

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

May 26, 1989

PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this morning by the Reverend Delbert Wells, New Life Worship Church, Springfield, Illinois. Reverend.

THE REVEREND DELBERT WELLS:

(Prayer given by the Reverend Delbert Wells)

PRESIDENT ROCK:

Reading of the Journal, Madam Secretary. Senator Hall.

SENATOR HALL:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Senate. Mr. President, I move that reading and approval of the Journals of Thursday, May 18th; Monday, May 22nd; Tuesday, May 23rd; Wednesday, May 24th; and Thursday, May 25th, in the year 1989, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. Motion carries and it is so ordered. Messages from the House.

SECRETARY HAWKER:

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

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

House Bills 38, 75, 113, 114, 121, 130, 165, 219, 359, 377, 416, 491, 494, 509, 570, 515, 568, 573, 588, 643, 672, 749, 846, 847, 849, 859, 860, 861, 863, 901, 913, 942, 994, 1027, 1075, 1108, 1158, 1186, 1191, 1192, 1227, 1257, 1313, 1314, 1316, 1366, 1389, 1404, 1427, 1443, 1448, 1450, 1497, 1568, 1599, 1609,

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1621, 1660, 1661, 1662, 1685, 1689, 1690, 1721, 1726, 1737, 1738, 1749, 1754, 1787, 1819, 1832, 1848, 1875, 1877, 1885, -- pardon me, 1974, 1984, 1994, 2003, 2045, 2062, 2073, 2076, 2097, 2129, 2191, 2195, 2205, 2217, 2270, 2279, 2286, 2290, 2316, 2326, 2337, 2365, 2369, 2450, 2506, 2516, 2578, 2615, 2718, 2736, 2758, 2759, 2772 passed the House May 25, 1989. Filed by John F. O'Brien, Clerk of the House.

PRESIDENT ROCK:

...(machine cutoff)... Resolutions.

SECRETARY HAWKER:

Senate Resolution 350 offered by Senator O'Daniel.

Senate Resolution 351 offered by Senators Fawell and Philip.

Senate Resolution 352 offered by Senator Savickas.

Senate Resolution 353 offered by Senators Geo-Karis and Barkhausen.

Senate Resolution 354 offered by Senator Rea.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. Ladies and Gentlemen, we'll begin on the Order of Recalls. The list has been distributed, I am told. On the Order of Senate Bills -- and the bills that are recalled will then revert to the end of the call to allow Enrolling and Engrossing and other Members to take a look. On the Order of Senate Bills 3rd Reading, top of page 3, is Senate Bill 3. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 3, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

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SENATOR WELCH:

Thank you, Mr. President. Senate Bill No. 3 is a bill that limits the use of bodyguards by constitutional officers. What Amendment No. 3 will do is take the Governor's Office out of the bill. The bill will not apply to that office. I would move adoption of Amendment No. 1.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to Senate Bill 3. Discussion? If not, all in favor will indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 3, Senate Bill 11. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 11, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 really becomes the bill. It's a rewrite for the -- the real estate brokers and salesmen; as well as the issue as relate to affordable housing, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 11. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment is

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adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 128. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 128.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Amendment No. 2 deals with the -- Amendment No. 2 to 128, deals with the breakage as relate to the sharing of funds from the off-track betting parlors. I move its adoption.

PRESIDENT ROCK:

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Ho, ho, ho, ho, Charlie Green. Can I get a better explanation of that amendment?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. The extra money retained from race tracks and off-track betting licensing and for multiple wagering, including daily double, quinella, perfecta, and so forth, will be split evenly between the licensee and the purchaser. That's what it does.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

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Who does it go to now? It used to go to the licensee. Who does it go to now?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

All it is right now, -- all this amendment does is say that it is divided between those -- the horsemen and the tracks, just like the regular handle currently that is distributed.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

This is not the -- the grease for this vehicle, is it, to kind of slide it down the chute?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

No, it isn't.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I may ask a question of the sponsor?

PRESIDENT ROCK:

Indicates he will yield, Senator Topinka.

SENATOR TOPINKA:

Yeah. Who wants this amendment?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Senator Jones, who is sponsoring the amendment.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

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No one else would have an interest, or any other race tracks in the State might have an interest?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

The tracks would have an interest, yes.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Any particular tracks by name?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

No. It -- it impacts on all of them equally -- equally, so that -- no particular track, by name.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Would any particular tracks by name be hurt by this change that's proposed in your amendment?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

I don't think any track would be hurt by fairness, Senator Topinka, and that's all this amendment does. No one's going to be hurt.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senator, I saw you late last night. I wish you'd have informed of this. I don't think that the amendment really is -- is that devastating, but I would hope that

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my colleagues on the other side of the aisle, on -- if they have any real questions on this, I'd certainly like to hear them.

PRESIDENT ROCK:

All right. Senator Jones has moved the adoption of Amendment No. 2 to Senate Bill 128. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 292. Senator Netsch seeks leave of the Body to return Senate Bill 292 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 292. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Netsch.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 1 - and you may need to check this, Madam Secretary, to make sure you've got them in the right order - Amendment No. 1 increases the threshold -- to which the Family Responsibility and Medical Leave Act would apply, from fifteen employees to thirty-five employees, and I would move its adoption.

PRESIDENT ROCK:

Senator Netsch has moved the adoption of Amendment No. 1 to Senate Bill 292. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Netsch.

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PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 2 decreases the period of authorized unpaid leave for both family leave and medical leave, from eighteen weeks to twelve weeks, and I would move its adoption.

PRESIDENT ROCK:

Senator Netsch has moved the adoption of Amendment No. 2 to Senate Bill 292. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 417. Senator Topinka seeks leave of the Body to return Senate Bill 417 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 417.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. With -- this amendment seeks to correct an error in an earlier amendment, and Senate Amendment No. 4 will return fifty-one thousand six hundred dollars to the bill for Social Security. Fifty-one hundred <sic> was mistakenly cut out in Senate Amendment No. 1. The total reduction for Social Security Charge Processing Division is five hundred dollars. And that's all the...

PRESIDENT ROCK:

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Senator Topinka has moved the adoption of Amendment No. 4 to Senate Bill 417. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 506. Senator Marovitz. Senator Marovitz. Senator Marovitz. 603. Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 603. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I'm asking that Amendment No. 1 be Tabled.

PRESIDENT ROCK:

All right. Senator Barkhausen, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 603, was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Barkhausen now moves to Table Senate -- Amendment No. 1 to Senate Bill 603. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's -- the amendment is Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 630. Senator Welch. Top of Page 11. Senator Welch seeks leave of the Body to return Senate Bill 630 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd

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Reading, Senate Bill 630, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 6 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 630 <sic> would remove a previous amendment put on here that it limit the amount of charges that could be included by home rule units, upon the plastic tax. I would move for adoption of this amendment.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 6 to Senate Bill 630. Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Question of the sponsor.

PRESIDENT ROCK:

Indicates he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator Welch, would you please elaborate what your amendment is attempting to do?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Yes. I'd be glad to. If everyone would listen, it would -- it would make it quicker. You put an amendment on my bill yesterday, Senator, that in effect, eliminates all sales tax on beverages, laundry detergent and plastic bottles and other food items in plastic containers. I don't think you did that intentionally. I think it was by misdrafting of your amendment. But what your amendment did was eliminate millions of dollars for all home rule units, and several millions of dollars for the City of Chicago. In addition, your amendment, by eliminating all other charges on

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containers, eliminated all liquor taxes in home rule units. What my amendment is doing is taking off your amendment and returning the bill to the form that the sponsor would like it in.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

I'm sorry, Senator Welch. You're an attorney; I am not. Maybe you should explain a little bit further. How did my amendment eliminate all sales tax of containers? I don't understand that.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, let me -- let me read you the pertinent parts of your amendment. "The General Assembly hereby declares that the power to impose an advance disposal fee or other charge." "Or other charge," is an extremely broad -- and it would include all other taxes. What you then do after that is say that all other charge upon the sale of plastic containers, shall be exercised -- exclusively by the State. If the State has the only authority to exercise all other charges, including all other taxes, what you've done is effectively repeal all sales and liquor taxes that might apply to containers.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

You -- I'm sorry, Senator Welch, but you are incorrect. What my amendment referred to was a specific Act. You are referring to existing Acts such -- like Senate Bill 1282, which was sponsored by Senator Joyce, that was -- his referred to an existing Act. Your bill, Senator, 630, creates a new Act and that is what my amendment addresses, and I stand in opposition of this amendment.

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What -- if this amendment passes, this will allow the State to impose a tax, and it will allow the City Chicago to impose a tax at the same time, for the same beverage containers. And I urge all the Senators on both sides of the aisle to defeat this amendment. And I would request a roll call.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 6 to Senate Bill 630. You want to close, Senator Welch?

SENATOR WELCH:

Well, that is a completely erroneous and fallacious argument, Senator Dudycz. It's absolutely incorrect. You have stuck an amendment into my new Act, which applies across the board. It doesn't just apply to that Act. It specifically refers to containers. It doesn't refer to specifically the containers controlled by this Act. This Act does control all containers. Every single plastic container in the State, and what you're doing is repealing the tax on every single container. Your amendment is too broad, it's totally drafted in error, and I would move for -- for passage of this repealing amendment.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 6 to Senate Bill 630. Those in favor of the amendment will vote Aye. Opposed will vote Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 29 Nays, and the amendment fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 806. Senator Zito seeks leave of the Body to return Senate Bill 806 to the Order of 2nd Reading for purposes of

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an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 806. Senator Zito.

SENATOR ZITO:

Yes, Mr. President and Members, having voted on the prevailing side, I would move to reconsider the vote by which Amendment No. 1 was adopted. For purposes of Tabling.

PRESIDENT ROCK:

All right. Senator Zito is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 806 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Zito now moves to Table Amendment No. 1 to Senate Bill 806. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1184. Senator Topinka seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1184, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Jones and Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. The amendment to 1184 allows people who have taken alternative high school degree programs, or people who have received associate degrees in nursing to participate in the program that is put forward in 1184.

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Senator Topinka has moved the adoption of Amendment No. 2 to Senate Bill 1184. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments.

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1333. Middle of Page 16. Senator Kustra seeks leave of the Body to return that bill to the Order of 2nd Reading, for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1333, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This is the bill that bans tobacco on school property. A number of people have expressed concern over what would happen at various school events that would take place, like football games and basketball games. And what this bill does is allow for the school boards downstate and the local school councils in Chicago to exempt for those special activities, and it also allows for the exemption of a designated area within the school building for use by school personnel. And I would move the amendment's adoption.

PRESIDENT ROCK:

Senator Kustra has moved the adoption of Amendment No. 1 to Senate Bill 1333. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 16, Senator Dunn seeks leave of the Body to return Senate Bill 1370 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1370, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment substitutes language such as "can demonstrate," instead of the -- requiring the EPA to have evidence of experiencing, and this is a product of my discussions with waste management and their association, and they're not in opposition to the amendment.

PRESIDENT ROCK:

Senator Dunn has moved the adoption of Amendment No. 1 to Senate Bill 1370. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 17. Senator Lechowicz seeks leave of the Body to return Senate Bill 1402 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1402, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Lechowicz.

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PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 is strictly a Cook County amendment. It raised the population to its proper figure from one million to three, and I move for its adoption.

PRESIDENT ROCK:

Senator Lechowicz has moved the adoption of Amendment No. 1 to Senate Bill 1402. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, if I can have your attention. We will begin on the Order of Senate Bills 3rd Reading. As you can see on the Calendar, then we have Senate Bills 3rd Reading appropriations bills and the Agreed Bill List. We are going to proceed straight through the Calendar. And I would advise the Members that we're probably not going to get back around a second time. This is the moment of truth, and we're going to try and accommodate everybody's schedule and get out of here as reasonably early as possible, so I would admonish some who have a penchant to talk a lot, to please spare us today. I don't think anybody's mind is going to be changed by lengthy debate. On the Order of Senate Bills 3rd Reading is Senate Bill 1. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1 is a bill to create a separate governing board for Northern Illinois University, and remove it from the Board of Regents. This bill has been around for many years, as many of you know. Our belief is that by giving Northern Illinois University a separate governing board, and the fact that it has one of the fastest-growing universities, and one of the largest universities in the State will be recognized in its abilities, and -- and talents will be enhanced by doing so. We also believe that the reputation of the University will be increased. It'll be enhanced. We believe that this is good for not just Northern Illinois University, but for the State of Illinois as well. I would be glad to try to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I rise in strong opposition to Senate Bill 1. You're right, Senator Welch - this issue has been around for -- for many years, and it's -- it's been voted down, and -- and I just think it's a -- it's a terrible thing to do. I think for one thing, this is going to simply generate enthusiasm for creating more and more independent boards for -- for all of the State's senior universities. And I think that's wrong. I think it's cumbersome, difficult to deal with, and -- and would be a -- a serious problem. But you and I both -- now, you stood and indicated that Northern has advanced itself and kind of separate -- is separate now from the rest of the institutions, because of its quality. And Northern Illinois University is a fine university, and no one is going to argue that point. But there's a university to the

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south that also has that same quality and has continued to increase their entrance requirements, and those two universities have similar missions. Absolutely similar missions. And their main mission is an undergraduate degree. That's their mission in life, and that's what it needs to continue to be. Every university in this State cannot be the flagship for the University of Illinois. They just can't be and we don't expect to be. But I'm going to tell you, Senator Welch, this is going to create increased competition for funding between the universities. And we won't be looking at this in a rational way. And I think Northern will perhaps end up being the loser in this kind of a move. We're going to separate now Illinois State and Sangamon State apart from Northern, and they will be in direct real competition for funds. And it will be critically difficult for us down here to deal with that issue. I want Northern Illinois University to continue to be a strong university, like it is now. But so do I want Eastern and Macomb and Illinois State and Sangamon State to be strong. We need a condensation of -- a condensing of these powers, not a continual breaking away and siphoning off the resources and the talent to put one against the other. This is not good for higher education. It is not good for Northern, and it's not good for this Body to cast an affirmative vote on Senate Bill 1. I urge - I strongly urge - a No vote on Senate Bill 1.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate. I don't rise too often about higher education, but I want to rise in strong opposition to this bill. Part of us downstaters, as we're called, have been a party to make Northern grow. And if you're going to set it out there separate, then it can become something that we

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all can shoot at, 'cause then it's going to be you, by yourself. You're not going to have these others who have worked in the past to help Northern grow. This is a terrible idea. We've got more than sufficient boards that control over the different universities now. And it's never going to be the bellwether that the University of Illinois is. No other university in the State is, 'cause Illinois is a land grant college. It's unique and it's going to stay unique. And this is a terrible approach. I don't know what your game plan is, but have been a party to save some of the things for Northern in the past and create a couple of new situations there, particularly, when we put Northern Illinois Law School in. Some of us walked the big plank to help you. And this is certainly not the way to repay us. I urge everyone to vote No.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I rise in strong support of this bill, and ask Senator Welch's permission to be added as a co-sponsor.

PRESIDENT ROCK:

Without objection, leave is granted.

SENATOR SCHAFFER:

I also supported one of the previous speaker's amendments, not two days ago, to give his university a separate board. Funny how the days churn arguments. The time has come for this to happen. And -- and I would say, for those implying that this is some sort of an attack on any other university or that Northern is trying to in some way usurp the University of Illinois' position, that those are bogus arguments. Frankly, I think that major State universities should have separate advocacy boards, and I'm not going to say anything negative about the Board of Regents. I can't think of anything it's done that's bad. I unfortunately, can't think of a whole lot it's done that's good. We need

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advocacy boards. Not only to see that the universities are well-represented at the State level, but to raise funds. I'm impressed continuously by the University of Illinois board and its executive officers around this State raising money. How many million dollars has the Board of Regents raised from private funds, on behalf of any of these universities? None that I'm aware of. Not one thin dime. They may have, but I'm sure not aware of it. But, certainly the U Of I Board and a separate board for SIU have done that. We need advocacy boards. I am a graduate of Northern. There are graduates of Northern and SIU -- or pardon me, Sangamon State, and ISU around. But you know what they're are prohibited from? They cannot serve on the Board of Regents. No graduate of these universities can be appointed to the Board of Regents - not by law, I admit, but by practice - because they don't want anybody on the board who's an alumni of any of these universities, because they might be biased. They might be advocates for the university. By their own policy, they're saying, "We don't want advocates for the universities on the Board of Regents." That is garbage. Frankly, Senator, I supported your bill and I'll support it again, because I believe Illinois State University is one of the fine institutions of this State, and it should have a separate board. Unfortunately, that is -- pardon me, ISU -- the -- that is not the question today, although I suspect if this bill passes, it will quickly become the question. This is something that many of us have fought for, for years. It's not an attempt to subtract from any other university or institution of higher education of this State. It is a chance to add to one of the finest universities in the State - one that serves my constituencies well, but could do a better job if it had an independent board. I urge everyone on both sides of the aisle to support this bill.

PRESIDENT ROCK:

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Further discussion? Senator Joyce. Senator Joyce.

SENATOR J.E. JOYCE:

Thank you. The -- I rise in support of Senate Bill 100 <sic> also. And, there's no question, Doc, that a lot has been done for Northern Illinois University by the Illinois General Assembly - the College of Law, the College of Engineering, and et cetera and on. But the fact remains that there's a prestige factor here, and it shouldn't be wrong for a university to want to strive to be like the University of Illinois. It'll likely not arrive. There's no one here that would probably dispute that. But there's nothing wrong in striving, and the fact is that you have to have advocacy in the educational -- higher educational community today. So I would ask the General Assembly, rather than to be bogged -- or this Senate, rather than to get bogged down in a long debate early on, to just consider where Northern was, where Northern has come, and where Northern can be, and this does not detract in any way from U of I, or from Illinois State, or from Sangamon State, or any other university.

PRESIDENT ROCK:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I rise in opposition to this -- this bill. And, I have two points to make. One is, as several year's Chair of Higher Education, I would agree that this is a fine institution. There's no question about that. The question is the breakup of the system, and I think that's a serious step to be taken. And I think there ought to be a good deal more thought put into it before that happens, if it happens. The second point is that Northern has some serious internal problems, that it has not worked out over time very well, and those problems relates to what happens to minorities at that institution. And I would suggest that before they begin to come before this General Assembly and

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ask for this kind of change, that they'd make a serious attempt to clean up their own act. I would suggest that they could get to the merchants who are in that community, to get the support that is needed to make that atmosphere comfortable for minorities in -- in an institution that is admittedly good. Until that happens, I would rise in opposition to a move such as this. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Ladies and Gentlemen, this -- this issue goes way back. Before reapportionment, when I still represented the City of DeKalb and Northern Illinois University. Northern was trying at that time to -- to have their own separate board. And I opposed the idea then, and I think we should oppose it now. Basically, what this is going to do, as far as we're concerned, is increase competition here, between Southern Illinois, the University of Illinois, Northern Illinois University and all the rest of them. And I submit to you, that we should not allow that to happen. I think, Senator Newhouse has made the best argument - that as far as management of the universities is concerned, we do better by leaving this university under the general management of the Board of Regents. Certainly, if we allow Northern to get out, we're going to have to allow Illinois State to get out. Where will that leave Sangamon State? Are they going to have -- as a small university, they're going to be out there having to hire their own lobbying people, they're going to have a host of people around the Legislature to lobby for them? I think this is a step in the wrong direction, and would oppose the bill.

PRESIDENT ROCK:

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

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Thank you, Mr. President and Members of the Senate. I rise too, in strong opposition to this, this Senate Bill 1, instead of 100. I rise in opposition. I think that possibly we ought to be looking at the governance of all of our universities, and I would support Senator Welch, and those of you, Senator Schaffer, who favor this. I would support -- be willing to -- that we have a look at the governance of all of the universities, not try to fragment it by one at a time. I might remark just in closing, that the best thing that Governor Walker did during his four years in Governor was veto a bill that Senator Sam had, that would separate Southern Illinois University campuses. So I wanted to point that out, that it has been tried before, and wasn't successful. And, I'd urge a No vote on this, and that we join together and have a -- the Board of Higher Education, and perhaps a legislative look at the -- at the governance of all the universities. Maybe we need less boards. Maybe we need more. But we ought to look at it instead of fragmenting it. Thank you. I urge a No vote.

PRESIDENT ROCK:

Thank you. I have now five volunteers to move the previous question. Six, seven, eight, nine, ten, eleven, twelve, we're ready. Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. Just let me say, in closing, that we're not trying to be a second University of Illinois. We just want to be ourselves. We think that a university that's the second largest in the State, with its own law school, with twenty-five graduate degree programs that's separated by geography from all of the other institutions in the State, should be recognized for its individuality, should be recognized for its ability and competence. It's got one of the best-rated accounting departments in the nation. I would urge an Aye vote on this bill.

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PRESIDENT ROCK:

Senator Kelly, for what purpose do you arise? All right. Question is, shall Senate Bill 1 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 35 Ayes, 24 Nays, none voting Present. Senate Bill 1, having received the required constitutional majority, is declared passed. Senate Bill 3 was on the Recall. Senate Bill 5. Senator del Valle. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, I believe I heard you say earlier about limiting our debate and...

PRESIDENT ROCK:

Within reason we're going to -- we're going to attempt to...

SENATOR KELLY:

Okay. This issue that Senator Welch just had. If I recall, this is about the third year in a row we've had the same issue. I've heard the same speeches, and I can't believe that we have to go through a long debate on an issue that's been before this Body so many times. So let's get with it. Let's move along expeditiously.

PRESIDENT ROCK:

We're going to write that down, Senator Kelly, so that when you get up later I'm going to read it to you again. All right. Senate Bill 3 was on the Recall. Senate Bill 5. Senator del Valle. On the Order of Senate Bills 3rd Reading, the top of Page 3 is Senate Bill 5. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 5.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. Senate Bill 5 prohibits the sale or lease by for-profit business of a videocassette with a rating of X to a person under eighteen years of age, and prohibits the sale or lease of a videocassette with an R rating to a person under eighteen without parental consent. This bill does exempt libraries, schools and universities. Individuals under eighteen will still be able to rent or purchase R-rated videos, but it would be done with the consent. The video stores do fill out membership forms, and many of them already practice what we are talking about here. They will not rent an R video -- an R-rated video to a minor, unless there is consent from the parent. It's extremely important that we be very careful with what our children are being exposed to. The Department of Corrections indicates that kids ages twelve to sixteen are committing more and more aggressive crimes with handguns, sexual crimes, armed robberies. And while in the past, eighty percent of juvenile delinquency involved property crimes, today sixty percent are property crimes. So the other crimes are increasing and we feel that -- and studies have indicated that there is a correlation between what youngsters are exposed to at an early age and their violent behavior. I'll be glad to answer any questions.

PRESIDENT ROCK:

All right. Discussion? Senator Keats.

SENATOR KEATS:

Quick question. Why have you -- excluded colleges and universities? What's good for the goose is good for the gander. Why are they separated out?

PRESIDENT ROCK:

Senator del Valle.

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SENATOR DEL VALLE:

Well, because there are -- are some films that -- that are R-rated that are actually educational films, but because of some language -- language, et cetera, they would be R-rated. And by allowing libraries -- libraries actually view these films. Libraries are not going to put out any kind of film, and -- or teachers are not going to assign just any film for viewing for students. So there is control in the library system and in the school system, whereas, in a video store there is no control.

PRESIDENT ROCK:

All right. Question is, shall Senate Bill 5 pass. Those in favor, 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 46 Ayes, 5 Nays, none voting Present. Senate Bill 5, having received the required constitutional majority, is declared passed. Senator Brookins. Senate Bill 6. Senator Newhouse, for what purpose do you arise, sir?

SENATOR NEWHOUSE:

Mr. President, again, I got a switch problem. I want to be -- want to be in the record as -- as -- I intended to vote...

PRESIDENT ROCK:

The record will so reflect.

SENATOR NEWHOUSE:

...Aye on that bill.

PRESIDENT ROCK:

I can only suggest that you... On the Order of Senate Bills 3rd Reading, Senate Bill 6. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 6.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. What this bill will do is make permanent supervisors and judges on our board of elections so that -- and -- in our precincts at election time so we'll know that they'll be open on time; that the people there will be trained and intelligent about the voting mechanism. And I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. No debate. Good bill. Vote yes.

PRESIDENT ROCK:

Question is, shall Senate Bill 6 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 6, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 7. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. What this bill does, is require motorcyclists to wear helmets, under eighteen. Eighteen and under, their passengers and -- and the operator must wear a

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helmet. I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This bill was on the original Agreed Bill List and I asked for it to be removed, 'cause I do think it requires some deliberation, and I appreciate the sponsor in giving us that opportunity. He has softened the impact of the legislation by making it eighteen -- under the age of eighteen, but they still -- but -- sixteen-year-olds can get their license to drive a motorcycle. So you got a sixteen - seventeen-year-old, driving a motorcycle with a helmet on. Now -- I understand what he's trying to do, and it -- for young people, maybe this is something that ought to be done. And even the motorcycle association feels that -- they don't have a lot of opposition to this, but they certainly don't support it. But what happens is, when you're wearing a helmet, driving a motorcycle, there are some problems. There -- there's problems in seeing. Sight problems at the intersections. There's problems with the weight of the helmet. There's been -- it's been proven that the weight of the helmet has contributed to neck injuries. There is heat; helmets are very hot in the summer, which could lead to fatigue. There's hearing problems. An individual has problems hearing when they're wearing a helmet, so these are not necessarily a safety feature. And I just think it ought to be up to the individual to decide for themselves, if they should be wearing a helmet or not. I urge No votes. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDENT ROCK:

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Sponsor indicates he will yield. Senator Woodyard.

SENATOR WOODYARD:

Senator Brookins. This applies only to motorcycles?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Motorcycles, mopeds, and those pedal bikes...

PRESIDENT ROCK:

Senator Woodyard.

SENATOR BROOKINS:

...others other than motorcycles...

SENATOR WOODYARD:

Is this bill different from the bill that passed the House?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

It is identical to the one that passed the House.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

It's my understanding that that bill does not apply to any mopeds or scooters. And those vehicles certainly travel at 35 to 40 miles an hour. Also, this bill does not apply to snowmobiles.

Is that correct?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

It does not apply to -- to motorcycle -- and what you said is essentially correct - it is a little different than the one that passed the House, in that this has the pedal -- pedal bikes or...

PRESIDENT ROCK:

Senator Woodyard. All right. Further discussion? Senator

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Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in support of this bill, and I'm one of those persons who did not feel that adults should be forced to wear seat belts inside of a car. But this is a -- a little different story, as it relates to safety, and it impacts upon all of us. Because it's so easy to injure someone on a motorcycle if you're driving behind that person with a very -- just a small impact or no impact at all, the wind almost can blow some of those people off of the motorcycles and they fall on the curb, hit their heads against the streets, and then you are in serious trouble if you don't have the necessary insurance to provide for the coverage for the protection of that -- the health and other kinds of damages that that person can sue you for. So I think this kind of bill protects the interests of the public. And I think we should pass it.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I'll make my comments brief. I would suggest to the Senator who said that individuals have problems seeing with helmets, that he consider the people that are going around Indianapolis this weekend at two hundred and twenty-five miles an hour. And as to the issue, they don't seem to have any problem seeing. And as to the question of weight on your head - if you've ever driven a race car, you'll find that the G forces are -- are pretty extensive in a turn, and that doesn't bother them either. I rode a motorcycle for a year, and was on the road on a motorcycle. I wore a helmet. I've been down on a motorcycle. The first thing you ought to say to yourself when you buy a motorcycle is you're going to fall down on this thing, and you should have a helmet on. The only objection I have to this

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is that when an individual receives a brain injury, who takes care of that individual? We do. We do. That's the only problem I have with this bill. If they had insurance to cover that instance, I'd vote for this.

PRESIDENT ROCK:

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I too, rise in opposition to Senate Bill 7. But I'd like to call the attention to the Members of Senator Watson's comments in opposition; I think they're totally erroneous. As a motorcycle operator and owner, I can tell you that helmets play a very important role in operating that motor vehicle. But I rise in opposition the same way I rose in opposition to mandatory seat belts in automobiles. It should, in fact, be the choice of the operator. Government should not take that step farther and mandate that safety equipment be provided. I think, frankly, you're crazy to operate a motorcycle in the State of Illinois or anywhere in the world, without a motorcycle helmet. But that should be the decision of the operator, not the decision of government. And, I think Senator Watson's arguments may weaken some of the opposition. But I rise in opposition as well.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

The concern I've had expressed to me about this bill - and I don't want to prolong debate - is that it's pretty difficult for a -- an officer of the law to gauge somebody's age, particularly when they're wearing a helmet. The -- the other day we had a young lady here who was Miss Illinois something or other, and I know Senator Watson and I were amazed to find out that she was a freshman in high school, meaning she was fourteen or fifteen.

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Frankly, she looked considerably older than that, and you see, these young people around here now who are pages and you talk to them and you discover what their ages are -- I at least - maybe I just don't have ability to gauge people's age. So, I guess my question is - and I think the sponsor can answer this at some point - is does this authorize the police to pull over any relatively young-looking person with a motorcycle - which, with a helmet on, I guess it could mean just about anybody - and say, "Let's see your ID." I'd be a little concerned about that kind of a power, and I don't think that's what the sponsor intends, but I think that might be one of the side effects of this bill. Although I agree with the previous speakers - I think anybody who operates a motorcycle probably ought to have a helmet on - but I also agree with Senator Zito - should be a matter of individual choice.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Brookins may close.

SENATOR BROOKINS:

In answer to one of the questions, before you pull someone over, you must have reasonable cause to pull them over, to answer your -- your question, Senator. And secondly, if you're wearing a helmet, you've already complied, so they would have no reason to pull you over, for that anyway. Let me just say this: why should we legislate this? Because it costs the State big money. The average hospital stay for -- for an injury -- of a head injury is tremendous, and the cost is tremendous. We're talking hundreds of thousands of dollars for one individual that the State is going to pick up the cost on. Forget saving the lives. If you're not interested in saving somebody's lives, brother Zito, that's fine let's not worry about saving the life. But I would say to you, let's worry about the big dollars that we spend on this. Yes,

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it's your right to go and not to wear a helmet. It's also your right to use drugs, put a pistol to your head and blow your brains out, that's also your right. But it's my right to protect the big bucks of the State of Illinois and the citizens here in the State of Illinois, and I pass as an Aye vote for it.

PRESIDENT ROCK:

Question is, shall Senate Bill 7 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 32 voting Nay, 1 voting Present. Senate Bill 7, having failed to receive the required constitutional majority, is declared lost. Senate Bill 10. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 10.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 10 relates to the collection of defaulted student loans. It does two things. Number one, it sets up a Reciprocal Enforcement Act, so that if a person gets a professional degree in Illinois, such as being a dentist, doctor, et cetera, goes to a separate state, such as Iowa, Iowa can withhold the license from that individual when he tries to renew it, because he hasn't repaid an Illinois student loan or made an arrangement to repay it. Similarly, should Iowa enact a similar law, if a professional occupant comes to Illinois, tries to practice a profession, Illinois could withhold that license until an agreement was entered into with his home state. It also allows for the collection of loans from lawyers who are in

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default by withholding their registration as well. A provision that was objected to in committee concerned withholding the driver's licenses of students who didn't repay loans. That has been completely removed from this bill. I'd be glad to answer any questions.

PRESIDENT ROCK:

All right. Ladies and -- if I can have your attention, WCIA-TV has requested permission to shoot some film. Without objection, leave is granted. Discussion? Discussion? If not, the question is, shall Senate Bill 10 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 10, having received the required constitutional majority, is declared passed. 11 was on the Recall. 17. Senator del Valle. On the Order of Senate Bills 3rd Reading, Senate Bill 17. Read the bill.

SECRETARY HAWKER:

Senate Bill 17.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. Senate Bill 17 requires election authorities to provide written response for denial of request for appointment of deputy registrars. It establishes criteria for consideration of the need to appoint deputy registrars to assist and facilitate the registration of individuals, including non-English-speaking persons, and requires elections authorities, as a general rule, to appoint as many deputy registrars as are requested by a civic organization.

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Current law requires election authorities to appoint a reasonable number, and what we've found in some counties -- it was that the deputy or the county clerks were assigning a very low number of deputy registrars to civic organizations and other organizations. And treating everyone the same, regardless of the need that existed. This basically establishes a criteria, and it still allows the county clerk to determine the final number, but it says that the criteria has to be observed before final determination is made. And it also indicates that the county clerk or board of election commission shall -- shall not fix an arbitrary number of registrars applicable to every civic organization requesting appointment of its members.

PRESIDENT ROCK:

Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator del Valle. How would you how would you describe "reasonable," in effect with this bill? "Reasonable" amounts?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, that's why we established a criteria to -- to include the -- the consideration of the population of the jurisdiction, the size of the organization making the request, geographic size of the jurisdiction, public convenience, existing number of registrars in the jurisdiction, registration activities of the organization, and the need for deputy registrars to reach out to non-English-speaking individuals that want to register. We had a situation in Will County, where the county clerk determined that

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an organization there could only have two deputy registrars - an Hispanic organization. That made it very difficult for Hispanics to register, because of the need to have bilingual deputy registrars that would go door to door. This bill addresses that problem and the problem that has been identified in other areas. So I think that responds to your question.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Well, Senator, this doesn't seem to be a problem in Cook County. That's correct. Just only in Will County. Is that -- is that right?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

In Cook County, I -- I have not heard of any instances where there was a limit placed on the number of deputy registrars.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Well who want -- well who wants this? Isn't this matter currently being handled in the U. S. District Court?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

There was a -- a lawsuit filed by the Mexican-American and Legal Defense and Education Fund, yes.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Well, then I think the courts had better -- be better handled in the courts, and I think we should just vote this down.

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PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, I don't think we belong in the courts. I think this is a Legislative Body, and I'd rather see us legislate than the courts legislate. And -- and the instance that did happen was in Will County. I have a large Hispanic group in my area, and the clerk would arbitrarily and capriciously refuse to grant more people to register. We ought to register as many as we want. We shouldn't be afraid to register people to vote and this -- this bill helps do that.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, WAND-TV also has requested to permission to shoot some film. Without objection, leave is granted. Further discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Raica.

SENATOR RAICA:

Senator del Valle. When you -- when you mentioned during your -- your speech, about the bilingual deputy registrars that will come out to the home, are we talking Polish, German, or what nationalities are we talking here?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

We are talking about every nationality.

PRESIDENT ROCK:

Senator Raica. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I don't know what the big

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deal is. It just simply says that appoint deputy registers -- registrars to facilitate the registration of non-English-speaking individuals. I don't think anybody ought to be against that. I rise in support of it.

PRESIDENT ROCK:

Question is, shall Senate Bill 17 pass. Those in favor, 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 31 Ayes, 27 Nays, none voting Present. Senate Bill 17, having received the required constitutional majority, is declared passed.

PRESIDENT ROCK:

Senate Bill 24. Senator Netsch. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 24.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 24 is a September primary bill. I think we did a pretty good job of debating most of the pros and cons of changing the primary date, yesterday. I will point out the differences in this bill, so that you will know in what respects it differs from Senator Rock's bill, that we passed. I am aware of the fact, of course, that we did pass out one September primary bill, yesterday. In this bill, Senate Bill 24, number one, the September primary is permanent. It is not established just for the 1990 election. Secondly, I used the earlier Tuesday election date, and that was after years of negotiating with Representatives of the County Clerks Association

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and Boards of Election Commissioners. It gives them an extra week for a variety of the mechanics. I specifically provide that in any case where there is a conflict with the Jewish holidays, that a different date will be set, and that does in fact occur in one year. I provide for the electing of delegates to national nominating conventions in the presidential primary, by saying that every four years, in effect, there will be a special primary in May. And by the way, the voting hours would be the same as the regular election, because -- despite the fact that the bill was originally introduced with different hours. I think those are probably the most significant differences. The main thing that is -- that this is a permanent September primary, and I guess you're either for it or you are against it. Let me make one point. Two points, briefly. One is that this has never been a partisan issue in the past, and I can illustrate that by simply looking at the last one of the most recent roll calls on a September primary when the Senate passed it out of here 36 to 19, with 16 Republican votes, including Senator Barkhausen, Senator Davidson, Senator Dudycz, Senator Geo-Karis and so forth. It has not been a partisan issue and it really should not be. This is another -- secondly, while we have already passed out one bill, who knows what the House is going to do with anything involving elections. Strange and wondrous things happen over there sometimes. It seems to me that it is important that we keep telling the House that we do want to change the primary date. And I think this helps to make that point very strongly. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of this bill. As I go around my district, voters almost unanimously favor this idea of shortening the cycle of election campaigns, and I would urge an

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Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President and Ladies and Gentlemen of the Senate. I too, have gone around my district and they're tired of all the rhetoric, and I said the other day I would support it. It was a clean bill and it was September primary constantly, and I support -- and rise and support the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

I see the train a coming, coming down the track. Senator -- Senator Netsch, since we passed Senate Bill 1000 yesterday, I think yours is a much better bill. It's for all elections from now on, and I think we should all support it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I think yesterday I unsuccessfully made some extremely intelligent arguments against this September primary, so I won't repeat them; I just hope everyone will remember them. I am somewhat amused that some of the rhetoric used against the May primary bill that I had, is not being used against the May primary bill that is included with this, in presidential years. And obviously, by creating not one, but two - in effect - primaries in the presidential years, we have created an atmosphere of endless campaigning. I mean campaigning will never stop, from November through, and some of the eloquent arguments of the President of the Senate - who is absent, regrettably, when I need an ally - I think would be very cogent on this one. They're literally -- in presidential years, the people of Illinois would not be safe to

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open their doors, for fear of running into someone trying to hand them a piece of literature or call them at home. I'm not going to beat a dead horse, but I really think we ought to think twice about these September primaries.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson. (machine cutoff) Senator Hudson. Further discussion? Further discussion? If not, Senator Netsch, to close.

SENATOR NETSCH:

Just very briefly. The campaigning for delegates to a national convention is of a very different order from a general primary campaign, Senator Schaffer. You're not talking about the same ball game. It's another chance to say, "We want to shorten the period between the primary and the general election." I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 24 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 Aye are 37, 15 voting Nay, 2 voting Present. Senate Bill 24, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, in the middle of Page 3, is Senate Bill 25. Senator del Valle. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 25.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR DEL VALLE:

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Thank you, Mr. President. This bill would allow an individual, in -- in a lawsuit, by the ISSC, to use the defense -- let me backtrack -- in a lawsuit by the ISSC, against a person defaulting on a guaranteed student loan, the borrower may assert the same defenses against the commission that the borrower would be entitled to assert against the institution of higher learning that received the proceeds of the loan. Because the ISSC, as a guarantor of the loan, ultimately sues to collect the loan, the student borrower should explicitly be allowed to assert all relevant claims and defenses. The possible defenses available to student borrowers arise generally through conditions made by no fault of the borrowers themselves. These defenses would have to be presented and proven, just as other legal defenses would be. As stated, the bill would allow student borrowers who receive nothing for their loan, due to fraud, bankruptcy or the closing of the school, the opportunity to present defenses in the subsequent legal action.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR KEATS:

Now is this just for private schools, or is for loans for all institutions?

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR DEL VALLE:

This is for any student that has a loan through ISSC. But the intent here, clearly, is to get at -- at -- at the problem that we know a great deal about, and that is the proprietary schools, the

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for-profit proprietary schools that do not deliver, and that leave students with no education and a loan that many times they cannot repay, because they can't find employment, and because they haven't received the training that they were promised, which makes it difficult for them to find employment.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

I don't have any trouble with that part of the bill. But this bill applies to everything. This is like running an elephant through a china shop, because you didn't like one thing in it. Is there somehow you can maybe limit this bill a little bit? I mean, you're talking about, basically, every student who doesn't finish school, is going to be able to say, "The devil made me do it; don't blame me." I don't think we want to get into this. It defeats what Senator Welch and others have done, just a moment ago, trying to pass a bill that says who ought to be able to collect this money.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. I think, Senator del Valle, you have a good bill -- or you have a good idea to protect students against unscrupulous proprietary schools, but I understand this isn't the way to do it. We need to find some other way to do it. The Scholarship Commission says that your bill is in direct conflict with federal laws, and that they cannot comply with the provisions of the bill that you have, because it would jeopardize all of federally funded scholarship money and -- and so I'd urge a No vote, and let's attack the problem some other way. I agree that there is a problem with proprietary schools, as Senator Keats said. But this is not the way to do it. I'd urge a

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No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. It's with great reluctance that I stand in opposition to this. I -- you -- you're using a cannon to -- to kill a fly. We -- we've have passed legislation aimed at proprietary schools, and if there are ripoffs, we ought to get -- address them. This bill undercuts all of the law regarding collection of student loans. It is a embarrassment as it is, with millions - if not hundreds of millions - of dollars being owed and not collected. This will compound that problem, and I don't want to go into negotiable instrument law, but what you're doing is putting the Illinois State Scholarship Commission in a terrible hole as far as being able to collect any loan, from any student, within the framework of this bill. I think that we ought to find a different vehicle and address the proprietary schools, and if they defraud in the loans, they ought to be nailed. But don't -- don't kill the Illinois State Scholarship Commission's attempts to collect on defaulted student loans. I've got to vote No on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator del Valle, to close. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I will be more than glad to tighten this up -- this bill up, in the House. We can look at it. The ISSC has indicated that the Federal Government is moving in this direction, and so I think at some point, we're going to end up with either this legislation, or something very similar to it. The ISSC indicated that the default rate is about 4.9 percent. I think we're talking about a small group and a group that's even

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smaller within that group, because we're trying to zero in on the proprietary schools. The fly-by-night operations. And I think that if we're really going to get serious about savings taxpayers' dollars and protecting the consumer, the student, then we ought to move in this direction. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 25 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? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 15, the Nays 43, 1 voting Present. Senate Bill 25, having not received the required constitutional majority, is declared failed. On the Order of 3rd Reading is Senate Bill 26. Senator Rigney. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 26.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

Mr. President, under current law, a county with population over one hundred thousand and under one million, may establish a county mental health program within their county health department. All that this bill proposes to do, is to knock out that lower level, so that all of the smaller counties in the State will be able to have the same program. There's a cap of a five-cent levy on this, and a frontdoor referendum.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 26 pass. Those in favor will vote Aye. Those

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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 2, none voting Present. Senate Bill 26, having received the required constitutional majority, is declared passed. On the Order of 2nd Reading is Senate Bill 32. Senator Smith. On the Order of 3rd Reading is Senate Bill 32. Senator Smith. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 32.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. Senate Bill No. 32, as amended, required that the State amend -- minimum wage rates shall never be less than the federal minimum wage. The amendment provides that the State minimum wage will be the same as whatever minimum wage federal law sets, unless a higher rate is established by the General Assembly. This compromise with the business community will insure that the Illinois minimum wage will be exactly the same as the federal rate but will it also allow the General Assembly to increase the State rate, if it chooses to do so at a later date. I ask for your approval.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in opposition to this - what I'm going to call response to the -- but before I do that, Senator Smith, I want to compliment

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you on doing what I think you feel is the best you can do, under the circumstances, concerning the -- concerning the federal aspect of this whole thing, et cetera, et cetera. So I think you've tried in good faith to do the best you can on the bill. I still rise in opposition, because I think we're being asked here today to respond to what I would call a federal -- federal initiative. Starts there, on the banks of the Potomac - what I would call a wage earners' steroid bill - and every now and then, we periodically inject a -- a shot of this in the -- the arm of the body economic in this country. And I don't think that necessarily, because Congress does something -- the argument seems to be that Congress has done it, so there we are. And maybe we are. Maybe there's very little we can do about this. But I think we can at least make some points. We don't have to take it without a whimper. And I think this is going to have some side effects, and it ends up hurting, I believe, those very people that we think we are helping the most, and that is the entry-level, low-skilled wage earners. Economists tell us that there are some 2.6 million, at least a year or so ago, who now earn three -- three dollars and thirty-five cents an hour. And many of those are going to lose their jobs as a result of this. Now this is Congressional action right -- it starts there. But the Congressional budget office estimated some short time ago that the number of unemployed, as a result of this, could be as high as five hundred thousand. What the impact on Illinois would be, I don't know for sure. But a point I will try to make, and as briefly as I can, and that is that I don't feel that the minimum wage can be considered in a vacuum. It has to be considered in conjunction with all the other well-intentioned bills that we pass around here and we pass in Washington. Mandated parental leaves, and mandated health insurance, and safety and environment bills, and day care bills - all of those things that impact on the

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employer. And when all is said and done, what it does is add to a wage-driven inflationary spiral, and inflationary pressures, and I think we're going to feel the effect of this. These young people - most of them that this will affect - are from sixteen to nineteen years old, and -- and -- okay, I will close shortly, Mr. President. But I go into my local McDonald's and here these young -- young kids are working away, and they're working probably at the minimum wage. I don't know for sure. But it's going to impact on them and many of them are going to lose their jobs as a result of this. Now having said that, I've -- I've made my point. I just feel that we do not have to necessarily respond favorably every time the feds say we're going to do this - and keep in mind the President has said he's going to cut this back some. So we don't yet know. We may be in advance of where we should be. So let's at least wait and see what the federal minimum wage is going to turn out to be, before we rush into this action. And I would urge a No vote, at least for today, on this measure. There will be time enough in the future, if you want to increase it. But for today, why not vote No?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President and Ladies and Gentlemen of the Senate, I echo the sentiments of Senator Hudson. Since this bill is being debated right now, and was debated in Congress, let's see what the President's going to do. Let's see what they come out with, because eventually we're going to have to probably make our own the same as -- and I think we should wait. And therefore, I'm sympathetic, and I have the highest respect for the sponsor, but I am going to vote Present.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I'm really a little bit surprised. This is a compromise amendment that came from that side of the aisle. And -- and Geo, this bill does exactly what you said. This bill allows that we follow the federal guidelines. If the feds do nothing, we do nothing. If the feds put it on, we put it on. I think this is a tremendous amendment. You know -- and -- and we're getting into the merits of whether there should be a minimum wage bill or not, and I think that we have to remember that the minimum wage has been increased eight times in its history. And, by golly, I don't think it's a bad idea that it be done now. But we're trying to be -- in an assistive mode, in order to help this bill get out in -- in a fashion that we can all agree with. And I stand in strong support of this piece of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR SMITH:

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

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 32 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 38, 18 voting No, 3 voting Present. Senate Bill 32, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 38.

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Senator Welch. Senator Welch on the Floor? Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 38.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 38 is an -- an attempt to save funds for energy conservation purposes. What we're trying to do is reduce the operating costs in government buildings, by passing this bill. The idea behind this bill is that the State utility bill is over one hundred and twenty million dollars for Fiscal Year 1989. What we see by this proposal is cost reduction potential between 20 to 40 percent. The way this will work is that once in effect, bonds will be issued for the purpose of retrofitting existing State programs as well as -- existing State buildings, as well as future State buildings. Additional bond funds of ten million dollars that go for...

END OF TAPE

TAPE 2

SENATOR WELCH:

...public schools' refitting. Revenue bonds will be issued for local government. The program will be run by the Energy and Natural Resources Department, not by a separate agency, as originally was in the bill. What we are doing also is targeting new State constructions as well as retrofitted constructions. The

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potential reduced government operating costs is very high with this program. And it establishes an interagency coordination mechanism with accountability to the Governor and General Assembly for energy costs management. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Macdonald. (machine cutoff)
Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Because of the increase -- substantial increase of the General Obligation Bond Authority, I would like to -- request of the Chair an opinion whether or not this bill requires a three-fifths vote?

PRESIDING OFFICER: (SENATOR LUFT)

(machine cutoff) The Chair's -- the Chair is ready to rule that this does not increase State debt. These are local bonds and they're General Revenue Bonds, and therefore requires a 30-vote majority to pass. Senator Macdonald.

SENATOR MACDONALD:

Well, Mr. President, I've -- you know, I -- I certainly am very sympathetic with the goal of the sponsor of this bill, and I -- you know I -- I, too, think that there probably, in time, has to be something done. I am concerned about the cost of this program at this particular moment, before we know where the taxes increases are or are not going to be imposed, and so I -- I'm not sure that I oppose the bill, but I -- I have a very substantial concern over the potential cost of this, eventually, to the State.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Welch, to close.

SENATOR WELCH:

Thank you, Mr. President. Let me just say that there -- is

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really not going to be a bond cost, because what's going to happen is the bonds will be paid off by the money saved, due to energy conservations from poorly sealed buildings, basically. This bill is going to save the State money, and I think it's a good bill. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 38 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 30, the Nays are 22, 3 voting Present. Senate Bill 38, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 39. Senator Welch. On the Order of 3rd Reading is Senate Bill 39. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 39.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill had been on the Agreed Bill List and got knocked off, but what it does is this; the Illinois State Scholarship Commission is allowed to forgive repayment of up -- of ten percent of the student's guaranteed loan for each year of teaching service, up to fifty percent of the loan, provided the student receives a teaching degree for high school mathematics or science, and teaches in the State of Illinois. I would move this bill, because we are trying to stimulate the teaching of math and science in the State. Math and science teachers are -- are in short supply, and the idea here is

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to increase the number in the future.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you very much, Ladies and Gentlemen of the Senate. I reluctantly rise in opposition to the bill. I -- I appreciate what the Senator is trying to do here, trying to encourage more competently trained young men and women to become teachers of math and science in our schools. That's something that we need to do. My concern is with the -- the mechanism that is established within this bill to achieve that particular objective. I can easily understand why the State Scholarship Commission is opposed, because the recordkeeping component of this bill is rather considerable. In addition, if this program works at all, it's anticipated that the annual cost to the -- to the State will be approximately a million dollars. But one of the things that concerns me most of all is that the State agrees here to pick up part of that student loan obligation. Suppose we decide, in our wisdom, one year that we're not going to fund that line item, and let me remind you that we're -- we have been known in the past, not to fund particular scholarship line items and I'm thinking particularly about the merit recognition scholarships. If we don't fund those, then some of these students will be in default on their loans, and they will -- they won't even know about it until someone is -- drag them into court, trying to collect for a bill that they thought had been paid. So I -- I rise in opposition to this bill, in hopes that we can find another -- a better solution to the problem.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

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

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rise in opposition for the same reasons outlined by Senator Etheredge. I can foresee if -- if we didn't appropriate the money some year, then the students are in default would be sued, because someone has to pay back this money. Costs of a million dollars a year is not much in our twenty-two-billion-dollar State budget, I suppose, but to have students who think they're going to be forgiven, and then for them to be sued, taken to court, because the Legislature didn't appropriate the money to pick up there tab, is just not the right way to do it. I urge a No vote, too.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Further discussion? Senator Welch, to close.

SENATOR WELCH:

Well, thank you, Mr. President. I'd just like to say that, you know, we pass an awful lot of laws around here that raise fees for students. Yesterday, I think we passed a bill raising computer fees at the University of Illinois, on students, by four hundred and thirty-five thousand dollars. The cost of this bill is seven hundred thousand dollars. I think it'd be nice to do something for students once in awhile. Every year they have their tuition raised. It's going up and up. The idea here is not just to help the students, it's going to help the school kids in the State of Illinois. We're trying to compete with Japan with science and mathematics, but we don't have the teachers to do it, let alone the students. Unless we start now, by planning for the future, we're not going to be able to compete with Japan. We have to be -- we are in competition, and this bill recognizes that. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 39 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

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that question, the Ayes are 27, the Nays are 28, none voting Present. Senate Bill 39, having not received the required constitutional majority, is declared failed. On the Order of 3rd Reading is Senate Bill 41. Senator O'Daniel. Out of the record. On the Order of 3rd Reading is Senate Bill 43. Senator Marovitz. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 43.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. In an effort to move the process along and set the way, I'd like to take Senate Bill 43 out of the record.

PRESIDING OFFICER: (SENATOR LUFT)

The bill will be taken out of the record at the sponsor's request. At the bottom of Page 3 is Senate Bill 46, on the Order of 3rd Reading. Senator Smith. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 46.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With my colleague, I agree to take this out of the record, and go along with the...

PRESIDING OFFICER: (SENATOR LUFT)

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All right. Senator Smith asks leave - take it out of the record. We're moving to the top of Page 4. Top of Page 4, on the Order of 3rd Reading, is Senate Bill 47. Senator Smith. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 47.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 47 would require every accident and health insurance policy which provides maternity coverage, shall provide maternity coverage for any person covered by that policy. And this is already mandated by -- and a current practice of the insurance company. And so I go along with -- ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

She indicates that she will yield.

SENATOR SCHUNEMAN:

Senator, who are you trying to help with this bill? Who is not covered now that you're trying to cover in this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

We're trying to relieve some of the families and some of the expense that the teenage -- with teenage pregnancies. They automatically have the insurance.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, are you talking about -- under -- under this -- traditional health insurance policy, if people buy an individual policy, they have an option as to whether they want to cover maternity or not. So in most cases, the families already have that option. Are you talking about getting maternity coverage for -- for example, a teenage -- teenager in that family, an unmarried teenager in the family, who would not normally be expected to be pregnant, but maybe...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Senator Schuneman. It's if the mother is covered with that insurance policy, her daughter would be covered too.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I know that. And so I don't understand the purpose of the bill. Who is it that you're trying to get covered that isn't covered now?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

All we're trying to do is to put some teeth in it to remind that the child has that option of being covered, in the event that she becomes pregnant. The insurance is covered. It's already mandated with that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

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Well, to the bill, Mr. President. I think what the Lady is trying to do is already done. So I'm not quite sure what it is she's trying to accomplish. It probably doesn't do any great harm to pass the bill. But I don't think it does any good.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Smith, you wish to close?

SENATOR SMITH:

Thank you, Mr. Chairman. Senator Schuneman, and to my colleagues, this is being done in practice. We merely want to put it into law. That's all we're trying to do. It is being done -- so I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 47 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 37, the Nays, 20, 2 voting Present. Senate Bill 47, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you seek recognition?

SENATOR WATSON:

Yes. Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR WATSON:

Mr. President, in the gallery, on the Republican side, we have the seventh and eighth graders from Sorento, in -- located in Bond County, in Senator Demuzio's district, located on the other side over there, and we certainly want to welcome them. And Mr. Young and Mr. Cameron are with them, and we want to welcome them here to Springfield.

PRESIDING OFFICER: (SENATOR LUFT)

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Will our guests please rise and be recognized by the Senate, and welcome to Springfield. The top of Page 4, on the Order of 3rd Reading, is Senate Bill 57. Senator Welch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 57.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is modeled on a bill passed by the Ohio Legislature and is now law in Ohio. What I'm trying to do with this bill is to impose a tax on the importation of waste in the State of Illinois, by trying to tax waste that is disposed of more than twenty-five miles from either the point of generation, or allow an exemption for disposal at the nearest landfill. The idea behind this is that you cannot tax waste from out of the State of Illinois, under the -- under the interstate commerce clause of the federal constitution. In order to do that, we have to have a uniform and rational basis for taxation that applies both within the State of Illinois and outside of the State of Illinois. By delineating a twenty-five-mile radius, as well as an exemption from that radius, for the nearest landfill for disposal, this bill will allow us to collect millions of dollars in taxes. I would be glad to try to answer any questions on the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise in opposition to this bill. The Municipal League is vehemently opposed to this bill. The

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Environmental Protection Agency is opposed to this bill. It -- it would certainly ultimately hurt those who are currently disposing of their garbage at the nearest disposal site, and I -- I think the administration of this bill would be -- really just be awesome, and I really -- I -- I really think that this bill is just not necessary at this time.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR LECHOWICZ:

Is there any fiscal impact to the City of Chicago on this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Well, I'm not sure where they dump their waste, but it's more than twenty-five miles away. I know that a lot of it is dumped on the south side. That would not be impacted; there would be no tax on that. If -- the answer is, Senator, if you dump it more than twenty-five miles from the point of generation, the answer is yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the Senate, unfortunately, I'm going to have to stand in opposition to this bill. Waste is a very serious problem, not only in the City of Chicago, but throughout this State. But if you're going to be imposing an additional tax, because the -- the site is located

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more than twenty-five miles, and I know as far as the amount of garbage that -- that and waste that's processed out of the city and out of the county, the cost to the taxpayer of Cook County would be rather excessive. I'm going to have to oppose this bill, reluctantly, and ask my friends and colleagues to do the same. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I too, stand in opposition. Many of the cities in my district are hauling twenty-five miles and more away from the city to dispose of their waste. They're looking to establish a regional landfill, but that's a lengthy, process, and we've not been able to accomplish it in Champaign County. So this would create an additional cost to everyone in the county for disposition of their waste to a landfill. It's -- I have no idea what it might cost, but I -- I don't think we're ready for this type of legislation yet.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator, I don't -- I probably wouldn't oppose your bill if this just addressed itself to out-of-State generators, but it seems to me, when we -- when a deal with an issue like this, we have to look at it as a Statewide issue and a Statewide problem. I think this once again regionalizes a very serious problem facing Illinois. I think Senator Lechowicz makes a good point, and other owners of municipalities do the same thing. Senator, I don't know whether you know this or not, but there are parts of the State where land owners are actively seeking - because of bad terrain and the possibility of making land more productive - they're

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seeking to make some of this land with a bad topography, a landfill. And so this has an environmental impact, too, and I think we're, you know, -- maybe we're working against ourselves here, and I just think that this a bad concept, and one that we ought not move forward, and I would urge rejection of Senate Bill 57.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I have some of the same concerns that Senator Maitland has. As you well know, there hasn't been a -- a new landfill that's been sited in Illinois now for a number of years, and I certainly don't have any difficulty with the additional tax on out-of-state waste, because it's my understanding that out of New York, you can come in here for like -- for twenty-five dollars a ton, when it costs like a hundred and fifty dollars a ton out there to -- to landfill. My question is, I'm not sure that my communities of Carlinville - or Macoupin County, shall I say - are within the twenty-five-mile radius of the -- of the landfill, and I'm not sure as to whether or not that was in -- that, in fact, would be closest landfill, and if it isn't, we're mandating it to go within the twenty-five-mile radius, and it just seems to me that perhaps, Senator Welch, if this bill were to pass, that you might want to grandfather in those existing contracts, perhaps.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR WELCH:

Well, thank you. As to Senator Demuzio's suggestion, I would have no problem with grandfathering in existing contracts. But let me just say that I think that those of you who have ever been to a landfill siting hearing or a meeting in your communities,

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know that people do not object to having a landfill for their own garbage. That isn't the issue. The issue is taking in garbage from out of the county, from other people, and becoming a dump site. Certainly there are people, Senator Maitland, looking for landfill space to create landfills; I've got a couple in my county. But they want to ship in garbage from seven hundred miles away. That's part of their plan. This bill will generate millions of dollars to help clean up the environment if we're forced to take that garbage. You know, it -- it seems to me that we should try to discourage the shipping of waste throughout the State of Illinois, and especially try to discourage the shipping of waste into Illinois. I'd like to have a bill that would just say waste coming from out of the State Illinois to Illinois is taxed at a high rate, perhaps a prohibitive rate. I can't do that. It's unconstitutional. I'd like to do it, but I can't. So this is the best we can do. A twenty-five-mile radius would -- would impact several States. It would stop the generation -- the importation of waste into Illinois, and we would stop being an importer State for this absurd commodity. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 57 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 15, the Nays, 40, 1 voting Present. Senate Bill -- 57, having not received the required constitutional majority, is declared failed. On the Order of 3rd Reading is Senate Bill 59. Senator Zito. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 59.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 59 is certainly not a new concept. We have heard this bill in the Senate twice before, and passed it out overwhelmingly twice before. What Senate Bill 59 attempts to do is correct what I believe are the most blatant form of double taxation in the State of Illinois. And that is to eliminate the double taxation on a customer's utility bill. Let me explain the situation that has -- is -- has been occurring and is occurring. If a utility company charges - we use the figure of twenty dollars a month - for a bill, the State of Illinois will impose that tax on that twenty-dollar principal of the bill. The municipality will come in and not only charge their percentage of tax on that twenty dollars, but they will include the State's tax in their final calculation. And so what we have is a tax on a tax. I think it's a very simple -- a very, very simple solution to a very complicated problem. And I can tell you, one of the single biggest questions I get back in my district is on this issue of a double taxation. I would once again ask for your support as you've done twice before, and send this bill to the House. I would ask for a favorable vote, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I understand that this will -- and I speak now -- I've already announced my conflict as mayor at the beginning, so I'll judge --

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and -- and vote my conscience. However, it says here the Department of Commerce and Community Affairs estimates at least an annual loss of -- to the municipalities -- of eleven million dollars, and - if you pass this bill - and the Illinois Economic and Fiscal Commission estimates that this bill could reduce municipal utility tax receipts by 10.4 million dollars in 1990. The City of Chicago could lose 6.3 million dollars, while the remaining municipalities, which have adopted municipal utility taxes, could lose about 4.1 million dollars. Municipalities are having it tough as it is right now, I can tell you that, so I don't know that this bill is so wise. I -- I would suggest that we take this out of the record and hold it for another time, because I do feel it will create a hardship.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Senator Geo-Karis, an amendment that Senator Zito put on Senate Bill 59 removes the exemption from the Mandates Act. There will be no cost to local governments directly. We will be paying for it, as we should. If we are going to remove the tax on tax, then we, as State legislators, ought to be willing to absorb the cost. It is not a huge amount, by the way, and Senator Zito's absolutely correct. This is something that the Legislature has -- or the Senate, at least, has passed on several occasions, because it is fundamental fairness.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President. To my friend, Senator Geo-Karis: I hope you're still voting with me, when I get done with my explanation. I hope I haven't lost your vote. But what Senator Netsch has told you is true. There was an amendment that said, "Well, we're not

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going to take this away from the municipalities, we at the State of Illinois are going to pick up the tab for this. About eleven million dollars." As I understand, about six and three-tenths million to the City of Chicago -- the balance to the downstate communities. A tax on a tax I guess isn't anything new, in that every time we pull up to the gas pump we do the same thing - we have the sales tax on top of a motor fuel tax. But aside from that, realize that a local -- municipal utility tax is an optional tax with that community. They're the ones that are enjoying the revenue from it, and it doesn't seem like it's quite fair to say, "Well, now we're going to go down to Springfield, and we're going to ask Springfield to ante up another eleven millions dollars in behalf of the various communities that are enjoying the receipts from this tax." So I think this is one of the unfortunate conditions where perhaps the amendment made the bill a little worse.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR ZITO:

Well, thank you, Mr. President and Members. Once again I -- I'm glad that Senator Netsch rose and corrected the concern that Senator Geo-Karis had. This will not cost local municipalities anything. Will not cost them anything. And in response to Senator Rigney's example of a gasoline tax, that's an add-on tax. That is not a tax on a tax. It is not something that is calculated on a principal and then a tax. This again, Ladies and Gentlemen - I'm sure you've heard this from your districts as well - it is the most blatant form of double taxation we have in the State of Illinois, and I hate to use this example, but I have heard from so many senior citizen groups that are on fixed incomes and are saying, "Look, we don't mind paying the utility bill, we

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don't mind paying the tax." But if we were serious about collecting those taxes, we would come back with an additional levy to raise that. Let's eliminate the tax on a tax, so it's explainable for all of us back in our districts. I would urge you to do what you've done twice before, and send this bill to the House. I ask for a Yes vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 59 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 48, the Nays are 9, none voting Present. Senate Bill 59, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 89. Senator Collins. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 89.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. At this time, I would just like to join some of my other colleagues who feel that some of these bills -- that the citizens can live without them, and -- and I'd like to Table at this time Senate Bill 89.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins asks leave to Table Senate Bill 89. All those in favor, signify by saying Aye. Those opposed. The Ayes have it, and Senate Bill 89 will be Tabled. On the Order of 3rd Reading is Senate Bill 90. Senator Lechowicz. Read the bill,

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please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 90.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank -- thank you, Mr. President Ladies and Gentlemen of the Senate. Senate Bill 90 started last year with the Federal Government requiring that there be a mandatory drug-testing program for people who are in mass transportation - the transportation industry. I got a call from Rostenkowski's office in reference to the UMTA regulations that were adopted in November of '88, and there was a concern as far as the possible loss of federal funds coming into the RTA system. I asked the staff to draft the proper bill to make sure that the State would comply with the UMTA regulations. The bill, as amended -- I know of no objection -- that's exactly what it does, to insure that the RTA Transportation System does not have any loss of federal funds. It's in compliance with the UMTA regulations. I know of no objection, as amended, and I move for its adoption, and ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Will the Senator rise...

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR BROOKINS:

Thank you. Senator Lechowicz, is this already, in any form, in the CTA program now, in Chicago?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

That is absolutely correct. It is -- it is in place in the CTA by a union agreement ratified by management and its -- and its employees. That's not the question. UMTA regulations and the wording of this bill specifically comply with the federal guidelines. The unions are not in opposition to this bill, as amended.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator -- I'm sorry. Senator J.J. Joyce.

SENATOR J.J. JOYCE:

Yes. A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR J.J. JOYCE:

What is this going to cost?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, if we don't pass it, it may cost some federal funds. There's no cost to it whatsoever. The language is that we comply with the federal regulations.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Joyce.

SENATOR JOYCE:

You mean this isn't going to cost us -- the State of Illinois a cent?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

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Senator Joyce, this is just to insure that we comply with the federal regulations, and that -- we would track for federal money. That's all this bill does.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR JOYCE:

Well, you mean then, that it's not going to cost the people in my townships that are in the RTA, that don't get any service from them. It's not going to cost them anything?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

They have a drug-testing program, a checking point now, by union agreement. That's being paid presently. What the purpose of this bill is -- so we don't lose any federal funds, that the language complies with the Federal Government. That's all.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR LECHOWICZ:

I understand that what you -- what your bill is doing is trying to track federal requirements. I guess my particular question is, does this bill, in and of itself, mandate drug testing for every employee, whether they have anything to do with health safety or not?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

No, ma'am, it does not. It just complies with the federal

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guidelines.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch. Further discussion? Further discussion? If not, Senator Lechowicz, you wish to close?

SENATOR LECHOWICZ:

I think we debated it. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 90 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? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays 2, 1 voting Present, and Senate Bill 90, having received the -- the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 93. Senator Smith. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 93.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If you look at the Calendar, this bill does exactly what is described. That the county clerk provides a pamphlet describing fetal alcohol syndrome with each marriage license.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Topinka.

SENATOR TOPINKA:

Well, yes, Mr. President, Ladies and Gentlemen of the Senate. Over and beyond the half-million-dollar impact this would have, I

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think - you know, although I understand what Senator Smith is trying to get at here, and I'm sure we want to alert high-risk populations, that, you know, alcohol and pregnancy, you know, can be a problem - there is nothing in this bill which would direct county clerks in having to pass out these pamphlets, for taking into account, age. As a -- as a for instance, I have an eighty-year-old widowed father, and he has a lady friend. Should he decide to get married, it will be incumbent on the clerk to make sure that this couple would get one of these pamphlets so that they might contemplate what the problems would be on alcohol and pregnancy in terms of their case. I don't think it's going to be a big problem for them as well as for other people. I think the other problem we have with this, is that there are better ways to go at this. I think liability becomes a question in here too. If one of these is not passed out, who would stand responsible, should indeed a child be born with this problem? I don't think this is the way to go at it. This bill really has a lot of problems.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Smith. I'm sorry. Senator Severns.

SENATOR SEVERNS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

The -- sponsor indicates she will yield.

SENATOR SEVERNS:

Will the expense be to the county clerk or to the State?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

It'll go to the county clerk.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR SMITH:

This bill has passed out of here as Senate Bill 772, with a vote of 46 to 7. It passed the House 104 to 3. And it was only vetoed because the Governor talked in terms of money. Now the Department of Public Health says that -- they say it would be about ten thousand dollars for the -- the printing of this. And the way we see it now, it would not cost that much money. This is a needed thing, and I'm asking that you give us a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is...

SENATOR SMITH:

It has passed the Chambers twice. Two years straight.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 93 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 33, the Nays are 25, 1 voting Present. Senate Bill 93, having received the required constitutional majority, is declared passed. Channel 19 from the great City of Peoria, asks permission to film in the Chambers. Is leave granted? Leave is granted. On the Order of 3rd Reading is Senate Bill 95. Senator Jones. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 95.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

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SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Bill 95 makes several changes in the Pension Code as it relate to several systems. It sets the minimum funding for State Retirement Systems; it -- for the General Assembly, as well as judges; requires State contributions to the State-funded Retirement System. It also has in here the minimum survivor for a GA -- General Assembly award shall be no less than three hundred dollars per month. It -- it has provisions as it relate to a surviving spouse of a police officer, may remarry without losing their entitlement of a survivor's pension; and if no beneficiary pension fund exists at the time of -- of the board election, the members of that board may -- may otherwise require to be elected from among -- amongst the beneficiaries shall be elected -- by and from the active participants. And also for the Chicago Police Department, it raises the minimum widow's annuity, and minimum retirement annuity. And it extends the -- acceleration of the automatic annual increase made to those who terminate employment for the effective date of -- of the Act that we passed in '85. I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The sponsor has, I think, adequately and accurately described what's in the bill. As pension bills go, this is not a really onerous bill. I think there are some changes in here that need to be made. This will keep the process moving. This bill, no doubt - or some of these provisions - will come back to us, so for my colleagues on this side of the aisle at least, I don't think that there's anything in here you need to be worried about especially.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Senator Keats.

SENATOR KEATS:

Just a little bit of kidding. We are putting in here a provision that protects contributions to the Judicial and General Assembly Retirement Fund from bankruptcy actions. Fine provision; I'm not opposed to it. The other day, when I had a bill that did exactly that for self-employed individuals, the Senate didn't think that was such a good idea. And the Trial Lawyers said, "Oh my goodness, you shouldn't offer that protection to those sleaze-bag crooks." Well, gang, if it wasn't good enough for those guys, why is it good enough for us? Hypocrisy can be embarrassing at times.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Jones, to close. All right, Senator. The question is, shall Senate Bill 95 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 51, the Nays are 4, none voting Present. Senate Bill 95, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 96. Senator Jones. Read the bill, please, Madam -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 96.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Senate Bill 96 amends various Acts regulating the health profession. It

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sets up a -- a evidence fund and the criminal fines collected under the Dental Practice Act and the Nursing Act, Optometry Practice Act, the Pharmacy Practice Act, Podiatry and Medical Practice Act and the Veterinary -- Medicine Act shall be deposited in the Professional Regulatory -- Regulation Evidence Fund. This is a department's bill, amended onto Senate Bill 96. I know of no opposition, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 97 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open...(machine cutoff)... Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 96, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of Senate Bills 3rd Reading is Senate Bill 100, Mr. Secretary. Let me -- let me just point out that -- 97, Senate Bills 3rd Reading, Senate Bill 97. At this rate, we will be here till three a.m. There's three hundred bills to go. Mr. Secretary, Senate Bill 97.

ACTING SECRETARY (MR. HARRY)

Senate Bill 97.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Senate Bill 97 is merely a vehicle bill to be used for some -- some changes we may need in the Insurance Act, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? If not, the question is, shall Senate Bill 97 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 97, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of Senate Bills 3rd Reading is Senate Bill 100, Mr. Secretary. Read the bill, please.

ACTING SECRETARY (MR. HARRY)

Senate Bill 100.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Before I begin on the conversation Senate Bill 100, I was away from my desk on Senate Bill 95 and would like the record to reflect that, had I been here, I would have voted in the affirmative.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so indicate. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Senate Bill 100 should come as no surprise to any of you. I think this bill has been lobbied as much, if not more, than any other issue facing the Illinois General Assembly this Session. It has been intensified, we have received letters from constituents on both sides of the issue, we have been lobbied by lobbyists here on both sides of the issue. We have received telephone calls from people in our district and outside of our district in support or opposition of

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this bill. I would suggest to you and ask you for the next few minutes, if you can put aside those lobbyists, those arguments, because sometimes in the heat of...of an issue of this nature, we have a tendency to lose the merits in understanding the bill itself, and I'd like for the next couple of seconds, if I may, to explain to you exactly what is in Senate Bill 100, and you can read along for yourselves. Senate Bill 100 will provide Banks in Illinois to be involved in subsidiaries to sell insurance products - and I think that's a key word - will permit Bank subsidiaries to sell insurance products. Currently, in Illinois, savings and loans, credit unions, retailers, all have this authority. I would like to see banks be on an equal and level playing field with every other financial institution in Illinois, if we indeed are going to make Illinois a financial capital of America. We have gone beyond what current law allows savings and loans, credit unions, retail merchants, for consumer protections. We have built into Senate Bill 100, four or five very strong consumer protection provisions that do not appear in any other of the laws that we have passed to allow financial institutions to sell insurance. For example, we will increase the fine for any bank employee who unlawfully coerces customers to purchase insurance. Persons who sell insurance cannot service loans to banks and their customers. Purchasers of insurance products will have five days in which to cancel any policy purchased through a bank. Because of these provisions - these strong consumer protection provisions - we've been able to attract the support of organizations like IPAC, who speak out strongly in behalf of the consumer protection in Illinois. I think it's important also to realize Senate Bill 100 will provide our consumers an opportunity to be able to additionally shop around for the best insurance premiums and rates available. Several years ago in the Illinois General Assembly, we fell quickly and sorely on our faces, when we tried to address the

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insurance crisis. There is not any unit of local government or any household in the State of Illinois or any business that says right now insurance costs and their premiums aren't the single biggest costs incurred in operating that business, unit of government, or family. We need in Illinois to provide consumers an opportunity to effectively shop for the best price available. I'm hopeful that in addition to allowing Senate Bill 100 to become law, we will allow our consumers, our residents, our voters, our constituents, an opportunity to shop one more place to find the best rate available to them. I would ask you to read the bill. I'll be happy to answer any questions, but I really believe, if we're going to make Illinois the financial capital that we all believe it could be, we need to support Senate Bill 100 this morning.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Now there are a number of lights, and everybody knows what we are going to do here, so keep it down, if you would. Senator Watson.

SENATOR WATSON:

Yes, Mr. President, and thank you. I'm going to take a little different approach here and tell you really how it is in the banking business. I've been on two bank boards. I'm no longer on a bank board, but when...when those people would come in there, when we'd get our reports each month, we would have a breakdown of the installment loan department. And in the installment loan department, we want to know why this particular employee hasn't been selling credit accident and health insurance, or credit life, and we'd have percentages. This particular employee, John Jeffrey Johnson, has seventy-five percent of the people who have come in, have bought insurance. Mary Johnson, Mary Jones or whoever, only thirty-five percent. Call her in. Find out why she isn't out there pushing that insurance. And why? Because

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there's profits, high profits in it, and you know that. That's what goes on in a bank board meeting, and that's what's going to go on in regard to this issue. Now I don't necessarily agree at all with the sponsor in saying that this is going to open up another means of competition. It ain't so, boys. It ain't that way in the board room. And those employees of the bank are going to be under the thumb of the officers of that bank to sell that insurance. Push it. Profits. And I don't necessarily think that we want to make Illinois the financial capital of America, because what's happening in...in rural America, in rural Illinois is the small towns are dying. Now if you want to put out of business that local insurance agency, then take him out of the picture, in being able to offer a policy to the consumers in that particular community. Take him out of the picture and give the banks, really, the ultimate authority and responsibility for providing that insurance, and you'll see those insurance agencies close. And that's what happening in small town Illinois, that's what's happening in my town, and that's what's happening in a lot of your towns. The proper vote on this is No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Watson, you're absolutely correct. And I'm telling you, for you to get up here and say that you want to make Illinois a capital of the world and all that ridiculous stuff. Let me tell you right now, if you want to put a cap on something, you ought to put it on those doggone insurance companies. I'll tell you right now, my car is garaged in East St. Louis, Illinois. I pay eleven hundred dollars a year liability alone. I'm the only driver. The point about it is, if you're going to arrange for the insurance company to make a loan and sell the insurance right,

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that gives them an advantage over everybody else. The point about it is, it might look good to you, and you might say that. I had a lady call me the other day...these insurance companies, big bucks, and telling you that you're going to do this, to give them the right. The point about it, this is terrible. I have a lot of insurance agents in Belleville and all that area of my district. They're vehemently opposed to this, because that's going to put them out of business. They have worked up a family business for all these years, and you come along with all this stuff about the banks. The banks are making money right now on high interest rates and all of this stuff. Why are they going to come in and take the little broker, insurance broker, out there and take off his top? This is ridiculous. I'm telling you, this is a terrible bill. In my twenty some years in this legislature, this is the worst bill that ever come up here. I hope to...(inaudible)...that you put...all red lights against this bill. It's terrible.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I want to announce that I have a conflict of interest. I'm a director of a bank. But I am going to vote my conscience, and I haven't decided yet how I'm going to vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I stand in support of Senate Bill 100, and I'll tell you why. Not only, you now, do I think Senator Zito makes the point of Illinois trying to compete with...with banks that are in our surrounding states, which are already selling insurance. Not only are they selling insurance, but they've done so for a number of years, and

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their experience has proven that there have been no complaints of coercion, or people being put out of business, or any other difficulties. So it has worked. And there has been no difficulty, and I think anybody who brings that up just puts a red herring out there. The second thing is, in towns of five thousand or more people...or fewer people, banks already in Illinois can sell insurance. Now, with all of these people who are making noises here against the bill, where were you when savings and loans were allowed to sell insurance, and when retailers like Sears could sell insurance, and even give appliances away, appliances, to get insurance policies? You want coercion? That's not coercion, it's incentives. So, what are we talking about here? I think we provide the ability for shopping, I think we provide the ability to do one-stop shopping. We've put in so many regulations into this bill...in...in...that in a field that is already so super-regulated, that I don't think we have a problem here. Of all people who would be selling insurance, I think banks are probably one of the best groups, because of the regulation and the monitoring that goes down. And I would hope that we would look at this very objectively, and want to compete with other banks and other states, because it's either that or the midwest will dry up. So I would thank you for your positive vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Let me point out there are six additional speakers that I know of that want to speak on this. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I still don't know how I'm going to vote on this legislation. I'd just like to mention that the lobbyists around here are giving out the private phone booth numbers to our bankers back home, and I think that should stop.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I deal with banks all the time, and if you think they'll lose one dime, your badly mistaken. Number two, can't you imagine this poor guy going in there and wanting to get a loan and they say, "Yes. You have insurance?" "Oh, yes, I have my own agent, sure." I can see him, his loan being held up, and don't tell me that they are going to be so great and beneficent. I know how they're really going to be. You know, the backbone of this country is the small businessman. Why do they have to have...sell insurance? My God, Pierpont Morgan made a fortune and he never sold insurance in his bank. And I might tell you something else. I wasn't here when the savings and loan got their right to sell insurance. If you don't think they say to the borrower, "Now we have insurance. What about it?" Wait, don't tell me, if you haven't practiced law with some of these places, you don't know what you're talking about. The bankers have put out a kit, asking all their employees to write to all of us, and I've got hundreds of letters and I've got a copy of the kit here. I'm going to tell you something. Banks should stick to banking. Maybe that's what happened with the savings and loans. Maybe we gave them too much authority. Because look what's happening to them today. And if they're going to stick to banking, let 'em not be so greedy. They never lose a dime on one day of interest. We close a loan, they take it to the very last day. They never lose. Take my word for it. And I can tell you, I have a nephew who's a banker, and I'm going to vote against this bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...

SENATOR GEO-KARIS:

...I can tell you something else. I'd like to tell you the following are against this bill: the AFL-CIO, the Illinois Farm

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Bureau Association is against it...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis, please, your time has expired. I can come back to you...

SENATOR GEO-KARIS:

...All right, I'm sorry to take the time, and all I can tell is if you believe in the small businessman being allowed to stay in business, for heaven's sakes, vote against this rotten bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Fourteen more speakers now. I have the clock running in my head. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I want to make a few points, and first of all, I have to announce a conflict of interest. I do happen to be on a bank board, and I understand that line of thinking, but my working life has been as an insurance agent. And I am a partner in an insurance agency. This is not an argument against big banks and insurance...and big insurance companies. That's not what's involved here. If you think it is, please think otherwise. This is an argument against banks and insurance agents. Now normally that is not a very equal fight, the banks in the communities with their huge resources, and insurance agencies generally representing one- or two-men operations, few people in communities, independent business people. The argument that this is going to bring competition to the insurance business, is the most ridiculous argument I've ever heard. But the bankers keep saying it all the time. "We are going to bring competition to your business." Let me tell you something. There are eight hundred and fifty-seven banks in Illinois. There are seven hundred and twenty-nine insurance companies licensed to write property and casualty insurance. There are eight hundred and eighty-eight companies licensed to write life and accident and

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health insurance. There are sixteen hundred and seventeen insurance companies and seventy-seven thousand insurance producers in this State. Now if anybody needs competition, it's the eight hundred and fifty-seven banks, not the insurance agents that are out there scrapping against one another every day, competing for insurance business. That is a silly argument. They want to level the playing field, they say. Well, do you think it really levels the playing field, when anybody, any individual, can go out and get a license to go into the insurance business and set up an office somewhere. You and I and the insurance agents can't go out and get a license to go into a bank, unless we raise huge amounts of capital and unless we get those certificates from government, to go into business. So banks are either a monopoly in a community, or they are a limited monopoly in a community. They exist because of government charter. They've been given a special privilege in a community, to accept money from the public, to care for that money, to be a fiduciary. That is a high level of care. I suggest to you that their going into the insurance business, going into real estate business, and ultimately into travel agencies and all the rest, is really not going to benefit the independent business people that you and I try to protect here. There's one other point I want to make, and I don't think it's every been made, that I'm aware of. I worked for years in the insurance agency, and...and have built a respectable business. We have very few assets, you know, a few typewriters, a couple of little PC computers, and that sort of thing. You know what are assets are? They are our customer records. Because I know when policies expire, I know what coverage people have, and I can follow that business and contact them at the right time, so that we can continue their insurance. You know who also has a copy of those customer records? Every bank that has a mortgage on any property that I insure. Because they get a copy of the policy.

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Now, you know, we can assume that everything is going to be fine and the bank is not going to look up all my expiration records and hand it to their subsidiary. But I don't want you to assume that, because the single most important asset that an insurance agent has are those customer records, and I ask you not to allow the banks to go into a business and have access to our single most important asset.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Let me begin by stating that I think that I have a conflict of interest. But there's a couple statements that have been made that I would like to rebut a little bit. One that Senator Schuneman just made about the records in the banks. Senator Schuneman, most home mortgages are financed by savings and loans, who have the right to sell insurance. Now if you would find the penetration of home mortgage insurance in S & Ls and look that record up, my guess is you'll find that penetration at about thirty percent. Senator Watson, if you look up the figures on the penetration of credit and life that was written by banks in the State of Illinois, my guess is that it will not be higher than forty percent. The point that I would like to make, and one more, too, for Senator Schuneman, that I, too, think the banks should be able to compete. But we restrict them here in this place. We've restricted their advancement as holding companies and any other type of venture they'd like to make into expansion and create competition. But the point that I'd like to make is simply this: that in the State of Illinois, we allow savings and loans to sell insurance. Savings and loans write the mortgage for almost every home that's bought in the State of Illinois. They already have records in place. There's been no coercion discussions by savings and loans. There hasn't

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been any special interest group, or anybody that's been faulted by savings and loans writing insurance in the fourteen years that I've been around Springfield, down here screaming that they want to eliminate this. Credit unions. Credit unions can write insurance. There's been no one down here the last fourteen years that I know of that has been saying that credit unions have been violating the customers' interest, coercion. And as far as the job loss to the agents, I don't know whether you read what was handed to you, the study that was done at the request of, I'm not sure of whom, of the Legislative Information System, which shows that those states that do allow banks to write insurance, there has not been a decrease in agents. There hasn't been a decrease in insurance agents, or I guess you could compute that as a loss of jobs, by virtue of those states allowing insurance to be written. I think it comes down to a matter of fairness. If the savings and loans can write insurance, if a credit union can write insurance, and as Senator Watson said, we're worried about our rural communities, well, let me tell you, and this is an extremely important fact, that in a town less than five thousand population, a national bank can write insurance. So in every small community in downstate Illinois that has a national bank, that bank can write insurance. Where's the fairness to the rest of the financial communities? And that's what I think the question is, a matter of fairness.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Contrary to what most people have said about not having their minds made up, I'm almost certain that everybody has. But I think the record ought to show a few things that I think are incorrect. Senator Watson, I don't know what director of what bank you were, but I was a director of three

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banks, I currently am not one, and I'm going to tell you right now, I've never seen any kind of report that you're talking about. But I'll tell you what I have seen, and that is the credit life. And credit life simply says, "When you borrow from me, if something happens to you, we'll pay off that loan." I don't think that's so sinister, 'cause I'll tell you a little experience I had of a neighbor of mine, three doors down, who got killed in an automobile accident in Ohio. A very sophisticated borrower, because he never borrowed from banks, 'cause he didn't like the way they did their business. So he borrowed from asset-based lending institutions, and I watched his wife, and his kids, get moved out of that house. Now, they're going to buy that insurance from somebody, but don't make it appear to be so sinister, 'cause it's not a device designed to make profits. It's also a device to allow the person who makes a loan to insure that if something happens to he or her, their kids don't go out and panhandle. Is there anything wrong with that? Now, let me tell you the main reason why this is being proposed, 'cause, I'm going to tell you, I was in business, and my biggest competitors were U.S. Steel and Republic Steel, and I had a little philosophy with my sales manager. I said, "Any one of your salesmen that every loses an order to U.S. Steel or Republic Steel gets fired." Because those guys can't do for you what the little guy could do. And I really don't believe that any agent is in jeopardy because we're proposing that banks sell insurance. In fact, let me tell you the people who've told me they're opposed to this bill, and not one of them's been a real high-class independent agent from my area, and I know many of them. It's been the guy that works for Metropolitan and the guy that works for Prudential. That's the person. The little guys. Metropolitan and Prudential. The little guys. That's who's been against it. Well, let me tell you what's happened, is that the entire financial community has

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changed. I'm in the securities business. I have yet to see one of my investors write a check that came out of a bank. Let me tell you where they write a check out. Out of an insurance company, out of a stock brokerage house an LIA account. And frankly, what's happened is the entire financial community, for whatever reason, right or wrong, has changed, and they're no longer banks anymore. They're financial institutions. Full-service institutions. And...this insurance is part of the full-service piece. Just as insurance companies make loans, the banks want the rights to sell insurance. And in closing, let me just tell you one thing that distresses me, and that's the reason I primarily stood up. I came to Springfield, along with a lot of other people, because I felt that government interfered with commerce, and anybody that can stand up here and tell me that restricting somebody's activity doesn't restrict competition, I really don't know where they've been. The fact of the matter is that day after day, particularly on my side of the aisle, we argue against these restrictions, and honest to God, it really hurts me to know that the arguments against somebody being allowed to sell something is coming from our side of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Daley.

SENATOR DALEY:

Mr. President and Members of the Senate, I would like to...just to express that I might have a conflict of interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I'm chagrined to admit that I don't have any kind of conflict of interest. It's sort of disappointing, to be real honest with you. I'd like to not repeat some of the arguments that have been made. I do have concerns about

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coercion...although frankly, I have the utmost confidence in the banks in my district, who, frankly, are not...thus far have shown no real interest in this, and have not, frankly, hammered me, for which I am eternally grateful, I might add. I have problems with this, for a number of reasons. We've had a little talk about the type of insurance the savings and loans sell. Well, I priced it at my savings and loan, and discovered I could do much better with an independent agent, and I went there to an independent agent, obviously following the best deal. There's a big difference between that once-every-ten-or-twenty-five-years type of negotiations with a savings and loan and the kind of negotiations that I, as a small businessman, do with my bank annually. Those of us who are in business, and as part of business require credit, have to go back to our banks at least annually, our loans roll over, and we go in with hat in hand in the hopes that the bank will continue to have confidence in us and our business ability. And I have a feeling that form that is in my file folder with the...if this bill passes, would very quickly have a couple of lines on it, as to where I do my insurance business. And I'd like to think that that wouldn't make a whole lot of difference, but banks are in business to make money, and frankly, I have a little business and I tend to do business with people who do business with me. And that's a very human tendency, and I have a feeling even the finest of them eventually would evolve in that direction. And that concerns me. But there's one other issue, which I don't think has been mentioned, that concerns me as much. When I go to my independent agent, that independent agent works for me, and by the way, anyone who says this is a fight between banks and insurance companies, doesn't understand the issues. The insurance companies are very adroit, the Prudentials and the others. They're going to do business wherever they can. And, in fact, I suspect that way down deep, many of them would prefer not to deal

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with independent agents, but to deal with banks and chains of banks. So this is not a fight between the banks and the insurance companies; it's a fight between the banks and the independent insurance agents, the little guys, the little operators throughout this State, that are in each of our districts. But when I go to my independent insurance agent, that person is working on my behalf, not on the behalf of the insurance company particularly, or the bank. On my behalf. It is that relationship that I really honestly believe is what is at stake here. And it concerns me. For instance: if I were the president of a large insurance company and I wanted to maximize my sales, I would be strongly tempted, with the passage of this bill, to go to the banks and say, "I want you to sell our insurance. No, it's not quite as good as the other guy's insurance, and maybe our finances are a little shakier than other companies, but I will deposit, in your bank, ten million dollars. We are in a position to do that. I will put the ten million dollars in your bank, and I want an exclusive for my somewhat shaky, somewhat fly-by-night insurance company to sell insurance in your bank exclusively, to people who will assume it's okay." That bothers me. Because the one thing my trial lawyer friends have convinced me in the ongoing liability wars, is that where the insurance companies got in trouble was when they stopped being run by insurance people, and started being run by money managers. And this bill will continue that trend in the wrong direction. I want insurance...my insurance agent to represent me, not a bank or an insurance company, and this bill will destroy that relationship.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis, for a second time.

SENATOR GEO-KARIS:

I apologize for the second time, but to go back to credit life that you mentioned, Senator. I've priced the price of credit life

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insurance the bank was offering my clients who were getting loans, and I've priced them with independent agents. There were forty percent more in premiums in the banks, so gauge it accordingly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito may close.

SENATOR ZITO:

Well, thank you, Mr. President and Members. I had asked you when I...I probably, first of all, have spoken less on this issue than some of the speakers. So I want to take a couple of minutes. But I had asked at the beginning of my remarks for you to forget about this turf fight that's going on outside of these Chambers, and look at the merits and judge this bill on the merits of its content. I did not want to engage myself in the buzz words and rhetoric that would happen over a turf fight, but unfortunately, almost every speaker has engaged in that conversation as well. Senator Luft talked to Senator Watson about the fact that the small banks, national banks, right now, and there's ten in Illinois, of towns under five thousand dollars <sic>, can already sell insurance. The argument's been made by Senator Geo-Karis and others, that we're hurting the small businessmen. Who in this Chamber can tell me that the insurance companies and their representatives is a small industry? Just isn't true. You know, when the bill first surfaced, or the idea, I should say, first surfaced, it was...I was approached to be the sponsor and I refused sponsorship of this bill at that time, because I didn't believe that the consumers would be benefited by this concept. The bill was not drafted as it is today. Senate Bill 100, I assure you, is the best possible consumer protection provisions that could be accompanied with this idea. Much stronger than savings and loans, much stronger than credit unions, and yes, much stronger than the retail merchants. And to my opponents that are trying to protect the insurance agents, where were you when the

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bill was passed to allow retail merchants, the bill was passed to allow credit unions, and savings and loans, to engage in this practice? And why are we simply singling out banks? Why are we doing that? And furthermore, where's the repealer, if you feel so strongly about financial institutions being involved in this practice? Where's the bill to repeal? It isn't here. Senate Bill 100 will once again provide, yes, that equal and level playing field, for financial institutions in this State. And hopefully, propel financial institutions to make Illinois the financial capital of America. It affords our consumers an opportunity to comparatively shop, and Senator Schaffer, in your arguments, when you went to the savings and loan and found you can do better, you can still do that with a bank; we want you to shop. Bankers want to be able to provide that service to their customers. Their subsidiaries. And I underline subsidiaries to be able to provide that service to their customers. If you read the bill, if you forget about the political rhetoric and lobbying and buzz words on both sides, because it's been enormous, at best, you'll see that Senate bill 100 addresses each and every concern that we might have about banks being allowed to be in this industry. I would sincerely ask after you review that, to cast an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 100 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? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, none voting Present. Senator Zito. Senator Zito. Senator Zito.

SENATOR ZITO:

Having voted on the prevailing side, I would move to

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reconsider.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito, having voted on the prevailing side, moves to reconsider the vote by which Senate Bill 100 passed. Senator Topinka.

SENATOR TOPINKA:

I move to Table.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka moves to Table. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carried. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Well, for the purpose of a verification, Mr. President. I was up...my light I was on, sir...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right. Senator Schuneman has requested a verification of those who voted in the affirmative. We are going to be here until 6:00 o'clock in the morning. Madam Secretary, please read those who voted in the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Brookins, Carroll, Daley, Davidson, DeAngelis, Dudycz, Ralph Dunn, Fawell, J.E. Joyce, J.J. Joyce, Karpziel, Kelly, Lechowicz, Luft, Macdonald, Marovitz, Netsch, O'Daniel, Raica, Rea, Rigney, Savickas, Severns, Topinka, Vadalabene, Weaver, Welch, Woodyard, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, do you question the presence of any Member voting...(inaudible) On a verified roll call, it's 31 Ayes, 25 Nays, none voting Present.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill -- 3rd Reading. Senate Bill 1-1-2. Madam

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Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1-0 -- 1-1-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill represents a consensus of opinion regarding the requirements for admission to our State colleges and universities. As you are all aware, the Board of Higher Education several years ago took a position that mandated a fifteen-hour requirement for admission. The following year we postponed that requirement. This September those requirements of fifteen hours, by decision of the State Board of Higher Education, would go into effect. There were several bills on this subject that have been introduced. And I want to thank, publicly, the Chairman and Minority Spokesman on the Higher Education Committee, Senator Jeremiah Joyce and Senator Ralph Dunn, and also the other sponsors of bills, Senators Welch, del Valle, Watson and Maitland, because many of their ideas have been embodied in this bill as amended. And what we have tried to do is to address flexibility without backing down from the high standards that the State Board of Higher Education have imposed. And what we have done is to still require fifteen hours, but to allow some flexibility in those fifteen hours by allowing a -- by allowing substitution of coursework in areas, including vocational education, in the fifteen hours of requirement. I have a -- messages of support by the Illinois Vocational Association, as well as from the Illinois Community College Board. There was only one item that I think we overlooked, which we will address in hearings in the House, and that was regarding provisional -- entries, especially at the

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community colleges, for people that are coming back to school and don't have the required courses. That's the only area, I think, that we have not addressed here. I'd be glad to respond to any questions, and I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall Senate Bill 112 pass. Those in favor, 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 52 Ayes -- 53 Ayes, 5 Nays, none voting Present. Senate Bill 112, having received the required constitutional majority, is declared passed.

PRESIDENT ROCK:

115. On the Order of Senate Bill 3rd Reading is Senate Bill 115. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 115.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill requires colleges and universities to explain, in writing, to unsuccessful applicants for admission, their high school principals and the college admissions counselor, the reasons why their applications were denied. It's a bill that passed the Senate in the Eighty-fifth General Assembly, and it was bogged down in the House. We'd like to give it another try. I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Dunn.

SENATOR R. DUNN:

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Thank you, Mr. President and Members of the Senate. I -- I couldn't hear you very well, Senator del Valle,...

END OF TAPE

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SENATOR R. DUNN:

...so I don't really know what you said, but let me rebut it anyway. That'd be all right. This bill is an expensive bill. It'd require public universities to write a total of say over twenty-four thousand letters to individuals about the bill. There's no way to estimate exactly what the cost would be, or the time that would be -- be required to write that many letters. But it really doesn't do anything that we're not doing now under present notification. I think that would suffice. I'd urge that we vote No on Senate Bill 115.

PRESIDENT ROCK:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Well, I stand also in opposition. As far as the University of Illinois is concerned, they notify every student who's applicant has been turned down, the reasons for the turndown, and also they notify the high schools and their counselors of what the reasons for turndown are. I -- I think it's just going to create a lot -- a lot more bureaucracy, and it's already being done, for the most part. So I'd stand in opposition.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator del Valle may close.

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SENATOR DEL VALLE:

Well, I -- I just detected a contradiction. Senator Dunn said that it would be costly to do this, and Senator Weaver said that it's already being done. I agree with Senator Weaver. What this would insure is that the appropriate information is included, so that we can make sure that principals and counselors are aware of the reasons why their students are being rejected. We passed the School Reform Bill here, Senate Bill 1840, that holds principals accountable. Their jobs are going to be on the line if students are not performing in these schools. This bill would insure that they get the kind of information that will help them detect weaknesses in the curriculum and in their overall programs. It's just information, and if the letters are already being sent out, all we need to do is make sure that adequate information is provided in that letter. So I don't see any real added expense by doing that. I move that we adopt this bill.

PRESIDENT ROCK:

Question is, shall Senate Bill 115 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? Have all voted who wish? Take the record. On that question, there are 28 voting Aye, 29 Nays, 1 voting Present. Senate Bill 115, having received the required -- having failed to receive the required constitutional majority, is declared lost. 116. Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 116. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 116.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill requires that various colleges and universities report annually to high schools, data concerning their former students. Let me say that IBHE put together a -- a committee that decided that there are two general information needs that are important to high schools, and that is information about where students matriculate, which is the bill that we just let go, and then also information about their performance. This bill would insure that the high schools get information on the performance, and that this information then help administrators in schools make decisions about where they need to improve.

PRESIDENT ROCK:

Discussion? Senator Dunn.

SENATOR R. Dunn:

Thank you, Mr. President and Members of the Senate. I -- I'd rise in opposition to this bill. This additional burden to the universities and the governing bodies of the university would cost an estimated three hundred thousand dollars. Each board would have to survey each thirty-three hundred colleges nationwide to try to track where the transfer students went or where they came from. The Board of Higher Education has a school feedback study that has been implemented now, and this should give us all the information we need to know about this. I -- I think it would be too soon to vote for a bill like this, and I -- I move we defeat it again.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator del Valle may close.

SENATOR DEL VALLE:

I'd just like to add that the IBHE has already decided, and

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university presidents have already decided, that it's a very good idea to provide this information to Illinois high schools. This would be -- this bill would be in support of that effort. I ask for a favorable roll call.

PRESIDENT ROCK:

Question is, shall Senate Bill 116 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? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 26 Nays, none voting Present. Senate Bill 116, having received the required constitutional majority, is declared passed.

PRESIDENT ROCK:

128 was on the Recall. 129. Senator Collins. Bottom of Page 4, Ladies and Gentlemen, is Senate Bill 129. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 129.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. Senate Bill 129 is an attempt to provide for some protections for married couples against the frivolous debts of one spouse against another. And we have tried to amend this bill to accommodate some of the concerns we do have. The State Bar Association and the Chicago Bar Association support this bill. I would be happy to try to answer any question. If not, I would just like to submit this bill to the collective wisdom of the Body.

PRESIDENT ROCK:

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Discussion? Is there any discussion? If not, the question is, shall Senate Bill 129 pass. Those in favor, 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 50 Ayes, 3 Nays, none voting Present. Senate Bill 129, having received the required constitutional majority, is declared passed. Top of Page 5, on the Order of Senate Bills 3rd Reading, is Senate Bill 136. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 136.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This would restore the blind and elderly exemption to approximately nine hundred and thirty-nine thousand citizens in Illinois, and the cost would be somewhere between seventeen to twenty million dollars annually, according to the fiscal note of the Department of Revenue. As you know, this was taken away in the Tax Reform Act of 1986, I think it was, and this would restore to those individuals who are the least able to afford losing money. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 136 pass. Those in favor, vote -- 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? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. And Senate Bill 136, having received the required constitutional majority, is hereby declared passed.

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Senate Bill 141. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 141.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill will do will require the use of Illinois workers on public works project, when hazardous waste cleanup projects are involved. What we are trying to do is correct a situation that has occurred, and we're to keep it from happening again. We have a Super Fund cleanup in the State of Illinois, and what happened was the winning bidder on the contract came from a firm in Georgia. Instead of hiring Illinois employees to do the actual excavation of the contaminated yards throughout the City of LaSalle, they brought in people from Georgia, housed them at a local hotel, and sent the wages, basically, to Georgia. They've been playing -- paying unemployment insurance to Georgia. What we are trying to do with this bill is amend the law so that Illinois workers are giving given preference that there has to be a test taken to work on a hazardous waste site, approved by the State of Illinois. Currently in Illinois, a forty-hour course is given here in the State, near Joliet, that individuals have to take to be on a hazardous waste site. We want to make sure not only that the individuals working on the site know what they are doing, but that they are protected, and later don't end up suing the State and the Federal Government. An additional amendment that was added to this concerned the general aptitude test battery. I have worked out an agreement with the Director of the Department. That amendment will be removed in the House. They have removed their

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opposition to the bill. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 140 -- Senator Macdonald.

SENATOR MACDONALD:

Well, Mr. President, I reluctantly get up to oppose this bill. While this amendment will be removed, I'd like to ask the sponsor if he will yield. How many companies do -- do the firms -- does this -- will -- will this apply to? How many firms in Illinois? Did you...

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield. Senator Welch.

SENATOR WELCH:

Well, Senator what happens is, when there is a Super Fund cleanup, there are bids that are let, and anyone can bid on it. What happened in this instance was a out-of-state company was -- what happened was Westinghouse bid on it, but they had purchased a subsidiary out of the State of Georgia, and they had the subsidiary come in and bring their employees with them. So, in effect, what it will do is it will -- it will apply to all companies that do cleanups, and make those companies take a test in Illinois or be approved by the State of Illinois to work on an Illinois site.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Which of the amendments did you -- are you going to correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

It is Amendment No. 1, offered in committee. The amendment required -- the Department of Employment Security was requiring

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individuals to wait five years before taking the general aptitude test battery. What my amendment would have done was require them to let the individual take it with only a year in between. I am removing that amendment, because the Department is going to comply with federal guidelines, and they are going to offer the test more frequently. That's going to come off of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I don't think your bill does this, but I'll ask a quick question. Some industries are highly specialized, and because they recognize the needs or the potential for problems, have highly trained cleanup teams, and when -- when they do, in fact, have a problem with a trucking -- maybe a truck of their product is in an accident or whatever, they would bring a team in from any, you know, if they were based in Indiana, they would -- those people would land in a helicopter, so to speak. There's nothing in this that would prohibit that kind of activity, is there?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Senator, that question was raised, and I specifically put an amendment for emergency response situations. They can come in in an emergency.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Further discussion? If not, the question is, shall Senate Bill 141 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? Take the record. On that question, there are 37 Ayes, 14 Nays, none voting Present. And Senate Bill 141, having received the required constitutional majority, is hereby declared passed. Senate Bill

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150. Senator Rock. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 150.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 150 is an amendment to the Public Aid Code and the Health Finance Reform Act, and it would require essentially that the Department of Public Aid, in its reimbursement, recognize the fact that some hospitals across this State, in fact, take care of - are caring for a disproportionate share of Medicaid patients. There is a list currently of thirty hospitals across this State that would qualify under this proposal, and we happen to have the dubious distinction in Illinois - although there have been eighty hospitals closed nationwide, fourteen of them have been here in Illinois. Eleven of those would have qualified under this proposal. All it says is we recognize that you - hospital - are taking care of more poor people than some others, and we are going to reimburse you at a slightly higher rate. Now this has been authorized by the Federal Government, and they authorized one of two formulas, and obviously the Department of Public Aid, because of fiscal constraints, took the lesser number. There is currently five million dollars in the budget, as proposed by the Governor, to afford additional payments to these disproportionate share hospitals. What I am suggesting, by virtue of this proposal, is that we take the higher alternative; and the figures - the fiscal note that the Department was kind enough to share with me - would indicate it's probably an additional fifty. We said forty-five. They say somewhere between

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fifty and sixty. It's probably around seventy million dollars additional, half of which would be, of course, subject to federal reimbursement. I have met at some length with Director Suter and some of her top advisors and consultants, and we are attempting to structure yet another alternative to bring the cost more within reason. The fact of the matter is I have discussed this with the Governor. I think everybody recognizes, certainly everybody in this Chamber recognizes, that we cannot afford to have more hospitals close. St. Ann's Hospital, on the West side of Chicago, was -- was a devastating blow to -- to my community when that closed. And I'm not going to suggest that the reimbursement policy is the sole -- sole reason for those closures, but the fact is, if you're only getting sixty-seven cents for every dollar you expend, something's wrong. So I would ask you for your support on this. I will pledge to you that I will keep working and working with the Department of Public Aid to make some reasonable accommodation with these hospitals, because we sure don't want them closing. And we certainly don't want a policy whereby they'll stop taking the poor people. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 150 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 21 Nays, 3 voting Present, and Senate Bill 150, having received the required constitutional majority, is hereby declared passed. Senate Bill 170. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 170.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Bill 170 is the Good Driver Initiative Bill. It prohibit insurance companies from setting the rates for automobile insurance based on the zip code of the residence of the insured. The driver record of an insured shall be -- be -- be -- I got this all mixed up. Okay. All right, then. The driving record of the insured, it says, shall be the predominant factor in establishing auto premiums. What this bill does primarily is simply this: it prohibits you, as a good driver, from being penalized because someone living five blocks or six blocks from you has a bad record. It is a good driver initiative. Why should you, as a good driver, be penalized based on the geographical -- the geography of your residence? That is, if I live in one location and someone else lives in the same zip code, but that person has a bad driving record, why should I be charged? That is what this bill does. I know of no opposition to the bill from Members of the General Assembly. So I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The good driver initiative - that's a new term, Senator, and I congratulate you on that. That has a ring to it that -- I don't see how anyone could resist that. I thought this was called the share-the-cost initiative. Share-the-cost initiative is what it really is, because the sponsor, at least once a year - and now this is his offer this year - generously offers to change the auto rating system so that all the rest of us get to help pay the insurance costs in the

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City of Chicago. And basically that's what it amounts to, because the insurance -- auto insurance business is rated to some extent by the area where you live, the territory in which you live. And I know that Senator Jones and others who live in Chicago, don't like that idea, but to those of us out in the country, it seems like a very sensible system, and to those in the suburbs. Certainly, Senator Jones, you can't -- you can't refute the argument that auto repair costs are higher in the city. Accident frequency is higher in the city. Lawsuits are higher in the city. Medical expenses are higher in the city. And those are the expenses that auto insurance claims go to pay. So to come here and argue that the rates should be the same in southern Illinois as they are in the city, just doesn't fly with the rest of the State, and although yours is a generous offer, I think we ought to reject it.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Further discussion? Senator Jones, to close.

SENATOR JONES:

Well, I think the opponent of this legislation gave my remarks. The current law is share -- share the costs. If you -- you have zip codes downstate equally as well. So why should you be paying an increase in your premium at a higher cost for someone else driving bad in -- in another zip code? It's not a question as to -- as to the cost, but why should I live on one side of the street, pay one rate, and the other person lives opposite me on the other side of the street, pay another rate? This is a good-driver initiative, and it has nothing to do with the City of Chicago. It impacts on all residents across the State of Illinois, because you also have zip codes. And one zip code - be it in East St. Louis or in Madison County, or in Springfield - if that zip code rate is high, you are penalized. Let them use your good driving record as a basis for setting your rate, and that's all

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this good driver initiative do, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 170 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 15 Ayes, 38 Nays, none voting Present, and Senate Bill 170, having failed to received the required constitutional majority, is hereby declared lost. Senate Bill 177. Senator Topinka. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 177.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. To my knowledge, there is no objection to this. This is a bill that comes to us from the Regional Organ Bank of Illinois, and it basically brings the Uniform Anatomical Gift Act and the Hospital License Act into conformance with one another. The problem exists in terms of the hospitals that are involved in the exchange of organs when there has been a -- an organ and tissue donation, of getting the staff from one to the other, and having their licensure accepted. So, if I may have your favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 177 pass. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present,

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and Senate Bill 177, having received the required constitutional majority, is hereby declared passed. 179. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 179.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is dealing with the Board of Higher Education Act. What it's going to require is that all appropriation bills for the board, public institutions of higher education, set forth program data by separate line item for each campus. The idea behind this is that in the appropriations we get a lump sum for basically the University of Illinois and SIU. All this bill is going to do is to say to those two campuses, "Break it down by campus. What do you spend at the Chicago branch? What do you expend at the Champaign-Urbana branch? What does SIU spend at Edwardsville versus Carbondale?" We've taken out the line item. It doesn't have to be by item by item, it just has to be lump sum as to each campus. The front office of each school has to be broken out. We've taken out the community colleges; it doesn't apply to them at all. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I stand in opposition to this bill. Those institutions that have multi-campus, are governed through one central administration, and it'd certainly be inappropriate to try to assess what the administrative costs are

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at three or four different campuses. Even more than that, when we're talking about medical schools at Rockford, Peoria, I just don't know how -- how we could handle this to the -- to the satisfaction of maybe the Auditor General in -- in the future. It's just not workable, and I -- I see no useful purpose that it serves, and so I stand in strong opposition.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

I rise in opposition, too. And I just give you a practical problem or two. Libraries. If you have a multi-campus university, somewhere you purchase X book. Let's say you purchase it at a Champaign-Urbana campus, therefore it gets listed there. You know, those move around through the libraries. They are available to all the various departments. Most of the academic curriculum is moved around through departments. How you could ever possibly figure out where those things are, and how you put them in a budget as for this campus or that campus -- you know, that's why we have a university, because they share their assets, and the point is those assets, with the exception of a few brick buildings, are awfully mobile. I just -- just from a practical point of view, I just don't even think this bill is even feasible, and I would request a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. For the same reasons that was enumerated by Senator Weaver, I rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch, to close.

SENATOR WELCH:

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Thank you, Mr. President. Let me just say that it's not mission impossible to achieve what we're trying to do with this bill. The Board of Regents is able to break out their three campuses, school by school. The Board of Governors breaks out their campuses, school by school. It's just fundamentally an attempt to try to find out how much is being spent. You know, we don't know how much is being spent at the hospital for the University of Illinois in Chicago. We just get one lump sum submitted to us. I think that there should be some accountability here, and I don't think this is asking very much. This is a small request of major institutions in multimillion-dollar budgets. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 179 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 24 Ayes, 30 Nays, none voting Present, and Senate Bill 179, having failed to received the required constitutional majority, is hereby declared lost. Senate Bill 182. Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 182.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Ladies and Gentlemen of the Senate. Mr. President. This legislation would -- would affect only one park district in the State of Illinois. It is a district - just to describe very briefly the situation - that does include sections of two counties

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on its seven-member board of trustees. However, with the way the law is written at the present time, all seven of these trustees must come from one county. That leaves one county unrepresented. The purpose of this legislation is to make it possible for the -- both counties to be represented on this board. I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 182 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present, and Senate Bill 182, having received the required constitutional majority, is hereby declared passed. 187. Senator Maitland. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-8-7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 187 does a number of things, and I might also suggest to the Body that there is still negotiation going up on -- going on a couple of the -- of the issues, and it's my understanding that it's been shared with -- with both sides. Well, let me briefly describe what the legislation does. First, there is a technical change that was needed because of some -- a mistake we made a couple of years ago, when we passed initial legislation. This undoes the damage we did. Secondly, it allows -- it takes off the repealer for the unit district conversions. It also

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addresses, exactly -- providing for the date of June 30th to be used as the computation for debt -- for figuring that consolidation provision. This was of particular importance to Senator Schuneman. And finally, it provides for voluntary dissolution of a school district. And I would be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Demuzio.

SENATOR DEMUZIO:

Is it -- is it my understanding that this bill is going to have some amendments in the House? Is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Senator Demuzio, in my opening remarks, I said there was still discussion going on. I think the concern is with respect to -- to the dissolutionment of -- dissolution of -- of districts, and -- and I think there is some discussion there, but it is my understanding that that will be talked about in the House. Yes, sir.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

So, as I understand it, under this amendment, I assume that a school board, by simply the majority vote, can move to dissolve itself and to voluntarily, at that point, attach itself to some other district without the other district's approval.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Senator, there are -- there currently is a provision allowing districts that are decertified by the State Board to -- to

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dissolve, and then, of course, the school board -- Regional Board of Trustees makes the determination as to where they go. But there is a year delay here, which -- which would suggest that there would be a year that the district would have to operate with no -- with no money. That's the first -- that's the first part of that component. The second component, yes, would allow a district that anticipates serious problems - and are not going to be able to continue, and are fearing -- fearing decertification - would also follow that same provision.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

All right. I can understand that provision, but tell me, where -- what does it say in the language of this bill, that once the school district decides that they're going to dissolve and attach itself to another school district, what are the provisions for attaching itself? For example, let's assume for a moment that - let's say Cahokia wishes to dissolve itself and attach itself to East St. Louis. Is -- is that possible, under -- under this bill? I mean, what does -- what does the -- the -- the new school district, what does it have to say about it?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, again, it will -- the decision will be made by the Regional Board of School Trustees. That's the responsibility that will be -- it is theirs now, as a matter of fact.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Demuzio.

SENATOR DEMUZIO:

Final question. I don't want to belabor it. Does that mean that the -- the -- the new school district then will have no say

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in the decision-making process?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Senator, there will be a -- they will be a hearing, and obviously they will be able to offer input into the decision that will ultimately be made by the -- by the school board -- the Regional Board of Trustees. But the final decision, yes, will be made by the -- by the trustees.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any further discussion? If not, the question is, shall Senate Bill 187 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes -- 46 Ayes, 6 Nays, 2 voting Present, and Senate Bill 187, having received the required constitutional majority, is hereby declared passed. Senate Bill 201. Senator Watson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 201.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senator Jacobs put an amendment on this bill yesterday, which deleted everything after the enacting clause, and put this language in. Simply states that with respect to mobile homes, as defined in the Mobile Home Local Service Tax Act, which are new, and have not been previously occupied as a dwelling place, a tax imposed by this Act shall apply to only sixty percent of the proceeds of the sales made on

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or after January 1st of 1990. And the fiscal impact, which a fiscal note had been filed, and the fiscal impact for the State would be 1.5 million, and for the units of local government, .4 million. Okay, why are we trying to do this? Well one, of course, is that a mobile home is a home, and when you build a home, the average price of your home is about forty percent of it labor. And in this particular piece of legislation, that's what we're saying also. That a mobile home, simply, forty percent of it would be labor and should not be taxed as a sales tax. So we're saying that you'll tax on the basis of sixty percent of the actual cost of a new mobile home. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I understand the objective that Senator Watson is trying to achieve there. My concern - and I raise this largely as a concern, although a very deep one - is the problems that it creates in administration. For example, the Department of Revenue does not really currently break out the sales of mobile homes from car and airplane sales and others, and sometimes they are handled, apparently, by similar dealers. So that they do not have access to the kind of information that you are talking about to make that kind of distinction and apply only sixty percent to the mobile home sales and a hundred percent to other items sold. I think that is a matter of some concern. It also concerns me - and I think this is perhaps part of the same thing - that with the sales tax reform law that we passed last year, we are trying very hard to get a reasonably uniform, consistent base and recording system into our sales tax Statewide. And I do see this as a step, probably backwards - at the very best, sideways.

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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Just very briefly. Number one, I think this has to be done to go to what we really wanted the bill to do in the first place, and that is to tax trailers or mobile homes as real property, and I think this is the first step toward that. I think more importantly though, is -- is the objections by the Department of Revenue. My goodness, if it's that hard for them to do, maybe we better look at the Department of Revenue. I -- I urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, merely point out to you that everything around about us that we buy, has a certain component of labor in it. And we do pay sales tax on finished products. I think this is a rather poor concept. Keep in mind that this bill started out originally to put mobile homes onto the real estate tax, and ended up as a tax break to take away forty percent of the sales tax. I don't think it's good legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Watson, to close.

SENATOR WATSON:

Well, thank you. Senator Rigney, what we're talking about here is someone's home. Now that -- that's the difference. We've talked about affordable housing in this Chamber, and this is an attempt -- and I think the -- the mobile home people -- is an attempt to provide affordable housing to a lot of people. Maybe they can't go out and build a hundred-and-fifty-thousand-dollar home, but they can buy a twenty-thousand-dollar mobile home.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Can we have some order?

SENATOR WATSON:

All we're saying is that we feel that forty percent of that cost of that home is labor, and should not be taxed. The fiscal impact on this particular legislation really is minimal. I was quite surprised at how low it really was. There's approximately three thousand one hundred and seventy new mobile homes sold in Illinois, according to the Illinois Manufactured Housing Association. I just think that this is something that's equitable, and I think it's fair to the people, and I certainly urge your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- The question is, shall Senate Bill 201 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 10 Nays, none voting Present, and Senate Bill 201, having received the required constitutional majority, is hereby declared passed. Senate Bill 206. Senator -- Senator Karpziel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 206 does two -- two things, really. It says that the forest preserve district in either Kane County, Lake County, or Will County -- it would require them to receive the permission of a municipality before the acquisition of property within that

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municipality, for a bike path or other linear path. This is not new language, actually, what this is, is going back to the State Statute as it was written before 1983, when the Kane County Forest Preserve District had it changed. The rest of the bill -- the rest of the bill simply puts in some -- some language which says that in these counties, a forest preserve commission that wants to acquire property by condemnation for recreational purposes only, and if that property is improved with a single-family residence, then the public necessity of that acquisition shall be limited to the present needs of the district, for a specific and identified project, and the district has to prove that there's a public necessity for that acquisition, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Tom Dunn.

SENATOR T. DUNN:

Will the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

SENATOR T. DUNN:

Senator, I'm wondering if you'll take Will County out of this by agreement? Would you do that in the House?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Karpel.

SENATOR KARPIEL:

I would be glad to, Senator. I don't know why it was included. Somehow or other when we are trying to write specific legislation for various counties, they use population figures to do that, and somehow or other, it included Will. There was no intent on my part to include Will. I'd be glad to do that.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 206 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 1 Nay, 2 voting Present, and Senate Bill 206, having received the required constitutional majority, is hereby declared passed. Senate Bill 210. Senator Geo-Karis. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 210.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President -- Mr. President and Ladies and Gentlemen of the Senate. This bill would allow for a backdoor referendum on the condemnation of property by forest preserve district in Kane and Lake Counties only. And we required notification by certified mail to the owners of property which has been condemned by resolution of forest preserve district. Public notice should be given and it's a bill to safeguard the rights of property owners that have been very unfairly treated in the past. And I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Barkhausen.

SENATOR BARKHAUSEN:

Very quickly, Mr. President and Members. Similar to my comments last night, I don't see any reason to be doing this sort of thing only for forest preserve districts, nor, where forest preserve districts are concerned, do -- can I see a rationale for doing it only in those forest preserve districts in Kane and Lake Counties. For that reason, I stand in opposition of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

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All right. Senator Geo-Karis, to close. No. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I'd just like to mention that -- that this does open up a new way of doing -- condemnation with a backdoor referendum. I certainly like your bill 211 better than this one, Geo. I do realize you have problems, but I want the Membership to be aware that it's something new.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

I'd simply ask for a favorable vote, because I don't like to see homesteads targeted for acquisition without negotiation.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall Senate Bill 210 pass. Those in favor, vote Aye. Opposed, 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 35 Ayes, 10 Nays, 1 voting Present, and Senate Bill 210, having received the required constitutional majority, is hereby declared passed. Senate Bill 211. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 211.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. This again. This bill requires that -- this bill requires - everybody's making me so nervous here - the two-thirds vote of the entire county board before -- to authorize condemnation of land in

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an unincorporated area. And this also says that if the -- if the forest preserve district has -- has sued them and tried to condemn property and the courts come in with the higher offer than the forest preserves have -- want to give them, then if the property owner wants to go ahead and buy it -- rather, go ahead and sell it, they should to be able to do so. Otherwise, it's too harsh on the poor property owners to be targeted in litigation by the forest preserve districts who have all the tax money to spend fighting them for a couple of years, and what happens to the property owner? I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you. I'd just like to point out that, as amended, the park districts and the forest preserve districts are now supportive of the bill, and I like the way that you've worked with them and put this in good shape.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- further discussion? Senator Keats.

SENATOR KEATS:

A quick question. As amended -- let me read -- I just have to catch what Senator Holmberg said, 'cause it just -- the park districts are now in favor of changing a fifty percent -- or the forest preserve district to a -- to a sixty-seven -- or sixty-six and two-thirds percent?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR KEATS:

Let me merely say that this does affect my area too, as some people forget I do extend into Lake County and my area has been fairly supportive of the concept that we need to maintain some open space in our areas. We have sort of an overdevelopment

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problem. The legal fees part is wonderful. I've always said whenever the government sues someone, you ought to be able to get your money back. But adding an amendment that now says a two-thirds vote to do this sort of stuff, you reach a point of saying, "Guys, we don't ask ourselves to do it. We don't ask people to do it in other areas. Is it reasonable to constantly require super majorities?" And I don't think it is. Who are we, who are totally unaware of what the problems are in that local area, to now say it takes two-thirds of the vote, when the elected populace -- or the populace elected their officials and they can make that decision for themselves. I think we're simply going too far, and I don't -- I don't believe it's reasonable to require super majorities.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Members of the Senate, I would echo Senator Holmberg's comments. The forest preserve districts have agreed with this. Frankly, this type of condemnation for, in many cases, recreational land use, should required a two-thirds vote. There's no doubt about it. Frankly, I and Representative Churchill uphold our sections of Lake County. There's overwhelming support for this. The county board agrees with it. The only person in the whole world who doesn't agree with it, apparently, is Senator what's-his-name here.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- Senator Holmberg, for a second time. Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

I ask for a favorable vote, because the answer should be negotiation rather than condemning people's property right off the bat. Thank you.

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PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 211 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 51 Ayes, 4 Nays, 1 voting Present. Having received the constitutional majority, Senate Bill 211 is declared passed. Senate Bill 212. Senator Geo-Karis, for what purpose do you...

SENATOR GEO-KARIS:

Having voted on the prevailing side, I move to reconsider the vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis moves to reconsider the vote by which 211 will pass. Senator Schaffer moves to Table the vote. All in favor, indicate by saying Aye. The Ayes -- the Motion to Table prevails. Senate Bill 212. Senator Netsch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 212.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Madam Chairman. Senate Bill 212 deals with certificates of participation. Last Session we authorized the Department of Central Management Services to issue them, without effectively any oversight on the part of the General Assembly. I concur that -- that CMS ought to have the authority to issue certificates of participation. They've become a very popular form of -- of funding long-term projects around the country. My concern is twofold. One, that they be subject to the same or

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similar standards as the issuance of general obligation bonds, because they are, in fact, debt, however much CMS may deny the fact. The rating services, and hundreds of others around the country, recognize them as creating long-term obligations, which, indeed, is debt. So what the bill does, simply, is to -- so -- so define them in the basic Statute which requires State debt impact notes, and it also includes a cap, which is -- I think exactly what they are asking to be allowed to do right at the moment - a hundred million dollars - and then requires some of the oversight and bidding provisions, which are applied with respect to long-term bonds. Be happy to answer questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. First, on a point of personal privilege. Fifty-nine years ago, on the shores of Tripoli, along the rushes and the contaminated water, was found a child and was delivered to the shores of the United States, to become one of the real national heroes. And I would like to, at this time, congratulate our Minority Leader on his fifty-ninth birthday, and -- and I have to tell you, Pate, I'm really surprised you survived that long.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis. Senator Philip.

SENATOR PHILIP:

I want to thank you very much, and I want you to know I'm going to be fifty-nine forever. So next year, on May 26th, I will be fifty-nine again. And for all of my Cub fans, I want you to all know that the Cubs are in first place.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

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I also would like to get to the bill. Senator Netsch, the only way I can respond to your explanation of what this bill does, is les contraire. Now you referred to this...

PRESIDING OFFICER: (SENATOR COLLINS)

Is that a question? Senator Netsch. She has her light on. Senator DeAngelis.

SENATOR DeANGELIS:

...Madam President. No, I have a couple of questions. First of all, is the full faith and credit of the State behind these instruments?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Netsch.

SENATOR NETSCH:

Not in the same sense as general obligation bonds. At least, I haven't actually seen an instrument, but I assume that that is not the case. Let me explain the answer by saying that it is not only general obligation bonds, which are full-faith and credit bonds that constitute long-term obligations, and therefore debt of the State of Illinois.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, there's an old expression that says assumption is the mother of all screw-ups. The answer is no. The full faith and credit is not behind these instruments. And I think therein lies the objection - first objection - because you are trying to treat these in the same manner you would treat those items that are -- that have the full faith and credit. Number two, there is oversight on this already. Number three, it's subject to the appropriation process. And number four, you absolutely destroy the real value of these -- these COPS, because by tying the hands of the people that are negotiating, you actually destroy the

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savings that are incurred by trying to issue these -- dealing with these types of transactions -- that these instruments are issued for.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch, to close.

SENATOR NETSCH:

A couple of quick responses. One is, that in the amendment to the State Debt Impacted Note Act - which is the place where we define them as debt - you will find that there are other forms of non full-faith and credit obligation that are listed as, indeed, long-term debt. It is not dependent solely on full faith and credit, and that has been true both constitutionally and otherwise. Secondly, there is nothing in this which in any way restricts the Department from proceeding to use certificates of participation. There really are only two things. One is that the General Assembly must be kept informed, so that we can have some oversight, and indeed we do not allow general obligation bonds to be issued without prior authority of the Illinois General Assembly. That's all I am saying here. That there should be both oversight and at least some recognition, before these arrangements are entered into. And they ought to be subject to the same competitive bidding provisions, or the same exception to competitive bidding, that general obligation bonds are already subjected to. They are debt. Talk to any credit-rating service. Talk to the people who are issuing these things all over the country. They're not the same thing as full-faith and credit debt, but they are debt. And the -- the Executive Branch ought not to be allowed to proceed with committing us, long-range, to huge sums of money, without some oversight. That's all the bill does.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 212 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 16 Ayes, 34 Nays, none voting Present. Having failed to receive the required constitutional majority, Senate Bill 212 is declared lost. Senate Bill 213. Senator Netsch. Senator Netsch, are you going to move? Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 213.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Madam President. Senate Bill 213 deals with the so-called private activity bonds. And it does basically two things. It substitutes for the Chief Executive alone, a Private Activity Bond Council, which becomes more important, I think, as we begin to reach a point where the so-called cap on the issuance of private activity bonds is going to pinch. And we think we are fast reaching that point. As the bill -- as the law now exists, the Governor has sole discretion to control all of that, and what we are saying - and I think this is what the Legislature had said at earlier stages - is that there ought to be some legislative involvement in that process as well. So it substitutes a private activity bond allocation council. The second part of the bill, which was added by amendment, is basically Senator Topinka's Senate Bill 899, as well. It deals with the unused allocation of home rule units, and simply sets up a time schedule and a procedure by which the unused allocation for home rule units can be transferred back into the State. This again is going to become probably pretty important, because the State's share, the way the federal law acts, is somewhat restricted, and for those of you who

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are interested in IDFA and IFDA and IDA and other major State agencies, I think we are really going to be hurting for private activity bond authorization in the future, unless we find a way to use the unused cap. That's all the bill does.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Madam President. I just rise in opposition to this bill. I think the amendment on it makes a lot of sense, but the bill itself, setting up this council to be calling meetings when there are bond lettings to be done, and taking away this power from the Executive Branch -- I think it's the wrong way to go. It's just another raid on the Governor's Office.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Well, I don't think of it as a raid on the Governor's Office, Senator Karpziel. It is the Legislature saying that we want to have some participation in this. And the council does not get involved in the lettings. All the council is involved with, really, is in helping to determine who is going to have access to private activity bond cap, as that gets tighter and tighter, and I suspect that most of the legislators would like for the Legislature to have some participation in that decision, and not leave it solely and exclusively to the Governor. That is the only reason for the council.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall -- shall Senate Bill 213 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, Mr. Secretary. On that question, there are 28 Ayes, 28 Nays, none voting Present. Having failed to

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receive the required constitutional majority, Senate Bill 213 is declared lost. Senate Bill 234. Senator Mahar. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 234.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. According to the Division of Traffic Safety at IDOT, forty-five percent of all motor vehicle accidents are alcohol-related. And thirty-five percent involve a fatality. Last year thirty-five percent of these accidents were during the hours of four to eight, and the most prevalent days of the week were Wednesday and Friday - an obvious correlation to what has become known as "Happy Hour" promotions. This legislation will require basically one thing - that liquor licensees in the State of Illinois establish a price for their product, with certain exceptions stated in this bill, and then sell at that price. This bill is patterned after those of which thirteen other states have adopted, and it also includes each of the recommendations offered by the 1984 DUI Task Force. The amendment that we placed on the bill in 2nd Reading removes the opposition of the beer industry or the breweries. This never had any opposition from the business lobby, IRMA, State Chamber, NFIB. As you might expect, it's strongly supported by the Illinois Restaurant Association, the Illinois Association -- or the Illinois Alcohol and Drug Dependence Association, the Alliance Against Intoxicated Motorists, MADD, Students Against Drunk Driving, TASK, InTouch, and the like.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the sponsor yield to a question or two?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR LECHOWICZ:

In your bill, what's the definition of a drink?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

I -- the drink would be defined as it already is under the Liquor Control Act of 1934.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Which is what? What is the definition of a drink?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

I don't have that in front of me right now, Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Madam President, the reason why I raise the question as far as the definition of a drink - as amended, it would say no retail licensee may serve more than one drink in -- to one person at a time, which is fine, and -- but I'd like -- in my neighborhood, where we're working-class people, many people may like to order a shot and a beer. Now is that out of order under this bill?

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion?

SENATOR LECHOWICZ:

Wait. I asked a question. I want an answer.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar. Senator Mahar.

SENATOR MAHAR:

That was not my intent, Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Maybe not your intent, that's why we requested a definition of a drink. But unfortunately, as the bill is presented before us, that would probably be out -- a person who asks for a shot and a beer and was served a shot and a beer in an establishment, he'd be in violation of this law. And I don't believe any one of us want to see anybody intoxicated, or on the verge of intoxication, at the wheel or depriving any safety to any other individual in this State. But when you're coming down here and saying that this amendment takes care of the supposedly beer concerns, the only thing the amendment did -- said they were able to serve a pitcher of beer. I think that the responsibility lies with the owner of the business establishment and its patrons. And I would imagine that if a person wants a shot and a beer, they should be entitled to have it. And if you have more than a -- than your entitled amount, another person should assume the responsibility of making sure you get home. And you should be cut off. That's not contained in your bill. You're just saying eliminate all happy hours, but in my neighborhood, we're not concerned about happy hours. We're more concerned about having the ability to sit down at -- in a friendly establishment and order a drink and enjoy it with some friends and neighbors. And that's -- I think this bill goes much too far. It eliminates a lot of hospitality between

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people, and I'm gonna vote No.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam Chairman. I guess -- I have a little problem. I told Senator Mahar that I would vote with him on this yesterday, and I still may, because I just need some verification on this myself. We have a feeling -- or I have a feeling that whenever we look at the language, that this could ban even Super Bowl parties and things like that. Is that your intention, Senator?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

No, Senator. It will not ban Super Bowl parties. One of the exceptions in the bill would be for those type of functions such as weddings, banquets, and the like. Those type of things are exempt, where everything is in a package deal.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Okay. But, could you -- could you, when you had it, say, "We're gonna have a Super Bowl Party," and where you normally charge a dollar for a pitcher, say "We're gonna, because of the -- the vastness of the party, we're gonna have fifty-cent pitchers"? And I know those prices are out of line.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Pitchers are exempt under this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

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SENATOR JACOBS:

Just one further question, then. Whenever you say, "may serve more than one drink to one person," are we talking about - if I have a half a beer in front of me, can you serve me another one? And if so, how do we regulate that? I -- I like what you're trying to do, and you know I do, 'cause I told you that, and I just think that there's -- if we could take it out of the record and come back to it somewhere along the line, I think we could work it out. I don't know. And I just don't want to go back on my word to you, and that's my reason for --

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Is that a question?

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President and Members of the Senate. I don't know whether or not every single "T" has been crossed, and every "I" dotted. I do know what the Gentleman is trying to accomplish. And I think that in most parts of this State you do have - especially perhaps in your more populated centers - large bars, which, especially on weekends, Friday nights, offer drinks two-for-one. He's already stated that's what he is trying to get at. It encourages a lot of overindulgence. It's real simple. You can go to your local law enforcement authorities; they can demonstrate to you where they can pick up the most people who have overindulged, and where the most accidents occur. It's in these areas where you have these large groups of people encouraged to overindulge by virtue of two-for-one, happy hour, whatever you want to call it. That's what we're trying to eliminate is that word "Happy Hour," get away from that concept. I think with this

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bill you do that. If there is some cleanup that needs to be done in the House, let's do it. But let's get the concept out of here and on its way, so we can remind people that they simply can't be overindulging without paying heavy, heavy prices for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam Chairman. Would the speaker -- would the sponsor yield, please?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR T. DUNN:

Do I understand correctly that if I am at a bar, and the waitress is busy, and I walk up to the actual bar, and ask the bartender for a round of drinks, namely three drinks, that he is prohibited from giving me those to take back to the table for the three people sitting there?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

No. No. No. The purpose of this bill is to eliminate free alcohol to be dispensed during these things we call happy hour promotions, two-for-ones, and the like. If you're purchasing three beers for three individuals, you certainly can do that. He can't -- you can't purchase one beer and get two for the price of one. Or doubles.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR T. DUNN:

I understand your purpose, and I -- and I tend to agree with your purpose, but I guess my question is, you know, if it's a great big establishment, does the bartender have to look over at

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the table and count the three people in order to give me the three drinks? And, I mean, is that literally what the bill says? No. No?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

No. If he -- you know, you can purchase -- you can purchase three beers. If you wish to purchase three beers, you can. What we're trying to get at is the promotions of distributing beers -- yeah -- he can't give you six beers for the price of three.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR T. DUNN:

Well, can't a person get just as intoxicated on one pitcher of beer as -- if he drinks it himself, as opposed to, you know, getting two-for-one rum and cokes?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar. He indicates he doesn't know. Further discussion? Further discussion? Senator Mahar, to close.

SENATOR MAHAR:

Well, thank you, Mr. President and Members. Let me just briefly state this. What we have done in the State of Illinois since 1984 is -- what we certainly haven't done is provide a tolerance where you can't drink. In fact, you can actually drink and then get into your car and drive home. What we have suggested by all the legislation in the past four or five years, including what's this year, including this bill, is we've -- we've asked to exercise moderation. The idea of happy hours flies in the face of moderation. It's just as simple as that. When you have situations where you have it Wednesday night, or men's or ladies' nights, and they can come in and drink for free for five hours, well, that's certainly not exercising moderation. And the

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vast majority of those people will be getting in their cars, their vehicles, and driving home. And the same applies for two-for-one. Somebody goes into Senator Lechowicz's district and buys a beer or a martini, and they put two down in front of them, they'll drink it. And if anybody wants to buy another martini, they put two more down in front of them. This is not exercising moderation. They have all over this State these things called "endless cups," where you go in, you buy the cup, and you can drink beer for the rest of the night for free. That is exactly what we're trying to get at, and I think that this bill does a good job in that regard, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 234 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, Mr. Secretary. On that question, there are 37 Ayes, 14 Nays. 4 voting Present. Having received the required constitutional majority, Senate Bill 234 is declared passed. Senate Bill 238. Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 238.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 238 is sponsored by Senator Luft and I. It permits bank holding companies to organize under the Business Corporation Act to use the word "bank" in their holding company title, with the permission of the Commissioner of Banks and Trusts. It also deals with the question of civil

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immunity for directors of not-for-profit corporations, and extends the immunity that we've previously provided to not-for-profits that are organized other than under the Illinois Not-For-Profit Corporation Act. I ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? The question is, shall Senate Bill 238 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, Mr. Secretary. On that question, there are 54 Ayes, 2 Nays, none voting Present. Having received the required constitutional majority, Senate Bill 238 is declared passed. Senate Bill 239. Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 239.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members. Senate Bill 239 is a bill that we've passed out of here unanimously before, dealing with refinements to the Uniform Federal Lien Registration Act, and also containing a provision that is a compromise between the Department of Revenue and the title insurance industry, relating to escrow accounts to satisfy tax bills owed the State. I again seek your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 239 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, Mr. Secretary.

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On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 239 is declared passed. Senate Bill 240. Senator Watson. Senator Watson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 240.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Madam President, beg your pardon. Senate Bill 240 simply expands the number of enterprises zones that can be awarded by the Department of Commerce and Community Affairs. Right now they are at their limit. Therefore, no more enterprise zones, unless we pass legislation such as this. All this does is increase that number by seven. And I spoke on this and -- when we passed it out of committee on a discharge motion, but maybe some of you have forgotten, and I will reiterate my remarks. The concept of an enterprise zone has been a very positive thing for a lot of communities throughout this State. It's a tremendous economic development to -- for a community to order -- to bring in jobs and industry into their respective towns. All we're asking to do is increase the number of enterprise zones in the State by seven. It's not a major factor for the Department of Commerce and Community Affairs to deal with. And it simply says that the Department can grant those enterprise zones through a competitive process, and as I say, it's been a positive thing for my communities, and I think throughout this State, and I think it should be passed.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill

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240 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, Mr. Secretary. On that question, there are 55 Ayes, 1 voting Nay. None voting Present. Having received the constitutional majority, Senate Bill 240, is declared passed. Senate Bill 248. Senator Zito. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

Thank you, Madam President and Members. Senate Bill 248 applies only to the counties served by the Northeastern Illinois Planning Commission. It requires the Department of Transportation to set speed or flow limits for stormwater flow where a waterway crosses a county line. These counties, which, under existing law, are authorized to develop stormwater management plans, will be required to develop such plans in a manner which will assure that stormwater flow will not exceed the speed limits. Department of Transportation or any other unit of local government will be prohibited from issuing construction permits where construction will resort...result, I'm sorry, in stormwater flow in excess of speed limits. I've introduced this bill, and have been joined by Senator Rock and, I believe, Senator Topinka and others, to combat the problem we have, especially in suburban Cook County, with stormwater flow when rains and other natural elements have caused severe flooding in that area. The rivers, because of the excess rain, are already overflowed; many, many residents in my district and Senator Topinka's district and others have experienced

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serious, serious damage and hardship because of the floods. This is an attempt to creatively control waterflow, so that, at peak periods of saturation, we don't have exorbitant amounts of water coming from the north, in an effort to curb that. I would ask your support of Senate Bill 248, and would be happy to answer any questions.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR COLLINS)

...discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and...thank you, Madam President and Ladies and Gentlemen of the Senate. Nobody's had more flooding than my legislative district, absolutely nobody. But, I'll tell you one thing, this bill certainly ought to make everybody a little nervous, and I have a question of the Chair, or ask for a ruling of the Chair. I...I'm assuming, when you tinker around with the speed of water and if your creating more damage, you have to have a special permit, or you're denied a permit, that's going to affect home rule units. Any municipality over twenty-five thousand. And I'm wondering if this would require a three-fifths vote, Madam President?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip, it is a ruling of the Chair that the bill does not require a three-fifths vote. It requires a simple majority. It is not preempted. Senator Philip.

SENATOR PHILIP:

I've got a copy of the bill, and I would refer the Chair to

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page 2, line 20, 21 and 22. "This paragraph is a denial of limitation of home rule powers under Section H of Section 6 of Article VII of the Illinois Constitution." Specifically says it in writing. I mean it's his bill...that's specifically what it says.

PRESIDING OFFICER: (SENATOR COLLINS)

What...what the bill is saying, Senator Philip, it is providing for the exclusive flow units, rules...and it's...and it's an exclusive exercise of regulatory powers of the State. And it is specifically exempted under the Constitution, under the three-fifths requirements. Senator Philip.

SENATOR PHILIP:

Thank you, Madam President. You say this...this does not affect home rule communities over twenty-five thousand, is what you're saying? It doesn't take three-fifths? Well, somebody better reread that. It couldn't be any clearer, and I read from the bill, his bill, completely. And I have another question of the sponsor...if that's the way you're going to rule, Madam President, it certainly is a lousy ruling, and obviously somebody doesn't read too well. I'd have to ask the sponsor this, is the City of Chicago excluded from this?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

Cook County is included outside the City of Chicago. The counties that are affected are DuPage, Kane, Lake, McHenry and Will.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

SENATOR PHILIP:

I guess since I've got the wrong ruling out of the Chair, I'll just speak against the bill. And I think people on that side of

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the aisle ought to have a good look at it, because when you start tinkering with the speed of water, who's going to determine what the speed is...I don't care, any building you put up at any place is going to affect drainage, and I don't care what the expert tells you. That does happen. We ought to look at this very closely. If anybody had flooding, it was DuPage County and we're very sensitive to that area. If I thought this was going to help stop people or slow people down from building in flood plains or flood ways, I'd be leading the charge, Senator. But I'm certainly not convinced; I haven't had anybody call me in favor of this bill to date. And I'd certainly would hope we'd do the right thing, and it ought to go down the drain.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Madam President. I also rise in opposition to this bill. First of all, the Department of Transportation, which is charged with the...the mandate to come up with this speed limit, or as the amendment changed it to flow limit...really doesn't see how this can be enforced or they can be gauging the speed limit or the flow limit of the water at a county line. I don't quite understand how this is to be done, anyway. But I do have a question. If they, in fact, would, at that county line point, find out that the flow limit is above whatever the speed limit is that they set, then what happens, Senator Zito?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

Well, Senator Karpziel, let me answer your question a little more generally. Enforcement of the flow limit can be accomplished, I believe, through the permit-issuing process of the county and the municipality, jointly. Let me give you an

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example. The Metropolitan Water Reclamation District enacted an ordinance about twenty years ago, which required on-site detention for any development of five acres or more; ten or more acres for a single-family residential unit. Although the ordinance originally met with some resistance by developers, it had worked very well. The detention facilities are now routinely integrated in the landscape for small lakes, ponds, streams and other forms of recreational facilities. So I think the quality and the value of developments have been enhanced as a result of the ordinance. But, the ordinance, again, would be geared with the municipalities in the county.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpiel.

SENATOR KARPIEL:

Yes. Thank you, Madam President. Well...I'm sorry if...I'm not following this. But...if this is for the five collar counties and suburban Cook, I understand, this means that the Department of Transportation at all the county lines have to be, you know, monitoring the speed limit, just where there is a flood plain or a flood shed area...or where? Did I miss that? I'm sorry.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

Let me read you the language. "Any unit of local government will be empowered to consider these flow limits when issuing new development permits." Therefore, any county or local unit of government that feels that these...that is going to issue these permits, would consider these flow limits.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpiel.

SENATOR KARPIEL:

Well, does DOT establish the flow limits?

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito. Senator Zito, do you have an answer?

SENATOR ZITO:

I'm searching, Madam President. I'm sorry, I don't. Maybe somebody else does. I don't...I don't know who sets the...currently. Currently?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpziel. Senator Zito.

SENATOR ZITO:

Senator Karpziel, the Department shall establish the speed limits or flow limits, yes. I was looking for it in the bill. It's on page...first page, page 1, lines 19 through 20...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpziel.

SENATOR KARPIEL:

Well, Madam President, I don't have a copy of the bill, but in our analysis it says the Department shall set these limits. They are opposed to having to set these limits, for various reasons. First of all, they don't think it's a good idea, they don't think it's workable, and it will take quite a bit of resources and additional personnel, they feel, to...to do this. But, for them to do this, they would have to be out at a county line when there is a huge rain. I mean, how do they know...how to...I mean, maybe there's technology to do it, but I don't see how...how they do this. Another question I have, is, it says Cook County set a storm water management program, as we were supposed to do, and then have all these counties work in conjunction with each other. I believe we were supposed to do that by a recent bill that was passed.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

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Yes, Senator Karpziel. Two responses. Number one, to the Department's opposition, I frankly don't understand why the Department is opposed to the bill. DOT's responsibilities, under the bill, are extremely minimal. They are already required under existing law, Chapter 19, Section 70, to maintain stream gauge stations to determine the carrying capacity of all rivers and streams. This bill, Senate Bill 248, merely requests them to take these measures at the county line, and they admit they could easily do this. Your second question was to the Cook County's establishment of...whatever, I don't remember what you said exactly, but I don't believe that Cook County has entered into that agreement.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, just one final comment. I still think that this is unmanageable. The Department is opposed to setting these...these limits. They feel that using engineering criteria of this nature and permitting...in a permitting program is not enforceable. They feel that stormwater management should be controlled at a development site, not at some far distance downstream, and I also question the ruling of the Chair on...on the denying home rule.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President and Ladies and Gentlemen of the Senate, I also stand in support of this bill, because, on the one hand, I would like to answer Senator Karpziel's question, because I find it to be a problem. The answer is, having sat on the Flood Management Task Force Committee, no, Cook County has not been a part of the floodwater management program as we sought to have them do, and I think that is a failing, and I have consistently

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said that. In fact, we have attempted to bring everybody together, and they have walked. So, on that level, I think that answers your question. To the bill. I think it is a creative way of trying to bring the counties together. I represent both suburban Cook, as well as Dupage. Needless to say, I would not want to support anything that would harm either one. In talking to people on both sides of the county line, in official positions, they don't seem to have a problem with this. I've heard everything from innocuous on up. I think, short of having an independent engineer kind of break the tide between all of the people who are involved here, that may be the only answer. But, short of that, and seeing no deleterious...gain from this bill, and seeking somehow to try and alleviate the flooding that goes on in this area, this is probably one of the most interesting ways I've found to try and address this issue, and I would seek your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I represent a district that has also experienced severe flooding over the last several years, and we are desperately trying to find ways to deal with the problems. One of the ways that we found is the legislation that was passed in the 85th General Assembly, that was referred to earlier, that requires the collar counties to work and plan together, the municipalities, townships, other governmental bodies within each of these counties, to work together, to plan together, to develop ways of alleviating these problems. I think that is a viable process, and I strongly support it, and I would suggest that suburban Cook ought to involve itself in this same process. They were not so mandated by that legislation, but I think that they ought to be

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involved. I rise reluctantly in opposition to this particular legislation, because I think it is technically flawed. I do not believe that the idea of measuring these flow limits at the county lines, is one that is going to be serviceable or manageable. I think that what we need to do is to deal with these problems on a drainage-basin-by-drainage-basin basis. I would suggest this is not the way to do it, and I would recommend a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. As it was stated earlier, Cook County never did join the collar counties in preparing and implementing a stormwater management plan. Now stormwater management should be controlled at the development site, not some far distance downstream. Now what the Department of Transportation did was advocated cooperative regionwide stormwater management planning, not stormwater speed limits at county lines. I submit that this bill would have unconstitutional ramifications. How in the dickens are you going to prove which is which? Speed limit, for example, is defined as a capacity of a hundred-year floodway, expressed in cubic feet per second at the point where the flow crosses county lines. Now, when it crosses county lines, what are you doing? You're interfering with the various counties. I think this is a wrong bill. It has a good purpose perhaps, but I think it should be taken out of the record and reworked and bring us back something we can all support. I can tell you right now, that this is a bill which is attempting to build a wall around Cook County at the expense of the five collar counties, and I submit it's not fair. I speak against it, both as a mayor and as a Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito, to close.

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SENATOR ZITO:

Well, briefly, Madam President. Ladies and Gentleman and Senator Geo-Karis, nobody's...nobody's intent with Senate Bill 248 is to build a wall around Cook County. We are asking for an extension of what the Illinois Department of Transportation is already doing. And that is, to gauge water flow in those crucial times of saturation. We experience flooding like Senator Philip experiences flooding, and Senator, I understand that Du Page County got hit pretty hard in the last floods, but take a ride to my district in Schiller Park, or River Grove, Riverside in Senator Topinka's district, and others. We got hit hard as well. I'm asking that...for your support, so we can control the water flow and help alleviate the flooding situation in all counties. Please give me a Yes vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate bill 248 pass. Those in favor will vote Aye, opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 45 Ayes, 23 Nays, none voting Present. Having received the constitutional majority, Senate Bill 248 is declared passed. Senate Bill 252. Senator Rea. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 252.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President and Members of the Senate. Senate Bill 252 provides for distribution of sales tax transfers deposited in the Motor Fuel Tax Fund. In 1983, the State raised

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the motor fuel tax and vehicle registration fees and established a motor fuel tax distribution formula for new revenues, which had a seventy-percent State and thirty-percent local distribution. Now this differed from the approximately sixty-fourty-percent distribution -- for the old revenues. A change was made in the drafting of that formula and included in a portion of old sales tax transfers and a seventy-thirty distribution. So this proposal is intended to change that back in establishing a separate distribution formula. And many of the local governments are hurting desperately as far as monies for local roads. This would not take very much money from the -- from the State funds and would put it back the way it should be, so that those communities, those areas, those townships, those counties will be able to do some work that they have not been able to and maintain the roads.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Madam President, here we have a bill that, again, we're playing Santa Claus from the State level. This time it's with our motor fuel money. Realize that right now, the State of Illinois gets seventy percent of this two-and-a-half-percent sales tax; that under the allocation that's being proposed here, we're going to do a flip on that and give the locals eighty percent of that money. Now this is a very significant hit upon our road monies. In fact, it's estimated to be in the range of about thirty-five to forty million dollars per year. So over the life of our next five-year road program, just knock out a hundred and seventy-five to two hundred million dollars that we will not have to spend on our State roads. Now, I suppose if we want to be really honest about this, what we ought to do is pass around a signup sheet and let everybody volunteer what State roads they want to sacrifice, so we can send more of this money out of our Springfield coffers.

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Frankly, I think the signup could be conducted on the back of a postage stamp. But let's realize that this is a significant bill that's going to do a lot of damage to our Road Fund -- to our road program, and you know -- later on, if we pass a gas tax increase, maybe this could be considered, but let's not kid ourselves, that's far from home. They tried it yesterday over in the House and I think it got like six or seven votes. So let's not count our chickens before they're hatched -- or as of right now, this is not a -- a good concept.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Thank you. Just echo my friend's comments. I agree with him completely. What we're doing is just shifting a hundred and seventy-five million dollars out of the road program over the next four years from the Department of Transportation to units of local government, and I think most of us will understand and appreciate the plight of units of local government. I come from the township level, and I know that the rural roads in our areas need more money, need -- they need help, but this isn't the direction in which to take. We're just taking from one and giving it to another. There is help possibly coming with a motor fuel tax increase, and if -- if that's the case, then maybe we can address the local roads issue at that time, but for us to do that now, I think would be a mistake. I urge a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. Well, just to follow up on some of the points that were just made. For downstate rural district legislators to support this, you know, on the one hand we want money for our local units of government and we all understand that

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and if there is a new source of revenue we're all going to support it. But it's my understanding that most of those rural, country State highways that we want to have repaired, that most of that money comes out of the other category, I think they call it in DOT, I'm not sure what the terminology is, but it seems to me that some of those State highways that -- that are on the lowest priority for the State, may be the first to get cut if we take this money out. And for rural district legislators to be supporting this, I -- I think we ought to bear that in mind.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea, to close.

SENATOR REA:

Thank you, Madam President. I might just point out to you that first of all, that there is a surplus of probably about four hundred and eighty million dollars, and this was as of mid-May. We're talking about peanuts here. Thirteen million dollars. This is a very small amount. And over the last forty months, there's been the biggest surplus that there has been each month; it keeps increasing. And I might point out to you as to what this would mean to local government. For instance, Senator Watson, in your home County of Bond, it would mean close to a hundred million dollars. I mean a hundred thousand dollars. Also, I might point out to Senator Rigney, that in Jo Daviess, approximately a hundred and thirty-two thousand. And also, to Senator Schuneman, two hundred and fifty-two thousand. This means much to local government. I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 252 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 -- Mr. Secretary. On that question, there are 30 Ayes, 27 Nays, none voting Present. Senate Bill 252,

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having received the constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

That looks pretty close to me. Could we have a verification?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney has -- has requested a verification of the affirmative vote. Will the Secretary please read those who voted in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito, and Mr. President.

PRESIDING OFFICER: (SENATOR COLLINS)

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

SENATOR RIGNEY:

Yes, Madam Chairman. Marovitz.

PRESIDING OFFICER: (SENATOR COLLINS)

Is Senator Marovitz on the Floor? Senator Marovitz is -- is in the back of the Chamber.

SENATOR RIGNEY:

Jones is here.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones is in his seat.

SENATOR RIGNEY:

Daley?

PRESIDING OFFICER: (SENATOR COLLINS)

Is Senator Daley on the Floor? Senator Daley is on the Floor.

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SENATOR RIGNEY:

No more.

PRESIDING OFFICER: (SENATOR COLLINS)

The roll call has been verified. The Ayes are 30, the Nays are -- the Nays are 27, none voting Present. Having received the required constitutional majority, Senate Bill 252 is declared passed. Senate Bill 253. Senator Raica. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 253.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. With respect to the medical examination required to obtain a marriage license, what this would do is, it changes the wording of the examining physician's certificate, to read that he certifies that the test for syphilis did not indicate the active presence of syphilis, but rather that he believes that an examinee may enter into the marriage without the danger of transmitting syphilis to the other party of any issue of the marriage. And I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 253 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, Mr. Secretary. On that question, there are 52 Ayes, 2 Nays, none voting Present. Having received the constitutional majority, Senate Bill 253 is declared passed. Senate Bill 255. Senator Rock. Read the bill,

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Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 255.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 255 is an amendment to the Metropolitan Transit Authority Act and the Regional Transportation Authority Act. Does two things. It sets up an oversight board to be appointed...convened by the Governor and the Mayor, to promote the protection of employees of the Transit Authority and the consumers of public transportation, against crime. In addition, more importantly, it earmarks, sets aside, takes off the top, if you will, fifteen percent of the annual public transportation subsidy, which this General Assembly put into place, and earmarks it specifically for security, anti-crime measures on the Chicago Transit Authority. I am sure everyone is painfully aware, particularly those of us who represent communities that are serviced by the CTA, particularly the Rapid Transit on both the Lake-Dan Ryan, the Congress, Evanston, that the question of security and crime prevention on the CTA is uppermost in the minds of those who reside in those communities, because we have had unfortunately some very untoward incidents. Two million people a day use Rapid Transit in the City of Chicago. And it seems to me only appropriate that we make a policy statement and earmark a certain amount of our subsidy, without jeopardizing debt service, without infringing on the fare box ratio that we have put into place, but we earmark a certain amount of that money for the purpose of security on the Rapid Transit, and I would urge an Aye

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vote.

PRESIDING OFFICER: (SENATOR COLLINS)

WHBF Television requests permission to photograph. Is leave granted? Leave is granted. Further discussion? Senator Keats.
SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the bill, and...I am told...I know this RTA opposes it...I am told the CTA is opposed to the bill, also. I will allow the sponsor to check on that, but that's what I have in writing, that both the RTA and CTA are opposed, as I'm sure, are the other transit agencies. Let me explain the problem. Taking fifteen percent off the top of the public transit funds...right now it is distributed by a formula, of which the CTA presently gets 84.6, or call it eighty-five percent of the funds. I don't disagree with that, because based on carriers, the CTA should get the lion's share of the money. But now we again take even more off the top, which will mean it will be over ninety percent of all the...of all those transit funds that are from State level, will go strictly to the CTA. Enough's enough. Now we have already given the CTA a five-million-dollar fare box recovery exclusion from their ratio for security now. This is now another fifteen to twenty million exclusion...(inaudible)...Why have a fare box recovery ratio, if every time you turn around you exclude something else? The thing that's most important to remember, as you look at this kind of money, is we have an oversight authority, we have an RTA board, then we have three operations boards. When one of the operational boards, in this case the CTA, has a problem, they should be coming to the RTA and work it out within the system. If there's one thing we said when I was the sponsor of the RTA Reform Act several years ago, was, we said to the RTA, the CTA, Pace, Metra...get out of Springfield. Go home and work it out.

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We let the CTA have almost total authority on the CTA, Pace, Metra. They've run their agencies. Don't come to us constantly. Now here's an RTA bill. Let them come to the RTA. Let them deal with the oversight authority. And if they want to change those ratios, fine. If they want to change the funding, fine. Why are we now returning to the very process that we battled for how long, to get these guys off our backs? So the bill, in our opinion...number one, takes money from the overall system, mandates it unfairly, breaks down the formula, and creates an oversight board to study security matters. That's why we have RTA and CTA boards. Next thing you know, we will be paying attorneys fifty grand a year to consult with them, too. Anyway, I would like to leave with that, saying please vote No, unless you want to see all these agencies back in here every year with their own agendas, day in and day out, man, you're taking the first step down the path that we tried to end a couple of years ago, when we rewrote the RTA Act.

PRESIDING OFFICER: (SENATOR COLLINS)

Before our record on Senator Dudycz, let me just say that if we're going to get out before tomorrow, we're going to have to keep our remarks short. Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Madam President. I...I tend to agree with Senator Rock. I'd just like some clarification. When you're talking about security for the CTA, what type are we talking? Are we talking about private security force, or the Chicago Police Department providing it, or a secure...or a police department being reborn, as you will, as it was in the past, as part of the CTA?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

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Senator Dudycz, I couldn't agree more, and it's either or both. I attended a rather massive meeting that we held in Oak Park, at the request of some of the village trustees and the citizenry, and we had five or six members of the Chicago Police Department upper echelon there, including the new CTA security chief. The Chicago Police Department estimates they spend about eight million bucks a year on mass transit security measures. CTA spends at least another eight, and what this will do is take that first seventeen million dollars literally right off the top, for the purpose, I hope, of either having their own police force, or reimbursing the Chicago police, so that we can get more police protection. I intend to respond to Senator Keats, because, typically, he's dead wrong. The formula was not set by this General Assembly. The formula is driven by how many people use the...use...how many riders they have. The fact of the matter is, the CTA's got two million a day. Pace and Metra aren't even close. But the formula is internal. So, because the CTA gets eighty-five percent, well, they should. But there's nothing to say the RTA can't cut 'em back to eighty percent, or seventy percent, or sixty percent. As a matter of fact, when I last talked to Director Franzen, they had not yet settled on this year's allocation formula. Is that correct? Thank you, very much. But it's all internal. We don't do that. All I'm saying here, is we've got to make a policy statement in this General Assembly, that with two million of our citizens riding every day, we better provide for some security.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Rock, what is the mechanism? Maybe I just didn't understand. Is the mechanism...will the Legislature have input...will the input be from the CTA itself, or will the Chicago

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Police Department be involved in setting up the security?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Chicago Police Department will definitely be involved, and frankly, that's one of the reasons why this bill also calls for this oversight board. It's going to require the board to study the issue of crime on the CTA and annually report its findings, including recommended changes to the CTA, the Governor, the Mayor and everybody else. And it specifically provides that the appointees of the Governor, and the Mayor, and one from each of the legislative leaders, have to be expert in urban mass transit and/or crime or crime prevention or law enforcement.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz, for the last time.

SENATOR DUDYCYZ:

Thank you, Madam President. Well, I just agree with President Rock. I think we should stop the rhetoric and just vote for this; it's a very worthwhile, good program, and I urge an affirmative vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? The question is, shall Senate Bill 255 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that questions, there are 33 Ayes, 25 Nays, none voting Present. Having received the constitutional majority, Senate Bill 255 is declared passed. Senate Bill 262. Senator DeAngelis. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 262.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Currently under the Medical Practice Act, there are no requirements for osteopaths for continuing education. This bill simply says there will be a minimum of ten hours of continuing education for that group. I urge its passage.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall Senate Bill 262 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 262 -- 262, is declared passed. Senate Bill 272. Senator Smith. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 272.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 272 is in regard to persons who are on general assistance or public aid families with dependent children, retrospective budgeting, recipients shall qualify for supplemental payments if the individual or family experiences a reduction in earned income. Establishes a methodology for determining the amount of a supplemental payment. The purpose of Senate Bill 272

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is merely to eliminate the current penalty for short-term employment and thereby assist those recipients who are gradually making the transition from welfare to work. And the immediate date is not until 7/1/90. I ask for your...

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR FAWELL:

Senator Smith, could you give me a definition of the retrospective budgeting supplemental payments?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

Under the retrospective budgeting system, the Department of Public Aid budgets income to receive a month against the AFDC or general assistance benefit payable in -- in a month. Three, the income from employment in December is deducted from the recipient's February grant. The retrospective budgeting is practicable and as long as the recipient's income from employment is constant. However, if the income is decreased substantially, or is eliminated entirely, the recipient's financial status is hurt.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

Okay. I'm frankly -- I'm not sure I understood. Could you say it in plain English?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith. Senator Smith.

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SENATOR SMITH:

I can continue on, if she wants me to. I thought she would understand what -- understand what I was saying. To eliminate it entirely, the recipient's financial status, as I said, is hurt. Two months after the layoff, the recipient receives a AFDC grant based on his or her income while she was employed. But at the same time, the client is not receiving any income from employment, and the grant is also reduced.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

So you're saying for -- in other words, if somebody is -- is working, and all of a sudden their income goes down, then we're going to make it up for -- in effect to what they were making?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

No. We wouldn't be making it up, we would be leaving them without anything for possibly two months or more. So...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

You want to make it up to what they were making, so in other words. I mean -- so in other words, if somebody's making three hundred dollars a month, and they -- they get cut down to two hundred dollars, you want us to make up the hundred dollars.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

Senator Fawell, this bill has been before you before on numerous of times, I merely think -- check with your staff and I think we'll cut the time.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill, my understanding is that this bill will cost approximately 5.8 million dollars annually. And these are costs that are not going to be able to be reimbursed by the Federal Government. She -- Senator Smith is right, this has been introduced four times, and it has been defeated four times. If the Public Aid -- if the Public Aid budget allows the Public Aid Department -- the Public Aid Department already has this authority; we don't have to put it into the Statutes. The problem is we don't give the Public Aid Department enough money as it is right now, to -- to do all the necessary things. I understand what the good Senator is trying to do. Unfortunately, we do not have 5.8 million dollars in the budget that the Public Aid Department can afford. We're not paying our bills now. We're not paying our recipients now on a timely basis, and I would strongly suggest that we vote No for this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Well. Yes, Madam President and Ladies and Gentlemen of the Senate. Senator Smith is right. This bill has been before us before, approximately four times, and we've beaten it back four times, and I would like to think that possibly we can do it a fifth time, because there are some problems with the bill, over and above the fact that it's probably going to cost about 5.8 million dollars annually. There is nothing now that prevents the Department of Public Aid from doing this when it has the money. So there is no legislation even necessary, because they can do this when they have the money. I would also submit that there is a -- major problem in that when we get these supplemental payments

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that are suggested here turning around in a five-day period, I don't know that the Department is going to be able to do that, and if they're not, I think we're going to have a problem, and should this bill get out of the Senate, I would hope that possibly we might be able to address that issue, 'cause I think we -- we could really get them into a paper snafu over there. The other problem I would submit is -- is that every time a family experiences a decrease in income - and not just when they lose a job - that's going to be pretty hard to monitor and pretty hard to track, and I think that is subject to possible abuse. So I would submit, it's been around four times. Let's make this number five.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith, to close.

SENATOR SMITH:

Thank you, Madam President and to my colleagues on the other side. First thing I want to say that this bill has passed out of the Senate and went over to the House. It came out on the bipartisan committee roll call. You voted Present, my dear friend, Senator Topinka, but it passed out 9 to -- to nothing. And all you said is talking about money. But this bill has been good and it -- the fiscal -- we got two fiscal notes on it, but it's not going to cost as much as you have thought -- spend here today. All I ask is for a favorable roll call. It does not go into effect until 1990. I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 272 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 29 Ayes, 26 Nays, none voting Present. Having failed to receive the required constitutional majority, Senate Bill 272 is declared lost. Senate Bill 273. Senator Smith. Read the bill, Madam

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Secretary.

SECRETARY HAWKER:

Senate Bill 273.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith. Okay. Senator Smith.

SENATOR SMITH:

Thank you, Madam President and to Ladies and Gentlemen of the Senate. I understand this particular that I'm about to present to you now, passed out of the House 114 to nothing. The rationale of the law of this bill 273 is obvious to physicians that others came -- other care providers as Dr. Philip Strax, who is an oncologist and a radiologist at the University of Miami School of Medicine and one of the scientists who originally proved the effectiveness of breast cancer screening nearly twenty years ago. And this is about mammogram. If we could, and he quotes this, that "If we could motivate more women to undergo mammograms, we could save lives. Breast cancer is number one of the leading cancer killers among women in this country. With thirty-eight thousand four hundred deaths each year, the number of new cases is approximately one hundred and nineteen thousand; however, through early detection and prompt treatment, about eighty-seven percent of breast cancer patients can be saved." In many states, such as ours, the insurance company opposes the law and bills such as Senate Bill 273. However, the cases are -- in Arizona was different. Arizona Blue Cross - Blue Shield testified in favor of the bill. The spokesman for the company in Decatur -- that mammograms save lives and bills such as 273 are good policy material. 273 is supported by major women and senior citizen organizations such as the Junior League, especially in Peoria. The Junior League there, the older women's league, the WHY ME?

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Breast Cancer supports the group, and the Illinois Nurses Association, and other numerous to mention. The insurance company I know are having problems, but I am asking that you think in terms of this. It was a documentary on television, and we really need this in order to help the women in the State of Illinois.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. Senator, I'd be happy to join you in supporting a resolution commending every women in Illinois over thirty-five to take a mammography test, every year. You're absolutely right about that. I think where you're wrong is -- is mandating that that coverage be included in every accident or health insurance policy that's issued in the State of Illinois. First of all, I want everybody to realize that these policies were issued by insurance companies with the idea that they would be paying for medical treatment resulting from an accident or an illness. Now what the -- what this bill seeks to do is establish some kind of preventive medicine. Now if we are going -- if we're going to require insurance companies to pay for the cost of mammograms, then perhaps we should also then next year require everybody to have an annual exam - an annual physical exam - and make the insurance companies pay for that. Have a regular blood test. That's a good idea. At least as good an idea as the mammogram. Or have everybody take a chest x-ray, and make sure that -- that that's in every insurance policy. Now when you do that, that's okay if you want to do it, but do you want to pay the cost? Do you want to pay the cost? At the present time, the cost of these mammogram exams average somewhere between sixty and a hundred and twenty-five dollars in Illinois. So let's just say, for example, that the average cost is seventy dollars. Now this bill also affects Medicare supplement policies. You want to go back home

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and explain to your senior citizens why their Medicare supplement policy is increased seventy dollars? You know, it -- it's a great idea to -- for everybody to have these exams, but when you mandate the coverage in insurance policies, then insurance companies have to recover somehow the costs of those -- of those coverages, and it's a simple matter of economics. We better be careful doing this kind of thing.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator -- Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. I just want to rise in strong support of this bill. I think the growing rate of breast cancer in our State and in this nation, compels us to do something. This is in recognition that there is a problem that we must address. Addressing it on the front end, and if it helps to save one life or several, surely it's worth our efforts in this Chamber. I hope this bill passes out unanimously.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith, to close.

SENATOR SMITH:

Thank you. I just merely want to say that a person, a woman -- a financial outlay for any woman is a tremendous burden, especially when a woman is on a fixed income. But, by the way, do you remember the mammogram examination that revealed the presence of a tumor in a former First Lady named Nancy Reagan, in her left breast? She was fortunate, however. She could afford to have the mammogram, as a routine part of her physical examination. Most women older than sixty-five must live on their Social Security income, and cannot afford to have this lifesaving test. However, more than a half of the women who die of breast cancer are over sixty-five years of old. Now this a dread disease. It's already touched, or eventually will touch, ever person in this room or

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around, and we have the opportunity this afternoon to drastically change the history of this breast cancer mortality. I merely ask that you give us a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 273 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 36 Ayes, 16 Nays, 3 voting Present. Having received the required constitutional majority, Senate Bill 273 is declared passed. Senate Bill 275. Senator Smith. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 275.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 275, with its amendment, provides a child care credit to employers of five or more employees equal to ten percent of the amount expended to provide a dependent care assistance program as defined by Section 129 of the Internal Revenue Code for children of corporation employees. Credit restricted to the programs are on the premises of the workplace only. And by reducing the credits from thirty percent to ten percent and restricting it to the workplace, the cost of the bill should be substantially reduced. I ask for your favor -- cooperation.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Netsch. Senator Netsch.

SENATOR NETSCH:

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Thank you, Madam President. As -- as my counterpart on the other side knows, I'm not a great one for tax credits, deductions or other things. What I would like to point out is why I think this is more than defensible at this point. Number one, we have already this Session, as we typically do, passed out several tax credits or deductions that relate to business-type expenditures. We obviously are going -- going to renew the investment tax credit. We've passed a research and development credit. We passed a small business employment credit. We've done some more things to the enterprise zone and on and on and on. It seems to me that in a sense, I've lost the principle already, because we have been doing it hand over fist again this Session. If indeed we are going to use the tax code for public policy - and that is precisely what we are doing - then it seems to me that this is one of the most important uses that we could use the tax code for. The -- the need of the employer, as well as the employee, to have available child care, and to be encouraged to provide that child care, is really very fundamental. And it is just as important to the employer, because as many are finding, particularly perhaps in the outer suburban areas of Chicago, there's a actual shortage in the work force. They are going to have to use parents who have children who have to have someplace to go during the day. It seems to me that this is a much more than important social policy, which in this case, ought to be helped by its use in the tax code. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Luft. Senator Luft.

SENATOR LUFT:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR LUFT:

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I'd like to give you -- I'm going to give you an example and tell me if this is applicable to these individuals. Standard Oil -- or let's say Sears, which is a major employer in the City of Chicago. If Sears has a day care center, when this bill passes, would there be a tax credit for the employee who makes a hundred to a hundred and fifty thousand dollars a year, who is bringing that child to that day care center?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith. Answer.

SENATOR SMITH:

Senator Luft, the credit would go to the employer, for maintaining such a service for the employee.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, Senator Smith may close.

SENATOR SMITH:

I merely ask for a favorable vote, please.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 275 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 27 Ayes, 29 Nays, 1 voting Present. Having failed to receive the required constitutional majority, Senate Bill 275 is declared lost. Senate Bill 290. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 290.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

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(machine cutoff)...very much, Mr. -- Madam President and Members of the Senate. Senate 290 is a very simple bill. It gives the father in a surrogacy agreement the guarantees - rights of that father, in case the other party to the surrogacy agreement backs out of that agreement. This doesn't in any way change the law on surrogacy at all; doesn't affect it in any way. All it says is that if there has been a surrogacy agreement, that there -- and the mother backs out, indeed that father - that biological father - has the rights of a father, and those rights are not abrogated. That's all the bill does.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion?

SENATOR MAROVITZ:

It really closes a loophole in the law.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not -- Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, I'm sorry to be sort of focusing on this for the first time. Our analysis indicates that this bill would be moot or unnecessary if the Legislature at some point took action prohibiting surrogate parent contracts. So are you saying that this legislation only -- only addresses a situation that would exist if, in fact, surrogate parent contracts are legal?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

This in no way makes those contracts legal or illegal in any way. This just guarantees that the biological father indeed has the rights of a parent, and that the court make any determinations as to what those rights are, in the best interest of the child.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Barkhausen.

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SENATOR BARKHAUSEN:

My only suggestion would be, Madam President and Members, that if we have doubts as -- that if we, first of all, oppose the idea of surrogate parenthood or particularly making these contracts valid, that -- that this legislation is -- is not appropriate, and that it might be viewed as sanctioning contracts with which -- which we disapprove. And therefore, for those that feel that way, I would urge opposition.

PRESIDENT ROCK:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Quick question of the sponsor.

PRESIDENT ROCK:

Indicates he'll yield.

SENATOR HAWKINSON:

Senator, when it gives rights to the father in this kind of a situation, if the mother backs out, does it also mandate the responsibilities of fatherhood? In other words, child support by the father if the surrogate mother drops out of the situation?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct. That is exactly what it would do, because that -- that would be in the best interest of the child, and without this, the child could be left without support.

PRESIDENT ROCK:

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

This -- this bill in no way has anything to do with sanctioning surrogacy or or anything like that. This is a bill for the interest of the child, so that if, indeed, an agreement has been made, or no agreement has been made, that the biological

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father has the rights and obligations - and obligations - to take care of that child. That's what this is all about.

PRESIDENT ROCK:

Question is, shall Senate Bill 290 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 16 Nays, 1 voting Present. Senate Bill 290, having received the required constitutional majority, is declared passed. 292 is on the Recall. 293. Senator Berman. On the Order of Senate Bills 3rd Reading is Senate Bill 293. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 293.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill was introduced to address a question that has arisen regarding underinsured motorist coverage. The provisions of it have been stripped in order to allow the industry and myself and the Department to continue to talk. The bill is a shell at the moment, and I would ask that we pass it over to the House.

PRESIDENT ROCK:

Discussion? Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The sponsor spoke to me about this bill, and while I disagreed with the contents of the bill as introduced, I certainly have no objection to what he's trying to work out here. I think we should pass the bill out and go along with the negotiating process.

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PRESIDENT ROCK:

Question is, shall Senate Bill 293 pass. Those in favor, 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 52 Ayes, no Nays, none voting Present. Senate Bill 293, having received the required constitutional majority, is declared passed. 294. Senator Marovitz. On the Order of Senate Bills 3rd Reading, Senate Bill 294, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 294.

(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. This is the legislation that calls for mandatory Medicare assignment. When you think back, remember back to 1960. In 1960, Congress passed Medicare for the purpose of providing medical insurance for senior citizens and guaranteeing them security in their elder years. That was the purpose back in 1960 when they passed Medicare. Today, unfortunately, seniors have less security than ever was anticipated when Medicare was passed, because they are the only ones today who can't get insurance to cover the excess charges over and above what Medicare says is a reasonable payment to -- for the medical services that are rendered. The Health and Human Services Organization in -- Department in Washington has said that Illinois physicians have overcharged Medicare patients one hundred and thirty-eight million dollars in one year alone. This is the amount charged over and above the Medicare-determined reasonable rate. So that you understand, the

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Medicare determines what the reasonable rate is, and then reimburses the physician eighty percent of that. The twenty percent over and above that, the senior citizen has to pay - the individual on Medicare has to pay - and is frequently -- usually covered by Medigap Insurance. The problem is that physicians are charging over and above that amount - a hundred and thirty-eight million dollars in one year over and above that amount - and those dollars have to come directly out of the pockets of senior citizens who cannot afford the kind of charges that many physicians are administering to them. You've all gotten a lot of documentation about this. You've probably been contacted. You've gotten some horror stories about physician charging - gouging figures to individuals for -- for services that are rendered. This is the number one priority bill of senior citizens across the State of Illinois. It's a very, very serious problem. Doctors are making millions of dollars off the Medicare system, and I -- and I really believe they are getting reimbursed reasonably by Medicare. We're trying to get at the overcharges that senior citizens are being gouged. That's what this bill is all about. If a doctor doesn't want to take a Medicare patient, they don't have to. But the fact is, if they're going to, they ought to charge what the medically reasonable rate is. And I would solicit your Aye vote.

PRESIDENT ROCK:

All right. WCIA-TV has requested permission to shoot some film. Without objection, leave is granted. There are nine Members who have indicated they wish to be heard. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, there is no one who cares any more for senior citizens than I do. I am a senior citizen. But I'm going to tell you something. When

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you start making a bill and saying, "Oh, this is going to help the senior citizens," I am mindful of the fact that we are going into socialized medicine. Take a senior citizen who has a bad leg, in an accident. You pass a bill like this, the doctor looks at the bad leg and he has a choice of cutting it off, or trying to save it. I want that doctor to save that leg, and if you're going to put all these restrictions on doctors, that doctor is not going to be willing to put the time to save the darn leg. Now let's not get carried away by saying we're going to do this and that for the senior citizens. Senior citizens, as a whole, are responsible, but I don't want them to lose their lives or lose their limbs by passing legislation like this, which will make the doctor say, "Fine, we won't take people then who can't afford their bills." When you say that they're making money, fine, they are making money, but on the other hand, they better earn it, too. And it's up to the various societies, medical society, to see to it that they are competent practitioners. I might tell you that I think you have distorted the facts a bit. The Federal Government allows physicians to charge more than the Medicare reimbursement, as long as it does not exceed the maximum allowed by their regulations. And the Medicare reimbursement charges are the same since 1972. So if you don't want doctors to take Medicare patients, go ahead and vote for a bill like this. And if you want doctors not to care whether they save that leg of that senior citizen, just go ahead and vote for a bill like this. I am vehemently and violently opposed to it.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I have to declare a conflict, if this would become law, since I do receive Medicare reimbursement for care of patients. This could be a conflict. But I would like to speak in

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opposition of this bill. You're cutting your nose off to spite your face. All you're going to do is have less medical care available for individuals who probably need it the most. And I urge all of you to vote No, because this is not accomplishing a thing that they expect to do, because ninety percent of the people who are in practice are already receiving only what Medicare can pay, because they take it on the assignment basis. You take it on the assignment basis, you cannot bill the patient for the difference. And I urge you to vote No.

PRESIDENT ROCK:

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator O'Daniel.

SENATOR O'DANIEL:

Senator, wouldn't -- wouldn't this create more of a problem for us? You know, like downstate in a rural area, where we're -- we're already experiencing losing a lot of doctors. I -- I represent twelve counties in southeastern Illinois, and most our -- a lot of our doctors are going over to Indiana for several different reasons. One reason, they have a lot cheaper medical malpractice insurance. So they're ended up only with Medicare, Medicaid patients. Wouldn't this bill create us more of a problem than we already have?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you asked that question, Senator O'Daniel. This bill specifically exempts rural health manpower shortage areas from the bill, like the downstate areas that you are talking about. In many discussion in crafting the bill that was the question that

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was brought up, there -- because of that, we specifically exempted these rural manpower shortage areas from the purview of the bill. And I might add, Senator O'Daniel, that the same arguments that -- that we -- that have been made about, "Well, if we pass this bill there'll be a shortage of doctors, and doctors will leave the State. They won't care for these patients." The same argument was made in Massachusetts. Massachusetts passed this very same legislation, and subsequent to the legislation, more doctors were practicing medicine in Massachusetts, and there was not any dissipation of health care for seniors at all. In fact, an increase in doctors taking care of Medicare patients after the passage of this bill in Massachusetts.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. First off, if I may ask a question of the sponsor. Where are you getting your -- your figures from, please, on these alleged overcharges?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The Health and -- the Health and Human Service Department out of Washington, D.C.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

At what year?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

1987.

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PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Okay. To the bill, if I may. First of all, you know, let's -- if I may just kind of respond to some of the things that have floated around on the Floor here. First of all, on the charge, or the -- the suggestion that Massachusetts has somehow improved its medical system, ever since it passed mandatory assignment. First of all, I don't know that your statistics there prove anything, because you are adding M.D.s onto your numbers, but most of them are residents, and they're not in active practice. So the numbers are there, but those that are actually practicing are down, and there are hospitals there now in Massachusetts that cannot even fill their medical staffs and are having difficulty, and they ascribe specifically their problem to be the passage of this bill. Even in our presidential elections, when Michael Dukakis was running, this issue came up. And the medical profession, as well as consumers, said this had been a problem in Massachusetts. Don't advance this nationally. It could come to pass. It is basically a program of price controls, and it doesn't allow, you know, for people to be able to come up with the -- with the -- a common charge. The other thing that I think we should bring up is that already in Illinois, sixty-eight percent of claims in Illinois are voluntarily paid -- are voluntarily taken care of by doctors. And the other thirty-two percent are billed at the federally imposed maximum allowable actual charge. It's called the MAAC. And that's been set since 1972. There's only one other rate that's lower, and that's the Department of Public Aid. Now should a physician try to overcharge, there are -- there are charges that, you know, can be placed against them. They can be suspended. They can get fined two thousand dollars. Their license depends on it. So I hardly think they're going to be

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risking that. If they do, they are subject to the law, just in terms of gouging, as would -- as would anybody else would, who would be violating the law. Now for those like Senator O'Daniel, who ask as to whether or not this would help in a manpower shortage in -- in rural areas. If you think you have a problem now, you ain't seen nothing. Because the problem is going to be -- is people will leave those areas and go where they can, indeed, practice medicine freely. And one of the problems that I think we put on the backs of the physicians in these underserved areas, should this bill become law, is how can they practice there if -- if physicians in other counties can be charged for fraud for doing the same thing that they can do in an adjoining county. Not to mention that M.D.s could also be prosecuted in Illinois for charging amounts that are expressly permitted by the Federal Government. You create such a disparity in terms of how to monitor this. I think you're just asking for terrible problems, and you're just -- you know, pulling the pins out from under the practice of medicine in the State and -- and its application and availability to senior citizens. I would also submit that not all senior citizens are all excited about this, because the American Association of Retired Persons, who actively speaks in terms of health care for seniors, is opposed to this, realizes what's happened in Massachusetts, and does not advocate it here. So I would recommend a No vote.

PRESIDENT ROCK:

Ladies and Gentlemen, we have ten additional pages of 3rd Reading. Senator Marovitz, we have ten additional pages of 3rd Reading. Would you -- will you close?

SENATOR MAROVITZ:

I'll be very glad -- very happy to close. The local chapters of AARP, American Association of Retired Persons are in favor of this legislation. There has been no dissipation in medical care

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in Massachusetts, where this legislation passed. For someone to find out what the MAAC charges are, that Senator Topinka mentioned, they'd have to file a freedom of information request which takes six weeks to find out what those charges are. This is a reasonable bill. No one has to take Medicare assignment. The Medicare rates -- the reasonable rate is set, and senior citizens cannot get insurance over and above what Medicare determines as reasonable, because the insurance companies use the same rate as what is reasonably reasonable and what they will reimburse. Well, if the insurance companies use that rate as to what is reasonable and what is reimbursable, then the only other way for the senior citizen to pay for that is to take it out of its -- their own pocket. That's what the overcharges are. This deals with that hundred and thirty-eight million dollars of overcharges, and I solicit your Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 294 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 15 Ayes, 39 Nays, none voting Present. Senate Bill 294, having failed to received the required constitutional majority, is declared lost. Ladies and Gentlemen, before we proceed on to the top of Page 7, there has been a request from the Governor's Office to expedite Senate Bill 385. If I can turn your attention to Page 44 on the Calendar. To Page 44 on the Calendar, on the Order of Secretary's Desk, Concurrence, there is a supplemental appropriation which the Chief Executive indicates he wishes to sign today, if we send it to him. So with leave to the Body, we'll move to Page 44 on the Calendar on the Order of Secretary's Desk, Concurrence, Senate Bill 385, Madam Secretary.

SECRETARY HAWKER:

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House Amendment No. 1 to Senate Bill 385.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Members. The supplemental appropriation which we passed out of here week before last, I believe it was, Senate Bill 385 has been returned to us, with House Amendment No. 1. What House Amendment No. -- No. 1 did, was to delete everything after the enacting clause, and then makes one specific appropriation in the amount of forty million dollars to the State Lottery in order that the Lottery can make prize payments. There is a need for -- in order to make these payments -- they're running out of money as of next Tuesday, and the acceptance of this House Amendment will make it possible for the Lottery to continue to function. I move concurrence with House Amendment No. 1.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 385. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 385, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, it's now two-thirty in the afternoon. We're on the top of Page 7. We have to go to Page 17. I would encourage us all to move with some dispatch. 297. Senator Joyce. 300. Senator Smith. On the Order of Senate Bills 3rd Reading, top of Page 7, is Senate Bill 300. Read the bill, Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 300.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. SJR 300 <sic>, which was a Joint Resolution and a Task Force on Smith and Currie in the House, established a thirty-two-member bipartisan committee, consisting of twenty legislators and twelve public members. The joint committee conducted five public hearings in various parts of our State. During the time that the joint committee held its hearings, the U.S. Congress approved a sweeping overhaul of the federal law. May I have your attention please - in front of me - please. Which was the Family Support Act of 1988...

END OF TAPE

TAPE 5

SENATOR SMITH:

...additionally, the Governor's forum on welfare reform, which was appointed after the joint committee was selected, held hearings and made recommendations. The forum's recommendations are contained in House Bill 1923, Daniels, and House Bill 1924, Daniels. The recommendations of Senate Bill 300, and House Bill 300, which is currently on 1st Reading in the Senate, are based on the testimonies of witnesses testifying at the five public hearings conducted by the joint committee. Now there were several issues to have been considered in this bill. Number one was the

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management of Public Aid grant. Number two was the issue on medical assistance. Number three was the issue on employment. Number four was the issue on identification documents. Number five was the issue on education. Number six was the issue on child care. And number seven was the issue on administration, and nine was supporters. Senate Bill 300 is supported by a coalition of twenty-five organizations, including such groups as United Charities of Chicago, the League of Women Voters, Voices for the Illinois Children, the Legislative Supportive Center, the Legal Assistance Foundation of Chicago, the Day Care Action Council, the Chicago Welfare Rights Organization, the Chicago Workshop on Economic Opportunities, the Illinois Task Force on Child Support Enforcement, and the Public Welfare Coalition, the United Way of Chicago, Illinois Impact, and the Chicago City Department on Human Services. They were -- and I just want to let you know what the bill did, and I'm -- I'm -- I'm going to stop. The Eighty-fifth General Assembly authorized the Department of Public Aid to make more extensive use of private protective payees, in related cases of grant management. But further clarification is required, so that this option is used more frequently and effectively, and 300 -- Senate Bill 300 makes the foregoing mandatory -- mandatory. Also we brought in about a Project Chance and how it can help us to determine and to fulfill this -- bill -- House Bill No. -- which was on welfare reform. I just want to stop here. I'll answer any questions.

PRESIDENT ROCK:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. If I may, Mr. President, ask some questions of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Topinka.

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SENATOR TOPINKA:

All right. Now your bill apparently requires the Department of Public Aid to work out direct contracts with individual child care providers, and then require direct payments to those providers. Now, how would that jibe with the fact that the Department already has contractual arrangements with DCFS to administer the day -- the extended day care program?

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Senator Topinka, that is not in the bill any longer.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Well, according to the Department of Public Aid, they -- they seem to feel it is. Let me run something else past you, if I may. In -- in doing what you're doing here, are you creating kind of like a welfare scholarship program, so that you could make this kind of like a four-year program, permanent?

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

No, we're not.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Could you explain what the recipient bill of rights might be?

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

The bill is designed to help the recipient to understand what the Welfare Reform Bill is all about.

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PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Could you give me an example?

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

One thing is that -- that the case workers would be courteous to the recipients who come to them.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

All right. One question, and this I -- I find kind of questionable. If -- apparently you are asking all child care providers, providing services to Project Chance participants who aren't licensed by DCFS, to complete a basic child care training program. Now would that include moms and dads and grandmas and grandpas and aunts and uncles and family members who might already be providing these kind of child care assistance and helps?

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

No, Senator Topinka. The Department of Public Aid's -- Project Chance Program has many worthwhile features, but some changes are necessary to insure compliance with the federal Family Support Act of 1988, and to improve its effectiveness in providing meaningful permanent employment opportunities for the public recipients -- aids recipient.

PRESIDENT ROCK:

All right. Senator Topinka, with again the admonishment that we are truly running up against a deadline here. Senator Topinka.

SENATOR TOPINKA:

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This is just to the bill. I -- I would like to note that, I think, you know, a lot of people participated on these meetings. The results were not particularly bipartisan in terms of our agreements to all of these things. The program does cost 10.4 million dollars, and there are just numerous mandates in this bill that I just don't know if they are going to be able to be enforced by the Department of Public Aid or even to be sustained. So I don't know that I would ask your support of this bill.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll be very brief. As a courtesy to the rest of us, I wish that some of these people who had so many bills would get up and now start this filibuster. This is a worthwhile -- we had a bipartisan committee. It's been heard. This is a good bill. And I ask your support of this bill.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I'll try and be brief, too. Number one, Senator Hall, it is true there was a bipartisan committee, but I have been told that unfortunately, this particular bill has gone far beyond the recommendations of that bipartisan committee. And that's the problem. For instance, there is a request in here that the Public Aid people will support someone who is going for a four-year college degree. Well, that's fine and good, and it's a -- it's a good and noble gesture, but we already have a federal program in -- in place, called the Pell Grant, which will do just exactly that. And for us to try and subsidize someone when they can obviously get the money in other and better places, is -- is just not a good idea, especially when we are already short of

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money. This bill will cost eleven million dollars, and I would strongly suggest that we vote against it, and try again and come up with the proposals that were agreed upon.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

I move the previous question.

PRESIDENT ROCK:

That motion is in order. Senator Smith, to close.

SENATOR SMITH:

Thank you. I merely want to let them know that this was a bipartisan committee, and I want them to also to know that Mr. Ed Merkel from DuPage County was one of our members, and who helped to form all of these ideas that we are -- have in this report. This is the report here, that was given out to everyone. And it was -- they were selected by the Minority Leader in the House, the Minority Leader in the Senate, and everything that we have in here, they approved of these. And this is just to help us to do something constructive in our Welfare Reform Program, and they all know this. I ask for your favorable vote. Please do not let this die. This is a good start. People are depending. You came up with the program of Project Chance. Project Chance is in this book. Now why do you want to kill it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 300 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 24 Ayes, 30 Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 306. Senator Jones. Read the bill.

SECRETARY HAWKER:

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Senate Bill 306.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. Senate Bill 306 is the rewrite of the Architectural Practice Act. It rewrites with minor changes in the Act, with sunset at the end of this year. It adds one public member, and establishes a licensing board which was formerly the examining committee, and establishes powers of the Department as well as the boards. It's an agreement between the...the Department and...and the profession. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 306 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 311. Senator Brookins. Read the bill.

SECRETARY HAWKER:

Senate Bill 311.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. The purpose of this bill is to encourage and assist local governments to adopt energy cost reduction strategies. And to provide local government with State

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support of technical assistance. More than seventy-five percent of the State residents now have the highest electric rates in the nation, and we're trying to help them in reducing this. And I...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Senator Brookins, I will not engage in a -- in a series of questions. I would like to ask -- I'll try to make it as quick as possible. I think you have done much beyond what you intend to do by this piece of legislation. First of all, I see that just by virtue of the fact that you are taking monies that would otherwise go into the General Revenue Fund, you're diverting dollars from the General Revenue Fund. Much more seriously, however, you are also removing the money you take from the GRF out of the appropriations process. I know there's a number of Members on your side of the aisle who, over the years, have fought the attempt to keep money out of the appropriations process. Now you have a new stream of dollars flowing outside that process. Looking at one page of the bill, it looks to me like you have given this authority whatever you intended to do I don't know, but on Page 4 of the bill, you allow the authority to issue negotiable revenue bonds for paying costs of planning, constructing, reconstructing, acquiring, and then you say energy supply and conservation projects. This -- this authority could literally go out and build a power plant someplace in the State of Illinois. I don't think you want to do all those things, and I would suggest this is an awfully good bill to recommit to committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I had my light on to -- really to

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address the same issues that Senator Kustra addressed, but beyond that, I want to say that we passed Senator Welch's bill this morning, which was Senate Bill 38, which essentially also creates a similar kind of fund. And I -- I just think that this bill is not necessary at this time. I think it is flawed, and I think it deserves a No vote if it is not recommitted to committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd just like to stand in support of this piece of legislation. We've been working on this legislation for several months now. We don't quite have it in the final form we want it, but the costs that would be coming out of the General Revenue Fund, I think would be recaptured the same way we're going to recapture them in Senate Bill 38. The idea is that you save money by retrofitting existing buildings to save your energy costs that go through the roof because of poor windows or poor ceiling or not enough insulation. If we can start the fund going with money to create the needed conservation measures, that money will be recaptured and this fund will be repaid...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR WELCH:

...We hope to have this bill amended in the House, and I would urge support -- for this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This -- the -- the revenue funds is given to ERA <sic> (ESA) and is recaptured. It is not outside the appropriation system. This is a money-saving bill, and it will help our citizens to meet their consumer goals. I ask for a

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favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 311 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 18 Ayes, 37 Nays, none recorded as Present. This bill, having failed to received the constitutional majority, is hereby declared lost. 319. Senator Keats. Read the bill.

SECRETARY HAWKER:

Senate Bill 319.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that comes from the Illinois Library Association. Something that probably most people weren't aware of, libraries were not under the bidding act and did not have to do any competitive bidding. What this does is establishes a system of competitive bidding, so they will have a competitive bidding requirement, just like everybody else. They're...they're agreed to it. Secretary of State's agreed to it. There was one amendment that clarified some language; it had been requested in committee...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is... Any discussion? Question is, shall Senate Bill 319 pass. All in favor vote, Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 47 Ayes, 7 Nays, 2 recorded as Present. This bill, having received

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the constitutional majority, is hereby declared passed. 321.
Senator Keats. Read the bill.

SECRETARY HAWKER:

Senate Bill 321.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that was not my idea. It was given to me by the staff of the presiding judge of the juvenile court in Cook County. And you may remember the other day I sent around a letter from the presiding judge of the juvenile court in Cook County, saying, "Yeah, we're for the bill." And the bottom he lists, you know, that -- the people who had given us the idea. What it does is, on AFDC, it says the AFDC payment to a minor child who is pregnant goes to the family. What you're trying to do is keep the family unit together. If the child's more than eighteen, then, of course they get the check totally on their own, or if they're emancipated minor, et cetera. That amendment was added at the request of the judge. But what it says is we're trying to maintain the family unit, so these kids do have it, so if the child's under eighteen and is pregnant, the AFDC check goes to the family unit. If they're over that...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 321 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 54 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill

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3-3-3. Senator del Valle. Read the bill.

SECRETARY HAWKER:

Senate Bill 3-3-3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill is designed to alleviate problems in recruiting teachers for bilingual and other teacher shortage areas. It was worked out with the State Board of Education. They're in full support of it. The amendment also addresses the issue of attracting more teachers into the known shortage areas. The shortage scholarship is assigned to assist in assuring an adequate supply of teachers in areas of likely shortage. Bilingual education is an area of shortage the board has established as its number one priority for the scholarships. And this bill would provide for a stipend program to be developed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 3-3-3 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 36 Ayes, 8 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 335.
Senator del Valle. Read the bill.

SECRETARY HAWKER:

Senate Bill 3-3-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Del Valle.

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SENATOR DEL VALLE:

Thank you, Mr. President. Beginning in FY '90, the bill authorizes the State Board of Education to award grants to school districts for young parent education programs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 3-3-5 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 32 Ayes, 25 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 338. Senator Smith. Read the bill.

SECRETARY HAWKER:

Senate Bill 338.

(Secretary begins to read title of bill)

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Excuse me. I'm sorry. My mistake, I missed a bill. 336. Senator del Valle. Read that bill. I'm sorry.

SECRETARY HAWKER:

Senate Bill 336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to recommit Senate Bill 336.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman asks leave of the Body to recommit Senate Bill 336. Hearing no objection, the bill's recommitted to the proper committee. 338. Senator Smith. Please read the bill.

SECRETARY HAWKER:

Senate Bill 338.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 338 -- 338 amends the University of Illinois Hospital Act, to require specifically that the operation of the University Hospital in Chicago and its related health professional college must be operated in such a way that it is beneficial to the University's teaching research and public service function. To date, the Cook County Board has not ratified our lease agreement with the University. So Senate Bill 338 can be used as a vehicle for any statutory changes needed later in this Session, depending on the outcome of our various agreements, and I ask for your favorable vote and roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 338 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 39 Ayes, 12 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 339. Senator Carroll. Read the bill.

SECRETARY HAWKER:

Senate Bill 339.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This would be a vehicle bill for a bond authorization. It just

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takes the current level and increases it by a dollar, in case we need a bond authorization bill. Also takes out the Superconducting Super Collider. I will be willing to answer questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

Inquiry of the Chair, Mr. President. How many votes will it -- will be required to pass this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Let me look at the bill, please. 30 votes. Because it's an overall decrease. It's not an increase; it's a decrease. Senator Etheredge.

SENATOR ETHEREDGE:

That -- I had a bill yesterday that also decreased the bond authorization, and the ruling from the Chair was that 36 votes would be required. I -- so I find this...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, it must have been a different type of approach. Today's a different day. Senator Geo-Karis, I've been waiting for you all day.

SENATOR GEO-KARIS:

Yeah. Mr. President and Ladies and Gentlemen of the Senate. Whether it's decreased or increased, there's nothing in the rules that says they're not general obligation bonds, and they require a three-fifths vote. You won't find any thing in the rules that says if they're decreased, you don't need it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I remember that. What was that, a forest preserve bill yesterday, you had? That was yesterday. Yeah, long count. Senator Carroll.

SENATOR CARROLL:

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If there are no further questions, this is a bond authorization vehicle bill to try and keep that alive for further use. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 339 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who -- I'm always right. Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 27 Nays, none recorded as Present. This bill, having failed to receive the proper votes, is declared lost. 341. Senator Brookins. Read the bill.

SECRETARY HAWKER:

Senate Bill 341.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you. This is -- the agency's amendment, and what this does is, clarifies the income of eligible guidelines for recipients of PCA service. It maintains an upper-limit income level, and increases the protection of income which has been -- the basic raises since 1983, to catch up with inflation. And I ask for a favorable roll.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 341 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 50 Ayes, 2 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 348. Senator Berman. Read the bill, please.

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SECRETARY HAWKER:

Senate Bill 348.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill deals with a problem that was brought to us by the Illinois Supreme Court. Deals with structured settlements and liens. And a structured settlement is when, in a personal injury settlement, a -- the settlement is paid out over an extended period of time. The bill, as introduced, has been amended, and what we've provided for in the present posture of the bill, is to provide that it would be up to the court to determine when the liens - both the hospital and the doctors' liens - would be paid. Whether they must be paid in front, before a structured settlement is paid out, or later. The Illinois Hospital Association originally opposed the bill. They've withdrawn their opposition, essentially to allow us to continue to discuss this problem. I would solicit your Aye vote. Again, I'm not sure this is the final posture of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, as I read this bill originally, it seemed to me that it was structured in such a way to make sure that the lawyer got paid. And that the payments to the injured person could be on a

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structured basis, but that the court would be able to pay the law -- the attorney fee. Is that really what it does, or did I misunderstand what it does?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Without debating it, that was the way the bill was originally introduced. We've amended it, so that it would be -- determined on a case-by-case basis.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Who would determine that, Senator?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

A judge. Well, let me comment. I'm not sure what the joke is about, and it wasn't a -- a laughing response, I can assure you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Under the -- the bill you're seeking to amend, the law that you're seeking to amend, how does it work now?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

There has been -- in one appellate district of Illinois the lawyer gets paid, the lien would be paid, and then the structure would be distributed. In all the other appellate districts, it would -- there is no set determination, and it would depend upon what action the lien holder would take. That's the reason the bill has been introduced, and that's why the Supreme Court has

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asked us to address this problem, because there is no determined policy Statewide. Hospitals are uncertain. Doctors are uncertain. Lawyers and their clients are in a -- are in a state of uncertainty. That's the reason the bill has been introduced. That's why we've tried to give a alternative approach to it. And I again solicit your acquiescence, so that we can continue to discuss it with the people that have an interest.

PRESIDING OFFICER: (SENATOR LECHOWICZ) |

Senator Barkhausen.

SENATOR BARKHAUSEN:

Just a couple of quick questions, please, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Make 'em quick.

SENATOR BARKHAUSEN:

Senator, you mentioned discussions with the Hospital Association. I assume the Medical Society physicians generally have an interest in this. What is their posture, as best you know?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

The -- the -- the Medical Society has indicated to me that they also are not supportive of this approach. But I've told them that we will continue to talk, because they have the same -- although they weren't party to the case that was involved. The case that was decided in the appellate court was a hospital lien. They would have the same problems, so I'm sure that they will be involved with the discussion...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Next question. Barkhausen.

SENATOR BARKHAUSEN:

As I look at the bill and particularly at the amendment, I see

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that it addresses the periodic payments or, I should say prorated payments, of a lien as -- as the structured settlement payments are -- are made over a period of time, but only as to a nonprofit hospital and as to a physician. I see no mention anywhere in either the bill or the amendment about attorneys' fees.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

That wasn't an issue.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Good. Senator Berman, to close.

SENATOR BERMAN:

Thank you. I again solicit your Aye vote. It's a -- it's a problem. Let's continue to talk about it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 348 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 30 Ayes, 23 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senator Barkhausen, all you have to do is put your light on. That helps. What purpose does the Gentleman seek recognition?

SENATOR BARKHAUSEN:

To request a verification.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Verification's in order. Madam Secretary, would you please poll the affirmative vote. Would the Membership please be it their seats. Proceed with the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle,

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Demuzio, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.J. Joyce, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene,...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Speed it up, will you, hon?

SECRETARY HAWKER:

Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Are there any questions of the affirmative vote? Okay. Being none -- Barkhausen -- Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Savickas.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas. Is the Gentleman on the Floor? Senator Savickas. Remove him. Anyone else? Senator Berman asks leave to put this on Postponed Consideration. Leave being granted, Postponed Consideration. Gentleman from Cook, Senator Brookins, what purpose you seek recognition?

SENATOR BROOKINS:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your point.

SENATOR BROOKINS:

In the gallery, over the Republican side, is the The Wendell Smith School from Chicago, accompanied by their teacher, Mr. Biederman. The Wendell Smith School is named after a famous judge in our community that was known for fairness and one of the first black judges to go on the bench and I'd like them to be recognized.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Will our guests please stand and be recognized. Welcome to

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Springfield. Have a nice day. Senate Bill 356. Senator Jones.
Please read the bill.

SECRETARY HAWKER:

Senate Bill 356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. Senate Bill 356 is merely a vehicle bill to be used only if the agreement can be worked out between the funeral directors and cemetery folks, and I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Weaver. No discussion? Question is, shall Senate Bill 356 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill having received the constitutional majority, is hereby declared passed. Senator Brookins, point of information.

SENATOR BROOKINS:

Let me correct that name, it's the Wendell Green School. Wendell Green.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

No wonder those kids were kind of hesitant in getting up. Senate Bill 361. Read the bill.

SECRETARY HAWKER:

Senate Bill 361.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. Senate Bill 361 allows a retired teacher to work up to 100 days, as a substitute teacher. It also includes in there the State minimal funding for State retirement systems. It also has in here the negotiated settlement between the City of Chicago and its labor representatives that represent its four retirement systems. It has in here provisions for downstate teachers, and many other non -- non-cost items in this legislation. I amended the bill -- I amended the bill to take care of the State mandates as relate to the annuity agreement for the City of Chicago. I know of no opposition. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCZ:

Senate Bill -- Senator Jones, Senate Bill 361 is a negotiated settlement, but this plan has some disadvantages, as you well know. If the cost of operating this plan exceeds the monies contributed by the city and the various pension boards, then the balance will be deducted from the annuitants' checks. Now this -- this health plan expires in 1997, and this would leave annuitants' without any health coverage after that date. Now this agreement is not in the best interest of the annuitants and I'd just like add that the Fraternal Order of Police did not have any input in this negotiations. They are totally opposed to it at this time, and so are the Retired Chicago Police Association members.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Yes, he will.

SENATOR FAWELL:

I -- I have in my book, for some reason or another, that the State Mandates Act was never put in. The exemption to the State Mandates Act. Was it put in?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yes. Amendment No. 2 took care of that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones, to close. Oh. Senator Marovitz, to close.

SENATOR MAROVITZ:

No. I don't want to close. I just want to make a clarifying statement, that the Police Association and the retired police were involved in the negotiations - in all stages of negotiations - and I think it's unfair to say that they were not involved. I'm not going to tell you whether to support or not support, but I can tell you that in the -- this -- this began -- this emanated because the annuitants were to be cut off from their health care benefits by the City of Chicago. This is the work product of about fifteen or sixteen months of continuous negotiations, where all the funds - fire, police, municipal and labor - were at the bargaining table, together with the City of Chicago. And this agreement was reached with all parties in attendance.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you very much. Senator Jones, to close. Your name wasn't mentioned in debate. Senator Dudycz, what purpose you seek recognition?

SENATOR DUDYCYZ:

I'm sorry to rise -- rise for a second time, Mr. President. But Senator Marovitz, I don't know who you were speaking with, but I spoke with the representatives of the Fraternal Order of Police

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hours ago, and they are still opposed to this, and so are the Retired Police Association.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR DAVIDSON:

I'm sorry, Senator Jones. I didn't hear your answer to Senator Fawell. Does this allow two years of military service to be purchased at their cost by any person that wants to participate in any of the six systems?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That wasn't her question. Senator Jones.

SENATOR JONES:

For downstate teachers only.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones, to close, for the third time.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. In closing, let me say this as relate to the annuitants and the health care benefits. The Fraternal Order of Police is well aware of this legislation. I have -- yet to receive one telephone call regarding this bill. This legislation was passed by this Body during the last Session of this General Assembly, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 361 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 24

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Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Lady from Cook, Senator Netsch. For what purpose you seek recognition? Netsch. Oh, I'm sorry. Page 8. 369. Senator Etheredge. Read the bill, -- read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill does just as the description on your Calendar says. The amendment limits the practice to matters concerning the transportation law. I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 369 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please 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. 371. Senator Demuzio. Read the bill.

SECRETARY HAWKER:

Senate Bill 371.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

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

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Senate. Senate Bill 371, sponsored by myself and Senator Severns, is a bill that is admittedly controversial. But it would, in fact, direct the Commerce Commission to exclude from the rates, all costs of any electric generating facility recovery, which have not begun by January the 1st of 1990. Which would mean that it would impose stricter standards under which the Commerce Commission would determine that portion of any new power plant to be included in the rate base. There was a great deal of discussion about it the other day, and I will yield to Senator Severns for any additional remarks that she wishes to make.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I ask for a point of personal privilege again. It seems it's my day for schools...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, we're going to have to after the debate. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. The only constraint that Senate Bill 371 provides, is to say that the ICC must observe the use and useful doctrine in its -- in its decisions. And this is not anything that sets a new precedent. In fact, it's along the same principle that was adopted in 1983, when CWIP, or Construction Work in Progress, was -- eliminated. It's the same principle that was adopted in 1985, concerning excess capacity, and when the -- with the rewrite of the Public Utilities Act, and finally, it's the same principle that was reiterated by the United States Supreme Court in January in the most recent case involving utilities at that level. It imposes a bottom-line standard to guide the commission in its own deliberations. It spells it out clearly, so there'd be no doubt

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what "used" and "useful" means. It simply asks the Commission to determine if -- if the plant is needed within two years, to meet the demands of the community that it's attempting to serve, and whether or not it is the most economical source.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill to -- in some extent was discussed the other day. It was unclear then, and I think it still remains fairly unclear now. To demand that you exclude all costs associated with any electrical generating is just unreasonable and excessive beyond belief, and I would ask all of my colleagues to -- to carefully look at this piece of legislation. There may be other ways to approach this problem, but -- but I think this is overkill beyond belief, and I would ask for a No vote on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I guess, quite frankly, I'm surprised this bill came back today. We debated this issue at length last week, and finally took it out of the record because neither side could understand what the -- what the bill did, and I'm convinced we still don't know what this bill does. I -- you know, I don't know what Senator Severns or, again, Senator Demuzio, whoever's going to debate the bill. It seems to me, here, that -- that the -- within two years the plant absolutely has to be one hundred percent needed. One hundred percent needed, and that's the issue we debated the other day, and it just makes no sense to any of us. This is a terrible thing to do. I'd like a better explanation of what that means.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, that's absolutely correct, that it has to be demonstrated that within a two-year...with that two-year period that it has to be needed. And let me respond, if I might, to Senator Macdonald's remark a few minutes ago. This is not retroactive. This is prospective. January 1st, 1990.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Well, will you respond to my question as well?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, if the Gentleman -- would restate it again. I thought I did, but restate it again.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Well, none of us in business, you know, when we -- when we project, prospectively, what we're going to do with our business and how we're going to build our building, we cannot identify actual total use at a given point. We just can't do that. And you're saying, it seems to me, that that plant or facility has to be one hundred percent used and needed, and at -- at a given date, or there's no -- there's no recognition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, we -- we could say, Senator Maitland, that it has to be demonstrated, it has to be needed now, rather than within the two-year period. I think, you know, that's -- that's frankly

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part of the problem. When you ask the questions then a lot of businesses may not be in that planning status to be fully needed within a two-year period. I think that's part of the problem. The utilities have been building plants for far too long, for meeting -- customer's demand. Let me ask you a question. How long would you suggest that planning period be for?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That's out of order. To ask him a question? Senator Schuneman? Senator Maitland? Maitland? Be here all night. I don't care. Maitland.

SENATOR MAITLAND:

Senator -- Senator, I want a definition of what "fully needed" -- "fully needed" means. What does "fully needed" mean?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

"Fully needed" means that it is required to meet the needs of its customers.

PRESIDING OFFICER:

Senator Maitland.

SENATOR MAITLAND:

Mr. President, Ladies and Gentlemen of the Senate, I -- again, I -- I plead with you. I plead with you. There is absolute misunderstanding, confusion, on this bill, and it ought not pass. We took it out of the record last week, and let's -- let's redo it next year and come back and try again. I -- I seek a No vote on Senate bill 371.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, let me just say that, Senator Maitland, you're arguing about a statement that's already a matter of record. It is -- as

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a matter of fact, it's a matter of Statute. But let me close by saying this, that 371 -- I have in my hand a...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Please continue.

SENATOR DEMUZIO:

I have...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

(inaudible)...stay for a minute. Senator Demuzio. Please -- please close.

SENATOR DEMUZIO:

I've been trying. Senate Bill 371 I have in my hand, is a document that apparently was passed out by the Illinois Power Company to oppose this legislation. And I will close with this. It says, in opposition to this bill, that this legislation would impose severe and unrealistic requirements upon utilities, that would make it very difficult to pass on to customers the cost of building new generating plants. I think that's precisely the issue. The stringent use and useful test proposed in this bill could prevent the company from charging customers for our newest plant, the Clinton Power Station. That is precisely what this legislation seeks to do, and I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 371 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 18 Ayes, 34 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Senator Brookins. Okay. Senate Bill 384. Senator Jones. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 384.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. Senate Bill 384 is a recommendation from the Association of Homes for the Aging. What the bill specifically do, is set up a program in which they call the Carry Home Program, designed to maintain and improve the quality of nursing home care in Illinois. This proposal targets new resources directly into patient care. Incentives to develop more family involvement and care and planning and more community interest and interaction with nursing homes. This proposal goes a long ways from making these programs a priority. It sets up incentives to develop career ladder for nursing assistants. It becomes more and more difficult to keep well-trained nursing assistants in nursing homes, due to the current shortage of this type of labor support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I would rise in support of this legislation, and it's unusual that I would do so, because of the large fiscal impact that this has. But I really think - and I've worked closely with the nursing homes over the years - and we have a real problem in this State, and that's in the area of Medicaid reimbursement for the nursing homes. We should have all received this map, a midwestern map of Illinois and Iowa, Missouri and other mid-western states about the reimbursement, the average daily reimbursement on Medicaid patients in a nursing home. Illinois is thirty-eight dollars. The national average is fifty-four dollars. Wisconsin's forty-nine dollars. Indiana,

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fifty-six. Kentucky, fifty-one. Missouri, forty-four. Iowa, eighty-five. Illinois, once again, is thirty-eight. I really just -- I think that we have to send messages every now and then, and this is a message that needs to be sent, maybe to the Second Floor, maybe just to establish some priorities in this State, that simply say that we can't continue to fund the nursing home industry at this particular level. I realize that this has a high fiscal impact, but I do think that this is something that we need to address, and if, in fact, we have an enhancement as far as revenue in this State, then this is an industry that we need to look at and try to help.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion?

SENATOR WATSON:

So I urge a Yes vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 384 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 51 Ayes, 4 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 391. Senator Welsh. Out of the record. 392. Senator D'Arco. Read the bill.

SECRETARY HAWKER:

Senate Bill 392.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill is the result of the Task Force on Energy's recommendation. It really is a bill that

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Senator Maitland and myself, and Senator Netsch, have worked on for a long time, and what it does, it combines all the energy assistance programs in the State of Illinois for poor people into one bill, called the Energy Assistance Act of 1989. It captures federal funds and it uses General Revenue Funds. The question is, the tax that's going to be used to fund this proposal. In this proposal we have the computer software tax as the mechanism to capture the federal dollars and whether...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. May we have your attention please? Thank you.

SENATOR D'ARCO:

...and whether that -- that is maintained as the final version of this bill, we're not sure. I want to thank Senator Maitland and Senator Netsch for their cooperation, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 392 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 53 Ayes, 4 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 393. Senator Welch. No? Out of the record. 399. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 399.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is the bill that makes

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calculated criminal drug conspiracy a felony which would qualify for the death penalty under the right circumstances, under the Illinois death penalty felony murder provisions. And we had some discussion on this the other day. I'd be happy to entertain any questions, and would otherwise seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 399 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 49 Ayes, 7 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 400. Senator Carroll. Read the bill. Out of the record. 417 is on Recall. 451. Senator DeAngelis. Read the bill.

SECRETARY HAWKER:

Senate Bill 451.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeAngelis:

Thank you, Mr. President. Senate Bill 451, as amended, takes one half of one percent of the annual growth in the State's sales tax and puts it into the State Tourism Advertising Fund. This is only the State's portion. It's been amended to make sure that only the portion of increase that belongs to the State is included in this set-aside. I'll be happy to answer any questions. If not, I urge the adoption of Senate Bill 451.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft. Question is, shall Senate Bill 451 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take

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the record. On this question, there are 46 Ayes, 10 Nays, 1 recorded as Present. This bill, having received the -- constitutional majority, is hereby declared passed. 464. Senator Geo-Karis. Read the bill.

SECRETARY HAWKER:

Senate Bill 464.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. My bill amends the Unified Code of Corrections and the Vehicle Code. And it requires persons convicted of drunken driving, DUI, to reimburse the public agency for police, fire, ambulance costs, incurred during emergency response to an incident -- proximately caused by a driver being under the influence. The Secretary of State, the State Police, Municipal League and the Mothers Against Drunk Driving, I understand, are for this bill. And I urge your favorable consideration.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 464 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, no Nays, 2 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 468. Senator Weaver. Read the bill.

SECRETARY HAWKER:

Senate Bill 468.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is a bill that moves the University of Illinois Athletic Association into the University of Illinois administration. If there's any questions, I'd be happy to answer them.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 468 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 474. Senator Macdonald. Read the bill.

SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Aldo. Aldo. Please sit down.

SECRETARY HAWKER:

Senate Bill 474.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 474 merely amends the Highway Code and increases the equipment and building tax to .10 of taxable property of a road district. This was asked -- given to me by the Township Officials of Illinois, and it is with a full frontdoor referendum. So I ask your support for this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 474 pass.

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All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 52 Ayes, 7 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 475. Senator Macdonald. Read the bill.

SECRETARY HAWKER:

Senate Bill 475.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

This bill also was requested by the Township Officials of Illinois, and it increases to .25 percent of the present road district hard road tax of sixteen -- 1.67 percent of the assessed value of taxable property. This also can be passed only with a full frontdoor referendum, and I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 475 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 50 Ayes, 7 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 482. Senator Jones. Read the bill.

SECRETARY HAWKER:

Senate Bill 482.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

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Thank you, Mr. President, Members of the Senate. Senate Bill 482 is a rewrite of the Structural Engineering Licensing Act which expires at the end of this year. It makes minor changes and I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 482 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 486. Senator DeAngelis. Read the bill.

SECRETARY HAWKER:

Senate Bill 486.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 486 does exactly what the title says. It increases the penalty for persons refusing to identify themselves on a school ground, from a petty offense to a Class A misdemeanor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 486 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Page 9 on the Calendar. Senate Bill 491. Senator Maitland. Read the bill.

SECRETARY HAWKER:

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Senate Bill 491.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. This is the -- the Republican formula shell bill. As in the past, we -- in each side of the Chamber passed one out to the other side of the rotunda. And I would seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 491 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 52 Ayes, 1 Nay, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 499. Senator del Valle. Read the bill.

SECRETARY HAWKER:

Senate Bill 499.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 499 is an attempt to coordinate existing personnel resources to meet the special needs of non-English-speaking residents, such as Hispanics, and Polish -- and the Polish population. And it -- it is also an attempt to alleviate our welfare and unemployment rolls, by directing recipients to sources of employment within State Government. We have large and growing populations in different parts of the State, such as the cities of Waukegan, West Chicago, Aurora,

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Elgin, Sterling, Melrose Park, Chicago Heights, Granite City, Fairmont. These cities are cities that need individuals in State positions that can speak the language of the residents, in order to communicate and effectively deliver services.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 499 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 38 Ayes, 21 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 500. Senator Vadalabene. Read the bill.

SECRETARY HAWKER:

Senate Bill 500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Sam.

SENATOR VADALABENE:

Yes. Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 500, as amended - and the amendment was at the request of Senator Fawell, that we took out the language - would be a tax increase without a referendum, and we -- and we accommodated Senator Fawell. Senator -- Senate Bill 500 extends to libraries in home rule municipalities the same opportunity to retain their current property tax revenue, following conversions to a district library as is now in the case where non-home rule libraries -- this is a Library Association bill, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 500 pass. Senator Watson.

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SENATOR WATSON:

Yes. Thank you. Just a quick question.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Proceed.

SENATOR WATSON:

Senator, our analysis says this is a tax increase without referendum. Is it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Vadalabene.

SENATOR VADALABENE:

Yes. I -- in my opening remarks, Senator Watson, I said, at the request of Senator Fawell, with the Amendment No. 1, we took out that language. And I wish you were listening.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senate Bill 500. Question is, shall it pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 43 Ayes, 9 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 503. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

Senate Bill 503.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 503 just brings the Paternity Act in line with the current Divorce Act, so that support orders entered pursuant to paternity actions will commence from the date of service of summons to the respondent, so that the respondent can't stall to

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prevent the payment of these support payments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 503 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 505. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

Senate Bill 505.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 505 is part of the elder abuse package. This is the one that prevents financial -- exploitation of senior citizens. Prosecution currently is difficult because current Statutes don't adequately define theft by deception as it pertains to seniors or persons with disabilities.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 505 pass. Yes. Senator Barkhausen.

SENATOR BARKHAUSEN:

Sorry, Mr. President. I thought I had my light on. Yeah. I think the Membership ought to be alerted on this one. I know the Attorney General's Office and Senator Marovitz have made efforts to amend this. However, even with the amendments, I would have to point out that the penalties for these new crimes that are theoretically being -- or new offenses that are theoretically

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being created with this bill, provide lower penalties in most cases, than exist under our present offenses under the Criminal Code of theft by deception, and theft by intimidation. For theft by deception of over three hundred dollars and less than five thousand dollars, for example, the penalties under this bill would be lower than currently, and the same is true for five thousand dollars to a hundred thousand dollars, and the same is true for crimes amounting to over one hundred thousand dollars. I know there has been some talk of further amendments to this bill; however, if you're going to still -- still be dealing within the realm of theft by deception and theft by intimidation, I don't think there's any way you can come up with a new offense without -- without ending up either with the very same penalties for both crimes, or what we have here--lower crimes in an amended bill than what the current Statute provides. So I suggest a No or Present vote.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT ROCK:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, from my discussions with the representatives of the Attorney General's Office and with your staff, it's my understanding that there will be an amendment in the House to make sure that none of these penalties are lowered. Is that correct?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct, Senator Hawkinson. We have had substantial discussions about making sure that no penalty is lower, and that's

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what the -- the discussions are. Thank you for pointing that out, Senator Hawkinson.

PRESIDENT ROCK:

Question is, shall Senate Bill 505 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. Senate Bill 505, having received the required constitutional majority, is declared passed. 506. Senator Marovitz. On the -- 519. Senator Fawell. On the Order of Senate Bill 3rd Reading Senate Bill 519. Read the bill.

SECRETARY HAWKER:

Senate Bill 519.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. The amendment becomes the bill, and this was in conjunction with an agreement with Senator Jacobs. All it does is say that no township supervisor or trustee, during the term of office as elected, may accept or be appointed to, or hold any office outside of the office that he was elected to. I would solicit your Aye vote. This is a township bill.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 519 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none -- 57 Ayes, 1 Nay, none voting Present. Senate Bill 519, having received the required constitutional majority, is declared passed. Senator Luft, for

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what purpose do you arise?

SENATOR LUFT:

Thank you, Mr. President. I would ask leave to recommit Senate Bill 5-2-7 to the committee from whence it came, the Committee on Executive.

PRESIDENT ROCK:

All right. The Gentlemen seeks leave to recommit Senate Bill 527 to the Executive Committee. Without objection, leave is granted. 531. Senator Barkhausen. On the Order of Senate Bills 3rd Reading, Senate bill 531. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 531.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 531 re-creates, under Illinois law, the common law of tenancy by the entirety. We had some discussion on this subject the other day. As I explained at that time, the rationale for this is to try to create a form of joint real property ownership that truly provides equal rights under the Statute, and would get around the problems that remain under joint tenancy today, whereby one of the joint tenants can terminate or sever a joint tenancy by conveying out his or her interest, or by encumbering it. I'd be happy to try to answer any questions. There may be a technical amendment that is needed in the House, but I ask for your support at this time.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall Senate Bill 531 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish?

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Have all voted who wish? All voted who wish? Take the record. On that question, there are 53 Ayes, 4 Nays, none voting Present. Senate Bill 531, having received the required constitutional majority, is declared passed. 533. On the Order of Senate Bills 3rd Reading is Senate Bill 533. Read the bill.

SECRETARY HAWKER:

Senate Bill 533.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 533 relates to suggestions made by the Secretary of State's Office, containing certain technical revisions to the Revised Uniform Limited Partnership Act, that we passed here just a few years ago. And I ask for your support.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 533 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 533, having received the required constitutional majority, is declared passed. Senator Hall, on 535. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 535.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Hall.

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SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 535 is a recommendation to the city -- the Citizens Assembly on Children. It says a bill that is dear to the heart of both sides of this aisle. I -- similar to the elder bills, it attempts to prove access to health care to poor women and their children. I know of no organized -- opposition to this bill, and ask for your most favorable support.

PRESIDENT ROCK:

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. The organized opposition that I know of, Senator, is the Illinois Department of Public Aid. The Department now has funds included in its 1990 budget request to do a demonstration project to do this -- just this; to provide for women and children up to a hundred and eighty-five percent of the federal poverty level, which I believe is in -- in your bill. Isn't the current -- what is the current State law regarding the coverage of pregnant women and children at the present time?

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Well, the -- which one is it? Here it is here. Two years ago, the G.A. enacted a bill by Poshard, and which extended the medical aid coverage to pregnant women and infants up to the age one.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Well, I -- time is getting late. I just stand in opposition to this bill. This bill would change the coverage for pregnant women and children up to age one, up to a hundred percent of the

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poverty level, and change that up to age eight, up to a hundred and eighty-five percent of the poverty level. I understand the fiscal impact of this bill is 45.5 million dollars, and the Department already has money in its budget for a demonstration program on this. And I urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Hall may close.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator, as far as your fiscal impact, the Senate Bill is -- but originally the DPA indicated that the fiscal impact was 14.1. So it shows they -- they don't know themselves, really. I would ask your most favorable support of this bill.

PRESIDENT ROCK:

Question is, shall Senate Bill 535 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays, none voting Present. Senate Bill 535, having received the required constitutional majority, is declared passed. Senator Karpziel, for what purpose do you arise, ma'am?

SENATOR KARPIEL:

For verification, Mr. President.

PRESIDENT ROCK:

All right. The Lady has requested a verification. Will the Members be in their seats. Madam Secretary, please read the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative; Senators Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch,

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O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDENT ROCK:

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

SENATOR KARPIEL:

Yes, Mr. President. Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz on the Floor? Senator Marovitz is coming out of the phone booth, Senator Karpriel.

SENATOR KARPIEL:

Senator Savickas.

PRESIDENT ROCK:

Senator Savickas. Senator Savickas on the Floor? Senator Savickas on the Floor? Strike his name, Madam Secretary.

SENATOR KARPIEL:

That's it.

PRESIDENT ROCK:

All right. Senator Hall has requested that further -- on that, there's a verified roll, 29 Ayes, 27 Nays, none voting Present. Senator Hall has requested further consideration be postponed. So ordered. 536. On the Order of Senate Bills 2nd Reading, bottom of Page 9, is Senate Bill 536. Read the bill.

SECRETARY HAWKER:

Senate Bill 536.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 536 is one of the bills contained in the Farm Bureau Chief Program, and it is a bill that seeks to require the State

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Board to develop and operate a pilot telecommunication program for participating school districts in rural areas for the 1990-'91 school year. The State Board must determine and select the participating districts, and must establish the design and content and operation of the program. It is a program that will be in operation 1990 and '91 school year, in the second semester, and the program life is eighteen weeks. This is to deal with the new concept of fiber optics. It's being used in other states. It is a program that will be very helpful to downstate rural Illinois. I would answer any questions, and otherwise seek your support.

PRESIDENT ROCK:

Discussion? Senator Luft.

SENATOR LUFT:

Question of the sponsor, please.

PRESIDENT ROCK:

Indicates he will yield, Senator Luft.

SENATOR LUFT:

Senator Maitland, I don't quite understand why we are developing a pilot program, when in fact, I have toured the program at Western Illinois University, which seems to be doing the same program that we're trying to develop here. And I'm wondering why we're -- why we're doing this, when that seems to be an ongoing program.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Senator, I have a -- I also understand and have witnessed the Western Illinois Program. It is a totally different kind of program. That is a one-way TV; this is two-way interactive fiber optics. That uses the satellite and, quite frankly, fiber optics is -- is -- is the newer wave of that -- that innovation.

PRESIDENT ROCK:

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Further discussion? Further discussion? If not, the question is, shall Senate Bill 536 pass. I beg your pardon, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this. First of all, there's no funds currently budgeted in anybody's budget - State Board or the Governor's - for this program. And I would suggest to you that if we're going to expend the money we already have and the State Board has, as Senator Luft has pointed out, a program that is similar. It may not be the same, but it can certainly be adopted, if we supply the funds. I think that this is ahead of its time, and it ought to be back in committee. I urge a No vote.

PRESIDENT ROCK:

All right. Senator Maitland, you wish to close?

SENATOR MAITLAND:

Yes. Thank you very much, Mr. President. Senator Berman, you, of all people, always a progressive education person, and I'm, quite frankly, surprised to hear that you're opposed to...

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SENATOR MAITLAND:

...this. This is a concept that the Farm Bureau feels very strongly about. I think we ought to give it a try. Eventually, you know -- don't forget the Farm Bureau's out there pushing for a tax increase, with tax relief to help solve some of these problems. So I think they've got a perfect right to ask for a program like this. And I would seek your support.

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PRESIDENT ROCK:

Question is, shall Senate Bill 536 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 8 Nays, none voting Present. Senate Bill 536, having received the required constitutional majority, is declared passed. 537. Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 537.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill provides that no school district shall be under any obligation to meet any mandate imposed by the 1985 Reform Act, or any mandate which takes -- which took effect after the first of August of that year. If the appropriation -- if the amount of money that the State makes available is insufficient to fully fund the mandate, then the school district has the choice of dropping it, or modifying it to meet available State funding. If the school board should decide to drop a mandate, it has the obligation to report that act to the State Superintendent. I'll be happy to respond to any questions.

PRESIDENT ROCK:

Discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in opposition to this bill. Not that I am insensitive to the mandates that we put on local school districts, and the fact that

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we don't give them adequate money to fund them. But I also recognize that we cannot allow school districts to dismantle, or not to provide, needed educational programs simply because the State refuses to fully fund it. The State -- if that's the case and if that's the philosophy of this Body, then actually, we could close down the entire public school system in the State of Illinois. We most certainly do not fully fund, or halfway fund, or fairly fund, the general educational, the core curriculum of the State. So if we set this kind of precedent, maybe someone will come back and just say the State ought to just get out of this total responsibility of funding education. I think this is a bad precedent for us to begin to get into. And we should defeat this bill.

PRESIDENT ROCK:

Further discussion? Senator Berman.

SENATOR BERMAN:

Well, I -- I rise in -- in opposition to this, because the big ticket items are excluded from this, and I would like to ask the sponsor, what -- what programs, specifically, would have to be line item funded, is the first question. Number two is, what's the definition of "fully funded"? Is there one in the bill?

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Well, Senator, I have a listing here of the mandates that were included in the Eighty-five Reform Act. This would include the school district report cards, the establishment of the student learning objectives, the development and administration of the local student assessment tests, the criminal background checks for new employees, the teacher evaluations, in-service training for school employees on hazardous materials, suicide intervention. Then there are a number of personnel mandates; I won't list all of

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these. Then there are a number of curriculum mandates. Those include the avoidance of child abduction, AIDS instruction, physical and legal effects of drug and alcohol use, benefits of sexual abstinence until marriage. There are a number of commemorative school holidays, too, that require the schools to provide instruction on the commemorative -- commemorated person or event. Then we have a number of items which are under consideration during this Session, and including increasing the compulsory school attendance age, the BHE admission requirements that we've talked about earlier today, and then increasing minimum salaries for teachers. Senator, I would not guarantee that's a full list, but at least it represents many of them that would be affected.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

And what's the definition of "fully fund"?

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, I think that it would be up to the General Assembly to identify what we determine to be a full-funding figure. And then, if we did not appropriate that amount of money, then we would not be fully funding the mandate.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you. The trouble is that if the bill passes, it's not going to be up to us to say what's fully funded. It's going to be up to every school board. And in the list that you listed, I didn't hear anything there that anybody here - or not many of us - would stand up and say the children should not be instructed on.

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Over half the money that -- over two-thirds of the money that we appropriate is in General State Aid. And you know that every year when we allocate money between the categoricals and the General State Aid, we try to respond in General State Aid money to the school districts. Now they can't have it both ways. By -- for them to define what's fully funded and then ask for maximum funding through General State Aid - it's -- it's an anomaly. I think that this is a bad bill. I have discussed with the mandates -- let's see what do we call that -- SMART - State Mandates Act Rights Task Force - how to line item the ones that really ought to be remained. And I think that your seatmate to your left -- his own task force indicated that there ought to be a cut based on the -- the program, rather than on the question of just the funding. So I urge a No vote on this bill.

PRESIDENT ROCK:

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you. A question of the speaker.

PRESIDENT ROCK:

It's a question of the sponsor?

SENATOR MAHAR:

Sponsor. I'm sorry.

PRESIDENT ROCK:

Indicates he will yield.

SENATOR MAHAR:

Thank you very much.

PRESIDENT ROCK:

Speaker's across the hall; I have trouble getting to him.

SENATOR MAHAR:

Thank you for clarifying that, Mr. President. Senator Etheredge, you went through your list, and I didn't hear whether this, and maybe you could tell me, whether this affects the

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physical education mandate.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

No, Senator, it would not.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, I'm told we have some special guests up in the gallery on the Republican side - a group of young people from the Skinner School, and I would ask that they stand and be welcomed to Springfield. All right. Further discussion? Senator Etheredge, you wish to close?

SENATOR ETHEREDGE:

Thank you very much. I would ask you to support this legislation. This is a topic that we have dealt with earlier on. I believe this is an idea whose time has come, and I would request a favorable roll call.

PRESIDENT ROCK:

Question is, shall Senate Bill 537 pass. Those in favor, 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 32 Ayes, 23 Nays, none voting present. Senate Bill 537, having received the required constitutional majority, is declared passed. 543. Senator Brookins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 543.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This bill divides Cook County into

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eight judicial circuits. Eighteen districts. I ask for a favorable vote.

PRESIDENT ROCK:

Any discussion? Is there any discussion? Senator Keats.

SENATOR KEATS:

Am I the only light? Great bill. We're with you, Howard. Thanks. Please vote Yes.

PRESIDENT ROCK:

Question is, shall Senate Bill 543 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? Take the record. On that question, there are 41 Ayes, 15 Nays, 2 voting Present. Senate Bill 543, having received the required constitutional majority, is declared passed. Top of Page 10. It's now 4:00 o'clock and we have five more pages to go. Senate Bill 5-5-9. Senator Philip. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 5-5-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 559 sends up -- sets up a pilot project, one in Cook and one in DuPage County, to be selected by the chief judges in both of those circuit. What it does is permit drug testing to the defendants who have been charged with a felony offense involved in a controlled substance, who have consented to testing as a condition of bail. They do this in Washington, D.C.; it's been very successful. I'll ask -- be happy to answer any questions, and ask for a favorable vote.

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PRESIDENT ROCK:

Discussion? If not, question is, shall Senate Bill 5-5-9 pass. Those in favor, 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 52 Ayes, 1 Nay, 1 voting Present. 53 Ayes, 1 Nay, 1 voting Present. Senate Bill 559, having received the required constitutional majority, is declared passed. 563. Senator Maitland. 564. Senator Philip. On the Order of Senate Bills 2nd Reading -- 3rd Reading is Senate Bill 564. Read the bill.

SECRETARY HAWKER:

Senate Bill 564.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 564, as amended - and Senator Demuzio's amendment went on, which took out the Democrat Party - all it says is that nominating petitions can be filed at the same time for office. What I'm talking about are delegate and alternate delegate. Be happy to answer any questions. It certainly makes it easier for precinct captains and precinct committeemen. Thank you.

PRESIDENT ROCK:

Question is, shall Senate Bill 564 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 3 Nays, none voting Present. Senate Bill 564, having received the required constitutional majority, is declared passed. Senator Jacobs. 572. Read the bill, Madam Secretary, please.

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SECRETARY HAWKER:

Senate Bill 572.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. We're not going to be a long time on this. I think I sent everyone a copy of the amendment, and a little packet of newspaper clippings in regards to...riverboat gambling. And we have had a lot of discussion on this and a lot of media mention, but let me do something I've never done before. For my argument, I'm going to use a newspaper, about five paragraphs out of a newspaper, and it's not going to be one of the Chicago newspapers, or the Washington Post, or anyone else who has covered this. This is a good old southern Illinois conservative newspaper, The Southern Illinoisan. Southern Illinoisan states that "Daniel Webster once suggested there's no evil in compromise, so long as the compromise isn't with evil." As the goal of this bill is less to give sin a foothold than dying towns a toehold, we ought not to reject the idea without giving it some thought first. This bill sets out a rigorous plan for regulating riverboat gambling. Cash would not be allowed in wagering areas. Minors would be prohibited. Specific financial records would have to be kept. Bonds would have to be filed. Gambling would not be allowed on boats permanently docked. And boats would be subject to search by police without warrants. Many regulations would follow if the bill were passed. A number of Illinois communities, in regard to tourism, could use some of that, not the least of which is Cairo, a river town that needs a economic boost if there ever was one. In fact, river towns all along southern Illinois, two shore lines

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could arm... who could well use a shot in the tourism arm. Excursion boats cruising up and down the Mississippi River might be just the ticket. Iowa has just embarked on such a venture by passing a law on which this bill is modeled. Not known for loose morals, Iowans will be doing in April of 1991 what we're just beginning to think about. If citizens in Cairo and elsewhere think this would be one way to boost tourism without compromising some firmly held beliefs on right and wrong, the rest of southern Illinois ought to be solidly behind them. I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I really hadn't decided until just very recently how I was going to vote on this bill. I...during the time I've been in the General Assembly, I've opposed most gambling bills, feeling that the Lottery in particular, brings maybe more problems than it...than it does solve anything. But this particular issue, particularly for those of us who live along the western side of the State, I think becomes an economic one. Now that Iowa has adopted riverboat gambling, we see them ready to begin to move into that tourism and riverboat activity that will ensue. And I think we'd be doing a real harm to the Illinois quad cities, in particular, if we failed to allow them to compete with Iowa and with the Iowa quad cities. So on the basis of strictly the economics involved, I'm going to be supporting this bill.

PRESIDENT ROCK:

Question is, shall Senate Bill 572 pass. Those in favor, 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 45 Ayes, 10 Nays, 3

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voting Present. Senate Bill 572, having received the required constitutional majority, is declared passed. 575. Senator Jacobs. Senator Jacobs. Read the bill, Madam <sic> Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 575.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Yes. With permission, I would like to name Tom Dunn as chief sponsor of this bill.

PRESIDENT ROCK:

All right. Gentleman seeks leave to show Senator Dunn as the chief sponsor of 575. Without objection, leave is granted. Senator Dunn.

SENATOR T. DUNN:

Thank you -- thank you, Mr. President. This bill is identical to the last bill, except that it gives the same rights to the Des Plaines River in Will County. I urge adoption.

PRESIDENT ROCK:

Discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Dunn, is the Des Plaines River deep enough to -- to do this?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Everything that starts at the Gulf of Mexico and goes to the port of Chicago comes through the Des Plaines River, Senator.

PRESIDENT ROCK:

Further discussion? If not, question is, shall Senate Bill

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575 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes -- 36 Ayes, 18 Nays, 2 voting Present. Senate Bill 575, having received the required constitutional majority, is declared passed. Senator Kustra, on 579. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 579.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco, for what purpose do you arise, sir?

SENATOR D'ARCO:

Thank you, Mr. President. I filed a Motion in Writing to recommit Senate Bill 579 to the Transportation Committee. And at this time, I would ask that that motion be heard.

PRESIDENT ROCK:

All right. That motion is in order, under Rule 34. It says quite specifically the Motion to Commit or Recommit, until it is decided, shall preclude all amendments and debate on the main question. So I presume that what we ought to do is go to the motion and then -- Senator Kustra.

SENATOR KUSTRA:

How many votes does it require, Mr. President?

PRESIDENT ROCK:

Thirty votes.

SENATOR KUSTRA:

Yeah. Mr. President. At this time, I would just say that this bill has been laying on the Calendar now for I don't know how many days. It's no secret. I planned nothing other than to give my pitch on a bill and move on. All day long the beer lobby has

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been working their tails off, and now in the eleventh hour, you're going to allow a Motion to Reconsider? I mean -- I -- I don't understand this -- this is not fair. You can go ahead and take your vote, but I would hope that at least the Members of my side of the aisle - and I would hope those fair-minded people on the other side of the aisle-would let this bill be debated. This is not fair to let one lobby use its influence in the eleventh hour of this Session like this. It isn't fair. The bill should at least be debated. And I would ask for your support on the motion. Please vote against the Motion to Recommit. I have all the evidence. There's no studies. They're talking about some study that's coming out. I've got five studies I can show you.

PRESIDENT ROCK:

Yes. I understand. I understand. Senator Kustra, why don't we wait until we get into it. All right. Read the motion, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

We, the undersigned, move to commit Senate Bill 579 to the Senate Committee on Transportation. Signed by Senators John D'Arco, William O'Daniel and Denny Jacobs.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. And the fact of the matter is that there is a study, by the Federal Government, that is coming out in February of next year. The beginning of next year, the study will be concluded, and it will determine what is the proper alcohol content to determine when a person is considered to be driving under the influence. That's a fact. I'm not making that up. That's the truth. And we haven't conducted any studies in Illinois, as of late. The last study was conducted by the State Police, and they decided on the 1.0 level that is the present law.

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Now what is proper? Is it .08? .85? .95? There's no way to determine this without a proper study. And that's why this bill should be recommitted until a determination has been made. That's all this does. There's nothing wrong with this.

PRESIDENT ROCK:

Discussion on the motion? Senator Kustra.

SENATOR KUSTRA:

Well, Senator D'Arco, you want studies. I've got studies. We do not need one more study to determine this issue. Why don't we start with the American Medical Association? You know what they said the blood alcohol content ought be? .05. This is a moderate approach to what the AMA in 1981 said ought to be the proper blood alcohol content level. .05. Or maybe you want to talk about the U.S. Surgeon General. He's done his study. He's made his recommendation. He says .08. Or how about the National Safety Council? Let's talk about the National Safety Council. .08. Or let's talk about a State Police quote, our own Illinois State Police, Senator D'Arco.

PRESIDENT ROCK:

Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Point of order -- point of order, Mr. President.

PRESIDENT ROCK:

Yes sir. State your point.

SENATOR SAVICKAS:

Are we debating the bill or the motion?

PRESIDENT ROCK:

The motion (inaudible)...

SENATOR SAVICKAS:

...(inaudible) debatable on the motion itself.

PRESIDENT ROCK:

The motion is debatable. Senator Kustra.

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SENATOR KUSTRA:

Thank you, Mr. President. And all I am doing, of course, is responding to a motion, which is based on some conclusion that there has to be one more study. And let me just read you, and then I will -- will finish - this is the State Police: "The difference between .10 and .08 for an average one-hundred-and-eighty-pound man is the difference between drinking about seven twelve-ounce beers over two period -- over a two-hour period, and consuming about six beers over the same time period." This is not an unreasonable approach. We're not talking about cutting anybody out. For one thing, you have to understand that this proposal is only dealing with people when they are driving. So -- I mean, I don't what everybody is getting so excited for. I can even show you that the beer distributors, which is passing out this sheet of paper, have inaccurately read the two charts. They haven't even given you the right information. I don't think they did that on purpose. They can't read the damn chart. Here's one from the State Police, and here's one from the Northwestern University Traffic Safety Institute. All I suggest to you is give me a chance to hear the bill, and you can hear this stuff, then you can take your vote. But this isn't fair - just cut somebody off at the pass at the last hour, because you're afraid of a vote.

PRESIDENT ROCK:

Senator Hawkinson, on the motion.

SENATOR HAWKINSON:

Thank you, Mr. President. I don't intend to support this bill, because I don't believe in the wisdom of it. But in all fairness to the sponsor, I think he's entitled to have the bill debated, and I will oppose the motion.

PRESIDENT ROCK:

Further discussion on the motion? Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President. I -- I just would like to call for the question, because it's just a simple one.

PRESIDENT ROCK:

I understand. Senator D'Arco, to close.

SENATOR D'ARCO:

The fact of the matter is, Mr. President and Ladies and Gentlemen, this bill never had a committee hearing. We aren't -- we weren't aware in committee of any studies that were conducted, relative to this issue. And when it was presented for discharge, nobody mentioned anything about what the contents of this bill was about, except that it lowered the blood alcohol level. That was the extent of it. Now the fact is, federal highway funds are related to the proper amount that is determined by the National Science Academy Study that will be forthcoming in February. It's important for this State to follow the federal reg regarding blood alcohol level. We need to study this issue, and this issue needs to be put back in to committee for further study.

PRESIDENT ROCK:

All right. Senator D'Arco has moved to commit the Senate Bill 579 to the Committee on Transportation. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 24 voting Aye, 31 voting Nay, and the motion fails. On the Order of Senate Bills 3rd Reading, Senate Bill 579. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 579.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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We'll just wait till we get the board right. We're back on 3rd Reading. Okay? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I'll try to be brief. I think I've made most of my points. This is a proposal which has been brought to us this year by the Illinois Alcoholism and Drug Dependence Association. It is, of course, supported by the organizations of MADD and SADD. But most importantly, it is a proposal of the Governor's own DUI Task Force. The .08 is the medically accepted standard which the AMA found a few years ago to be the one we ought to be adopting. It is also the one which they are recommending. I think the issue here is really one of impairment. At what point are you impaired when you're driving an automobile? .08 is not a radical position. You might argue that .05 is. You might argue that .04 is. One study, that I didn't even mention before, says that truck drivers shouldn't be driving if they are over .04. That applies to truck drivers and bus drivers. That's a national study. In fact, interestingly enough, Senator D'Arco, it's the National Academy of Sciences, which is the same outfit that's going to do the study that...that the beer lobby seems to be waiting for. The fact of the matter is that I have tried to present a bill that is reasonable, a bill that deals with impairment while driving. I would suggest to you that all we're doing by this bill is adopting what is a very moderate approach. I've already given you the numbers on how much you can and can't drink. These little devices that I have here can prove that. They're from the Illinois State Police. The State Police support that. The Illinois Department of Transportation support this bill, and I would also point out, I am not aware of any evidence or information anywhere that says that somehow we are tied to some national standard. We are not. We, as a State, can establish our own standard, and that's what I

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would ask you to do today. I ask for your favorable consideration.

PRESIDENT ROCK:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 579 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 28 Ayes, 21 Nays, 1 voting Present. Senate Bill 579, having failed to receive the required constitutional majority, is declared lost. 583. Senator Kustra. On the Order of Senate Bills 3rd Reading. Senate Bill 583. Read the bill.

SECRETARY HAWKER:

Senate Bill -- Senate Bill 583.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This bill I did discuss the other day on the Motions to Discharge. It's the bill that bans the sale of individual cans of alcohol, and this is the bill that has also been -- been discussed by the retailers, the distributors, the petroleum marketers, and as far as I know, it's an agreed bill, and they're all on board, and I would ask for your favorable consideration.

PRESIDENT ROCK:

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

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Senator, I was under the same understanding. However, it was just pointed out to me that in our analysis - our analysis says units greater than six, which would seem to exclude a normal six-pack. Is that the language of the amendment, or does the amendment allow for units of six to be -- to be sold, which is the standard unit?

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Yes. It does allow units of six to be sold. That's the amendment right here.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 583 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 51 Ayes, 3 Nays, none voting Present. Senate Bill 583, having received the required constitutional majority, is declared passed. 588. Senator Netsch. On the Order of Senate Bills 3rd Reading. Middle of Page 10. Ladies and Gentlemen, we have a hundred and fourteen bills yet to go, and we have handled a hundred and two, thus far today. On the Order of Senate Bills 3rd Reading, Senate Bill 588. Read the bill.

SECRETARY HAWKER:

Senate Bill 588.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator DeAngelis and I are the co-sponsors of this bill, which resulted from the work of the Task

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Force on Tax Delinquent Properties, basically consisting of the Campaign for Responsible Ownership and Chicago United. It deals with tax delinquent properties and the scavenger sale, although it applies generally Statewide. For all practical purposes, its primary application is in Cook County, which is the one county that -- effect -- or not effectively, but does use the scavenger sale. It's an attempt to get rid of a lot of practices that have made that device for getting property back on to the tax rolls, not effective, and indeed, subject to a great deal of fraud and abuse. Let me read you two sentences. I am not going to go through the detailed provisions of the bill. Senator DeAngelis and I had passed out earlier a fact sheet, which you are more than welcome to look at. This is two sentences from the letter: "The three organizations - Chicago United, Task Force on Delinquent Properties, and the Campaign for Responsible Ownership, represent business, civic, government housing and economic development groups from Chicago and Cook County, who are concerned about the growing problems of tax delinquent properties in Chicago. Senate Bill 588 addresses serious problems with this system in Cook County, and it primarily seeks to avoid that fraud and abuse in the scavenger sale." We would be happy to answer questions. If not, we would urgently suggest that you vote Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 588 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 54, the Nays are 2, none voting Present. Senate Bill 588, having received the required constitutional majority, is declared passed. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

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Senator -- Mr. President, I -- accidentally punched my switch the wrong way on Senate Bill 572, and I would like to recorded as a No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the electronic device will indicate. Senate Bills 3rd Reading. Senate Bill 590. On the Order of Senate Bills 3rd Reading, Senate Bill 5-9-0, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 590.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Senate Bill 590 requires a periodic drug and alcohol testing of employees who are directly responsible for the generation, transportation or handling of toxic and radioactive waste. The bill defines the type of waste which is only that which is the most hazardous. In Illinois there are, I believe - or will be - eight power plants generating high-level waste, and about two hundred and fifty at low level. Six carriers in one store. The Act is not intended to include wholesale testing of these employees, but only those that are directly involved -- directly in the proximity, driving the vehicles, running the reactor, operating the equipment, et cetera. The scope is limited. The program will be developed by DASA and implemented by Public Health. The cost of each test will be borne by the company. The focus is to find the employee who is abusing alcohol or drugs, and provide help before a catastrophe can occur. Counseling is strongly recommended. Any fees or fines, I'm sorry, against employee, have been removed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? If not, the question is, shall Senate Bill 590 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 59, the Nays are none, none voting Present. Senate Bill 590, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 591, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 591.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is the, I think, the final bill in the package from the Illinois Alcoholism and Drug Dependence Association, and it is very simple. It prohibits alcohol sales to drivers or passengers from drive-up windows.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 5... (Machine cutoff) ...91, Senator? What's, -- well, apparently the -- the Calendar must be in -- in error. Apparently this bill, I assume, was amended, I guess, Senator? And Calendar does not reflect, so would you -- you want to explain that again?

SENATOR MAHAR:

Yes. Thank you, Mr. President. The bill was amended on 2nd Reading, and I'm not exactly sure why the Calendar reflects what originally was the original bill. But, once again, it's the -- it prohibits alcohol sales to drivers or -- drivers and passengers from drive-up windows.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Senator Jerome Joyce.

SENATOR J.J. JOYCE:

Yes. Thank you, Mr. President. I had a group of handicapped people in my office the other day, and they raised a question about this. You know, how can they, you know - they have to park somewhere and get out - and right now, you know, and I am very serious about this. They said this is a real problem for them. How are you going to deal with that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Well, thank you, Mr. President. I'm -- quite frankly, I -- you know, northeast Illinois -- I don't know of any of these places where they have drive-up windows. I would -- I don't know how they're doing that now. I assume they're somehow getting out of their vehicles and patronizing these liquor -- package liquor licensees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Did I hear you correctly, in northeast Illinois, there aren't any of these, and that's in your district? Then why are you passing this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

I was asked to be a sponsor of several bills from the package of bills introduced on behalf of the Illinois Association -- or the Illinois Alcoholism and Drug Dependence Association. This happens to be one of them, and I'm glad to sponsor it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

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SENATOR J.J. JOYCE:

Well, -- you know, here's -- here's a group in our society that probably likes to have a beer too once and awhile. You know, maybe more than, -- maybe they need it more than we do. And if you're going to prohibit them from a convenience that they have right now, that just doesn't seem fair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Mahar may close.

SENATOR MAHAR:

I just ask for a roll call -- positive vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 591 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 23, the Nays are 29, none voting Present. Senate Bill 591, having failed to receive the required constitutional majority, is declared lost. Senate Bill 592. On the Order of Senate Bills 3rd Reading is Senate Bill 592, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 592.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 592 states that the membership of boards of education service centers serving Class I and II county school units shall contain five classroom teachers. It was amended from what originally went through committee, which was a majority of the members would be teachers. This is less than a majority. Five is not too large a number for a center that

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really is controlling the in-service training for those teachers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 592 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 43, the Nays -- I beg your pardon, on that question, the Ayes are 46, the Nays are 7, none voting Present. Senate Bill 592, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 526 -- 596. Mr. Secretary, read the bill. 596.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 596.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this bill does is it amends the Retailers Occupation Tax Act to provide that a business that's located within an enterprise zone, which invests a minimum of forty million dollars into the State and retains at least ninety percent of their base employment, are eligible for a sales tax exemption or tangible personal property use in manufacturing or pollution control facilities. This is just drafted to rectify inequity in the enterprise zone law. We've had numerous amount of meetings with DCCA, Department of Revenue, with AFL-CIO, UAW, United Steel Workers, and this was agreed to, I guess -- or my understanding is Revenue at the present time is the only one -- is not in favor. All the other parties have agreed to, including IMA, and I ask

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your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall -- Senator Netsch.

SENATOR NETSCH:

Thank you. Senator Raica, I'm not sure if you said in this presentation - I couldn't hear everything - that it is particularly designed for a company that is in the Chicago area. Did you say that? I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

I did not. It's -- it's the Reynolds Aluminum Facility in McCook, but with this piece of legislation or proposed piece of legislation, there would be thirteen other businesses, or twelve other businesses that would fall into this category.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. One other quick point. I'm not a great fan of enterprise zones. I think they've been somewhat oversold, or at least we don't track them closely enough. But I think the exception that Senator Raica is suggesting here, probably makes as much sense as at least some other parts of the standards that have to be met. It's not just that it's a ninety-percent job retention, but it does require a forty-million-dollar investment in order to qualify. And it seems to me that that makes as much sense in an enterprise zone as any of the other standards that are already written there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Raica may close.

SENATOR RAICA:

Thank you, Mr. President. I would -- everybody worked hard on

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this -- on this piece, in getting something that was agreed to by all, and I just ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 596 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 1, none voting Present. Senate Bill 596, having received the required constitutional majority, is declared passed. 601. On the Order of Senate Bills 3rd Reading is Senate Bill 601, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 601.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. Senate Bill 601 merely authorizes the county board, under the amendment - it's limited to Lake County, as requested by my colleagues - to -- to raise the county law library fee from a maximum of six dollars to a maximum of ten dollars per case filing. I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 601 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 48, the Nays are 4, none voting Present. Senate Bill 601, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 6-1-3, Mr. Secretary. Would you read the bill, please.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 613.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Mr. President and Members of the Senate, this bill is an attempt to address the problems of addicted children and their mothers. This bill has been worked on over the past six months with the cooperation with the Department of Children and Family Services. Public Health has been involved. DASA has been involved, and I -- and I think that it's a very good comprehensive piece of legislation. The money's already been allocated in the Governor's budget through DASA for grants for this early intervention and identification of mothers who are pregnant and addicted. To -- to hopefully insure that children are not born addicted, this bill grants the Department of Children and Family Services the legal authority, which they do not have now, to intervene after a child has been born addicted. It also provides for screening of high-risk children after the baby's born to a mother that is known to be addicted, so that it can avoid the problem of mothers taking children home and finding out later that they, too, are addicted. I will be happy to answer any questions. The bill has the support of all of the women in the Chamber. I'm proud to say that this year. I think this is the only bill. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Point out that 603 we skipped, because it was on the Recall List this morning. Discussion, with respect to 613? Senator Kelly.

SENATOR KELLY:

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Yes. Mr. President, I initially had some deep concerns about this bill. But in consulting with the Coalition for the Right to Life, I'm advised that this bill is a good bill. And I'm therefore going to support it. Getting that information from them, I think, adds to my knowledge on this bill. And I think it's a good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I'm pleased to join Senator Collins on this bill. This problem is not confined to the borders of Chicago. We, too, in Rockford, have been in the limelight in the last months because of our problems. And this bill, I believe, is going at the problem in the correct way, in trying to give help to the mother who's pregnant and addicted. And I strongly support the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

I, too, would like to echo Senator Holmberg's remarks and say that this is not an isolated problem, and I am very proud to be a -- a co-sponsor of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis. Senator -- nobody else -- the question is, shall Senate Bill 6-1-3 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 52, the -- now on that question, the Ayes are 54, the Nays are 5, none voting Present. Senate Bill 613, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, at the bottom of the page, is Senate Bill 615, Mr. Secretary. Read the bill.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 615.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins. Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members -- and Members of the Senate. Senate Bill 615 is an attempt to make the school -- Chicago School Reform work. Because without discipline in the classrooms and in the schools, we most certainly will not be able to improve the quality of education. Currently, under the present systems, children under the age of sixteen and under, under the compulsory school attendant age, can, in fact, be suspended from school on minor type charges. And it is my belief, and many others' belief, that children should not be expelled from school. That the school should provide and go back to what they used to do some time ago. Provisions within the schools for in-school suspension of those children that are -- are experiencing some problems with disciplines in the school. And for those students who cannot be -- work within that structured process of in-school suspension, that separate school be set up to deal with those children with more intense types of social services, and also more work with the parent. I would be happy to answer any questions. If not, would ask for a favorable roll call. This bill is only related to City of Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. If I could just comment without getting into a dialogue with Senator Collins. Senator Collins, I have two problems with the bill. First of all, I'm not

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so sure whether policywise, this is a good idea for us trying to second-guess the folks in Chicago on this issue and limiting what they might want to do with their students. Secondly, it seems like this flies right in the face of Chicago School Reform. We spent a lot of time down here last year, trying to give the local school councils all this authority, and now we're sitting here in Springfield passing a law, trying to decide when a kid should or shouldn't get -- get kicked out. Let's let that to the local school council, and let's get out of this business. That's what local control's about in every other school district in the State, and it ought to be the same for Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins may close.

SENATOR COLLINS:

Yes. Thank you. To answer the Gentleman's question, this bill -- the amendment is drafted and original bill gives the local school council the authority to be directly involved in this process, establishing due process hearings and et cetera, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 615 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? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 29. Senate Bill 615, having failed to receive the required constitutional majority, is declared lost. Page 11. Senate Bill 616. Senator Collins. On the Order of Senate Bills 3rd Reading, Senate Bill 616, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 616.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. Senate Bill 616 is an attempt to address a very critical problem, and it is called the Homeless Prevention Act. It -- I've been working with DCCA over the past several months on this bill. They've been very supportive and they do support the bill. The bill is narrowly defined to poor -- low-income people, and priority will be given for loans for those persons who are evicted under court orders. What the bill does, it establish grants for those persons up to five hundred dollars for paying of rent, security deposits, or for security deposits on utilities. It's only five hundred dollars, and the grant is administered through DCCA to local agencies -- nonprofit agencies who are currently now involved in dealing with the problems of the homeless. The bill also provides, which DCCA amended, provisions for those local groups to recoup the deposits, once the person terminates the lease agreements or move out of that apartment. That they will, in fact, go back into a fund, and the fund would be like a revolving trust fund, so that other people would be able to take advantage. I would be happy to answer any questions. If not, I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I rise in opposition to this bill, and I do have some questions, but I -- I -- in the interest of time, I'll just say that DCCA is already providing this program on a smaller scale, but they are already providing it with federal funds. And we just passed, last night, a very lengthy bill on

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affordable housing for rural, urban, suburban everywhere in the State, veterans, farmers, everybody. I don't think we need another bill without a funding source, and I oppose this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Collins may close.

SENATOR COLLINS:

The estimated cost of this bill, by DCCA, on the fiscal note, was only -- we're talking about -- about a million and a half dollars. I don't think this bill has anything to do with affordable housing. Just in case it doesn't pass, there's nothing wrong with sending this bill to the Governor's Desk. It would most certainly save us a lot of money, if we prevent people from becoming homeless.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 616 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? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 29, none voting Present. Senate Bill 616, having failed to received the required constitutional majority, is declared lost. Senate Bill 630. Now this was on the Recall List this morning, but the amendment failed. Therefore, we are in the process of proceeding under our rules. Senate Bill 630. Senator Welch. Mr. Secretary. On the Order of Senate Bills 3rd Reading, Senate Bill 630.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 630.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

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SENATOR WELCH:

I would ask that this bill be re-referred to the Committee on Energy and Environment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch requests Senate Bill 630 be referred to the Energy -- Committee on Energy and Environment. So ordered. 631. Senator Welch. On the Order of Senate Bills 3rd Reading is Senate Bill 631. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 631.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is the bill that we spoke about quite extensively in the last two weeks, concerning the cleanup of -- the remedy to the Lenz Oil cleanup case. What this bill is going to do is to create a fund that's going to be used for small generators, so that they don't get in a situation of sending waste oil through an authorized pickup truck, or pickup authority, and send it to a waste dump, only to find out that a small generator becomes liable for that individual's negligence. The bill is going to impose a one-cent tax on a quart of oil. And we expect the fund to raise about three hundred and fifty thousand dollars. Individual small generators, which is defined as under one million dollars in gross income, will be able to tap into that fund to relieve themselves of liability under this Act. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, one of the problems I think in the Lenz Oil case was that, people who are described as generators in that case - any oil stations and garages and farm implement companies - were disposing of their products by giving them to haulers who were licensed by the State of Illinois. One of the problems, I think, was that -- that obviously the State was negligent in licensing the wrong people. Either not requiring the kind of financial information they needed or by checking where those products go. Is there anything in this bill that would -- would strengthen that activity?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, I wasn't able to do that, because mainly -- mainly the EPA needs more funds. What I'm hoping to do, is by using the fund that's created with this, to let the EPA tap into some of those funds to do the investigation of those waste haulers that do receive licenses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, it surely wouldn't take very much in EPA funds to require a financial statement from anybody that's -- that asks for a license to cart this stuff around the State. That's no big deal. Can I have your assurance that you'll try to do something like that? I think that's what precipitated the entire Lenz Oil case.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Sure, I'd be glad to add that in the House, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill -- further discussion? Question is, shall Senate Bill 631 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 48, the Nays are 5, none voting Present. Senate Bill 631, having received the required constitutional majority vote, is declared elected <sic>. Senate Bills 3rd Reading is Senate Bill 633, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 633.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you. This will increase civil penalties for violations of most of the provisions of the Environmental Protection Act, from ten thousand dollars to fifty thousand dollars. Also increases from one thousand to ten thousand dollars additional fine each day the violation continues. This is a bill proposed by the Attorney General. It's in response to several situations where - the example would be the Exxon Valdez oil spill - we would only be able to fine those people ten thousand dollars per day for that spill. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 633 pass. Those

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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 633, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading -- Senate Bill 635, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 635.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is a bill to allow for the recycling of lead - acid batteries. The way it does that is by requiring a five-dollar fee or credit if the battery is returned on all lead-acid batteries. Requires retailers and wholesalers to accept used batteries, excluding the sale of vehicles and machines with installed batteries from the requirement. This bill did have some opposition from the merchants association. They have withdrawn their opposition, as I understand it. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I -- Senator, there was an earlier -- or another version of this bill that I liked better, which had no fee in it. Would you be willing to amend this over in the House side to eliminate that fee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

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Well, I -- I think that if we remove the fee, the bill would probably be meaningless, Senator. I think the fee is necessary, number one, to allow for the deposit to be returned to an individual when they bring the battery back. Otherwise, there wouldn't be an incentive. So...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Macdonald.

SENATOR MACDONALD:

Will the sponsor yield? Senator Welch, in the event - and I can't envision just what that would be - but in the event that a person went to buy a battery and did not have a battery to turn in, would they then have to pay a five-dollar -- how -- is that addressed in the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Yes. They would pay a five-dollar fee, but when they turned the battery in, they would get a five-dollar credit on the new battery that they purchased. So each battery would in effect, be carrying a deposit, perhaps similar to a bottle deposit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch. The question is, shall Senate Bill 635 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 37, the Nays are 16, 1 voting Present. Senate Bill 635, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 636, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 636.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill is going to do is to allow for two municipalities or more to combine to apply for a grant from Energy and Natural Resources Department. In a bill we passed last year, we created a fund for towns to apply for grants. The towns had to be twenty thousand or more. Some towns, such as the two towns I come from, LaSalle and Peru, wanted to apply for a grant, but each one is about ten or eleven thousand people. This will allow towns to combine and apply for grants from ENR. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Weaver.

SENATOR WEAVER:

Are we talking about 638 or 636?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I beg your pardon. I wanted to hold 636, Senator. I was talking about 638. You're right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take 636 out of the record. 638. On the Order of Senate Bills 3rd Reading is Senate Bill 638, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 638.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

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I would just make the same argument I just made.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Bill 638 pass. Those in favor will vote Aye. Those opposed, Nay. Have all voted -- take the -- all right. I'm getting punchy. Question is, shall Senate -- shall Senate Bill 638 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? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 638, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 659, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 659.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland. I mean, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill, as amended, is the Department of Public Health's request for conforming Illinois School Asbestos Law to the federal statutes. I'd be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 659 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 58, the Nays are none, none voting Present. Senate Bill 659, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate

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Bill 671. Senator Dunn. 683. 672. Senator Dunn. 683. Senator Maitland. Senate Bills 3rd Reading is Senate Bill 683, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 683.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 683, as amended, addresses a problem that -- that we have come up with -- developed in our -- in my district, and I think will affect many of you. Currently, physicians who are providing medical service to not-for-profit entities, if they draw any income at all from the medical profession, cannot -- cannot be exempt from civil liability. We -- we do this in the Statutes for -- for nurses, and Senate Bill 683 seeks to do that for what we're calling here back-up physicians who are volunteering their services to free -- free medical clinic. I think this is good legislation, every tightly drawn, and I would seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

One question, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

The bill as we had originally said that he would not be liable for services, unless there was willful and wanton misconduct. Is still -- is that still in the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Maitland.

SENATOR MAITLAND:

I don't have the foggiest idea what you said, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That's all right. Senator Geo-Karis, would you repeat the question?

SENATOR GEO-KARIS:

The bill, as it originally was brought forth, said that this doctor would not be liable for services unless there was willful and wanton misconduct. Now there was an amendment made from the bill -- to the bill -- does that -- did you remove that wanton and willful misconduct from the doctor?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Senator, I am reliably informed that it's still there.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 683 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 57 Ayes, 1 Nay, 1 -- none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 684. Senator Maitland. Read the bill. Out of the record. 687. Senator Watson. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 687.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This provides that the Secretary of

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State may suspend or revoke a driver's license of an individual who has been convicted of possession of any amount of cannabis or controlled substance while operating the motor vehicle. Current law says that the individual must have five grams of a controlled substance or thirty grams of cannabis. What we're trying to do here is get serious about the -- the user and the drug problem that we're having, and give the Secretary of State the opportunity he may suspend or revoke. It doesn't say it's mandated; he may suspend or revoke. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is -- Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HAWKINSON:

Senator, in trying to recall our debate on the Motion to Discharge, I had a question, whether a passenger would be subject to license suspension. Is this a different bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Only the driver is involved here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 687 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 694. Senator Topinka. Read the bill.

ACTING SECRETARY: (MR. HARRY)

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Senate Bill 694.

(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, this bill provides that no contractor's certificate is required for a bid or contract of ten thousand dollars or less. When we passed the bill in -- well, the Criminal Code in 1961, in terms of trying to make this happen, we were directing our attention to the purchase of large equipment. Unfortunately, municipalities and school boards and people like -- groups like this are saying that now they're having to get a certificate for every little piece of paper that comes through. Their attorneys are saying help...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 694 pass. All in favor, signify by saying Aye. Opposed, Nay. Voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 56 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 699. Senator Berman. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 699.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill comes from a number of senior citizen centers throughout the State. Requires the

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Department on Aging to devise and implement a plan for the increased cooperation of local and community senior citizen centers in the functions and duties of the Area Agencies on Aging. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is -- is, shall Senate Bill 699 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 700. Senator Berman. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 700.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you. This bill requires that the Citizens Council on Children establish a youth advisory group of children -- youths between the ages of fourteen and twenty-one.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 700 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. On Page 12 is Senate Bill 701. Senator Smith. Out of the record. 702. Senator Smith. Read the bill. 702.

ACTING SECRETARY: (MR. HARRY)

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Senate Bill 702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 702 does exactly what the Calendar says - provides that the Department on Aging shall establish a pilot program providing emergency shelters for elderly victims of abuse, and it will be...

PRESIDING OFFICER (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 702 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 53 Ayes, 2 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 704. Senator Smith. Read the bill. Out -- out of the record. 705. Senator Smith. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 705.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Amendment No. 2 becomes the bill here, and it offers the Department of Public Health to be in power, to create and implement a public educational program to curtail the prenatal transmission of AIDS, and...

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PRESIDING OFFICER (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 705 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 34 Ayes, 22 Nays, 2 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 720. Senator Macdonald. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 720.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 720 is a bill that came out of the Citizens Council on Women. It amends the Child Care Act, and it includes hospital-based sick-child care programs in definition of day care centers. It requires the Department of Children and Family Services to provide by rule for the license and regulation of persons or groups of persons who provide in-home sick-child care for -- and child transportation services. This bill had some opposition from the Illinois Hospital Association and also from the departments. Now, they met in my office day before yesterday, and if we are able to get this bill over to the House, it is to be clearly understood that the bill will go into a study committee over there and will have full hearings around the State of Illinois and -- but it will put this bill further forward to find some kind of a resolution to the problems that we -- and the Council on Women see, in terms of sick -- sick-child care programs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion?

SENATOR MACDONALD:

So I would ask for your support of this bill, with the understanding that it will go into a subcommittee -- a working subcommittee over there and have full public hearings.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

With that understanding, Senator Marovitz.

SENATOR MAROVITZ:

Well, what I don't really understand here. The departments are against this bill in its current state. We're passing this bill to send it over to the House to put it in interim study. What -- what's wrong with the Senate committees? Why -- why doesn't the Senate Public Health Committee hold a hearing? I mean, it's like, it really is kind of demeaning to our own Public Health Committee. If we're going to put it in interim study, let's put it in interim study here and let's us, in this Body, take a look at it. I mean, it doesn't make much sense to me to pass it and say, "Let the House put it in interim study." Let's us do it, and let's us study.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Your point's well-taken. Senator Macdonald.

SENATOR MACDONALD:

Well, I -- it -- the departments are perfectly willing to work on this bill and get forward with it. They -- they are in agreement with the Council on Women, and -- in realizing that we have a definite problem. I think that we can work out a solution, and -- and if it is your will that we have it stay here...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady asks leave to have the bill recommitted to committee, is that correct? No? You want to proceed. Senator Macdonald.

SENATOR MACDONALD:

No. We'll just take a vote on it, and -- and see what

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happens.

PRESIDING OFFICER (SENATOR LECHOWICZ)

Question is, shall Senate Bill 720 pass. All in favor, vote Aye. All opposed, vote No. Voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 27 Ayes, 13 Nays, 11 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 732. Senator Holmberg. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 732.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you. This bill, in its amended form, simply states that any retired or disabled firefighter who elects to continue coverage on -- under a municipality's group policy after the initial fifteen-day period following notice of that right from the insurance company, must comply with any preexisting condition clause set forth in the policy.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 732 pass. All in favor, vote Aye. All opposed, vote Nay. Your light wasn't on. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Question of the sponsor, if she'll yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR SCHUNEMAN:

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Senator, as we looked at this bill before the amendment, it appeared that what you're doing is allowing firemen who had not originally elected to be covered by group insurance, to decide to come into the program, even if they became ill. But I think you've intended by your amendment to change that somewhat, and I'm not sure to what extent you think you've changed it. Could you indicate that to me?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

The original bill was brought to me because, in many cases, firemen retire young, and their wife is carrying insurance and they feel they don't need it. When something happens to the marriage, or a death in the family, they then need to pick up an insurance policy. Some of the municipalities felt that might become too expensive, and so we stated that they must comply with any preexisting condition clause set forth in the policy, so you wouldn't have just only ill firemen returning to the insurance fold.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 732 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 737. Senator Brookins. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 737.

(Secretary reads title of bill)

3rd Reading of the bill.

END OF TAPE

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TAPE 7

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This bill changes the Human Rights Act to reflect changes required by Federal Fair Housing Act, amended 1988. The Department of Human Rights strongly supports this amendment, because it allows the Department of Human Rights to maintain a substantially equivalent status with HUD. And it's continued to receive funds from HUD. I urge a passage.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 737 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 50 Ayes, 2 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 752. Senator Schuneman. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 752.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 752 is a vehicle bill which may become part of the solution to the underground storage tank problem that is going to be faced by a lot of the automobile dealerships, gas stations, and petroleum dealers around the State

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of Illinois, in that the federal law, next year, requires them to carry a million dollars insurance on the cleanup of any gasoline spill, and a million dollars insurance for liability. Now it's a great idea, except the insurance isn't available. So the states -- the various states are trying to work out a solution to this. Senator Welch has suggested that I pass this bill out and that we continue to work on the problem, so I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 752 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 762. Senator Smith. Out of the record. 768. Senator Severns. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 768.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. Senate Bill 768 is an expansion of Senate Bill 1, that passed this Chamber without any opposition two years ago. Senate Bill 1 was the Export Trade Company Act. And in that Act, working with Lieutenant Governor Ryan, we established the Illinois commitment to a World Trade Center. At this time, we're moving forward with our commitment to a World Trade Center, and what this bill attempts to do is address that commitment and the need for plans for that World Trade Center. But also, more importantly, what this bill does is attempt to recognize that Illinois must, as

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aggressively as possible, pursue greater export markets. It recognizes that the Europe 1992 plan is right around the corner, and that we must have our act together as aggressively as possible to meet that challenge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. I rise reluctantly in opposition, and advise the Members that this is a five-million-dollar hit out of GRF.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns, to close.

SENATOR SEVERNS:

I'm -- I'm not -- it -- it does allow -- the Statute allows ready up to five million dollars. We've worked diligently with -- with many members of our international community within State Government. We've gone to California, Minnesota and New York, where the vast World Trade Center -- Centers are already established. And I think it's a good bill, and would just urge passage.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 768 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 33 Ayes, 23 Nays, 2 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 769. Senator Severns. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 769.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. Senate Bill 769 simply requires disclosure of the presence of hazardous substances in construction sites. And more specifically, it enables contractors to halt work or terminate contracts when such substances have -- have been -- have not been disclosed and are encountered, without fault to that contractor. I know of no opposition to this, and I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I just have a couple of questions, it's a -- if she'll yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR WATSON:

I'm a homeowner, and I have someone coming over to paint my house. Do I have to give them a list of the hazardous substances that I might have on the premises of my house?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

No. What it -- what the intent of this language is, is that person who's coming over to paint your house does not have to pay for the cost of any hazardous materials that might be in your house at the time he or she arrived to do the work.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson. Senator Watson.

SENATOR WATSON:

I'm sorry. I didn't understand that, Senator. Would you mind...

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

You're not the only one. Senator Severns.

SENATOR SEVERNS:

To assume the burden of responsibility on cost. For example, -- did -- well to use your example, if you hire someone to come in and paint your house, and that individual, as he or she is painting, discovers that in your home are hazardous materials, that person is not economically responsible for the removal of your hazardous materials.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

I guess I'm still confused, and I'm sorry, Mr. President, 'cause I don't like to string this along. It's five fifteen and everybody's getting tired, but, it just seems like this is a major piece of legislation that she's talking about, and it's in one page here, and it's -- and from what I can gather, if that individual - that homeowner - has to inform the contractor coming in. The contractor then has to also inform the homeowner of any hazardous waste that they may have. It says here, "Any person, public or private, who contracts to have any construction, excavating or other work performed upon any land," so if you're a farmer, and you've got four hundred and fifty acres, you could be a mile and a half away and have a hazardous substance that you've got to notify that contractor that -- that it's present. This has to be disclosed" prior to the date of the contract, any hazardous substance or hazardous waste...that is or may be present upon the land." I just think is a very broad-spectrum approach to a problem that I don't really think exists.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Severns, to close.

SENATOR SEVERNS:

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I'm not certain where -- if Senator Watson misunderstands the bill or where he reads it -- into it something entirely than what it is. What this is, quite simply - and it was requested by the construction industry and I thought it was a fair request - when a construction industry -- and they're really talking about jobs larger than painting Senator Watson's house. But when a construction industry moves into an area to perform a job...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Please proceed.

SENATOR SEVERNS:

...if that contractor is digging up and at the time finds, for example, barrels of hazardous waste, what this says, and the intent of this legislation is, is that that contractor not be economically responsible for either one, the removal of that hazardous substance, or the -- the delay in time and cost that it's going to take for somebody else to come in and remove it. It says the owner is responsible, not the hired contractor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any -- question is, shall Senate Bill 769 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 25 Nays, 4 recorded as Present. This bill, have not receiving the constitutional majority, is hereby declared lost. 771. Senator DeAngelis. Read the bill.

SECRETARY HAWKER:

Senate Bill 771.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 771 is an ICARE reform

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bill. We are now in the fifth year of the ICARE Program, and no one can argue...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me a moment. Would you please give the Gentleman your attention.

SENATOR DeANGELIS:

...and no one can dispute that the State of Illinois saved money under that program. The question is, at whose expense. This bill attempts to do four things. The first is to provide that certain information be given to the General Assembly and that information coming from the Hospital Service Procurement Advisory Board. Some of that information is the number of free days provided, the average distance and amount of time a recipient must travel, physician availability, and some other things. The second part makes some basic changes in the terms of the contracts. They move for a twenty-four-month contract. They provide for an automatic escalation, based on inflation in the second twelve months. The third part makes some changes concerning the contract and negotiations. And the fourth -- fourth part requires the Department to allow enough days so that when they do, in fact, contract, that the days are available for the patients that have to be taken care of. It's a very extensive bill, and I would -- I can go into more detail, but I'd rather wait for some questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you. Senator Schaffer.

SENATOR SCHAFFER:

Well, I know that this is a Hospital Association bill, but the information we have from the Department of Public Aid, indicates, I believe their quote is "that this is a budget-buster." The estimated cost could exceed sixty million dollars annually, which is not included thus far in the Department's budget, and I haven't

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heard anybody's tax plan that puts that kind of money in Public Aid. So I guess you can vote for this, if you happen to have a spare sixty million dollars on you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate. Not only has Senator Schaffer brought up the fact, you know, that it is so expensive, but I would be concerned that this would basically pull the pins out from under the ICARE Program, which right now has probably saved the State about four hundred million since it started in 1985. And I think we should think twice before we start going after that program, because in many cases it keeps us afloat. So I would not encourage an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Mr. President. Well, first of all, Senator Schaffer, we have a lot of meetings. Maybe you'd like to next time ask me about my tax plan.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR DeANGELIS:

If there's any one quarrel I have with the Department, it's the manner in which they calculated that sixty million. And let me point out to you, the rather -- rather academic approach to that estimate. The Department assumed that if we allowed the hospitals to negotiate by using somebody to negotiate that somebody else used, that they would destroy so much competition, and do so much cheating, that it would cost sixty million dollars. That's what that estimate is based on. And I have to tell you, I

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have some serious problems with that estimate. Okay? I think this bill may need some extra work, but I think it ought to follow through the system, because, as I pointed out at the beginning, the State has saved money, but who is paying for it? Are our private pay? Are our third-party providers? I would urge a Yes vote on this, and let's, out of fairness, take a look at this program that's been in effect for four years.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 771 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 22 Ayes, 29 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Senator Newhouse, for what purpose do you seek recognition? Okay. 7-7-2. Senator Marovitz. Do you want to read? Read the bill.

SECRETARY HAWKER:

Senate Bill 7-7-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Ladies and Gentlemen, can we have your attention, please? The noise level is getting kind of high. Gentlemen -- Ladies and Gentlemen, please. Thank you. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 772 makes several changes regarding extending the Long-arm Statute and the long-arm jurisdiction, service of process, codifies Supreme Court rules regarding representation in small claims cases, and confirmation of wage deduction orders, and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I'm -- I'm afraid that this bill illustrates a flaw in what seems to be a new procedure adopted this year in the Judiciary Committee, in that there are several bills dealing in one way or another with civil procedure that are all sort of collapsed into one in this bill, and it's a strategy that seems to have been adopted by the House in recent years. But -- but, thus far the Senate has, for the most part, refrained from following that same tactic. There are several good features to this bill; however, there -- there are several that are questionable. I wonder if the sponsor might yield for just a minute?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Just a minute. Senator Marovitz. Indicates he will.

SENATOR BARKHAUSEN:

The core bill -- the core bill, Senator Marovitz, I guess has to do with trying to -- expand the conditions under which corporate officers and employees can represent a corporation in small claims court. It's -- it's something that I'd very much like to do, but I wonder -- I wonder, in light of the Supreme Court rule on this subject, whether this is something that we constitutionally can do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz. A constitutional question here. Senator Netsch, be aware.

SENATOR MAROVITZ:

Well, what we're doing is repealing our Statute to make it consistent with the Supreme Court rule. So the Supreme Court rule takes over. That's exactly what we're doing.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

That -- that isn't what I understand from my analysis, but if that's -- if that's what we're doing, so be it. The -- the two provisions that otherwise concern me the most, and correct me if they're not in here, but -- is one that's -- Mr. President, can I ask for some order there? There are a couple of important things here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You're over your minute. So you're, you know, begging the question. Let's go.

SENATOR BARKHAUSEN:

Well, this bill -- this bill repeals something that we adopted a few years ago as part of our Tort Reform package, and also is part of the Medical Malpractice Reform Bill. Which is that it -- it deletes the requirement that a lawyer, in filing a complaint or a pleading, has to sign an affidavit stating that he or she has investigated the facts and the law involved in the case, and found that there is merit for filing the pleading in question. I -- I don't understand, number one, why we are doing that. That's -- that's the most important flaw I see in the bill. Other than that, I see that there is a -- a separate amendment that has somehow to do with quick-take -- adding quick-take eminent domain powers under certain circumstances, and I -- and I question what that is. Again, I see serious flaws in trying to put all these bills into one, and I suggest that we go back to the drawing board.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Well, thank you very much, Mr. President. This -- this bill has -- does have several things in it. Some from this side of the aisle. Some from the other side of the aisle are in this

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bill. This doesn't take away any obligation from any lawyer to sign an affidavit or to prevent a frivolous pleading. It doesn't do that at all. The lawyer still has the same obligation to sign that affidavit. There is nothing wrong with -- with anything in this legislation. All the provisions in this legislation got a full hearing, and -- and it embodies legislation from both sides of the aisle - Democratic and Republican provisions, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 7-7-2 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 33 Ayes, 24 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Ladies and Gentlemen, please. The noise level is high, and I know we've got a little more work to do. Senate Bill 775. Senator Schuneman. Read the bill.

SECRETARY HAWKER:

Senate Bill 775.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill is simply for the purpose of allowing the State Treasurer to ratify an agreement which was reached last year between the State of Illinois and Teledyne Corporation. And the Attorney General and the Department of Nuclear Safety settled a longstanding dispute with U. S. Ecology and their successor, Teledyne, over the Sheffield Radioactive Waste Site. And basically, what it amounts to is that U. S.

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Ecology has agreed to pay the State of Illinois two and a half million dollars over a period of time. And the State has agreed that those funds shall be kept in a separate -- a separate accounting, and that those funds will be deposited in banking institutions in Bureau County, which is the site of -- the Sheffield site. So this bill merely allows the State Treasurer to comply with that agreement. I would ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 775 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 777. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 777.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 777 is a Chicago Bar Association proposal dealing with bills of particulars. It allows a longer time in which to respond to a bill of particulars and in which to file a pleading, once a bill of particulars is responded to. And I'd be happy to answer any questions, otherwise seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 777 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take

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the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Top of Page 13. Senator Philip. 779. Read the bill.

SECRETARY HAWKER:

Senate Bill 779.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Have all voted who wish? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 779 is pretty accurately described on your Calendar. Would allow insurance companies and the race track to make political contributions. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 779 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 49 Ayes, 7 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 781. Senator Rea. Rea. 782. Senator Hall. Read the bill.

SECRETARY HAWKER:

Senate Bill 782.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The intent of Senate Bill 782 is to allow election authorities an

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opportunity to reduce election costs when conducting a special primary, an election for filling a congressional vacancy. It just so happened in our area, where the Congressman from Senator Vadalabene's area and Senator Watson's area and my own, that he died while in office, and as a results of that, that they had to have a special primary more than once, and I think that I'll defer to Senator Watson, and he might want to elaborate.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 782 pass. All in favor, vote Aye. All opposed, vote No. Voting's open. Have all voted who wish? Have all voted who wish? Please give me -- Joyce -- thank you. Please take the record. On this question, there are 55 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 784. Senator Topinka. Read the bill.

SECRETARY HAWKER:

Senate Bill 784.

(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. This particular proposal has been brought to us by numerous senior citizens' centers throughout the State. And the -- the -- among others, the suburban Cook County Area -- the Area Agencies on Aging and District Two Area Agency on Aging, and it's -- it's been prolific. What it asks is that the Department on Aging establish and fund multipurpose senior centers, and that is by -- that is subject to appropriation. The Department of Aging has -- does not like this bill. They say they're sympathetic. They claim that is has a fiscal impact of 4.4 million. That is not -- that is

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strictly subject to appropriation. I am not seeking any appropriations, nor will any follow. This is just an authorizing bill, and I would ask your favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 784 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senator Macdonald, what purpose you seek recognition?

SENATOR MACDONALD:

Mr. President, on Senate Bill 782, I pushed the wrong button, and I would like to be recorded as wanting to have voted Yes on that bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Will the record so reflect the Ladies intention. 796. Senator Vadalabene. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 796.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 796 raises the minimum teacher's salary, from ten thousand dollars to seventeen thousand dollars a year. This bill is necessary and important because of the message we need to send to any student thinking about becoming a teacher in Illinois. Even though most teachers have -- make more than the minimum salary, to have it listed at ten thousand discourages incoming

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teachers, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I rise in strong opposition to Senate Bill 796. This is not a new issue. It's been around virtually every year since I've been in this Chamber, and I am really concerned about what we are doing here. First of all, we talked about the cost, and I don't know, Senator Vadalabene, whether you mentioned the cost. But what this does - sure, you are bumping -- you are bumping the starting salaries, the minimum salary, but you just -- you just bump everything from that point on up. When we passed the School Reform Act, back in 1985, this was an issue that was debated a great deal. And we finally decided to leave it out, because it was -- it was a tremendous cost. Nobody's arguing -- nobody at all will argue the need for increased teachers' salaries, and I stand on board for that, as well as many of you. But to put in the Statutes a minimum teachers' salary, and in addition to that - of course, it's already there - but to bump it now like this, is just absolutely unforgivable. Each and every one of us are down here trying to provide good leadership to deal with our local school problems, and we do something like this, and it just flies in the face of everything that back home they are trying to do. They all want to pay as high a salary as they possible can. But to lock some of these school districts into a salary increase like this is just absolutely unforgivable. And I urge defeat.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Vadalabene, to close.

SENATOR VADALABENE:

Yes, I would just like to make this one comment. That this bill does not -- does not provide for bumping of salaries above

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the minimum, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 796 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 41 Ayes, 16 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 801. Senator Dunn. Read the bill.

SECRETARY HAWKER:

Senate Bill 801.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Current law provides that taxing districts may abate property taxes on commercial or industrial firms that are newly located within the State, or newly renovated or expanded. This does the same for newly constructed homes. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 801 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, 2 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 806. It's been on the Recall List. 819. Senator Jones. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 819.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House <sic> Bill 819, moves the OTB eight percent that they hold for the parimutuel wagering, and divide that equally between the -- the owners and the purses.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 819 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 48 Ayes, 2 Nays, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 822. Senator Netsch. Please read the bill.

SECRETARY HAWKER:

Senate Bill 822.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Thank you -- thank you, Mr. President. This is the bill that we had debated before, and Senator Keats, I think, had raised some questions about what is rule 335 of the Supreme Court. I think he and others have had a chance to see it now. It deals with such weighty matters as the time for filing briefs, what kind -- how you file the record, and so forth. And what we have said is that the Supreme Court rule should govern in cases of direct appeal in these specified areas, because in one case it's already been

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declared unconstitutional. If there are any questions, I would be happy to answer them.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 822 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 828. Senator Zito. Read the bill.

SECRETARY HAWKER:

Senate Bill 828.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. Senate Bill 828 takes a very drastic step at a very drastic problem that we are experiencing in suburban Cook County, and I would say - although I don't represent all of Cook County - throughout Cook County. It deals with the Cook County Regional Superintendent's Office. In fact, Senate Bill 828, if passed, would abolish that office. We have experienced a number of problems in our suburban school districts with the present Cook County Superintendent. I have had repeated conversations with my school superintendents that have not been able to receive the cooperation, the assistance, the necessary tools and finances to make sure that children in my district and throughout the suburban area of Cook County are receiving a fair and adequate education. As a matter of fact, when the suburban superintendents get involved, and ask for assistance from our regional superintendent, they have been met

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with opposition and no help. This legislation is not intended at the individual holding the office, because after listening to their complaints - my local superintendents' complaints for over six years; I've been in this General Assembly for nine - I have asked the regional superintendent to come out and meet with these superintendents and try to air their grievances and settle their differences. That, unfortunately, has never taken place. But after further -- further discussions with the local superintendents, I'm not so sure that a regional superintendent's office is needed. I'm not so sure that extra blanket of governmental red tape is needed. Many feel - many local superintendents feel - that they can deal directly with the State of Illinois, and from the State Superintendent. I'll be happy to answer any questions. I think the language in Senate Bill 828 is straightforward, and would ask for your help.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hall.

SENATOR HALL:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HALL:

Senator, that this doesn't have anything to do with the person who's holding that office now, but yet you get up and you complain about that person, and now you said you had problems with this man. In other words, you're going to shoot every superintendent because you have trouble with one. My question is, do you have a problem with that? Is that why you introduced the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

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Directly, to answer your question, yes. But this only affects Cook County. It doesn't affect any other part of the State. Doesn't affect any other regional superintendent in the State.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hall.

SENATOR HALL:

Well, I'm going to oppose this, because if you start this now, there's a number of us have good regional superintendents of schools. And the next thing there be a bill in here to abolish them all, and as a matter of fact, I heard him refer to that. So I am vehemently opposed to that. And I think its a bad bill, and we ought to vote against it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I, too, happen to have an excellent regional superintendent. I have never heard any complaints about him, but I sure have heard complaints about the regional superintendent from Cook County. As far as I'm concerned, you know, even the regional superintendents that I've talked to said that that man is a disgrace to their profession. We ought to go with this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate. Standing in support of this bill for all the reasons offered, also seeing what wonderful regional superintendents I have in DuPage and in others that I have dealt with, I would like to make note that even President of the Cook County Board George Dunne, mentioned to the LaGrange Board of Realtors, roughly two years ago, that Cook County could save approximately 1.4 million

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dollars, if this office were, indeed, relegated back to the State. And I would -- and as I told him at that time, I would be happy to help him with this, and here we are. So I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Well, I think this is a good bill. I've introduced it a few times myself, and it seems like there was always one last friend of the superintendent's up there in Cook County who'd come down and rescue him. To those of you who are not from Cook, let me -- let me make a suggestion. You should look at this bill very carefully. It seems to me, from the regional superintendents across the State that -- who I've talked to and who've talked privately - they're embarrassed. They're absolutely embarrassed by what's going on in Cook County. They'd just as soon get rid of this office, so he, in some way, doesn't in the future drag them down, drag them into this kind of legislation. I think you should want this bill. You want this bill to get rid of this office up there, and let me comment on the approach Senator Zito's using, by putting it in the State Board of Education, we're doing for suburban Cook exactly what we now do for the City of Chicago. The State Board of Education deals directly with the City of Chicago. This will give the State Board of Education direct contact with the suburban Cook County area. And as I said, remember that if you leave this guy around, you're going to wind up affecting the good work of downstate regional superintendents. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito, to close. Question is, shall Senate Bill 828 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's

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open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 40 Ayes, 14 Nays, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 829. Senator Jacobs. Out of the record. 832. Senator Macdonald. Read the bill.

SECRETARY HAWKER:

Senate Bill 832.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 832 would create a competitive environment in which both public transit agencies and private transit companies are fairly considered for operation of services. The bill was amended on 2nd Reading to limit the bill to the RTA region only. The amendment also lowers the percentage of routes which must be privatized, from ten percent to five percent. In my view, the most important change in the amendment was to state that additional police protection on mass transit would become a priority with regard to how many or how any revenues saved by the competitive bidding would be spent.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 832 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 840. Senator Hall. Out of the record. 861. Senator O'Daniel. Read the bill.

SECRETARY HAWKER:

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Senate Bill 861.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 861 proposes that the inequity, which forces the horsemen to pay one half of the track's transmission costs and expenses associated with the conduct of inter-track wagering, be removed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 861 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 866. Senator Netsch. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 866.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 866 is a major revision of the Illinois Governmental Ethics Act. And it does a number of things. It's impossible, really, to go through all of the provisions, although some of them are not as new as might be expected. Let me mention a couple of the major things that it does. Right now, the Illinois Governmental Ethics Acts...Act covers legislators. But basically does not cover officials or

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employees of the Executive Branch of Government. A good part of the Act creates four members of the Executive Branch, officials and employees, a code of conduct, many of whose provisions are somewhat similar to those that already apply to legislators. In addition, the Act tightens up a little bit the Economic Disclosure that we are currently required to file. And the disclosure, incidentally, applies to legislators, judges, govern and executive branch officials as well. Probably the primary gap and loophole which has been closed by it, relates to debts that are owed to the public official. There are a number of other things that the bill does. I think probably the main thing that I need to point out is that this is a really very closely drawn balance between two interests. The interest of the public in knowing that its public officials are not self-dealing, that is, that they do not have conflicts of interests. And that they are not using their public office for any kind of private gain. That is really the public's right to be free of that kind of concern. The other side of it is that public officials should not be thought of as second-class citizens. And I've tried to draw the provisions very carefully, so that there is no presumption that public officials are not fully honest, and that they, indeed, have certain privacy rights. I think that is equally important. One of the things that the bill does, is to re-create a Statutory Board of Ethics. There was one in existence a few years ago that was stricken, I think, in 1972, at the time the Governmental Ethics Act was also repealed with respect to employees of the Executive Branch. The board has really two responsibilities. One is to monitor the codes that are part of this Act. And the other really is to offer guidance to public officials who may have a gray area where they are not sure that something that they are engaged in does or does not violate the codes of conduct. This provides an opportunity for a public official, whether a legislator or an executive branch official, to

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seek guidance, and I think that is equally important, because there are some very fine lines that are to be drawn. I think probably I've...I've handed out, by the way, this morning, a more detailed summary of the bill as well as a statement of the underlying principles, and an editorial supporting it from the Chicago Tribune. I would be happy to answer questions. If not, I would urge your support. I would like to say that this really is the first and the only major attempt to redo the Ethics Laws for State officials, including legislators...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

There are a number of people requesting recognition...

SENATOR NETSCH:

...in the State of Illinois.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Okay? Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. I have several questions about the bill which I'm not going to get into because of the lateness of the hour. I have a few problems with the makeup of the commission and with some of the provisions, such as a legislator cannot have a child working for the State. I do not have any children working for the State. Has that been taken out?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch. Netsch, please.

SENATOR NETSCH:

No, that provision is more tightly drawn than what you have just described. It says only that you cannot...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpel.

SENATOR NETSCH:

...put someone into employ in your...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Karpiel.

SENATOR KARPIEL:

Oh, alright. But my...my big question and my big problem with the bill is, I would like to know whether or not someone who is a legislator or an official who is a member of a law firm can have some member of that law firm, if not themselves, representing a client that does, in fact, do business with the State?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

For the most part, there are certain prohibitions and they're...they're spelled out in some detail. The...even someone who is associated with a lawyer cannot represent in circumstances where it would appear that the reason for that person being allowed to represent is undue influence. And to a very considerable extent, Senator Karpiel, that is really a re-creation and a slight strengthening of existing law.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpiel.

SENATOR KARPIEL:

Well, not to prolong this. I think that if you're going to say that a legislator cannot have interest in a company that makes cement that sells cement to the State Department of Transportation, and you are not saying as emphatically that a lawyer cannot be associated with a law firm that has any member of that law firm representing clients that, in fact, do business with the State, I think that this bill is flawed in that way, and for that reason, I am going to oppose it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce. Jeremiah.

SENATOR J.E. JOYCE:

A question, please.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates that the Lady will yield.

SENATOR J.E. JOYCE:

Senator Netsch, on this nepotism section, with respect to the relationships. Would you explain for the record, for me, where that ends?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Maybe it would be easier if I just read the language. Because "A Legislator shall not employ or advocate the employment of a person by a State entity over which the legislator exercises authority, supervision, or control." And then it goes on to explain. That, by the way, is very close to the language that was included in the Chicago Ethics Ordinance that was recently passed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.E. JOYCE:

Does this apply...would this apply to for example, a spouse of a second cousin? Does it go that far down?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

I'm sorry. A spouse of a second cousin? No.

SENATOR J.E. JOYCE:

Where does it end? I want to know.

SENATOR NETSCH:

Then I have go back...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Where does it end? Senator Netsch, please.

SENATOR NETSCH:

The definition of relative is in Section 1-123: Spouse,

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parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, et cetera. But not a cousin of a ...

SENATOR J.E. JOYCE:

Spouse.

SENATOR NETSCH:

...spouse. A spouse of a second cousin, no.

SENATOR J.E. JOYCE:

Spouse of a first...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.E. JOYCE:

...cousin?

SENATOR NETSCH:

No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. That convinced me. Senator Luft.

SENATOR LUFT:

A...question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will yield.

SENATOR LUFT:

I would...I would like to pursue Senator Joyce's question on nepotism.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR LUFT:

If I have a daughter or a son who is a grade school teacher in District 150, or wants to be a grade school teacher in District 150, and I call the Superintendent of Schools and tell that individual that I would appreciate consideration for my child, am I in violation of this Act?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Netsch.

SENATOR NETSCH:

No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

Then...then let me read your own language to you for what you told...you just said, and I think I'm going to read alike. A legislator, official, or employee may not employ or advocate the employment of a relative in an entity over which the legislative...legislator, official, or...employee exercises authority. There is a major statement there when it says "exercise authority." The appropriation of money, to me, is exercising an authority over all of State government. And not only all of State government, but local government. So if, in fact, I am exercising my vote on the appropriation process to fund the school...equalizer formula, I could be, in my view, interpreted in violation of this. And as a matter of fact, even if my child, let's say, was a Ph.D. and wanted to be a professor at the University of Illinois, I could conceivably be considered in violation of this Act.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

No. You...you have to understand what this language means. And again, let me point out that the language is...pretty well tracks that which was included in the Chicago ordinance, which was recently enacted. And one of the...I don't mean that our interpretation necessarily tracks with theirs, but that is the way that language is interpreted. An agency or an entity over which you exercise authority, supervision, or control does not include every part of State government what...in which you happen to vote

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on the appropriations. That is not the exercise of direct authority or control.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

It could be a long night. Senator Keats. Are you through? I'm sorry, Dick. Senator Luft.

SENATOR LUFT:

The only thing, then let's determine right here in the record. The appropriation process that the State Legislature goes through each year is not classified for the purpose in this bill as an exercise of authority, or supervision, or control. The appropriation process is not applicable to this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Was...was that a question? I'm sorry. I...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

It was a statement for the record. For the court case, I would imagine. Hopefully, it never gets there. Senator Luft.

SENATOR LUFT:

I asked, I think, a very important question.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Yes, you did.

SENATOR LUFT:

...Because this bill, and it is a question, and I think it should be clarified at this point. I want to know the definition of "exercise of authority." And I want to know specifically if that definition includes the appropriation process that the State Legislature goes through each year here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

The answer is it does not include simply the appropriation

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process over some State agency. That's a direct answer.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Good. Senator Luft, are you through? Senator Luft.

SENATOR LUFT:

I'm sorry, Mr. President. I...I'm not...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Why don't you just address the bill?

SENATOR LUFT:

No. The...the point...she keeps putting in words that...that are very important. She said some State agencies. And I want the record to reflect that. I want to know what State agencies, because I don't particularly care to be in violation. We're talking about the Department of Transportation, we're talking about the University of Illinois. Which appropriation processes on which agencies would not be defined as an exercise of authority? I don't care to get into the dialogue right now. And I don't want to prolong...that is just a question that I have on the bill, and maybe it's best not even answered.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

I was simply going to say, I had been contemplating supporting the bill. But as I look at it, it is just impossible. I want to raise one interesting point. If you remember basic civics, there are three branches of government. The Executive Branch, who's in this bill. The Legislative Branch, who's in this bill. You know, there is a third branch of government that isn't in the bill. Let me give you one example. A good friend of many of ours was the head judge of a certain court on a Friday. On Monday, he was an attorney practicing in that same court. I'm not knocking him for it. God bless him. He's out earning a living like everybody else. But the simple fact is, the Executive Branch, that'd be

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unacceptable. The Legislative Branch, that'd be unacceptable. And yet, in the third branch of government, clearly the most powerful of the three, no questions asked...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Senator Fawell.

SENATOR KEATS:

...I don't think that's acceptable.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

A question for the sponsor.

PRESIDING OFFICER:

Indicates she'll yield.

SENATOR FAWELL:

Are you saying, for instance....

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Fawell.

SENATOR FAWELL:

...the only...the only nepotism problem that we would have is if we hired a son, daughter, grandfather, grandmother, aunt, uncle, et cetera, et cetera, et cetera, for our district office, because that's the only one we have authority over. Is that what you're saying? And if so, why didn't you say so in the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell...I mean Senator Netsch.

SENATOR NETSCH:

No, that would be one example. Another example would be to...if you were chairing a committee in the Senate, and hired someone in that respect, that would be direct control. What I was trying to answer to Senator Luft, and I thought I'd answered it, was that just simply appropriating money for a State agency is not the exercise of...authority, supervision, or control, which is the

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language of the Act.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

I also notice in the bill that you say if...Senator Netsch.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

She has your attention. Please. Continue with your question.

SENATOR FAWELL:

I also notice there's..there's some question about whether we call up or talk to any agency about, say, a constituent who's looking for a job. We are no longer supposed to do that? We're no longer...if...if...some constituency...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch. We understand the question. Senator Netsch.

SENATOR NETSCH:

I didn't hear the end of the question, but, if I understood it, there is nothing that prohibits your doing that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

I'm sorry to speak again, but there's a little bit of confusion on our side of the aisle I'd like to clear up, because some of these people would like to vote for the bill, but are concerned. Would this...would your bill prohibit a legislator from having interest in, for instance, a nursing home, a pharmacy, a...other types of businesses that do, in fact, receive State aid or money and do business with the State?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Only under the same set of circumstances that are current law. On...there is a section in the State contracts, part of the

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Statutes right now, that deals with that subject. What I have included in Section 3-123, an interest in State business, is virtually word for word, existing law, and basically, what it would say is that if you owned more than seven and a half percent of the entity that is doing business with the State, and it then has a State contract, you are right now in violation of State law, and that...that is simply repeated in this Section.

PRESIDING OFFICER: (SENATOR LECHOWICZ;

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. This bill has had about as much debate as it should have tonight...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Hang on for one second. Senator Rock.

SENATOR KELLY:

...I also think...would suggest the sponsor allow this bill to go back into committee, and I would make that request, or otherwise, I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

In a minute. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 866. And I, too, have read, as most have today or previously perhaps, and I was particularly interested in Senator Netsch's frontispiece to this document. Because I agree with the principles. I just come to a different conclusion. The principles are that public officials have a special obligation. I agree. The overwhelming majority of public officials are honest and responsible. I agree. Enactment of ethics laws does not necessarily catch the thief, nor does it guarantee ethical behavior. I agree. This conclusion, embodied in Senate Bill 866, when you're dealing with the employment of

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relatives who are otherwise highly qualified, when you are dealing with a prohibition that says that any one of us who work in State Government, elected, appointed, any way at all, once you leave government, you can't have anything do with government for a year, or two years, or ten years, or whatever it is. This is, in my judgment, awful. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch, to close.

SENATOR NETSCH:

Well, let me address just two particular points. Senator Keats, with respect to judicial codes of conduct. The reason why it is not in this bill, is that we cannot do that. There are court decisions, which have made it impossible for the Legislature to adopt a code of ethics for the judicial branch, except for the one aspect that is covered by the Constitution, and that is the economic disclosure. They are subject to economic disclosure, the Constitution so provides. Beyond that, I am sorry. I would love to do it, but we can't; we have been prohibited by previous court decisions. With respect to...Senator Rock, I can't deal with his general malaise about the bill. I would like to point out that the postemployment prohibition is quite limited. It does apply to officials or employees of the Executive Branch, it is only a one-year revolving-door prohibition, and it is limited to those agencies, or matters in which the official participated personally and substantially. So that it is only in those limited areas that the postemployment restriction applies. Let me say, I...I understand what's going on here. On...this is a...not really that complicated, a piece of legislation. Because if any of you have read the existing Illinois Governmental Ethics Act, you would realize that we, legislators, are already subject to most of the provisions that are picked up and repeated in this Act. One of the main things that it seems to me we ought to do, is to have a

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comparable code of ethics, applicable to officials and employees of the Executive Branch. That is what a very large part of this bill is designed to do. It is a major piece of legislation. It is well-balanced. It is tough, but fair, and I would urge your vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall 866 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 19 Ayes, 25 Nays, 5 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. On Page 14 is Senate Bill 867. Senator Netsch. Please read the bill.

SECRETARY HAWKER:

Senate Bill 867.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 867 is the Gubernatorial Elections Finance Act. We have dealt with it in the Senate on several occasions in the past. In fact, we have passed it on three occasions, in the past. It is basically a checkoff that applies only to the offices of Governor and Lieutenant Governor. It is accompanied by restrictions, limitations on the amount of campaign contributions that can be given to candidates for those offices. It also restricts the amount that can be spent on those offices, in cases where the candidates do elect to participate in the partial public financing. It is the only device by which we can place restrictions on the amount to be spent in campaigns. That is one reason why I think it has an

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importance that goes beyond just simply the public matching. I think many of you are familiar with the provisions, we have, indeed, passed it on three times in the past. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCYZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

SENATOR DUDYCYZ:

Senator Netsch, as you -- as you just stated, you have introduced this every year in the Senate. I'd just like for you to clarify, why do you constantly restrict this contribution control strictly for the Governor and the Lieutenant Governor candidates, not for the other constitutional officers?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Mostly to get something on the books to get -- to find out how it would work. And also because we will have a limited amount of public matching funds. Probably not enough to cover all of the other State offices, at least for a long period of time. There is a section, by the way, Senator Dudycz, in the bill, that specifically says we would like to have this apply to other State offices, including perhaps, legislators, at some point, when we find the way to adequately finance it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Well, Mr. President, this is a member of the -- this bill is part of the Thompson reelection package. Quite seriously, I -- I

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think that the costs of political campaigns are getting out of hand. I might add, probably the most obvious case of conspicuous political consumption happens to be the race for Mayor of the City of Chicago, which has in recent elections achieved astronomical proportions financially, particularly if you end up per capita, and I would think would be a prime target for this concept. In fact, it might be even more deserving than the Governor's race, but the simply fact is that coupling this with the September Primary, I would suggest we just dispense with reelecting the Governor -- the election and -- at all, and just appoint him for life. A lot of enthusiasm over there, guys. We'll have to clear that with the United Republican Fund, but -- seriously...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We've got some doubts about that.

SENATOR SCHAFFER:

Yes. I think we have to think twice, and then, while I happen to be pretty fond of the current incumbent, I'm not sure that he wants to spend his whole life as Governor. Well, at least till Samantha's old enough to take the position. But, you give -- you give the Governor the advantage of you guys having a nice spirited primary, and then -- in September, and then you go in with a limited campaign expenditure for the challenger, and in this case, I would argue, particularly for the Office of Governor, regardless of the personality, the incumbency...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would you bring your remarks to a close, please?

SENATOR SCHAFFER:

I will when my time runs out, Mr. President. I don't see the light on. If you want me to shut up, you turn the light on, and I'll obey the rules. You turn the light on when I start.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Start right now.

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SENATOR SCHAFFER:

I know the hour is late. But let's have a little courtesy for the Members.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, please, how about the rest of us?

SENATOR SCHAFFER:

I didn't think the Chair was supposed to interrupt people in debate, I did recall.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I'm not going to, either.

SENATOR SCHAFFER:

My point being that the incumbent Governor, regardless of who he is, has a fleet of airplanes, has his name on zillions of pieces of paper, tremendous advantages. And I would say - obviously, I'm saying it - even though I am a fan of the current Governor's, this would be unfair for any challenger, and make it very difficult to unseat an incumbent Governor who had any political smarts at all.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch, to close, please.

SENATOR NETSCH:

I hesitate to point this out, Senator Schaffer, because I don't know whether it will hurt or help in terms of any votes on the other side, but it applies first to the election of 1994, simply because we would not have accumulated enough matching funds until that election. I would like to just address that one point briefly, though. I really believe that in the end, that is in the long run, that this form of helping to finance campaigns for major Statewide offices will help challengers even more than incumbents. Incumbents have access to huge amounts of money. Challengers often do not. This limits the amount of money that the incumbents can get from PACS or from individuals. And I think over a period

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of time, that really is going to help even the -- the playing field, if you will, between challengers and incumbents, and that is one of its advantages. The main advantage is, it's going to cut down on the amount that is spent in campaigns, and I would urge your vote - Yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall 867 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 23 Ayes, 31 Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is declared lost. 870. Senator Severns. Read the bill.

SECRETARY HAWKER:

Senate Bill 870.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns, please.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. Senate Bill 870 simply encourages CMS to encourage and assist the State in purchasing environmentally safe products, and to ensure their usage by the State, through competitive bidding and any other measure that they can encourage such use. We passed out of the General Assembly Senate Bill 1616 last year, suggesting that the counties over one hundred thousand population meet the 1990 deadline, and we're just suggesting that the State should also do everything it can to encourage such practices.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion?

SENATOR SEVERNS:

I know of organized opposition. I know that the Illinois Farm

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Bureau is in support of this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 870 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Thank you. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 872. Senator Joyce. Read the bill.

SECRETARY HAWKER:

Senate Bill 872.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Chamber. 872 will establish a schedule for the attainment of comparable worth in the State. Believe everyone in the Chamber is familiar with this. When we first started trying to implement this, there was but one state in the nation that had it, and a couple were trying. Now almost a third of the nation has it. The argument that is -- the primary argument that was presented to defeat this legislation in the past, had to do with the cost. But all the estimates -- all the estimates that came forward in all the other states, when they were trying to defeat this, proved to be false. There has been successful implementation of this. We should do it in this State. I know that most of the Members in this Body have made up their mind on it. The outcome is going to be determined by the thought of one or two people here today. And I would just ask that you think of all of these people through these years who have worked - and it wasn't any intentional or ill will intentional

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wrongdoing on the part of any State official. There was just a series of things that caused this to happen. But nevertheless, a number of people, nurses, librarians, et cetera, have been treated unfairly over the years, and we should put a stop to it. So I won't belabor it. The hour is late. I would just ask that you support 872.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. May I ask the sponsor some questions?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR KARPIEL:

Will CMS be the agency or the department that will have the authority to develop and implement this -- this classification, this ranking?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.E. JOYCE:

I believe that that is going to be left up to -- as part of the collective bargaining process.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Well, how exactly does the collective bargaining process get involved in this? I mean, who actually sits down and makes the rankings of nurses equivalent to whatever, you know, the salary of whatever, and then, once this ranking is done, who is going to implement it? And then how does collective bargaining even come into play? I can never understand how this kind of legislation -- I mean, how this kind of a process can work.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.E. JOYCE:

Senator, that has not been a problem. We've talked about that the last two times we had committee hearings on that. Other states have not had any problems in doing that. It's just -- it's not a problem. We have -- we have a study that was done here in 1983, by the State, in which they were able to successfully set up a -- a -- a schedule and a -- a comparison of jobs and rank them. It is not a problem. If that is the only problem that you would have with this bill, then we could go into it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpel.

SENATOR KARPIEL:

Well as Senator Joyce has said, the hour is late, and most people have made up their minds on this legislation, so I won't belabor the point, but that's not the only problems I have with this bill. I stand opposed to this legislation.

END OF TAPE

TAPE 8

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica. Move the previous question? Gentleman moves the previous question. Senator Joyce, to close.

SENATOR J.E. JOYCE:

I just ask for a roll call, thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 872 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted

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who wish? Have all voted who wish? Please take the record. On this question, there are 23 Ayes, 28 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 877. Senator Luft. Read the bill.

SECRETARY HAWKER:

Senate Bill 877.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 877 was introduced at the request of the Illinois Hospital Association, in an attempt to satisfy the problems that either exist or that are perceived to exist within the hospitals, within the State of Illinois. This bill impacts, specifically, on what's called the ICARE Program, which is in five different regions and represents approximately a hundred and seventy -- a hundred and seventy-seven hospitals. In most of our rural areas, those people that do not contract with the Department of Public Aid, are grouped into a special group, and the -- the costs are determined by the average in that group, and it is a negative response to many of those hospitals that have more than a proportionate share of Medicaid patients. The bill proposes a -- a certain formula for setting those costs. I would attempt to answer any questions. My thoughts are that this will be used as a vehicle for negotiating purposes, if in fact, it survives this test. I will try to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. I have great admiration for Senator Luft, and I do appreciate what

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he's trying to do here. I also appreciate the fact that he obviously thinks no small thoughts, 'cause the price tag on this one is three hundred and fifty-seven million. And - three hundred and fifty-seven million, for those of you who missed that. And what I suppose is upsetting to me is this literally just completely abandons the whole concept of ICARE, which makes some attempt, you know, to keep costs in line. It just opens the door once again to just open and free spending. Somewhere along the line, I suppose we all have to kind of deal with some mark of principles. I think we have, you know -- it would be nice if there was enough money in the world to do everything. I don't think we're at that point. I -- I could not support the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft, to close.

SENATOR LUFT:

Well, I've been handed about eight fiscal notes this year, and I haven't found one that's been right yet, to be perfectly honest with you. And I would suggest that this one is not right. We feel it's going to cost forty million dollars, half of which is -- will be reimbursed by the Federal Government. And even our own analysis, which is also wrong, has it a little somewhat higher than that. I don't think the Department of Public Aid's analysis is correct. I would hope that we could move forward with this bill, based on the merits of the bill, that we can discuss this subject matter at a future date and put it in a posture of one -- a bill that can be negotiated, and perhaps readdress this with an updated and a fiscal note that is more realistic. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 877 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish, please? Have all voted who wish? Have all voted

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who wish? Please take the record. On this question, there are 26 Ayes, 30 Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 878. Senator Marovitz. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 878.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 878 adds enforcement mechanisms into the law, that already provides judges with the authority to require a noncustodial parent to add their children as beneficiaries of medical insurance policies. Over the last several years the -- we in the General Assembly have recognized the serious problems resulting from the nonpayment of child support, and we've tried to take steps to improve the lives of kids in single-parent households. This bill takes us another step forward, by making medical insurance premiums part of the child support obligation, in requiring an employer to enroll the child in an available medical insurance plan, and deduct any required premiums from the noncustodial parent's paycheck, pursuant to a court order. It allows the court to order medical insurance coverage for a child, not only when first establishing the child support obligation, but also when enforcing or modifying a previously established child support order. And it provides two additional remedies for noncompliance with a medical support order, in making the noncustodial parent liable for a -- reasonable portion of the medical expenses actually incurred, and allowing noncompliance to be the basis for a modification of the underlying order of

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support. We're trying to protect kids here and make sure they are covered by the health insurance premiums of the noncustodial parent, generally the father, and I would ask for support for this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

I'd like to ask some questions of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir.

SENATOR SCHUNEMAN:

Senator, I think we generally agree with what you're trying to do here, and apparently the decision is left to the court, is it not, to -- to order which way this will be done? And whichever employer, either the employer of the husband or the wife, may be required to add the child to that -- and the dependents to that insurance. Is that basically what you're doing here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Basically, the court can do that today. But this would allow the -- the amount for the health insurance to be deducted from the check of the employee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, you seem to take care of employees pretty well here, and put the charge on the employer. Why have you excluded union insurance?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR SCHUNEMAN:

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Why have you excluded union insurance plans?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Okay. Frankly, I'm not sure why they were excluded, and I didn't know until this moment. If they are, indeed, excluded, they shouldn't be. And I will see that it's taken out. I don't know why anybody should be excluded. We're trying -- we're trying to support kids and make sure the kids get health insurance, and I don't think anybody ought to be excluded from the purview of that jurisdiction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Well, it appears that it was your amendment that -- that did exclude them, Senator, and I -- maybe it was an error, but it -- it -- everywhere in the bill where it refers to insurance carried by the employer or the union, the words "or union" have been stricken. As we understand the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

There were several -- several things in that amendment - in fact, quite a number of things in that particular amendment, that was negotiated between the Child Support Center and the Department of Insurance. I'm not sure why they put that -- put that in there. But I don't agree with that, and I will take that out in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, as long as we have your pledge to treat people equally,

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whether they are employed by a private employer or if they're covered under a union plan, I think there's no reason to oppose the bill. And as I understood what you said, we do have your pledge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, -- Senator Weaver.

SENATOR WEAVER:

Well, Senator Marovitz, why can't we take care of that when the House bill comes over here, rather than depend on the House to take this -- to take care of it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, we're not really going to depend on the House, because if there's an amendment put on there, it's going to have to come back here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR MAROVITZ:

I -- I -- I will be -- I will be giving this to...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...the Chairman of the Judiciary Committee where this bill will go through, and he will see to it that that amendment is put on. I don't know what is going to happen with the bill in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 878 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

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wish? Take the record. On that question, the Ayes are 37, the Nays are 15, none voting Present. Senate Bill 878, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 883, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 883.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The -- the Calendar is absolutely correct. What it does, it amends the Criminal Code to provide for seizure of any vehicle, vessel or aircraft used in practicing prostitution, pandering or pimping, upon conviction of the offender. And I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill -- Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this mean that if someone is -- is convicted of going to a prostitute, that if the wife owns the car, but it's in both names, that the wife would lose the car?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

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That is -- that is not my -- what my intent is. If the car was used while the -- in the act of the commission, that automobile could be taken away -- or can be seized, upon conviction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Even if the spouse jointly owns the car, the not guilty spouse?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

It -- it's my understanding, that it's with the knowledge and owner -- or knowledge and consent of the owner. So if the wife's the owner of the car, I would say that the car would not be taken away.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

I'm talking about a situation where the offender and the spouse own the car, where the offender obviously had guilty knowledge. But the -- the joint owner did not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

The joint owner would have to know and consent to it. If she didn't know to it, then the car wouldn't -- the answer to your question is no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall Senate Bill 883 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

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are 46, the Nays are 7, 1 voting Present. Senate Bill 883, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 885 -- 887. On the Order of Senate Bills 3rd Reading is Senate Bill 887, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 887.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 887 creates a Nutrition Outreach and Public Education Program in cooperation with numerous State agencies, to insure maximum participation in federal and State food assistance programs. In committee we heard testimony that clearly indicated that there are many, many counties that are underserved in this area. Statistics given include that food stamp eligible population is approximately 2.6 million persons, but food stamp population receiving services is 1.9 million persons. This Outreach Program is designed to reach people all over the State that are in need of this assistance, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I rise in opposition to this legislation rather reluctantly, but I -- I do think it's not the right way to go about it. A number of these programs are administered by various agencies throughout State Government. This is asking and requiring the Department of Public Health to administer a program to tell people about it, and I think there

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are a number of institutions and community action organizations, Department of -- or our area agencies on aging, and all types of things like this that can go out and tell people about this situation. So I don't think it's as necessary as -- for the Department of Public Health to be able to administer this. It's also a nonbudgeted item, and the cost is estimated to be in the neighborhood of three hundred thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Extremely briefly, everything Senator Donahue says is a hundred percent in spades, but just philosophically, we are using State money to recruit people to get on food stamps and various State aid programs, and it -- the information is out there. You reach a point of saying, "Do we really have to go out and solicit people and ask, 'Will you please do us a favor and get on these State aid programs?'" That just is not the role of government, and I would appreciate a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator del Valle may close.

SENATOR DEL VALLE:

Well, we -- we are using a very, very small amount of money to get information to people that are eligible for federally funded food programs. Programs that are a hundred percent federally funded. If we don't reach these people, then we will end up paying for the State's Medical Assistance Program, that they will then have to utilize. So in the long run, what we're doing is saving the State money. We're not costing the State dollars. So I -- I ask that we get a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... Question is, shall Senate Bill 887 pass. Those in favor will vote Aye. Those opposed, Nay. The voting

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is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take your record. On that question, the Ayes are 30, Nays are 28, none voting Present. Senate Bill 887, having received the required constitutional majority, is declared passed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Donahue has sought verification. Clerk will read the -- I'm sorry. Mr. Secretary, will you read those who -- Members who voted in the affirmative, please?

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Fawell, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DONAHUE:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas on the Floor? Senator Savickas on the Floor? Senator Savickas on the Floor? Strike his name. Senator Donahue. All right. On a verified roll call, there are 29 voting Yea, 28 Nays, zero voting Present, and -- Senate Bill 887 fails. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. Chairman, I don't want to slow down proceedings at all here. I'd like to move to reconsider the vote, but I'll tell you what. I got a problem with -- and I don't know where the

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coordination came in, but there are so many programs that we've voted on that are very worthy in nature, but somebody should have coordinated these - put them all together - and I wish my Members, especially on this side of the aisle, would have, you know, got together somewhere along the line and not put us all on a spot with this, but I'll move for a reconsideration on my vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... All right. Senator Kelly has moved to reconsider -- Senator Kelly, voting on prevailing side, has moved to reconsider the vote by which 8-8-7 lost. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Well, I didn't look at the board, but did Senator Kelly vote No, since this bill lost? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The vote is reconsidered. Question is, shall Senate Bill 887 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? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 28. Senate Bill 887, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading -- Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

I'd ask for another verification of the Aye votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Davidson, you're entitled to that, but this time they're all here. I can see them. Mr. Secretary, would you please read those who voted in the affirmative, please? Senator -- Senator Davidson.

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SENATOR DAVIDSON:

The person who I thought was missing I see standing over on the other side. Remove -- withdraw the request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson's withdrawn the request. All right. (machine cutoff) On the Order of Senate Bills 3rd Reading is Senate Bill 8-9-0. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 890.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill should have been on the Agreed Bill List. It was worked out with the Department of Public Aid, and basically it involves testing of recipients in order to ensure that they are properly placed. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 890 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 49, the Nays are 5, none voting Present. Senate Bill 890, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 891, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 891.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill reduces from five to one the number of new employees needed for a business to qualify for a five-hundred-dollar jobs tax credit. It changes contributions to designate its own organizations from tax deductions to tax credits. The intent here is to make it easier for the little guy - the little businessman - to compete within an enterprise zone, increase the number of businesses, and also increase the contributions to designate its own organizations that should be working alongside with businesses to ensure that there's development in the zone. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, it seems like we certainly do like various tax credit bills this year. We have voted on literally an armload of them. Let me understand -- first of all I want to ask a question or two, if I can. Okay. Senator del Valle, do I understand, now, that if some company makes a contribution to one of these zone organizations, they get a credit for the full amount of their contribution?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Well, the problem is that there hasn't been a contribution made yet. This is the designated zone organizations are the forgotten mission of the enterprise zone legislation. So it really hasn't been used.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

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Regardless of that, the law presently would allow you to do this as a deduction. And now that's four percent, as versus a hundred percent. And frankly, I don't know of any precedence in the law where we allow full investment credits for contributions of this kind. Furthermore, reducing this -- this jobs thing down to the creation of one job, as I understand, there's something like thirty eight thousand jobs that had been created in the various enterprise zones of the State, with a five-hundred-dollar credit, so I guess we're talking upwards of twenty million dollars in that area. So looks like it's rather expensive, and it looks like we're certainly plowing some new ground here, as far as the way we're going to treat contributions to these enterprise zones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further -- further discussion? There are a number of speakers. Senator DeAngelis. Going once, going twice, going three times. Senator Schuneman.

SENATOR DeANGELIS:

Whoa.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Did I win, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes. Always.

SENATOR SCHUNEMAN:

Question of the sponsor. Senator, as I understood what you said, any employer with one employee would now be eligible for a tax credit. So if I decide to start a business in a zone, and I incorporate my business and employ myself, I understand from that that I would then be eligible for these tax credits. Is -- do I understand that correctly?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator del Valle.

SENATOR DEL VALLE:

Well, we want you to start a new business. This would apply to those that hire one new employee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I understand that, but to -- a corporation is a business entity, and if I am employed by that corporation, even though I may own it, I'm an employee. So I'm hired.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator del Valle may close.

SENATOR DEL VALLE:

Well, I want to point out that these are two new -- two initiatives from DCCA. The Illinois Enterprise Zone Association, made up of local zone administrators, supports changing from five to one the hirings required to qualify for the jobs tax credit. And DCCA agrees that something has to happen with DZOs, so these are initiatives from DCCA. It's -- they're meant to help the little guys - the smallest of the small business people - and I think we ought to support it. So I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 891 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? Have all voted who wish? Last call. Take the record. On that question, the Ayes are 30, the Nays are 27, none voting Present. Senate Bill 891, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 892, Mr. Secretary. Read the bill.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 892.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This would establish a pilot program through IBHE to provide scholarships at public colleges and universities to low-income adults for job retraining. This is addressing the need to provide training opportunities for those individuals that need upward mobility and are looking for upward mobility. It's a very small program; we're talking about a hundred and thirty-two employees. The employees would be recommended by employers from sixty-six businesses, which will be selected to participate in the program, and the employer would pick up fifty percent of the cost. So I think it's a good economic development bill, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 891 <sic> pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? I beg your pardon, 892. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 25, 2 voting Present. Senate Bill 892, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 896, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 896.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator -- Senator Zito. Ten, nine, eight, seven.

SENATOR ZITO:

Excuse me. Thank you, Mr. President and Members. Senate Bill 896 is very simple. It increases homestead exemption from two thousand dollars to twenty-five hundred. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 896 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 11, 1 voting Present. Senate Bill 896, having received the required constitutional majority, is declared passed. Senate Bill 944, Mr. Secretary. On the Order of 3rd Reading.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 944.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, we had some considerable discussion about this issue the other day. And I don't mean to repeat it. But the bill does extend slightly the existing Nonconsensual Electronic Surveillance law that was sponsored by Senator Degnan and Representative O'Connell last year. It extends it only to the following offenses from the present application to felony drug crimes. It extends it to first degree murder, conspiracy to commit first degree murder, solicitation of murder, and solicitation of murder for hire. These are, in my opinion, the most serious crimes. They were included in the recommendation

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that the Governor made to us two or three years ago, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, when we debated this bill last time, we indicated on this side of the aisle, that we voted for the bill to allow eavesdropping on drug cases, because we got a commitment from the Cook County State's Attorney, and because drugs are such a scourge in our society. And we want to do everything we can to eliminate drugs from our society. And Senator Barkhausen indicated, well, he never had a commitment - he never made a commitment, and if it was up to him, he would extend this law to include political corruption and extend the law in all of its -- to against all crimes in the State of Illinois. And that's his right to suggest that. But what we worry about over here is the abuse of prosecutorial power. And there's a fine line between the power of the State to protect society and the rights of individuals to be protected against the abuse of power. And we're worried over here about going over that line. Because once you go over the line, it's a long way back. And as we know from history, when we look at other societies, and if you look at Russia, today, and if you look at China today, and if you look at other societies today, they are struggling to come back for the rights of democracy in those countries. They are in turmoil in those countries today, because their citizens are saying, "We want the right of free expression. We want freedom to be ourselves and express ourselves as we see fit as human beings." That's what we're worried about in this Chamber, in the State of Illinois, on this bill today. And it may seem to you a small step, but to us, it's a step possibly - possibly - in the direction against the freedoms that we cherish so much in our society. This is a bad

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bill, Ladies and Gentlemen, and it should never be extended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Dunn.

SENATOR T. DUNN:

Senator Barkhausen, since we -- we tend to have a balancing test on these types of things, how many convictions were there, for the offenses that you wish to extend this to, last year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't have that information in front of me -- I'm -- I'm -- undoubtedly throughout the State of Illinois, there were numerous convictions - I suppose in the hundreds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn. Senator Barkhausen may close. I beg your pardon. Senator Marovitz.

SENATOR MAROVITZ:

Just one question of the sponsor. You mentioned that you wanted to extend it to these -- what you consider the most serious crimes. Does that mean, if you consider these the most serious crimes, that you won't come back here and support further extension of nonconsensual eavesdropping in the State of Illinois to others that are not serious crimes or far less serious crimes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, this bill just, of course, deals with first degree murder, and that's all that this bill will deal with. I

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mentioned as an aside the other day, when we had some debate, that it was my own personal opinion that our own law in Illinois ought to be as extensive as the federal law, which isn't to say what Senator D'Arco did a moment ago -- that ought to apply to every kind of crime. But this -- this bill is - and so far as I am concerned, will be - limited to the crimes to which it is now confined, and I ask for its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Questions is, shall Senate Bill 944 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 37, the Nays are 15, 1 voting Present. Senate Bill 944, having received the required constitutional majority, is declared passed. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Having voted on the prevailing side, I would move to reconsider.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Barkhausen has moved to reconsider. Senator Davidson has moved to Table. Motion carries. Senator Fawell. On the Order of Senate Bills 3rd Reading is Senate Bill 945.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 945.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that was put forth by the Citizens Council on Mental Health and Developmental Disabilities.

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And it is co-sponsored by Senator Kelly, Senator Lechowicz and Senator Mahar. Basically, what it does, it authorizes the Department of Mental Health to make grants and payments to community facilities for capital development. Those of us who serve on the commission admit that -- that the problem lies that we've got to have more facilities in the community to take care of our mentally ill. This is the best place and the best way where we can get the biggest bang for the buck, and -- and it certainly is the most humane way. The problem is that the local communities do not have any ability to make their capital investments. I think if we can help them out in this manner, then we can go forward with the program, and our mentally ill can indeed be served. And I would solicit your Aye vote. I'll be willing to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Smith.

SENATOR SMITH:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Smith.

SENATOR SMITH:

Thank you. Senator Fawell, could you tell me, what is this bill doing that the Department and the Illinois Health Facility Authority cannot do currently?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I'm sorry I did not hear -- could you turn her up a little bit? I didn't -- I didn't hear the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator -- Senator Smith.

SENATOR SMITH:

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Can you hear me now? I merely wanted to ask you, what is this bill doing that the Department and the Illinois Health Facility Authority cannot do currently?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

As of this moment, they do not have the authorization in order to do this. They don't have the bond issue, in order to do this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

May I ask you, why do they oppose this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I have talked to the Department over the last couple years and they would like to see more community development done, because this is, as you well know - and you and I have spoken about it - this is where the patients gets the best help. The problem is that's where the communities are lacking the money in. I think this would be able, for instance, to be an assistance to your community mental health groups.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

I rise to support this proposal, Mr. President. It's -- these are funds that are being transferred from the Super Collider -- the bonding authority, and it's moving over to mental health facilities community programs, and I think it's a worthy program, and I'd ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell may close.

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SENATOR FAWELL:

The hours late, just -- I please solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 945 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 none, 1 voting Present. Senate Bill 945, having received the required constitutional majority, is declared passed. 969. On the Order of Senate Bills 3rd Reading is Senate Bill 969, Mr. Secretary. Read the -- read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 969.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Real quick -- this bill permits absentee ballots to be processed and tabulated at a central accounting location by a special absentee voting panel. This is the bill that Pate Philip doesn't like, but I don't know why - he can steal ballots as well up there as we can in Cook. So, I just ask for a partisan roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Real quick. The Chicago Board of Elections are still opposed. The County Clerks are still opposed, and since the experts are opposed, I think we should join them and defeat this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Question is, shall Senate Bill 969 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? Have all voted who wish? Last call. Take the record. On that question, the Ayes are 23, the Nays are 32, 1 voting Present. Senate Bill 9-6-9, having failed to received the required constitutional majority, is declared lost. Senate Bill 1044. On the Order of Senate Bills 3rd Reading is Senate Bill 1044, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1044.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is called the Toxic Pollution Prevention Act. The original bill, as introduced, was a Toxic Use Reduction Act. We have changed this bill through negotiations with the Chemical Industry Council and other interested parties. The bill we have come to today is an agreement among those parties. What the bill is going to end up doing is creating in the Environmental Protection Agency, a section of toxic pollution prevention, to identify existing State reporting requirements, identify federal and State laws and regulations on waste disposal and releases, develop a use reduction manual for EPA inspectors, and establish a permit application review process for equipment or modifications involving toxic pollution prevention. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1044

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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 52, I beg your pardon, on that question the Ayes are 53, the Nays are 1, 1 voting Present. Senate Bill 1044, having received the required constitutional majority, is declared passed. On the Order -- on Page 15, 1095. Senator Severns. 1104. Senator Marovitz. 07. 08. 1108. 1139. Senator Maitland. On the Order of Senate Bills 3rd Reading is Senate Bill 1139, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1139.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1139 does really three things. It is -- it will require DPA to reimburse skilled and intermediate care facilities for labor and labor-related costs on a current cost basis. It also speeds up the payment cycle for the reimbursement for Medicaid residents. And thirdly, it indicates that the interest payment due on a delay in payment will come from the next year's appropriation. Currently that comes out of the -- the current year, and therefore cuts down on the available revenue. I'd be happy to respond to any questions you might have, otherwise would appreciate support of Senate Bill 1139.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Welch.

SENATOR WELCH:

Question of the sponsor.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Maitland, how much is this going to cost?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I believe the fiscal note on that was -- was between about eighty million dollars and a hundred and ninety-two million dollars. And these are not -- these are not new figures. These are figures that we discussed a year ago. There is -- there is agreement in the Governor's Office, in that when revenue is forthcoming, that -- that this is what we ought to do. I would say to you also, Senator, this is somewhat of a vehicle, as it's moving through the General Assembly and will be dealt with, obviously in the other House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 1139 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 50, the Nays -- 51, the Nays are 4, 1 voting Present. Senate Bill 1139, having received the required constitutional majority, is declared passed. 1156. Senator Severns -- 1167. Senator Joyce. 1171. Senator Welch. On the Order of Senate Bills 3rd Reading is Senate Bill 1171, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What we're trying to use this bill for -- it's been reduced from what it says in the Calendar. The Calendar is wrong. What it does now is makes a technical change. We're trying to work out an agreement concerning landfills over in the -- with the House. There's a couple of committees meeting, and we would like to send the bill over to Representative Kulas's committee, and that's the sole purpose for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall -- Senate Bill 1171 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 53, the Nays are none, none voting Present. Senate Bill 1171, having received the required constitutional majority, is declared passed. Senate Bill 1177. On the Order of Senate Bill 3rd Reading is Senate Bill 1177, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1177.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill is an outgrowth of the Lori Dann incident last year. What it does is close a loophole in Illinois law. Right now, what the Department of State Police does when someone applies for a FOID card, they do a check with the Department of Mental Health, and the Department of Mental Health checks the confidential list of

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people who have been institutionalized in their institutions. Unfortunately, the Department of State Police has no idea whether or not that person might have been institutionalized by a private hospital. What this bill does is extend existing practice to private hospitals, so the Department of Mental Health would have to have a list - a confidential list - of people who have been institutionalized by private hospitals as well. I believe this is the only bill on the subject of FOID cards or guns that is supported by both sides on this controversy - the gun control groups, and the NRA as well. And I would solicit a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Just to add that I did get a card from the NRA saying that this is a -- a measure they support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1177 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 -- 57, all that -- one slips in there all the time. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1177, having received the required constitutional majority, is declared passed. Senate Bill 1180. On the Order of Senate Bills 3rd Reading is Senate Bill 1-1-8-0, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1180.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1180 makes it unlawful for any person eighteen years of age or older, who knows they have AIDS, to commit an act of sexual penetration with another, who does not know that the accused has AIDS; or secondly, become, or attempt to become, a blood donor; or third, to share a hypodermic syringe with another. There has been some similar legislation on this subject in the past. I'm told this is quite similar to a bill that Senator Brookins sponsored in 1987. I'd be happy to entertain any questions, and would otherwise seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1180 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 47, the Nays are 2, none voting Present. Senate Bill 1180, having received the required constitutional majority, is declared passed. Senate Bill 1182. On the Order of Senate Bills 2nd -- 3rd Reading is Senate Bill 1182, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1182.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. Senate Bill 1182 does two things. First, the bill, in its original form, attempts to respond to the recent Illinois Supreme Court case of People versus Lindner, which makes -- which provides as a possible sanction for crimes - drug crimes and sex crimes committed with the use of a motor vehicle -

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the suspension or revocation of a driver's license, as an attempt to respond to that decision. Secondly, it -- relating to -- to driving under the influence of drugs, it -- it -- and this is the amendment, the other day, it provides that the implied consent law can be -- should be interpreted both under appropriate circumstance to allow for a breathalyzer as well as blood or urine tests, and it does some other things about which I'd be happy to answer questions. I seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is this -- is this the bill that provides that a passenger in a vehicle may have his or her license suspended, when -- when they learn that some other passenger in the vehicle has possession of drugs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No. The first -- no, Senator, in short.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson. Question is, shall Senate Bill 1182 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 50, the Nays are -- Nays -- on that question, the Ayes are 51, the Nays are 3, none voting Present. Senate Bill -- 1182, having received the required constitutional majority, is declared

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passed. 1184 was on the Recall List this morning, was amended.
-- 1198. Senator Smith. On the Order of Senate Bills 3rd Reading
is Senate Bill 1198, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1198.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the
Senate. With the amendment, Senate Bill 1198 merely mandates the
Department of Public Health to devise rules, regulations
concerning voluntary HIV testing for the hospital patients. And
of course, I will work with them in the House when they are
further to make some added amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, question is, shall Senate Bill 1198 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 54, the Nays are none, none voting Present. Senate Bill
1198, having received the required constitutional majority, is
declared passed. Page 16. We're getting there. 1264. Senator
Marovitz. 1275. Senator Welch. 1281. Senator Joyce. 1282. On
the Order of Senate Bills 3rd Reading is Senate Bill 1-2-8-2, Mr.
Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is the bottle deposit bill. I know we've heard a lot about this over the years, and it hasn't gotten very many votes. But things have changed since 1970, and I think that's the first time this was introduced. The system has changed, we have recycling places now, and we have redemption centers. The store is not going to have to take these bottles back. The liquor store is not, the tavern's not, if they don't want to. There are a lot of things that are different about this, and I passed out a information sheet - you got one the other day - telling all the things that were wrong with this bill, and in the interest of time, I'm not going to read all those and give my response to them, but it's right here on this sheet. Along with it on this sheet are projects that can be done. This bill, I might explain to you, would be a five-cent deposit and a five-cent tax on containers - carbonated beverages. And with the -- you know, when you bring the bottle back, or the can back, or the plastic container back, you get a nickel back. The State would keep a nickel, and with that nickel we could do all of these things that are listed there. I went to the EPA, to the Department of -- the ENR and to the Department of Conservation, and I said, "What are the things we could do if we had 236.5 million dollars?" And they gave me this list. It's all the things that we have been promised and we have legislated that we are going to do to clean up the environment and have not done. There would be two hundred million dollars over four years to ENR to provide for recycling assistance grants to State and local governments. Sixty million dollars over four years for additional funding to complete the original land acquisition programs for our parks. Ten million -- annually for the Department of Public Health to establish a program of inspecting homes and workplaces

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for radon and lead in the drinking water and other pollutants. Twenty million over four years to the EPA for additional funding for air pollution control. A hundred million over four years to the IDFA to fund asbestos removal projects in school buildings. Eighty millions -- eighty million over two years to the EPA for priority lake cleanup programs. Ten million annually to the EPA for watershed management programs. Ten million annually to the EPA for lake restorations. Twelve million over four years to the Department of Conservation for endangered species. A hundred million over four years to the EPA to strengthen the Illinois Groundwater Protection Act. A hundred million over four years to finance additional hazardous waste cleanup projects. Twenty-five million over the IFDA to extend loans and grants and so on and so forth. We could do all of these things with that nickel. Now I know you've been told that it's going to run people out of jobs, and all of that sort of thing, and it's on here, they're refuting that. It hasn't done that in Iowa and Michigan and other places. In fact, it creates jobs. But that is basically what the bill does, and I think it's time that we got ready for the 1990s and decided that we're going to do something with our landfills and our garbage and our pollutions and our contaminations and our lakes and streams and -- and all the rest of it. And this way is one way we can address the problem, doing away with the litter that's cluttering our streets and highways. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

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Senator Joyce, what about those juice boxes you buy in the grocery store that our children take to school, those little small juice boxes containing about six ounces of fruit juice?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

If ENR declares that there's a use for those, then they will be included. That's ENR's decision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Dudycz.

SENATOR DUDYCZ:

The hour is late, Mr. President. Everyone's tired; we're not going to debate this at length. It's just a bad bill. We all know what it does. It taxes -- the tax -- the taxes come out of the pockets of the consumers. It's a bad bill. Vote it down.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce may close.

SENATOR J.J. JOYCE:

All right. Thank you, Mr. President. I -- you know, I just want to say that our lakes are polluted, some of them so badly you can't swim in them. The hazardous waste sites around Illinois there's not enough money to clean them up. Lands acquired for the State parks can't be used, because there's not enough money to develop them. And our landfills near the -- are near the bursting point, and so on and so on. And, you know, sometimes I forget that -- that the deposit place for all of these cans and bottles aren't or isn't in my road ditch. So I think that it's time that we -- we did something about our environment, and vote for this bill. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1282 pass. Those in favor will vote Aye. Those opposed, Nay. The voting's open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish?
Have all voted who wish? Last call. Have all voted who wish?
Take the record. On that question, the Ayes are 18, the Nays are
37, 2 voting Present. Senate Bill 1282, having failed to receive
the required constitutional majority, is declared lost. 1286.
Senator Luft. 1289. Senator Jones. Senate Bills 3rd Reading,
Senate Bill 1-2-8-9, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1289.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate.
Senate Bill 1289 reflects an agreement worked out between the
Architects and Interior Designers to delineate the scope of
practice of Interior Designers. I know of no opposition. I ask
for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1289
pass. Those in favor...I beg your pardon. Senator Schuneman.

SENATOR SCHUNEMAN:

A question was asked of me whether or not Shirley Norvell and
her group are in agreement, and it's my understanding that they
are. Is that not right, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, this is an agreed between -- bill between those groups.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1289 pass. Those in favor will

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vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 2 voting Present. Senate Bill 1-2-8-9, having received the required constitutional majority, is declared passed. 1326. Senator -- 1318. Senator Woodyard. No. 1326. Senator Schaffer. 1332. Senator Watson. 1333 was on the Recall List. 1340. Senator Lechowicz. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Well, you passed over 1332. I guess you did this on the board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No. I -- I beg your pardon. I did not pass over 1332. I distinctly called the bill, I looked right at you, you were busy doing something else, and if you wish to have it called, fine. Senate Bill 1332, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1332.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the Steroid Control Act, and I know that, I don't believe there is any opposition to it. But I will be glad to explain it, and I'll -- I would ask for favorable support. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 1332 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

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all voted who wish? Take the record. On that -- take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1332, having received the required constitutional majority, is declared passed. 1333 was on the Recall List this morning. 1340. On the Order of Senate Bills 3rd Reading is Senate Bill 1-3-4-0, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1340.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1340 is strictly a vehicle bill for the Cook County Commission in case they need it. And I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, -- if not, the question is, shall Senate Bill 1340 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 47, the Nays are 6, none voting Present. Senate Bill 1-3-4-0, having received the required constitutional majority, is declared passed. 1350. On the Order of Senate Bills 3rd Reading is Senate Bill 1350, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1350.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1350 creates three new grant programs administered by the State Board to increase scientific literacy. It also creates a center for scientific literacy, and I ask for your favorable approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill -- Senator Berman.

SENATOR BERMAN:

I stand in opposition on this bill. This -- I understand that this is going to cost ten million dollars, and if we're going to have ten million, I think there's plenty of ways that we should have funded education, instead of starting something new. We passed a bill earlier today that talked about dropping programs if they're not funded. Let's take the ten million dollars and fund what we've promised, not undertake new ones. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra may close. Question is, shall Senate Bill 1350 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? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 29, 4 voting Present. Senate Bill 1350, having failed to receive the required constitutional majority, is declared lost. 1370 was on the Recall List. 1374. On the Order of Senate Bills 3rd Reading is Senate Bill 1374, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1374.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. House -- Senate Bill 1374 raises the threshold for public notice in bidding by the CTA from five thousand to ten thousand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Just for Senator Daley having -- as you know, I carry a lot of this legislation, and we're trusting you on this bill, but we want to ask a favor. You know how much trouble the CTA's been in on bidding, and you all the hassles they've had and the indictments -- we're going with you, but let's try not to let it get any higher, which I think will be suggested to you later. Leave it here, you've got a decent bill, and it will be okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1374 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 53, the Nays are none, none voting Present. Senate Bill 1374, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 13 -- 97, 98. Senator Berman. On the Order of -- bottom of Page 16 is Senate Bill 1398, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1398.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

The description in the -- on the Calendar is wrong. The bill has been stripped; it is nothing other than a vehicle. I'd ask to be -- to vote it Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

I'm sorry, Senator, but my analysis says that -- as amended, the bill gives Chicago one hundred million dollars in bonding authority for capital improvements. And if the bonds are not issued, the board may add a bond principle interest difference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

You're reading the wrong bill. This is 1398, and it's been amended to have nothing in it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. I -- I would just comment, I don't know why we need another vehicle going over to the House. Senator Berman has a number of them already.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 1398 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? 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? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 28,

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none voting Present. Senate Bill 1398, having failed to received the required constitutional majority, is declared lost. Page 17. Page 17. 1402 was on the Recall List. 1411. Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 1411, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1411.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. This bill requires that prior to the release of any inmate who has a documented history of IV drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for the HIV infection. The Department shall not be required to conduct the testing and counseling required by this Section unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly. DOC indicates that fifty percent of the inmates have a history of IV drug use, and they also state that about two-thirds of them are recent users, but they project that if you go with informed consent, only about ten percent would not consent. It is important that we identify these individuals, provide pre-/and post-counseling, so that upon release, they know that they have to be careful.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1411 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

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question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1411, having received the required constitutional majority, is declared passed. When we get down to the bottom of the -- end of the 3rd Readings, we'll go right back to pick up the recalls that we were on this morning and go right straight through them. Senate Bill 1412. On the Order of Senate Bills 3rd Reading is Senate Bill 1412, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1412.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This bill provide methods by which physician and DCFS must seek evaluation and treatment of substance abuse for women suspected of using controlled substance in the third trimester year <sic> of -- pregnancy. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1412 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 1412, having received the required constitutional majority, is declared passed. Senate Bill 1412. On the Order of Senate Bills 3rd Reading is Senate Bill 1413. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1413.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1413 does just what the Calendar says. And there is no physical <sic> impact on the Department of Public Aid. I ask for your vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1413 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 53, the Nays are none -- on that question, the Ayes are 54, the Nays are 1, none voting Present. Senate Bill 1413, having received the required constitutional majority, is declared passed. On the Order of Senate Bills -- 3rd Reading is Senate Bill 1415, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1415.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. This bill was on the Agreed Bill List and the amendment became the bill, where the Department of Aging shall develop a pamphlet designed for the use of a resident 65 years of age or older, for the purpose of assisting various physicians and monitoring the pharmaceutical prescriptions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Discussion? Senator Topinka.

SENATOR TOPINKA:

Well, yes, Mr. President and Ladies and Gentlemen of the Senate. I -- I would just be concerned about this bill, because for one thing, it -- it makes -- it mandates physicians and the pharmacists to have to use these pamphlets. Now obviously, if they miss on -- on passing one of these out for some reason or another - as may be wont to happen - and somebody overmedicates or has a problem, they have a tremendous liability there. And my -- my concern would be about how this could be even enforced. Would you be willing, if we let this bill out, to work on this in the House?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

In fact, this is the Medical Society initiative, and I will be working with them to take care of that situation, Senator Topinka, and with the House as it moves over.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator. If not, the question is, shall Senate Bill 1415 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 41, the Nays are 13, 1 voting Present. Senate Bill 1415, having received the required constitutional majority, is declared passed. Okay. Let's roll over. Senate Bill 3. Let's go back to Page -- top of Page 3. Top of Page 3 is Senate Bill 3. On the Order of Senate Bills 3rd Reading is Senate Bill 3. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 3.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you very much, Mr. President. Senate Bill 3 relates to the issue of bodyguards being used by constitutional officers. First of all, the amendment to the bill took out the Governor of the State. It no longer applies to him. Secondly, what the bill does is transfer the cost of the salaries of the security personnel, provided for the protection of a State constitutional officer, to that officer's budget, as opposed to coming out of the State Police budget. And third, a State constitutional officer may employ and pay from those monies security personnel only for services rendered in connection with the performance of the official duties of his office. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not -- Senator Hawkinson. All right. The question is, shall Senate Bill 3 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? Have all voted who wish? Have all voted who wish? Have all voted who wish? Am I going too fast? No? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 28, 1 voting Present. Senate Bill 3, having failed to receive the required constitutional majority, is declared lost. Page -- let's see -- Senate Bill 11. On the same Page. Senate Bill 11. On Page 3 of your Calendar is Senate Bill 11, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 11.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. Senate Bill 11 is the rewrite of the Real Estate Licensure Act which -- which expire this year. Also it creates the Illinois Affordable Housing Act. It makes various changes in the Real Estate License Act, including certification of appraisers. It doubles the real estate transfer tax, a new revenue to be dedicated to affordable housing. Beginning of the next fiscal year, transfers over the next six years, existing revenue from the transfer tax from the General Revenue Fund into the Open Space Land Acquisition and Development Fund. This is the bill that the Realtors and the various groups pushing for housing have decided to put this all in one bill together. I know of no real opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? We have a number of speakers. Senator Schuneman.

SENATOR SCHUNEMAN:

Well. Thank you, Mr. President. A funny thing happened on the way to 3rd Reading. We've got a routine renewal of a License Act, which we handle all the time in our committee. But this bill has attached to it a tax increase and the establishment of a new affordable housing program. Now I'm not sure which rumors to believe around here, but I understand that the Realtors were told that their License Act was not going to be renewed, unless they agreed to put this tax and the Affordable Housing Act on their license bill. Now, I submit to you we shouldn't do that sort of thing around here. I'm sure the sponsor had nothing to do with it. But I understand that that may have happened in the other House. So just be aware that here we have a License Act that has

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a new tax and a new program. You know, if we allow this kind of thing to happen, we may see all kinds of intimidation of groups who want to get their licenses renewed. And I really don't think we should do it this way. If the Affordable Housing Program is a good one, it should stand on its own merits. It should not be tied to this Licensing Act. We'll renew the Licensing Act for the Realtors, I am sure, but we probably shouldn't do it this way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Two questions to the sponsor for -- to clear legislative intent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

One, has the part that had that auctioneers had to have a real estate license before they could sell a house, been deleted from this? And two, since this calls for all new real estate investigators to have a college degree, et cetera, are the present investigators, of which I understand none of them have a college degree, they're in no way harmed or jeopardized their job with this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- I'm sorry. Senator Jones.

SENATOR JONES:

What to that -- your first question, the answer is yes to your first question, but could you repeat the second part?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Second question is, presently they -- the investigators that operate or work for Professional Regulation that do their real

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estate complaint investigations, to my knowledge none of them are college degree persons. This bill calls for that you must have a college degree and two year's experience, I believe. Does this bill in any way jeopardize them or are they grandfathered in to their position under the CMS rules and personnel code?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. I am informed that that portion is not in the bill as far as the two years of college and et cetera for those investigators. It's not in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Under the certification of the appraisers, has anybody been left out of that? Or exempted out of it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

END OF TAPE

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SENATOR JONES:

To the best of my knowledge, I've been informed by staff, that if you are licensed as a broker or -- broker, then you need not have to have a license as an appraiser.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. Senator Berman, you're correct, it's the other way around. But have the banks or the CPAs been exempted out?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Jones.

SENATOR JONES:

The banks and CPAs have been exempted out. However, when this bill gets over, it still have to be amended to correct that particular portion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Again, au contraire, 'cause the House has done exactly the same thing. And you know, two years ago we allowed the CPAs to be exempt from liability, even if they misspelled our names. Or they added their numbers wrong. This is going absolutely too far. If you're going to be a certified appraiser, damn it, be a certified appraiser. In addition to that, what you're going to do if force the people from this State to have to bring in appraisers from out of State. Oh, yes, -- don't shake your head, Senator Jones - that's what you're going to have to do. And I'll tell you, the Realtors may want their bill passed, but I mean, this is beyond compromise. This is absolutely at the rape, pillage and extortion. And I really think we ought to get back and do the thing right. If we're license a group, let's license everybody who does that activity. And frankly, what you're going to do -- you're going to be in violation of the feds as well, with that. And we have a tremendous amount of distressed property in this State that has to be appraised, and I live right on that border, and we could bring in people from Indiana any day of the week to

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do the job. But I sure as hell don't want to see that happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Mr. President, I'll try to make it very brief. The impression has been given, I think, along the way here, the past week or two, that the Realtors to a man and to a woman, seem to favor this. When the Realtors were down here, I can tell you this from personal experience, I had a group of -- filled my office, and they represented Realtors from throughout my -- my district, or a good portion of my district, and I'll tell you to a man and to a woman, they were opposed to this. And I think if this bill has any merit -- this idea has any merit at all, it should stand on its own, and not be hooked up or linked up with any other considerations. And I would urge a No vote on the measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jones may close.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. This Body just recently, this week, passed a affordable housing program sponsored by Senator Luft. Now I know the two are together and this is unprecedented. However, I am the sponsor of this bill. The Realtors and their representatives wanted the bill this way. I ask for a favorable vote on Senate Bill 11.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 11 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 24, 1 voting Present. Senate Bill 11, has -- having failed to receive the required constitutional majority, is declared lost. Okay.

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128. Senate Bill 128. It is on Page -- Page 4 of your Calendar. On the Order of Senate Bills 3rd Reading is Senate Bill 128, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 128.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones. Senator Jones.

SENATOR JONES:

Take it out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take it out of the record. 292. 2-9-2 on Page 6. Senator Netsch. On the Order of Senate Bills 3rd Reading is Senate Bill 2-9-2. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 292.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 292 is the Illinois Family Responsibility and Medical Leave Act of 1989. I'm not going to take a lot of time with the reasons for it. Let me briefly tell you what it does. Number 1, it applies only to employers of thirty-five or more. That eliminates 90.3 percent of the employers in the State. The available leave has been reduced from eighteen to twelve weeks. It is unpaid leave. There are two benefits that are protected for the employee who takes the leave that is authorized. One is job security, and the second is the health coverage in whatever form it was carried before the leave was

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taken. This is an extremely important bill, not only to employees who may have a family crisis, but also to employers. I would suggest it's the most pro-family bill that has been introduced in this General Assembly this Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- is there a discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The only thing I -- I agree with you on, Senator Netsch, is that this is probably one of the most important bills of the Session. I wouldn't call it so much a pro-family bill as I would an anti-business bill. This bill goes way beyond really anything that we've considered lately. We have collective bargaining in this State. And we have employers who do offer all kinds of benefits and -- and dental -- dental benefits and for eyeglasses and medical and all this. This goes way beyond anything like that. First of all, it says that if you are covered by this, you can take twelve weeks off in one year for a parental leave, or if you're sick, or -- it gives all the different reasons why you can take it off. Not only can you have the twelve weeks off during the year, you can -- you'll be covered by all your -- all these provisions -- these medical provisions, while you're gone. But you can take it as part time, so that really you could take this twelve weeks off part time as long as it doesn't extend for more than a year. So for a year you could put your employer in a bind because you've just decided to work three hours a day or four hours a day. Now in the meantime, this poor employer has to probably replace you with someone. And after they've replaced you with someone and put them on the payroll, now when you come back, under this bill, you will have to get your job back or equivalent job at the same pay. You don't lose any seniority. And now the person that they had to employ to replace you while you were gone,

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what do we do with that person? Do we keep that person on, or do we lay them off? And when we lay them off, don't forget, Ladies and Gentlemen, as of July 1 this year, our new unemployment laws will say that they will be responsible for the entire -- the entire unemployment insurance coverage for that person that you've laid off because you had to keep the job open for someone who took off for twelve weeks during the year. I think this is an extremely bad bill. And I ask for your No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Two years ago I went down to a small business conference of the -- the Federal Government. Let me tell you what our colleagues said from Oregon and Washington about a similar bill that they had there. What they suggested to me was, "if this comes to your State, do yourself a favor, invest in the temporary employment business." Because that's what happened in those states. All those people eventually ended up firing that twenty-fifth, or that fifteenth, or whatever number you've got, and hiring a temporary. It doesn't work. They also said that the one that was -- fired was the young woman -- single woman with a child, who could least afford it, because they were the ones that were causing the problems, and frankly, they were the last ones to get hired. You're not doing any favor to the women, Senator Netsch, with this, for the women. You're hurting us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Very briefly, Mr. -- Ladies and Gentlemen, Mr. President. Small businesses cannot afford it. And they are the backbone of this country. I speak against the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Netsch. I beg your pardon. One moment. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of Senate Bill 292. Having worked extensively on this legislation, as Senator Netsch and the Members of the Executive Committee have over the past two years, I think it's fair to say that probably the only legitimate argument against this legislation as it currently sits, given the amendments that Senator Netsch put on it, is that -- should we really be mandating what business is about. And I suggest to you that's a balance that we have to strike, and those are the kinds of judgments we're called upon to make. We don't want to mandate what business is about. I, too, run a business. And I don't like people telling me how to run my business. But what's the social concern? The social concern is that we, as employers, ought to recognize that employees have, in fact, a responsibility - to their children, to their spouses, and to their parents. And from time to time, unfortunately, they have to take care of them. And we should not put that employee in that Hobson's choice of saying "If, indeed, I am to live up to my responsibility, I will suffer the loss of my job." There ought to be a provision, a reasonable provision. And I suggest to you that Senate Bill 292 contains that reasonable provision. And I further suggest to you, that the mandate is far outweighed -- far outweighed by the social policy that we, in this State, ought to adopt. We did this for State employees some years ago. And all you have to do is look at the figures, and talk to State employees who have been confronted with this terrible choice of taking care of a parent, or a spouse, or a child instead of losing their job. Ladies and Gentlemen, this is good social policy. And I would urge an Aye vote on Senate Bill 292.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 292 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? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 27, None voting Present. Senate Bill 2-9-2, having received the required constitutional majority, is declared passed. Senator Karpel, for what purpose do you arise?

SENATOR KARPIEL:

Verification of the Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel has asked for a verification. Madam Secretary, would you please read those names of the Members who voted in the affirmative, please.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR KARPIEL:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Carroll on the Floor? Senator Carroll on the Floor? Senator Carroll is...Senator Carroll just ran a hundred-yard dash. He is here. Senator Karpel. On a verified roll call, there are 30 Ayes, 27 Nays, none voting Present. Senate Bill 292, having received the required constitutional majority, is declared passed.

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I could hear Howie coming, let me tell you. All right. 417.
Senate Bill 4-1-7. 4-1-7 on Page 8. Madam Secretary, 4-1-7.

SECRETARY HAWKER:

Senate Bill 417.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. After correcting the -- the error that apparently occurred with the amendment today, this is the Department of Human Rights ordinary and contingent expenses and appropriation for FY'89. The estimated expenses are four million forty-seven thousand eight hundred dollars. Current level, four million thirty dollars -- thirty-five hundred dollars, and the net change is a hundred and thirteen thousand three hundred. I'd ask for your approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 417 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 1, none voting Present. Senate Bill 417, having received the required constitutional majority, is declared passed. 603. Senate Bill 603 on Page -- beg pardon? Page 10. Bottom of Page 10 is Senate Bill 603, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 603.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President and Members, after Tabling the amendment earlier today, this -- this bill in its -- is back in its original form. It's a recommendation of the Secretary of State's Business Corporation Act Advisory Committee, to permit committees of the board of directors, rather than a full board of directors, to authorize the issuance of dividends and to set dividend rates. I ask your approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 603 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 603, having received the required constitutional majority, is declared passed. Page 13. 806. Page 13 is Senate Bill 806. On the Order of Senate Bills 3rd Reading is Senate Bill 806, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 806.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Senate Bill 806 does not do what the Calendar says it does. We took the amendment this morning, took that out. All it does now is establish January the 28th as a commemorative school holiday, known as Christa McAuliffe Day, in commemoration of space exploration. I would ask for its favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Question is, shall Senate Bill 806 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 49, the Nays are none -- on - on that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 806, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, on Page 15. Page 15 of your Calendar is Senate Bill 1184, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 1184.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This bill would ask that the Illinois Department of -- Public Health provide five hundred new scholarships annually for nursing education. It provides for a payback for recipients who fail to fulfill employment requirements. It carries Senator Jones' amendment of this morning, which opened it up to community college nurses and to people with GEDs, which I think makes it better. There is a cost to this, it's 1.7 million estimated, so take your pick how you want to play on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 1184 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 1184, having

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received the required constitutional majority, is declared passed.
Page 16. Page 16 of your Calendar is Senate Bill 1333. Madam
Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1333.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This bill is part of the Governor's
Drug-Free Illinois Program. It requires school boards to prohibit
the use of tobacco on school property when such property is used
for school purposes. This morning an amendment was added which
exempts outdoor spectator areas and also designated areas within
the school building, for use by school personnel. I'd ask for its
favorable consideration.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question
is, shall Senate Bill 1333 pass. Those in favor, vote Aye. those
Opposed, vote Nay. The voting's open. All voted who wish? Have
all voted who wish? All voted who wish? Take the record. On
that question, there are 56 Ayes, no Nays, none voting Present.
Senate Bill 1333, having received the required constitutional
majority, is declared passed. 1370. On the Order of Senate Bills
3rd Reading. Bottom of Page 16, is Senate Bill 1370. Read the
bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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(machine cutoff) Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would deny the expansion of regional pollution control facility if the EPA can demonstrate problems of drainage, erosion, settling, or ground or surface water pollution, or any other environmental or safety violation by the existing facility, until a remedial action plan is submitted to and approved by the EPA I urge adoption.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall Senate Bill 1370 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 36 Ayes, 19 Nays, 2 voting Present. Senate Bill 1370, having received the required constitutional majority, is declared passed. Top of Page 17. 1402. On the Order of Senate Bills 3rd Reading. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1402.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We brought this bill back for a corrective amendment this morning reflecting the true population of Cook County from one million to three hundred -- from one million to three million, for the corrective distribution formula. Happy to answer any questions.

PRESIDENT ROCK:

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

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Senate Bill 1402 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 -- 48 Ayes, 1 Nay, 2 voting Present. Senate Bill 1402, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, it's been a long week and a longer day. We will move now to afford all the Members an opportunity. We'll move to the Order of Consideration Postponed and then the Order of Motions in Writing, and then we will take up the appropriation bills and the Agreed Bill List. Page 44 on the Calendar. Our suggestion is, as we have done in the past, when we are on this order of business, we will have the proponents speak and one opponent, so that we can save everybody some time. We have been through these bills once already. On the Order of Consideration Postponed. Bottom of Page -- bottom of Page 44, is Senate Bill 62, Madam Secretary. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 62.

(Secretary reads title of bill)

Postponed Consideration.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This bill would let some small townships in Will County, and the other -- collar counties, opt out of the RTA if they have received no service in the last sixteen years. The RTA estimates that if everyone of them would opt out, which I am certain they would not, it would only cost a million dollars. To these townships it's a very small amount -- I mean to the RTA it's a very small amount, but to these townships it's a great deal. It's an insult to those people living there

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that they get absolutely no service, and yet are taxed in the RTA District. And I would ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill failed on a vote of 29 to 18 to 1, and the problem is to say these small townships - that's fine - but the development going on in Will County, the fact that saying that these will not be involved in the RTA Mass Transit System within the foreseeable future, is simply not realistic. And as they develop, you're taking away their ability to have this, if they need it later. Part of the reason we say a region is because we work as a region. There are a lot of things I'd like to opt out of. I live in Cook County, and I'd like to opt out of the Cook County court system, among others, because I don't think that serves me. But the truth is, I'm part of the program, and the program requires that we work as a unit. And I just think it's unrealistic to assume that these areas will not be receiving the RTA service as the growth in Will County continues. And when you look at the growth in Will County, I mean, it is just leap-frogging left and right. It is one of the fastest-growing counties in the State.

PRESIDENT ROCK:

Question is, shall Senate Bill 62 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 29 Nays, and the bill fails. On the Order of Consideration Postponed is Senate Bill 186. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 186.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill permits an out-of-power county chairman to submit a list of party members to be filled by an in-power county chairman, and Cook County is excluded. I urge a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, our objection was, well, one, we think it's kind of amusing, Cook County's excluded. Good for the goose, good for the gander. My objection is that the county chairman would then be able to screen anybody he wanted, and I suspect, cut out a lot of very qualified people under the guise of political purity. I don't think we want to give that kind of power and create those kind of problems.

PRESIDENT ROCK:

Question is, shall Senate Bill 186 pass. Those in favor, 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 30 Ayes, 28 Nays, none voting Present. Senate Bill 186, having received the required constitutional majority, is declared passed. Senator Schaffer, for what purpose do you arise, sir?

SENATOR SCHAFFER:

Well, I think they are all here, but let's see for sure.

PRESIDENT ROCK:

All right. Senator Schaffer has requested a verification. That request is in order. Will the Members be in their seats.

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Madam Secretary, read the affirmative roll, please.

SECRETARY HAWKER:

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

PRESIDENT ROCK:

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

SENATOR SCHAFFER:

Well, we could try the ever-popular, Senator Marovitz. Oh, pardon me, he's here. Then let's try Jeremiah Joyce, J.E.

PRESIDENT ROCK:

Senator Joyce on the Floor? Is Senator Joyce on the Floor? Strike his name, Madam Secretary. On that question, there are 29 Ayes, 28 Nays, none voting Present. The bill fails. Senate Bill 195. Senator Kelly. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 195.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, fellow Senators. This bill requires physicians to determine the viability of an unborn child who has reached the fetal age of twenty or more weeks. It also requires that the late-term abortions be performed in hospitals. We discussed the matter in detail, and I just solicit your favorable support.

PRESIDENT ROCK:

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Discussion? Senator Berman.

SENATOR BERMAN:

If you recall the debate last time, I think one of the convincing arguments against this is that you're imposing a felony penalty on an decision that should be made between the doctor and the woman. And that's the way it ought to be kept, not by putting a criminal overlay -- penalty overlay on that relationship. I urge a No vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 195 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 29 Ayes, 20 Nays, 1 voting Present. The bill fails. Top of Page 45. Senate Bill 250. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 250.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This requires the Department of Public Health to issue permits for the construction and operation of all water wells. Currently only potable water wells are licensed. The Department of Public Health says this is needed so that the permitting of all water wells is performed by the same agency. We have many problems around this State with the fact that people are running out of water. And currently we have no way of knowing who's drilling a well, for what use, unless it is to be drinkable water. I would ask for favorable consideration.

PRESIDENT ROCK:

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Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. We've removed our objection at this time. Let 'erroll.

PRESIDENT ROCK:

Question is, shall Senate Bill 250 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. Senate Bill 250, having received the required constitutional majority, is declared passed. 270. Senator Berman. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 270.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill has -- been amended from the other day when it was put on Postponed Consideration. As amended, what this bill says is that if you are -- suffered a serious personal injury or disfigurement or death on the CTA, where they have knowledge of a dangerous condition, for the last six months of that particular location, you can sue the CTA. For the safety of everybody that rides it, I ask a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

If this bill becomes law, how -- how long will it be before the CTA's financial resources are exhausted and they come down to Springfield looking for additional revenues. As we were saying

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earlier, we want to get ourselves out of this system. As we open them up to lawsuits, that this is not traditional. I have to say on behalf of the sponsor of the bill, he has tried to make the bill reasonable. If you think that it's fair, that you should sue a -- a governmental entity for not supplying security, that's the simple philosophy. Just think of the next logical step from this, and knowing how aggressive our Supreme Court can get at times, with expanding certain laws that have been passed. I'm telling you, you are opening everything up to wait until they sue you on issue after issue. This has the potential to be opening the door wide. Do you really think you can hold a governmental system responsible for every act that happens? The sponsor has tried to be reasonable, but just have to ask philosophically, whether that's how it ought to be.

PRESIDENT ROCK:

Question is, shall Senate Bill 270 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 28 Ayes, 26 Nays, and the bill fails. 747. Senate del Valle. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 747.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill was amended after being placed on Consideration Postponed. It's an amendment that the utilities and CUB have signed off on. It deletes the contents of the bill and creates new Section, which requires refunds ordered

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by the ICC or potentially a court, to be made within six months. Originally it was three months, and apportioned by customer class originally it was to individuals. This is an amendment that everyone is in agreement with. I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Simply to say that it has made a bad bill a little bit better. I still think the Commerce Commission ought to make the decision. I still oppose, but it is a better bill.

PRESIDENT ROCK:

Question is, shall Senate Bill 747 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 29 Ayes, 24 Nays, and the bill fails. 761. Senator Smith. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 761.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen. With the amendment, Senate Bill 761 merely is a recommendation of the Department of Public Aid, and this amendment allows the Department of Public Aid to obtain federal funding for implementation of foods.

PRESIDENT ROCK:

Discussion? Senator Keats.

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SENATOR KEATS:

This was the bill we defeated last time, because we all said philosophically we don't think the government ought to be in the business of soliciting people to accept food stamps and public aid. You just have to ask yourself if it's the role of government to solicit this, and I would solicit a No vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 761 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 29 Nays, and the bill fails. Senator Friedland, for what purpose do you arise, sir?

SENATOR FRIEDLAND:

I'd like to recommit Senate Bill 814 to committee.

PRESIDENT ROCK:

Senator Friedland has moved to recommit Senate Bill 814. All in favor of that Motion, indicate by saying Aye. All opposed. The motion carries. The bill's recommitted. 860. Senator Jacobs. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 860.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. First of all, let me thank Vince Demuzio for fixing these buttons. If you noticed, nobody's bitched today, so thought I'd just point that out. Senate Bill 860 prohibits a liquor supplier from canceling or failing to renew a contract with a wholesaler, unless done in good faith. I ask for

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its approval.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well I don't really think this bill's gotten any better since it failed rather miserably a few days ago, and so I would certainly encourage a No vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 860 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 27 Ayes, 25 Nays, and the bill fails. Senate Bill 1212. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1212.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. The hour is late. We had a very long debate on this very important piece of legislation dealing with assault and semiautomatic weapons. And I would just solicit an Aye vote.

PRESIDENT ROCK:

Senator... Discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, this bill hasn't got any better. It got twenty-eight votes yesterday. It was discussed thoroughly and fairly descriptive. And it hasn't improved one iota. And I urge everybody to vote No.

PRESIDENT ROCK:

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Question is, shall Senate Bill 1212 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 29 Ayes, 27 Nays, and the bill fails. 1293. Senator Brookins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Yes. This bill directs the State -- the Department of State Police to create a toxic waste strike force to investigate criminal violation of the Environmental Protection Act. I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, this is another bill that didn't improve with a day more in age. This -- the State Police can do this under the present Act. This will cost 1.5 million dollars to create this special force. I urge all those who voted No yesterday, to vote No again today. Thank you.

PRESIDENT ROCK:

Question is, shall Senate Bill 1299 -- 1293 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 23 Ayes, 29 Nays, and the bill fails. 1442. Senator Newhouse. Read the bill, Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 1442.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. If you will recall, there was -- on this bill we -- we did an amendment to make it much more flexible and more permissive. This puts a State agency on notice by the Department of Human Rights, that it's not in compliance. Secondly, it allows the Department and the State agency to work together to come into compliance. Now, the language - the highest percentage possible -- it was drafted this way in order to allow room for the Department and the State agency to work together. I think there might have been some confusion on this bill the other day. I would now solicit a favorable roll call.

PRESIDENT ROCK:

Discussion? Discussion? The question is, shall Senate Bill 1442 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 27 Nays, and the bill fails. I can turn your attention to Supplemental Calendar No. 1, we have two additional Consideration Postponed matters. Senate Bill 348. Read the bill.

SECRETARY HAWKER:

Senate Bill 348.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is the same bill that I asked

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for consideration to allow it to continue to move to the House, so that the hospitals and the doctors and the attorneys can continue to discuss what should be -- what should happen on structured settlements and the hospital and doctor liens. I ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I think we're getting tired of killing bills several times here, but let's try this one once more.

PRESIDENT ROCK:

Question is, shall Senate Bill 348 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 26 Ayes, and 30 Nays, and the bill fails. Senator Hall. 535. Senator Hall's had enough. All right. Ladies and Gentlemen, if I can turn your attention to Page 46. There are four motions, there are six Motions in Writing, the Secretary informs me - four on the Calendar, and two have just been filed. Senate Bill 513. Senator Zito. Read the motion, Madam Secretary, please. I'm sorry. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCYZ:

Mr. President, I think you skipped one. Senate Bill 483.

PRESIDENT ROCK:

I did skip it, deliberately, sir. That's a Motion to Discharge Committee. We're beyond that. We can take it up next week, but under the rules, it isn't going anywhere. Read the motion, Madam Secretary, on 513.

SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the

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vote by which Senate Bill 5-1-3 passed.

Filed by Senator Zito.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I filed a motion on Senate Bill 513, because I think, several days ago, not a lot of Members understood what we were passing. 513 drastically changed the way senior citizens in the State of Illinois receive a driver's license. I had met with several senior citizen groups in my district and had promised them that I would not support the bill. When the bill came up, again there was some confusion. I was recorded as a Yes. I would like the record to reflect that I would have voted No. I'm not so sure it would change the outcome of the bill and if it's all right with the Body, I appreciate the opportunity to present the motion, but I would withdraw it at this time.

PRESIDENT ROCK:

All right. Motion's withdrawn. 844. Senator Dunn. Senator Dunn on the Floor? 956. Senator Maitland. Read the motion, Madam Secretary.

SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 956 failed.

Filed by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. I filed this motion as a courtesy to Senator Marovitz, and I would yield to him.

PRESIDENT ROCK:

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Senator Marovitz is not in the process of being yielded to. Senator Maitland has yielded to you, Senator Marovitz. 956.

SENATOR MAROVITZ:

Well, I think you had a motion, having voted on the prevailing side.

PRESIDENT ROCK:

We just did.

SENATOR MAROVITZ:

Okay. This is the -- this is the bill dealing with the death penalty for those mentally -- those who are mentally retarded. That's what the bill is. We've discussed it long into the night. The hour is late. I think everybody knows what the bill is, and I think it deserves another vote.

PRESIDENT ROCK:

All right. Senator Maitland, having voted on the prevailing side, has moved to reconsider the vote by which Senate Bill 956 failed. Those in favor of the motion will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 42 -- 41 Ayes, 8 Nays, and the motion prevails. Do you wish to go to the main question? We will then revert, based on that motion, to the Order of Senate Bills 3rd Reading for the consideration of Senate Bill 956, and I'd ask the Secretary to read the bill.

SECRETARY HAWKER:

Senate Bill -- Senate Bill 9-5-6.

(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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Again, the hour is late. We did have debate on this. This is the bill that says that the death -- death penalty will not apply if an individual is mentally retarded. Mentally retarded is different than mentally ill; it is a condition that never changes. Someone cannot get better from being mentally retarded. As a clinical -- clinical problem, clinical condition, it doesn't change, and I would ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Only -- only briefly to reiterate what Senator Barkhausen said the other day. This will probably become an issue in every death penalty case. I would prefer to see it listed as a factor in mitigation, so the court could consider it in the case, rather than an automatic bar.

PRESIDENT ROCK:

Question is, shall Senate Bill 956 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 31 Ayes, 18 Nays, 1 voting Present. Senate Bill 956, having received the required constitutional majority, is declared passed. 1278. Senator Topinka. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1278 was passed.

Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. Unfortunately yesterday, my one time off the Floor, this

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bill came up, and for all intents and purposes, it turned over everything that Senator Zito and I did last year, in terms of dealing with the problem in our district, but which probably has more of a Statewide application. It eliminated the authority of the -- of the Director of the Department of the EPA to order the owner or the custodian of a public water supply to take remedial measures, including providing water to those who weren't presently being served, if there was a release or a threat of a release of a hazardous substance into the potable water. Basically, I don't know that we want to necessarily overturn this, because if there is a -- a contamination of water, this does allow for one agency to immediately rectify a public health problem. It doesn't fall to the bickering of municipalities. And I would appreciate a vote on this.

PRESIDENT ROCK:

All right. Senator Topinka has moved to reconsider the vote by which Senate Bill 1278 was passed. Discussion on the motion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This was my bill. It was in my committee; there was no debate. It got onto the Floor; it was put on the Agreed Bill List. Apparently there was going to be no debate. Senator Topinka asked to take it off to debate it. I agreed to do that. We took it off. It came up for debate. She wasn't on the Floor. It passed 59 to nothing. I'm not that thrilled about the bill, but at this point I'm tired of the damn thing, frankly. I think we should just let it go to the House -- it'll probably bounce back - and get it over with. I would -- I would urge that we vote against this.

PRESIDENT ROCK:

All right. Senator Topinka, having voted on the prevailing side, is moving to reconsider the vote by which Senate Bill 1278

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was passed. Those in favor of the Motion to Reconsider will vote Aye. Opposed will vote Nay. And the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 19 Ayes and 34 Nays and the motion fails. All right. Ladies and Gentlemen, we're now going to move to the appropriation bills. On the Order of Senate Bills 3rd Reading, appropriation bills. I'll ask the Secretary to read all the bills. There will be a one roll call on the end. The procedure is the same. Those who have filed their preference in terms of voting with the Secretary, that will be recorded in the Journal. I'd ask the Secretary to read the appropriation bills. (machine cutoff)

SECRETARY HAWKER:

Senate Bill 12.

(Secretary reads title of bill)

Senate Bill 19.

(Secretary reads title of bill)

Senate Bill 37.

(Secretary reads title of bill)

Senate Bill 53.

(Secretary reads title of bill)

Senate Bill 71.

(Secretary reads title of bill)

Senate Bill 163.

(Secretary reads title of bill)

Senate Bill 184.

(Secretary reads title of bill)

Senate Bill 229.

(Secretary reads title of bill)

Senate Bill 230.

(Secretary reads title of bill)

Senate Bill 259.

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(Secretary reads title of bill)

Senate Bill 261.

(Secretary reads title of bill)

Senate Bill 278.

(Secretary reads title of bill)

Senate Bill 279.

(Secretary reads title of bill)

Senate Bill 280.

(Secretary reads title of bill)

Senate Bill 281.

(Secretary reads title of bill)

Senate Bill 282.

(Secretary reads title of bill)

Senate Bill 283.

(Secretary reads title of bill)

Senate Bill 284.

(Secretary reads title of bill)

Senate Bill 285.

(Secretary reads title of bill)

Senate Bill 286.

(Secretary reads title of bill)

Senate Bill 287.

(Secretary reads title of bill)

Senate Bill 288.

(Secretary reads title of bill)

Senate Bill 291.

(Secretary reads title of bill)

Senate Bill 328.

(Secretary reads title of bill)

Senate Bill 329.

(Secretary reads title of bill)

Senate Bill 332.

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(Secretary reads title of bill)

Senate Bill 401.

(Secretary reads title of bill)

Senate Bill 402.

(Secretary reads title of bill)

Senate Bill 403.

(Secretary reads title of bill)

Senate Bill 404.

(Secretary reads title of bill)

Senate Bill 405.

(Secretary reads title of bill)

Senate Bill 406.

(Secretary reads title of bill)

Senate Bill 407.

(Secretary reads title of bill)

Senate Bill 408.

(Secretary reads title of bill)

Senate Bill 409.

(Secretary reads title of bill)

Senate Bill 410.

(Secretary reads title of bill)

Senate Bill 411.

(Secretary reads title of bill)

Senate Bill 412.

(Secretary reads title of bill)

Senate Bill 413.

(Secretary reads title of bill)

Senate Bill 414.

(Secretary reads title of bill)

Senate Bill 415.

(Secretary reads title of bill)

Senate Bill 416.

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(Secretary reads title of bill)

Senate Bill 418.

(Secretary reads title of bill)

Senate Bill 420.

(Secretary reads title of bill)

Senate Bill 421.

(Secretary reads title of bill)

Senate Bill 422.

(Secretary reads title of bill)

Senate Bill 423.

(Secretary reads title of bill)

Senate Bill 424.

(Secretary reads title of bill)

Senate Bill 425.

(Secretary reads title of bill)

Senate Bill 426.

(Secretary reads title of bill)

Senate Bill 427.

(Secretary reads title of bill)

Senate Bill 428.

(Secretary reads title of bill)

Senate Bill 429.

(Secretary reads title of bill)

Senate Bill 430.

(Secretary reads title of bill)

House <sic> Bill 431.

(Secretary reads title of bill)

Senate Bill 432.

(Secretary reads title of bill)

Senate Bill 433.

(Secretary reads title of bill)

Senate Bill 434.

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(Secretary reads title of bill)

Senate Bill 435.

(Secretary reads title of bill)

Senate Bill 436.

(Secretary reads title of bill)

Senate Bill 437.

(Secretary reads title of bill)

Senate Bill 438.

(Secretary reads title of bill)

Senate Bill 439.

(Secretary reads title of bill)

Senate Bill 440.

(Secretary reads title of bill)

Senate Bill 441.

(Secretary reads title of bill)

Senate Bill 442.

(Secretary reads title of bill)

Senate Bill 443.

(Secretary reads title of bill)

Senate Bill 461.

(Secretary reads title of bill)

Senate Bill 462.

(Secretary reads title of bill)

Senate Bill 463.

(Secretary reads title of bill)

Senate Bill 662.

(Secretary reads title of bill)

Senate Bill 728.

(Secretary reads title of bill)

Senate Bill 4, pardon me, 736.

(Secretary reads title of bill)

Senate Bill 783.

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(Secretary reads title of bill)

Senate Bill 1053.

(Secretary reads title of bill)

Senate Bill 1090.

(Secretary reads title of bill)

Senate Bill 1164.

(Secretary reads title of bill)

Senate Bill 1166.

(Secretary reads title of bill)

Senate Bill 1187.

(Secretary reads title of bill)

Senate Bill 1188.

(Secretary reads title of bill)

Senate Bill 1189.

(Secretary reads title of bill)

Senate Bill 1190.

(Secretary reads title of bill)

Senate Bill 1191.

(Secretary reads title of bill)

Senate Bill 1192.

(Secretary reads title of bill)

Senate Bill 1193.

(Secretary reads title of bill)

Senate Bill 1194.

(Secretary reads title of bill)

Senate Bill 1283.

(Secretary reads title of bill)

Passed (machine cut-off)...3rd Reading of the bills.

PRESIDENT ROCK:

All right. The next roll call will be on the final passage of the bills just read by the Secretary. If there is no discussion, the question is, shall this series of bills pass.

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Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. This series of bills, having received a constitutional majority by record vote, is declared passed. And the record vote of the Ayes and Nays for each bill passed shall be entered in the Journal. All right. We'll now proceed to Agreed Bill List No. 2, and I'd ask the Secretary to read the bills. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Mr. President, I inquire of you and -- and the Secretary, did she have a motion there filed from Senator Dunn? I saw him take the motion there regarding Senate Bill 11. I'd like to know.

PRESIDENT ROCK:

Is there one there? It does not appear to be on the desk. Read the bills, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 22.

(Secretary reads title of bill)

Senate Bill 48.

(Secretary reads title of bill)

Senate Bill 55.

(Secretary reads title of bill)

Senate Bill 77.

(Secretary reads title of bill)

Senate Bill 83.

(Secretary reads title of bill)

Senate Bill 126.

(Secretary reads title of bill)

Senate Bill 131.

(Secretary reads title of bill)

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Senate Bill 146.

(Secretary reads title of bill)

Senate Bill 223.

(Secretary reads title of bill)

Senate Bill 227.

(Secretary reads title of bill)

Senate Bill 233.

(Secretary reads title of bill)

Senate Bill 258.

(Secretary reads title of bill)

Senate Bill 265.

(Secretary reads title of bill)

Senate Bill 269.

(Secretary reads title of bill)

Senate Bill 289.

(Secretary reads title of bill)

Senate Bill 296.

(Secretary reads title of bill)

Senate Bill 455.

(Secretary reads title of bill)

Senate Bill 458.

(Secretary reads title of bill)

Senate Bill 477.

(Secretary reads title of bill)

Senate Bill 488.

(Secretary reads title of bill)

Senate Bill 494.

(Secretary reads title of bill)

Senate Bill 529.

(Secretary reads title of bill)

Senate Bill 557.

(Secretary reads title of bill)

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Senate Bill 587.

(Secretary reads title of bill)

Senate Bill 593.

(Secretary reads title of bill)

Senate Bill 597.

(Secretary reads title of bill)

Senate Bill 628.

(Secretary reads title of bill)

Senate Bill 676.

(Secretary reads title of bill)

Senate Bill 677.

(Secretary reads title of bill)

Senate Bill 685.

(Secretary reads title of bill)

Senate Bill 703.

(Secretary reads title of bill)

Senate Bill 707.

(Secretary reads title of bill)

Senate Bill 716.

(Secretary reads title of bill)

Senate Bill 743.

(Secretary reads title of bill)

Senate Bill 744.

(Secretary reads title of bill)

Senate Bill 746.

(Secretary reads title of bill)

Senate Bill 751.

(Secretary reads title of bill)

Senate Bill 763.

(Secretary reads title of bill)

(Secretary reads title of Senate Bill 773)

Senate Bill 774.

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(Secretary reads title of bill)

Senate Bill 785.

(Secretary reads title of bill)

Senate Bill 787.

(Secretary reads title of bill)

Senate Bill 790.

(Secretary reads title of bill)

Senate Bill 800.

(Secretary reads title of bill)

Senate Bill 812.

(Secretary reads title of bill)

Senate Bill 817.

(Secretary reads title of bill)

Senate Bill 818.

(Secretary reads title of bill)

Senate Bill 836.

(Secretary reads title of bill)

Senate Bill 852.

(Secretary reads title of bill)

Senate Bill 853.

(Secretary reads title of bill)

Senate Bill 856.

(Secretary reads title of bill)

Senate Bill 915.

(Secretary reads title of bill)

Senate Bill 923.

(Secretary reads title of bill)

Senate Bill 928.

(Secretary reads title of bill)

Senate Bill 936.

(Secretary reads title of bill)

Senate Bill 954.

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(Secretary reads title of bill)

Senate Bill 990.

(Secretary reads title of bill)

Senate Bill 1007.

(Secretary reads title of bill)

Senate Bill 1008.

(Secretary reads title of bill)

Senate Bill 1010.

(Secretary reads title of bill)

Senate Bill 1012.

(Secretary reads title of bill)

Senate Bill 1013.

(Secretary reads title of bill)

Senate Bill 1029.

(Secretary reads title of bill)

Senate Bill 1030.

(Secretary reads title of bill)

Senate Bill 1035.

(Secretary reads title of bill)

Senate Bill 1037.

(Secretary reads title of bill)

Senate Bill 1038.

(Secretary reads title of bill)

Senate Bill 1072.

(Secretary reads title of bill)

Senate Bill 1078.

(Secretary reads title of bill)

Senate Bill 1093.

(Secretary reads title of bill)

Senate Bill 1097.

(Secretary reads title of bill)

Senate Bill 1134.

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(Secretary reads title of bill)

Senate Bill 1136.

(Secretary reads title of bill)

Senate Bill 1153.

(Secretary reads title of bill)

Senate Bill 1174.

(Secretary reads title of bill)

Senate Bill 1175.

(Secretary reads title of bill)

Senate Bill 1271.

(Secretary reads title of bill)

Senate Bill 1316.

(Secretary reads title of bill)

Senate Bill 1329.

(Secretary reads title of bill)

Senate Bill 1420.

(Secretary reads title of bill)

3rd Reading of the bills.

PRESIDENT ROCK:

All right. The next roll call will be on the final passage of the bills just read by the Secretary. Any discussion? If not, the question is, shall this series of bills pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. This series of bills, having received the constitutional majority by record vote, is declared passed and the record vote of the Ayes and Nays for each bill passed, shall be entered in the Journal. Senator Berman, for what purpose do you arise?

SENATOR BERMAN:

Thank you, Mr. President. Just for the record, a point of

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personal privilege.

PRESIDENT ROCK:

State your point.

SENATOR BERMAN:

As to Senate Bill 866, I was momentarily away from my chair, and when I went to vote, the voting had closed. If I had reached it in time, I would have voted Aye.

PRESIDENT ROCK:

The record will so reflect. Senator Rea, for what purpose do you arise, sir?

SENATOR REA:

Mr. President, when I pressed the button, it didn't work, and I would like to be recorded as Aye on the appropriation bills.

PRESIDENT ROCK:

The record will so reflect. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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

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

House Joint Resolution 55. <sic>.

(Secretary reads HJR No. 59)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

...(machine cutoff)...President, this is the adjournment resolution, calls for us on the conclusion of our business today, to come back on -- where is it...

PRESIDENT ROCK:

Tuesday, at noon.

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SENATOR DEMUZIO:

...Tuesday, at noon. That's a good day. I would move to suspend the rules to the immediate consideration and adoption.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of House Joint Resolution 59. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of House Joint Resolution 59. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. We just have some paperwork here, and then we'll be out of here. 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 adoption of which I am instructed -- in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 88, 89, 366, 577, 1110, 1147, 1555, 2048, 2379, 2634, 318, 525, 938, 1393, 1394, 2282, 2491, 2548, 7, 629, 757, 1000, 1180, 1185, 1433, pardon me, 2047, 2117 and 2194. Passed the House May 25, 1989.

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 424, 761, 822, 947, 955, 981, 1527, 1561, 2448, 2605, 1080, 1250, 1270, 1303, 1395, 1463, 1548, 1611, 2029, 2081, 2166, 2265, 2328, 2372, 2431, 2452, 2544, 2547, 2671, 603, 650, 1626, 1863, 2160, 2289, 2411, 2447, 2520, 83, 565, 946,

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1262, 1343, 1824, 1926, 2090, 2639, 2687, 2689, 2729, 17, 283,
436, 462, 519, 572, 601, 773, 790, 729 <sic>, (929) 1171, 1398,
1400, 1505, 1523, 1579 -- pardon me, that was 1578, 2059 and 2108,
2170, 2274, 257, 513, 774, 871, 983, 1653, 1657, 1697, -- pardon
me, that's 1695, 1860, 1958, 34, 168, 476, 779, 910, 1317, 1890,
2363, 2409, 183, 263, 815, 1648, 2098, 2568, 2584, 2709, 2798,
225, 692, 744, 1125, 2030, 2260, 2264, 2702, 2704, 2705. Passed
the House May 25, 1989.

Filed by John F. O'Brien, Clerk of the House.

PRESIDENT ROCK:

Committee on Assignment, Madam Secretary.

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 a bill of -- has passed a
House Joint Resolution, Constitutional Amendment, of the following
title, in the passage of which I am instructed to ask the
concurrence of the Senate, to wit:

House Joint Resolution, Constitutional Amendment
No. 2.

I have a like message on House Joint Resolution,
Constitutional Amendment No. 4.
They're both substantive.

PRESIDENT ROCK:

Executive. Committee Reports.

SECRETARY HAWKER:

Senators Demuzio and D'Arco, Co-chairs of the Senate Committee
on Assignment of Bills, refers the following -- the following
bills to the assignment -- refers the following bills to
committees: Agriculture and Conservation - House Bills 702;
Appropriations I - House Bills 238, 239; Commerce and Economic
Development - House Bill 204; Elementary and Secondary Education

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- House Bill 604; Energy and Environment - House Bills 446, 2020, 2025, 2310, 2437, 2790; Executive - House Bills 120, 187, 574, 2040, 2275, 2421, 2613; Higher Education - House Bill 1995; Insurance, Pensions and Licensed Activities - House Bills -- House Bill 1899; Judiciary - House Bill 195, 1880, 2014, 2115; Local Government - House Bills 558, 725, 726; Public Health, Welfare and Corrections - House Bills 69, 421, 1873, 1878, 1879, 2139, 2449; Revenue - House Bill 1925; Transportation - House Bill 1966;

I have a similar report on the assignment of the following bills to committees: Agriculture and Conservation - House Bills 30, 1328, 1406, 2594; Elementary and Secondary Education - House Bills 1249 and 2624; -- pardon me. Energy and Environment - House Bills 1472, 1627, 2039, 2574 and 2733; Executive - House Bills 1136, 1514, 2052, 2171 and 2664; Higher Education - House Bills 1189, 1484 and 2571; Insurance, Pensions and Licensed Activities - House Bills 1827; Judiciary - House Bills 612, 1409, 1496, 1518, 1549, 2124, 2497 and 2626; Labor - House Bill 1988; Local Government - House Bills 1224 and 1486; Public Health, Welfare and Corrections - House Bills 1566, 2038 and 2362; Revenue - House Bill 2209; and Transportation - House Bills 881 and 1782;

I have a similar report on the assignment of the following bills to committees: Agriculture and Conservation - House Bill 547; Commerce and Economic Development - House Bill 1256; Elementary and Secondary Education - House Bills 852 and 854; Energy and Environment - House Bills 258, 321, 1339, 1507, 1686, 1688; Executive - House Bills 29, 496, 507, 977 and 1667; Higher Education - House Bills 42, 645 and 853; Insurance, Pensions and Licensed Activities - House Bills 90, 957, 1057, 1384, 1386 and 1842; Judiciary - House Bills 247, 737, 870, 1503, 1673, 1757 and 1858; Local Government - House Bills 158, 602, 641, 714, 729 and

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1059; Public Health, Welfare and Corrections - House Bills 1111, 1866 and 1868; Revenue - House Bills 40, 1623 and 1666; Transportation - House Bills 875, 966, 1-0-0-9, 1164 and 1479. Filed by Senators Demuzio and D'Arco, Co-chairs of the Committee on Assignment of Bills.

PRESIDENT ROCK:

Okay. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 357 offered by Senator Zito.

Senate Resolution 358 offered by Senator Dudycz.

Senate Resolution 359 offered by Senator Keats.

Senate Resolution 360 offered by Senator Karpiel.

Senate Resolution 361 offered by Senator Zito.

Senate Resolution 362 offered by Senator Thomas Dunn.

Senate Resolution 363 offered by Senator Brookins.

Senate Resolution 364 offered by Senator Dudycz and all Members.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 365 offered by Senator Daley.

Senate Resolution 366 offered by Senators Demuzio, President Rock and all Members.

Those are both death resolutions.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 355 offered by Senator Jerome Joyce.

Senate Resolution 356 offered by Senator Topinka.

They're both substantive.

PRESIDENT ROCK:

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SECRETARY HAWKER:

Senate Resolution 367 offered by Senator Luft.

That is also substantive.

PRESIDENT ROCK:

Executive.

SECRETARY HAWKER:

Senate Joint Resolution 69 offered by Senator Topinka.

That is also congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Joint Resolution 70 offered by Senator Brookins.

It is substantive.

PRESIDENT ROCK:

Executive. Madam Secretary, have any objections been filed to the Resolutions Consent Calendar?

SECRETARY HAWKER:

No objections have been filed.

PRESIDENT ROCK:

All right. Senator Demuzio will then move the adoption of the Resolutions Consent Calendar, that's Senate Resolutions 327, 28, 29, 30, 32, 333, 334, 335, 336, 337, 38, 39, 40, 343, 44, 45, 46, 47, 350, 351, 2, 3, 4, 357, 358, 359, 360, 361, 2 and 3, 364; Senate Joint Resolution 65, 66; House Joint Resolution 53 and 54; and Senate Resolutions 365, 366; and Senate Joint Resolution 69; All in favor of the adoption, indicate by saying Aye. All opposed. The Ayes have it. The Resolutions Consent Calendar's adopted. Further business to come before the Senate? If not, Senator Demuzio moves that the Senate stand adjourned, until next Tuesday, May 30th, the hour of noon. Senate stands adjourned. Thank you all very much, Ladies and Gentlemen. Have a nice week.

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