING OFFICER: (SENATOR LUFT)

That's what I said. Senate Bill 472.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 472 requires that the Department of Public Health shall conduct the hearing of nursing home complaints no later than ten working days after notice of the hearing is mailed or delivered. Currently the Statute requires they're going to be held within ten days after notice is given. The bill specifies working days. I know of no opposition, and I ask for your favorable support.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Lechowicz moves for -- all right. Senator Topinka, you're on.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, if I may stand in support with my joint sponsor, Senator Lechowicz. It makes good sense. I would like one commitment out of Senator Lechowicz though, if I could. You don't assume that this will be a vehicle bill in the House, where something else will come back on it, do you?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

No, I do not assume that, but it may happen. I don't know.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, the question is, shall Senate Bill 472 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, none voting Nay, and the Presents are none. And Senate Bill 4-7-2, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 6

PRESIDING OFFICER: (SENATOR LUFT)

3rd Reading of Senate Bill 473. Senator Lechowicz. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-7-3.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment -- the bill, as amended, on Senate Bill 4-7-3, is a recommendation of the Illinois Long Term Care Council. The amended version expands the time frame under which the rates are calculated. This amendment cuts off one year of the time frame, reflecting the previous year's cost instead. There is no fiscal impact in Fiscal '90. There is a projected fiscal impact of approximately fifteen million dollars in Fiscal '91. There is some discussion on that between the Long Term Care Council and the Department, and that's what the extent of this bill is, as amended. I would imagine there's gonna be further negotiations on this bill when it gets to the House. And I'm sure we're gonna see it back from the Long Term Council, Pete Peters, and the department, at that time. I have no -- I have no further --

PRESIDING OFFICER: (SENATOR LUFT)

-- Discussion? Senator -- Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

That is the extent on the amendment on -- on 473. I will be more than happy to answer any questions. If not, I'll ask for your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr...Mr. President and Ladies and Gentlemen of the Senate, I -- I support Senator Lechowicz on this. I do have many homes for the aging in my district. I would like to make note, though, in our latest staff analysis - because I do like to kind

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of keep track of how we spend pocket change around here. I do show a fiscal impact on this bill of 18.8 million dollars.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to, if I might, ask Senator Lechowicz some questions --

PRESIDING OFFICER: (SENATOR LUFT)

-- He indicates he will yield.

SENATOR DEMUZIO:

Just recently in the -- Senator Watson's area, and mine, and a number of others, there were some rates that -- rate formula that was filed with the Joint Committee on Administrative Rules that took away, and reallocated, the money within the Department's reimbursement for -- for nursing homes; recalculated the amounts to the extent that the -- nursing homes in the northern part of -- of Illinois received a higher rate than those of us in the central and southern area. Will this have anything to do with that rate? Or does this codify that which was -- was submitted to the Joint Committee on Administrative Rules, and the formula by which under they are operating today?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Two items, Mr. President. One, to respond to Senator Topinka -- Topinka, I mentioned in my explanation the bill, as amended, would have no fiscal impact in Fiscal 1990, and the projected for '91 is fifteen to eighteen million dollars. There is no projection in 1990. Number two, as far as the reimbursement rate between upstate and downstate, it is not addressed in this bill. But I would imagine the whole purpose of this is to get everybody

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involved in talking on this subject matter of reimbursement. And it's the intent of myself, Senator Topinka, the Long Term Care Council, the Departments, and the nursing homes, to make sure whatever's gonna be done is gonna be done equitable.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm not sure I'm ready to support this bill today. It just seems to me that when we reallocated the current resources -- the current funding within the budget this year, it took a substantial amount of money out of our nursing homes in -- in downstate. And to send this over here codifying that which I don't -- simply don't agree with, seems to me to fly in the face of what I'm all about here. What assurances do I have that this bill's coming back, Senator Lechowicz?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, rest assured it's gonna come back. Because there'll be an amendment adopted in the House that's gonna come back here. I'll tell you who the sponsor's gonna be in the House, too. It'll be Bugielski.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

I'm more interested in what the amendment will be adopted into the House than I am in the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, let me just point out to Senator Demuzio, and anybody who's interested in this area, I will be more than happy to

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discuss any type of amendment that will be discussed in the House with you and anybody else. I've always been open and aboveboard, and I don't intend on changing.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? You wish to close, Senator Lechowicz? All right. The question is -- the question is, shall Senate Bill 4-7-3 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, there are 32 Ayes, the Nays are 15, 4 voting Present. Senate Bill 4-7-3, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 4-7-7. Senator -- Senator O'Daniel. Out of the record, Madam Secretary. On the Order of Senate Bills 3rd Reading, 4-7-9. Senator O'Daniel. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-7-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 479, as amended, requires the Department of Transportation safety test of trucks, truck tractors, trailers, semitrailers and buses to be conducted according to the Federal Highway Administration's standards contained in the Federal regulations, and as this is amended it's agreed to by the State Police, the Department of Transportation, and the Trucking Association.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall

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Senate Bill 4-7-9 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, Madam Secretary. On that question, the Ayes are 56, Nays none, none voting Present. And Senate Bill 4-7-9, having received a constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 480. Senator O'Daniel. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 480.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 480, as amended, clarifies the bridge formula of maximum weight limits on certain semi trucks, and corrects arithmetic errors in the weight limit -- weight limit table for five actual trucks. It just clarifies some legislation we passed here last Session.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 4-8-0 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, Madam Secretary. On that question, the Ayes are 52, none voting Nay, the Presents are none. Senate Bill 480, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 4-8-1. Senator O'Daniel. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 4-8-1.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. Senate Bill 481, as amended, includes, as nonreportable offenses, various equipment violations concerning lighting, brakes and loads.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is -- I'm sorry...(machine cutoff)...Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR GEO-KARIS:

My analysis says that -- it provides that certain lighting offenses, as well as defective brakes, and spilling loads on the highway would not be reported to the Secretary of State. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator O'Daniel.

SENATOR O'DANIEL:

Spilling loads and safe -- protruding components was amended out of the legislation, Senator Geo-Karis, in Amendment No. 1 and 2.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

As much as I have the highest -- respect for the sponsor, Mr. President and Ladies and Gentlemen of the Senate, I feel that when

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they don't report defective brakes we are -- we are really gambling with the lives of people. And under this bill, the way it's been amended -- the way it is, rather - it provides that defective brakes would not be reported to the Secretary of State. And I rise against a bill that that's in, and I would suggest that the sponsor take it out of the record, and leave that in.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Thank you. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he'll yield.

SENATOR WATSON:

Right now, I believe in -- a brake violation is considered a moving violation. And are you just simply changing that to be an equipment violation, or are you just taking it out altogether?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator O'Daniel.

SENATOR O'DANIEL:

It's a -- it's a equipment violation, and these are all still arrests. It just -- instead of it being reported on the -- against the driver's -- driving record, it will be reported as equipment violation. It's still fined and everything. It just doesn't go against the driver's record. The driver shouldn't be responsible for that kind of -- the condition of the equipment. He's still fined, and all, but this doesn't hurt his driving privileges. That's all this does, and I -- I don't think there's any opposition to it now.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats -- I'm sorry, Senator Watson.

SENATOR KEATS:

I appreciate -- okay. Frank, go ahead. I'll finish.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Watson. Senator Watson.

SENATOR WATSON:

Yes. Thank you. I understand there's no such thing as actually a moving violation, but if you get three tickets and it's a reportable offense to the Secretary of State, then that becomes one of those violations that accumulate to get three tickets so you'll lose your license. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Yes. That's correct.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Alright. So all we're saying then is that it will no -- it won't go against your driving privilege. That the brake violation will not go against your driving privilege - those three violations that would eliminate your license. That's all you're doing here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Correct. That's -- that's all we're doing. They'll still be fined, and all, but it just doesn't go against their driving privileges.

SENATOR WATSON:

Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Yes, thank you. Well, I'm -- I'm gonna speak on behalf of the

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legislation, because I've -- I've had several cases where drivers who either rent, or they work for someone else, rent a truck, work for somebody else. They -- they go into the -- into the place of business in the morning. They -- the truck's there. They got to take the truck out. They aren't really experts in the area of equipment. And that should be the responsibility of the owner, not necessarily the driver. And I've had drivers that have gotten their license revoked or suspended for the three -- three violations, and I don't think that that's simply right. If they're out there speeding, that's one thing. But this should be an equipment violation, and shouldn't go against your driving record and -- and accumulate those three violations. So I'm in support of the legislation. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

First, I think there's a misunderstanding. The Illinois Department of Transportation is on record in opposition to the bill. And I know you've experienced the big trucks, and I do too. You know, we use some pretty big hauling equipment. I'm not going to argue whether it ought to be on the guy's driver's license, or whether it out to be on the equipment thing. But the simple fact is under Federal Law, the driver's fooling with a truck that weighs more than twelve thousand pounds -- he has to, by Federal Law, do a walk-around inspection - includes brakes, etc. You don't want trucks of that size on the road with questionable brakes. Now, I'm not going to argue it should be the driver. I'm not going to argue it should be the owner. The simple fact is the driver, under Federal Law, has to inspect it. Therefore, if he doesn't want to take a look at it, or wants to ignore it - do you really want that truck with questionable brakes out on the road? We just had -- well, I won't get into the

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accident we just had yesterday that killed a young kid from Peoria. You can't have these big trucks out there like that. You have to look at brakes. That is probably the second most important thing on the whole vehicle.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kelly. Okay. Senator Fawell.

SENATOR FAWELL:

Thank you very much. Let me tell you in my -- in my real life in the past, I was on the Board of Directors of a -- of -- of the largest privately owned trucking company in the State. We had an extremely large -- large fleet of trucks and -- and cabs and trailers. There was no way that we, as owners of the company, could have possibly known if a truck didn't have a light, didn't have good brakes. We depended on our drivers to let us know those kinds of things. And if you're going to allow these trucks to get on the road, so the drivers don't have to stop and tell us those kind of things, you, in effect, are -- are, potentially, causing a lot of accidents. The second problem you've got, is you've got a lot of gypsies going through this -- this State, who are -- are disobeying a lot of our laws with their overloaded trucks, and their bad brakes, and their bad lights, and we're not gonna be able to stop them, either. And I think this is a bad precedent to -- to start. I think we ought to vote No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I apologize for speaking a second time: But the committee amendment deleted the references to unfastened protruding components, and the -- Amendment No. 2 deleted references to spilling or unsafe loads. If a driver's gonna take a truck, I think it's incumbent upon him to try to test it and see if the brakes are working, and

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he certainly -- if he sees anything protruding, he should call it to the attention of the people giving him -- the truck to drive. I think we have to figure out the safety of people. And I certainly cannot feel comfortable voting for this bill, in its present form. I would suggest that the sponsor take it out, and let's put the safety factors in this bill, because right now this bill gives a license to go ahead and drive carelessly. It'll apply to any one of the gypsy drivers, as well as some of the ones that have regular jobs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator O'Daniel, to close.

SENATOR O'DANIEL:

Yes. This legislation doesn't have anything to do with a safe truck or all, anything of that nature. All this says is that he'll be fined, just like he always is. He still has to be responsible for that truck. It just doesn't go against his driving privileges. And -- and I think, you know, this is a very fair piece of legislation, and -- and in regards to what Senator Fawell says, I don't think she knows what she's talking about, because drivers with a good trucking firm - they -- they keep a log of what's wrong with that truck during the day, and they see it's corrected in the evening, and the driver comes and gets it the next morning. But this isn't creating any more of a safety problem. This is a good piece of legislation. It should be passed. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 481 pass? All in favor signify by voting Aye. Opposed, voting No. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 31 Ayes, 23 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 489. Senator

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Topinka. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-8-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 489 amends the Abused and Neglected Child Reporting Act in the Criminal Code, and provides that transmitting a false report of child abuse and neglect to DCFS is a Class A misdemeanor, with a subsequent false report becoming a Class 4 felony. It's basically designed to just up the ante on this, because of the number of false reports.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 489 pass? All in favor will vote Aye. All opposed, vote Nay. Your light wasn't on. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

SENATOR HAWKINSON:

Senator, I assume under the current law that these false reports have to be knowingly false before the penalty applies.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

It's not specified in the Statute.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

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SENATOR HAWKINSON:

You mean someone, who in good faith, makes a report of child abuse that later turns out to be false, could be a felon under your proposal?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

The Statute is just silent on that, though I would have no problem in seeking my House sponsor on this measure, should it get out, to add that into the legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I would be very concerned about that. You talk about a deterrent for people reporting suspected child abuse. We would have most people just saying, "Forget about it." "I don't want to be involved." And we don't want to do anything to let a bill out of here and that --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

-- The lady indicates she'll take an amendment in the House.

SENATOR COLLINS:

I don't care about the -- we -- we need to amend it before it goes out of here. Now, Senator Topinka is one of those people who are adamant about putting a bill into its -- you know, proper form before you move it. And I'm not one to get up on the Floor and -- and speak against her bills...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR COLLINS:

But -- but following her own...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I think she's gonna do that. Senator Topinka.

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SENATOR TOPINKA:

If -- if I may respond to -- to Senator Collins. The current law already...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

No -- no -- no -- no. She wasn't finished. I'm sorry.

SENATOR TOPINKA:

Sorry.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Collins. Senator Collins. Please proceed.

SENATOR COLLINS:

Yeah, I still say that -- I say we don't pass this bill out of here like that, because child -- reporting of child abuse the law says "suspected." It did not say that if you were right or wrong -- if you suspect, and you may be wrong. So anything that would deter people from reporting suspected child abuse, we most certainly should not let it out of here on the hopes that it will be amended in the House. So, therefore, I would encourage all of my colleagues on this side of the aisle to, please, vote against this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Senator Topinka, did you intend for this legislation to include the word "knowingly," so that intent scienter would be part of the legislation?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

I think we should understand that there is already Statute which does, indeed, you know, carry on and make penalties available now for false -- false calls and -- and -- and false reporting. We are making it tougher. That's all we're doing.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Does that answer your question, Senator Marovitz? All right.

SENATOR MAROVITZ:

No -- no. It didn't answer the question. I mean, could you repeat the last sentence that you just said, and keep my light on?

SENATOR TOPINKA:

I said already the Statute has penalties for false reporting. All we are doing is making them tougher.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

I understand you're making them tougher, but in the bill, where you're making them tougher, you're -- you're not providing for any -- for any knowledge that there's a false report. And I think -- I understand what you're trying to do, and I think everybody over here understands what you're trying to do, except if you take the intent out of there, you discourage people, with such a harsh penalty, from making these reports. I think there needs to be knowledge that, indeed, it's a false report.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Since I raised the question, I think it's only fair to point out - as I understand your bill - she's not changing the scienter requirement at all. She's only increasing the penalties, and I have no problem with that. We -- one of us probably should have raised this issue when we -- when the original law -- when the original law was passed, not this bill. I don't see any problem with this bill. And -- and with -- with the sponsor's agreement to add "knowingly" in the House, actually we're gonna not only stiffen the penalties, but we'll improve the existing law, which is way -- probably the way it

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ought to have been passed in the first place. So, with that understanding, I'll support the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I, too, stand in support of this bill, because there have been many instances, I know in my district, and I suppose all over, of false reports of child abuse. And I've heard of men, for instance, who have spent up to twenty thousand dollars in legal fees defending themselves against these kind of charges, only to be found that they were not child abusers at all, and there is a problem with this. I think this is a good bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka, to close.

SENATOR TOPINKA:

I would just seek your favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 489 pass. All in favor will vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? The clerk will take the record. On this question, there are 51 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 495. Senator Holmberg. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-9-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

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Thank you, Mr. President. This bill amends the Nursing Home Care Act to require that new residents, at the time of admission, be informed of federal and State impoverishment rights. Current law does not specify that spousal impoverishment rights must be communicated. It was further defined in an amendment that the definition of those rights would be by reference to specific existing definitions in State and federal law. Neither the Department of Public Health or the Department of Public Aid opposes this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

She indicates she will.

SENATOR GEO-KARIS:

Could you just give me, briefly, a definition of spousal impoverishment rights? I mean, I don't want to refer to some other legislation...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We heard the question. Senator Holmberg.

SENATOR HOLMBERG:

The Department felt that those do change from time to time because of the Statutes, and the purpose of the bill is just to communicate what they are from year to year, so that the reference would be to the existing State and federal law, and the nursing homes would communicate that to those entering.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

All I'm asking is just tell me what they are at the present time, because I don't really know. I'm a lawyer, and I don't

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understand what you mean.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

We have here that effective in -- September 30th, 1989, states must permit the at-home spouse to maintain a monthly income of at least a hundred and twenty-two percent of the Federal threshold for a two-person household, which is seven hundred and sixty-eight dollars. This level would increase to a hundred and fifty percent by 1992. The minimum resources that a spouse would be allowed to retain will be twelve thousand. However, states have the option of increasing allowed resources to as much as sixty thousand.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg, you wish to close?

SENATOR HOLMBERG:

I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 495 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? The clerk will take the record. On this question, there are 54 Ayes, no Nays, one recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 498. Senator Friedland. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-9-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you very much, Mr. President, Ladies and Gentlemen of

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the Senate. Senate Bill 498, sponsored by myself, Senators Jacobs and Karpel, would amend the Environmental Protection Act to provide that persons shall be liable for their proportionate share, rather than all the costs, for removal of release of hazardous substances. It's...it's endorsed by the IMA and other groups and DCCA. It was -- had a very good hearing in committee, and it passed 9 to 3, and I'd urge your favorable support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Welch.

SENATOR WELCH:

Thank you. I have a few questions of the sponsor, Mr. President. If he'll yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will.

SENATOR WELCH:

Senator Friedland, is this bill in response to the Lenz Oil recycling contamination?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President. Senator Welch, you're the chairman of that committee that the bill was heard. I don't recall. Now what...what ...how did it end up in committee? What did we determine?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Well, to paraphrase your testimony, yes, it was in response to the Lenz Oil site contamination.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Senator Friedland, he thanks you. Senator Welch, any further questions?

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SENATOR WELCH:

Maybe I'll have to answer that one too, but the second question is this. This -- the purpose of this bill is to limit each generator's responsibility to his or her proportionate fault in causing environmental damage. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland.

SENATOR FRIEDLAND:

Yes, that's correct, Senator. Say, for example, you had two gallons of waste oil, and the government wanted to sue you, or, you know, make you remove it, you'd be liable only for those two gallons, and not the other thousands that may be in there. That's what we're trying to do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Isn't that exactly what happened in the Lenz Oil case? In that particular case, each generator, including small -- oil users and Commonwealth Edison of their large oil depositors, ended up paying a proportionate share. That's exactly what your bill would do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President. Not only that, I think over a hundred or more persons were involved in that. Yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

So in other words, we're currently doing what your bill is trying to propose to do, with respect to the Lenz Oil case and other sites.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland.

SENATOR FRIEDLAND:

No, I don't believe so. Now come on, Mr. Chairman. You're the chairman of the committee. You heard all the testimony there. And it passed out 9 to 3. That's not exactly what transpired.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Well, I'm trying to point out that this bill is terrible, Senator. Frankly, what you've introduced -- and I -- and I've got a -- you know, there's an article here from a fellow named Jerry Paulson, who is from McHenry County Defender's, up near your area...

(inaudible remark by unidentified Member)

SENATOR WELCH:

Well, fine. I've got three from Peru. And frankly,...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please --let the gentleman conclude his remarks. Senator Welch.

SENATOR WELCH:

...I will have a bill next week to take care of them. Number one, this bill is not going to take care of the people who have been charged in the Lenz Oil site. This bill is not retroactive. It's not going to affect them. Secondly, there is no instance where the State has required one responsible party to clean up an entire site. That has never happened in the history of the State. Third, in the Lenz Oil case, each individual generator paid a proportionate share, but, even then, we could only track down approximately three million dollars of the liability. The State paid seven million dollars towards cleaning up that site. This doesn't sound like generators are being stuck with one hundred

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percent. What you're going to have here, if this bill passes, is this: when you say that I dumped two gallons of oil into a pot, and I'm supposed to pay for two gallons of oil to be cleaned up, you've got -- the State will have to prove that I put in two gallons of oil. Do you think very many generators of oil are going to come forward and say, "yeah, I put in two gallons", "I put in ten gallons", "I put in twenty"? They're not going to -- they're not going to give you any information at all. So, what's going to happen is the State is going to end up cleaning up all these sites. They're going to be paying one hundred percent, and then have to sue and try to prove certain amounts of liability on the part of each generator. And it's going to be impossible to do. This bill is not the answer to that situation, Senator. It's a very terrible situation. Next week, I have an amendment coming that is going to affect that situation. It's going to take care of the small generators that you're trying to take care of. I think that this bill should lay where it is. Lay it back on the Table where it belongs, and let's get about solving that particular case, instead of theoretical cases that don't really exist in this State, but when they do happen, we'll end up with the State paying millions of dollars that we don't have. I would urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm not sure what the right answer is to the problem, and I'm also not sure how many of my colleagues even know there's a problem out there. This matter came to my attention just within the last week, when I was contacted by three or four of my constituents who, years ago, sold used motor oil to this Lenz Oil Company. And in the case of one of them, a farm equipment dealership, which is not enjoying the greatest business

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in the world now, they're being asked to pay. They got twenty-eight cents a gallon for the oil that they sold and this guy took away. The EPA then found out that Lenz had not properly disposed of the -- of the fuel, and they're coming back to our people, saying that they are the generators of this waste, and demanding that they pay like four dollars a gallon now for that. So, in this -- in this one instance, a small business is being called upon to pay four thousand dollars to help clean up. I think what Senator Maitland -- or Senator Friedland is trying to accomplish is to make sure that nobody gets stuck for the entire bill, which is apparently the way the law reads now that -- that -- that under the right set of circumstances, one person or one firm could get stuck for the entire amount. Might not be a bad idea to put this bill out, and your bill, Senator Welch, because I think we have to find a solution to this problem. It's -- it seems unfair to me, the way our current law is set up, that these people who were -- who thought they were disposing of waste properly by giving it to a licensed operator, a State-licensed operator, then to find out that years later they have to pay the cost of cleaning up some -- some storage site. That's not right, either. So, I think we need to maybe move both these bills along, and find a solution to the problem.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs. Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. I stand in favor of this legislation. If we remember, when we go back to the original standpoint, there was a disproportionate share that was to be spread across the litigants. And because there were some that were bankrupt, and some that went out of business, and they were not able to get to through negotiated settlement through the courts, then they come up with a

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proportionate share. So what has happened here, and what we're trying to do with this legislation, is to remove the courts from the issue, and I don't think that's ever a bad idea.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. I rise in -- support of this bill, because it's not fair to charge someone for something that they've shipped to someone else, and then something happens and they get stuck with the whole bill. I think the proportionate representation on it -- the payment, is the only fair way to go, and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. And I rise in opposition on the grounds that what you are doing here is imposing a -- an invitation to pollute the environment. Because the extent of the exposure will never be more than as was described, a couple of gallons here, and a couple of gallons there. That's no way to enforce and try to maintain the cleanliness of our environment. I think that there may be problems, as Senator Schuneman points out, but this is not the way to solve it. And I would suggest that this bill be defeated. Let us look at the proposal that Senator Welch is going to have next week, because there ought to be responsibility on the people that are polluters, as to their exposure. It doesn't do us any good if there is pollution and everybody is pointing the other finger at the other person. It ought to be cleaned up. The -- what happened in the case that was in court is that the court undertook, and was able to delegate, the responsibility. That's okay, if everybody is before the court

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and they can show so that a hundred percent is covered. With this bill, you may only have ten percent covered, or twenty percent covered. Who picks up the tab for the rest? I don't think that it ought to be the taxpayers. I don't think it ought to be the State. It ought to be the people that contributed to the pollution. I urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Welch.

SENATOR WELCH:

Mr. President, I would just point out that some of the speeches in behalf of this bill don't relate to this bill. This will do nothing for the Lenz Oil case. It's not retroactive. That liability has been determined. And the question is whether it's going to be paid. The bill I'm going to propose next week will hold those people harmless, the small generators that we're trying to take care of. Secondly, Senator Jacobs has said that, well, this takes it away from the courts. It does exactly the opposite. Right now there's an incentive for individuals to settle with the EPA, to avoid going to court. That's how you've got so much paid in already. Commonwealth Edison has settled. Other large generators have settled. What you're going to do is make the State prove every single gallon of oil up and down the street. There's going to be no incentive to settle. Everybody is going to be encouraged not to settle. So you're going to end up in more lawsuits. This is going to end up creating more pollution, and encouraging people not to settle these cases. So, you know, this may be a great bill for environmental defense lawyers, but beyond that, it's terrible policy and it's terrible for the rest of the people of the State of Illinois. And I would urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Keats.

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SENATOR KEATS:

Quick question of the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Senator Friedland, this is strictly hazardous waste, not municipal waste, just hazardous, correct?

PRESIDENT ROCK:

Senator Friedland.

SENATOR FRIEDLAND:

Affirmative.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Thank you. I just wanted to ascertain whether or not I had a conflict. I do not. Thank you very much.

PRESIDENT ROCK:

Any further discussion? Further discussion? Senator Friedland, you wish to close?

SENATOR FRIEDLAND:

Thank you, Mr. President. Just in closing, that the responsible parties would be liable for their proportionate share in this. You know, I understand a committee chairman when his view doesn't prevail in committee. Being in the minority, I understand that, but the -- unfortunately, his view didn't prevail that day, and I hope again it won't today. Support this good piece of legislation.

PRESIDENT ROCK:

Question is, shall Senate Bill 498 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. On that question, there are 38 Ayes, 17 Nays, 1

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voting Present. Senate Bill 498, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, I think we have come to the end of a rather long day. We have a motion filed by Senator Philip and I to discharge bills in accordance with the agreements between the respective committee chairs and minority spokespeople, and we have some resolutions to deal with, and that will conclude our business until nine o'clock tomorrow morning. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 320 offered by Senator Berman.

And Senate Resolution 321 offered by Senators Daley, J. E. Joyce, President Rock and all Members. They're both congratulatory.

PRESIDENT ROCK:

All right. Senator Daley on -- Senate Resolution 321. This is an congratulatory resolution. The other will go on the Consent Calendar, Madam Secretary. But 321, it is a congratulatory resolution that the Senator wishes to present later. And so he has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 321. All in favor of the Motion to Suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Daley now moves the adoption of Senate Resolution 321. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the resolution is adopted. (Machine cutoff)...Senator Watson, with respect to your motion, perhaps we can just put it on the Calendar and deal with it tomorrow? You had a motion to -- what is the motion, to reconsider? Right. The bill's not going anywhere, as long as that motion's filed...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock...(machine cutoff)...

PRESIDENT ROCK:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. After long hours of meetings and negotiations, Senator Philip and I have filed a Motion to Discharge the Senate Special Temporary Committees from further considerations of the bills listed on the attached LIS printout, a copy of which I think has been distributed to every Member. These bills represent those agreements by the committee chairmen and the minority spokesmen as to bills that can be, or should be, readily discharged. Those of you who have bills yet remaining in committee, on both sides of the aisle, and wish to file an individual motion, those will be dealt with on Monday, pursuant to our agreement. In the meantime, I would suggest that we deal with this motion, so that these bills will appear on tomorrow's Calendar on the Order of 2nd Reading. And so I would move you, Mr. President and Ladies and Gentlemen, that the above-described bills be placed on the Order of 2nd Reading, and that this motion be effective immediately. And I would solicit a voice vote affirmatively.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel, for what purpose do you arise? Alright. Alright, you've heard the motion. Senator Rock has moved, pursuant to Senate Rule 10, to discharge the applicable Senate Special Temporary Committees from further consideration of the bills listed on the attached Legislative Information Service printout, which will be -- that's why I'm reading it into the record. And he further moves that the above-described bills and their respective committees where they repose be placed on the Order of 2nd Reading. Those in favor of that motion will indicate by saying Aye. Opposed, Nay. The Ayes have it. Those bills are discharged and will be placed on the Order of 2nd Reading. Is there further business to come before the Senate? Senator Rock moves that the Senate stand adjourned until the hour of nine o'clock tomorrow morning. Senate stands adjourned.

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