

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

112th Legislative Day

June 29, 1990

PRESIDENT ROCK:

The hour of ten having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this morning by Father Hugh Cassidy, Blessed Sacrament Church, Springfield, Illinois. Father.  
FATHER HUGH CASSIDY:

(Prayer given by Father Hugh Cassidy)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Tuesday, June 19th; Wednesday, June the 20th; Thursday, June 21st; Friday, June 22nd; Monday, June 25th; Tuesday, June 26th; Wednesday, June 27th; and Thursday, June 28th, in the year 1990, 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. The motion carries, and it is so ordered. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1310 offered by Senator Smith and all Members.

Senate Resolution 1311 offered by Senator Jerome Joyce and all Members.

Senate Resolution 1312 offered by Senator Newhouse.

Senate Resolution 1313 offered by Senator Newhouse.

Senate Resolution 1314 offered by Senator Newhouse.

And Senate Resolution 1315 offered by Senator Savickas and others.

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They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. The Chair has been advised that there are a number of conference committees meeting at this moment, so the Senate will stand in Recess until the hour of eleven o'clock.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

We will begin on Page 11, and I would point out to the Membership what needn't be pointed out - that it's Friday, June 29th, and we are making every attempt to get out of here today. We will start on the Order of Conference Committee Reports. There are eighteen or so conference committee reports that have already been filed and are on the Calendar. And I would ask the Members who are attending conference committee meetings or who are in their office to please join us. We will go through this Calendar, and then we'll Recess while we get a Supplemental Calendar put together. It's the main Calendar. Page 11. All right. Ladies and Gentlemen, we're going to start on Page 11. Senator Kelly, can I prevail upon you to start the proceedings here? On the Order of Conference Committee Reports, there's a Conference Committee Report with respect to House Bill 954, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 954.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

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Thank you, Mr. President and Members of the Senate. I move to concur in Conference Committee Report No. 1. The report basically leaves the legislation as it was, except it would delete Senate Amendment No. 1. Senate Amendment No. 1, as you recall, eliminated the footage requirements for CILAs. And instead, the Department has agreed to expand their waiver provisions to accommodate those community providers who have a major problem with the Department's rules, regulations and probable statutory footage requirements. This would be final action, if the Senate agrees with this concurrence. The report also calls for a transportation council for the disabled and for seniors, which Senator Netsch had included on amendments, and it also contains a provision for the Illinois Department of Public Health to establish not more than six residential facilities for persons which the -- which have the HIV-related disease -- AIDS disease. Other than that, this is what the legislation does, and I'd be glad to answer any questions or try to. Otherwise, I would ask for your support and concurrence.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate adopt the Conference Committee Report on House Bill 954. Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. I reluctantly arise to support this -- this bill. I don't think the problem has really been solved as of yet. We are going to have some hearings this summer. A temporary rule has been put in place which I personally have been told is probably unconstitutional under the Fair Housing Act of the Federal Government. We hope to work this out. If not, I'm sure we'll be back in the fall.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

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SENATOR T. DUNN:

Mr. President. Question for the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dunn.

SENATOR T. DUNN:

Senator Kelly, will you tell me again what -- what this does to the distance between CILAs?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

It leaves it as is, as it was approved by the -- by the Department in the Administrative Rules Committee, and it leaves it the same way, the same requirements as I believe you supported in the Rules Committee -- for the Administrative Rules Committee.

PRESIDENT ROCK:

Senator Welch. Further discussion? Senator Welch.

SENATOR WELCH:

Well, I have a question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Kelly, the bill - in my understanding - up to the last section that was added about AIDS patients - deals with the Omnibus Budget Reconciliation Act requirements as to creating CILAs for people in either -- people in nursing homes. Is that correct?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Yes. As I understand, that's exactly what we're about.

PRESIDENT ROCK:

Senator Welch.

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SENATOR WELCH:

The last provision that -- on the Conference Committee Report says that the Department establishes up to six residential facilities for people with AIDS. Are these also people who are under the OBRA Program who are being moved out of nursing homes, or is this something totally different?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

No, Senator, this is not -- this is a -- an already an existing organization. It's already in place right now. These are not people that will be moving into a new program. It's -- it's something that's already existing and it's been requested by the Catholic -- Catholic Conference, and the Department has agreed to support this.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, what it looks like...

PRESIDENT ROCK:

Ladies and Gentlemen, please. It's Friday, the 29th. We're trying. Senator Welch.

SENATOR WELCH:

Well, what it looks like to me is we're using a bill to take care of Medicaid patients, allowing community living arrangements throughout the State of Illinois, and here you got an amendment saying that we're also going to build CILAs for people with AIDS throughout the State of Illinois, so we're going to be moving them downstate as well as people who are being moved out of nursing homes. And I'm wondering why we're doing that.

PRESIDENT ROCK:

Senator Kelly.

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SENATOR KELLY:

Senator, the CILAs do not have anything to do with this -- with the AIDS Residential Homes. This is a totally separate concept, and it has nothing at all to do with CILAs.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

So this is a new idea to have residential care facilities to put together several people with AIDS and have the Department move them throughout the State, so that they can be integrated with residences in our -- our communities throughout the State, even though we have not -- those people are not from our area? Somebody could come down to one of our counties and build a facility for eight individuals with AIDS. Under this proposal, say that they can put them next door to where any of us live, and have the State pay for that? This doesn't sound like too great a program to me.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Senator, these six facilities are -- they are already in place, and they will not be anywhere else in the State. They are already set, and the Department is ready, able, and willing to work with them, so they're not going to come into your district or in any other Senator's district.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, that's not what this language says. This language says that the Department shall develop regulations allowing the establishment of these residential facilities. Now you're saying that they are already established. If they are established then,

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they're illegal, if you need this language. So this seems to me that what we're doing is -- is going far beyond the OBRA Program, which the Federal Government mandated on us, and we're putting AIDS patients throughout the State of Illinois directly in our communities. And frankly, I don't think that's a good idea, Senator, and I think we should vote against this bill.

PRESIDENT ROCK:

All right. Further discussion? Ladies and Gentlemen, WAND-TV, WBBM-TV, and WMAQ-TV have requested permission to shoot some film. I'd ask you to look alert. Leave is granted. Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Actually I rose initially or I turned my light on to ask Senator Kelly or Senator Fawell a question. I will do that, and then I want to just address what Senator Welch has been raising. I -- I understand that the amendment that you put on, Senator Fawell, has been removed. I'm just not clear why. If there was an explanation either from you or Senator Kelly, I'm sorry I missed it, because it seemed to me that it was essential to -- to have that amendment in order to avoid legal problems. And I just -- why did we do this?

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Because your representatives -- Representative Levin absolutely insisted.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

He's not my representative, but -- but you don't know the reason for it, I gather.

PRESIDENT ROCK:

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Senator Kelly.

SENATOR KELLY:

It's a -- it's a concern. There's different provider organizations that are for having the footage requirements, and there's others that are not; and we've gotten a firm commitment from the House Committee on Mental Health that they will hold hearings during this period. And the Director has personally promised that he would see to working with these rules to get them in such a way to allow for a -- for the review and to allow them to take place. So he's -- we're not trying to - and neither is the Department trying to - put over anything on any providers. We're just trying to get a working mechanism going, and we don't want to get bogged down with it. And I think what was been done so far will avoid those legal -- legal concerns, but it's obviously not a finished product, as Senator Fawell said.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you for that. Senator Welch, let me just briefly address the concern you were raising, because this is something which -- with which I am very familiar, and some of us are who have -- represent parts of the City of Chicago. There are already in place some residences, Chicago House and Bonaventure, for example. Chicago House, indeed, has I -- it's three, I think, four facilities, now around the City of Chicago. They are places where those who have HIV infections, specifically AIDS, can go when they have no other facility. They are not nursing homes. They are not skilled cared. They are not anything. They are places where they can live and -- and have supportive help. But if we require them to meet all of the standards of much more sophisticated facilities, they will be economically impossible, and there will be no place for those people to go. They are



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extremely important in the whole network of health care services for persons with AIDS. Chicago House we've been familiar with for a long time. Bonaventure has recently opened, and what this language is intended to do is to allow them to have a -- what amounts to a registration so that, you know, we know them and can identify them, but to make clear that they do not have to meet all of the sophisticated standards of -- of much more, and if you will, sophisticated facilities. At that point, they would cease to exist and then we, the State, would end up with having to pay -- to take in the persons who otherwise live in Chicago House and Bonaventure and pay for them at a much higher level. This is an extremely important critical part of the whole network of services for persons with AIDS, and I would strongly urge you, please to let us have this, so that we can proceed.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. When this bill went out of here with the Fawell amendment on it, it became a pretty good bill. And I think it was intrinsic to the credibility of the bill and to the ability to the Department of Mental Health to be able to create these CILAs as they could. I mean, it's a tremendous load that has been put on the Department of Mental Health and the State of Illinois, to get developmentally disabled and mentally retarded folks out of nursing homes and placed in these CILAs. When you start putting requirements in -- into law as to where they can be situated, where they can be placed, I think you've really turned this whole thing upside down, and have hamstrung the Department in being able to carry out an already difficult mission. I sympathize with the -- the AIDS situation that has been tacked on here. I wish it would have gone through committee. It's probably doable, but overall without the

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Fawell amendment, I think this is a very bad bill, and not because of the AIDS situation so much, but because of OBRA and CILAs. I don't think I can support it at this time.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Mr. President, I think this question might be directed at Senator Kelly, but perhaps Senator Netsch. Senator Kelly, let me start. Senator Netsch brought up the -- as far as standards that this home would meet, that they would have to be lowered or there would not be any requirements. Is that, in fact, true? Would some standards have to be lifted in order for this -- this home to stay established?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Yes. As I understand, too, the Department has agreed to lower them. And while I'm at it, I want to mention, I indicated that there would be six facilities; that's what it says, but there is apparently two in place right now. There could be potentially four more, probably would be in a metropolitan area, could be downstate, but I don't think so, but it could.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Senator Kelly, when they -- when you say that the standards were going to be lowered or the regulations, has the -- has the Department accepted a norm that they are willing to -- to go with?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

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Yes, the -- the Department is in full agreement with it -- with this lessening.

PRESIDENT ROCK:

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

SENATOR KELLY:

Well, I'd just like to close by saying that we did have an extended conference meeting on this, and we did get an agreement between all of the conferees, between all of the providers, with the understanding the Department would be working with -- with those -- who might be in opposition to this. I think we got a good agreement. The Department is in firm support. Just about everybody's on board. Apparently we have concerns in the Senate, and I would just ask for your support. I think it's a good report. Hopefully, you'll support it.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on House Bill 954. 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? All voted who wish? Take the record. On that question, there are 26 Ayes, 20 Nays, 10 voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. Senator Kelly requests the appointment of a Second Conference Committee. 2-3-8-8, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2-3-8-8.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I just ask that we confer in Conference Committee Report on House Bill 2388 - the First Conference Committee. This amends the Unemployment Insurance Act

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in regards to the shortfall for the Department of Employment Security. It's an agreed-upon amendment -- agreed upon by Labor and Business. What it does -- it takes care of the -- the shortfall by diverting seven million dollars from current UI benefits and two million from the Legal Assistant Programs to the DES for administrative expenses in FY'91 and then increases UI dependent's allowance for FY'91 by 3.5 million. Everybody gives a little bit. Everybody pays a little bit. It's just a stopgap measure, and we're going to have to address this problem a little further in the future, but I'll be happy to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. I rise just to agree with Senator Jacobs and to compliment and congratulate all parties - Business and Labor - in arriving at what we feel is a very fair settlement and a compromise on this issue, and -- and would urge concurrence in this case.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Thank you. Senator Jacobs, we were under -- was led to believe that there would be two hundred employees in the Chicago area that possibly would be laid off had we not reached this agreement. My question is, will this eliminate that necessity?

PRESIDENT ROCK:

Senator Jacobs.

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SENATOR JACOBS:

Thank you, Senator. Maybe that's something that should be done anyway; I don't know. But no. This changes the ball game. The Outreach Programs will not be closed.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Are you saying to me that you think that my constituency in the Chicago area should be laid off? Is that what you're thinking?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

What I'm saying, Senator, is we don't know if we got too many employees anywhere, but, no, under the circumstance in all seriousness, that was one of the alternatives - if we did not do this they would shut all of the Outreach Programs down or all of the Outreach offices down and bring them into a central office. That is not being done now.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

I want to thank you, Senator.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I understand that this, as you describe it, is a stopgap measure and -- and involves using Illinois trust funds to

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pay expenses that normally have been paid by the Federal Government. Is there some time certain of -- of the period that we've agreed to do this? In other words, are we going to do it for a year or so and then expect -- the Feds are going to pick up the cost again, or -- or what is -- what are the prospects there?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

You're -- you're absolutely right, Senator. This is only a stopgap measure, and we have to get back to the Feds. We have to put the pressure on the Feds to live up to their responsibility, and we're going to have to address this problem again, and we are keeping one of the unemployment insurance bills in -- in reserve so we'll be able to respond to this later in the fall, if we have to.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2388. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have 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 56 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on House Bill 2388, and the bill, having received the required constitutional majority, is declared passed. 2-9-6-7, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2-9-6-7.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I move that we concur in the Conference Committee Report on House Bill

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2967, and what it does -- it gives Naperville until 1-91 to bring its impact fee ordinance into compliance with the State. It also -- it also clarifies the General Assembly intent that if impact fees are to be collected due to the impact the new development will have on State roads, then it should be spent on State roads. The other amendment -- was Senator Berman, and it deals with a problem in the City of Chicago dealing with building court, and it clarifies what the Conference Committee Report does. It corrects some technical problems, and it amends the bill to permit the courts to order rather than authorize municipalities to demolish, remove materials, repair or -- on the enclosed building. I move the adoption of this Conference...

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on House Bill 2-9-6-7. Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator Daley, did you say that -- that the impact fees would only be allowed to be used for -- for highways? I'm -- I'm sorry. I didn't -- I didn't catch that.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Senator, what I stated was that this amendment, as you know, was adopted previously, and it clarified the General Assembly's intent that if impact fees are to be collected due to the impact that the new development will have on State roads, then it should be spent on State roads. While current law refers to the

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proportionate share of that particular government entities impact fee, it does not require that such share of the impact fee should be spent on the share of the road system.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Just a couple of quick questions. First on legislative intent -- something often forgot is -- I was the sponsor of the impact fee bill, and it was not our intent to put limitations on it. Just so people are aware, the impact fee had specific reasons for being brought into existence, and this is not the legislative intent of the sponsors - Representative Stern and myself. But two quick questions: these other amendments -- have we ever seen these before, or did they just emerge mystically on this Conference Committee Report?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Senator, as you know, both of these passed the Senate 59 to nothing.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Then following up, the Municipal Code in terms of enclosing buildings, et cetera. Are we -- right now the court can do this. Is this stripping the power by making it permissive instead of mandatory? I mean, this is lessening the impact?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Senator, you are correct.

PRESIDENT ROCK:



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Senator Keats.

SENATOR KEATS:

I would say to anyone who has blighted areas in the city - and I want that stressed out loud - anyone who has blighted areas in their district -- one of the great advantages right now is a municipality can go to a court and say, "Guys, this is blighted. It's full of trash. There are drugies in it," or whatever you want to say, and you can then get the court to force that the building be covered up, boarded up, whatever. This is now limiting or lessening the court's ability to do that. Anyone who has blighted areas I don't think's going to be real excited about this amendment, and I would say they should quickly take a look at it. And it would be interesting to know who wanted this provision, 'cause this does not sound like the kind of provision people in those neighborhoods would want.

PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you -- thank you, Mr. President. Most of these provisions went through Local Government Committee. They've gone through the Senate before. I'm sure Senator Daley will agree with me that this does not limit what the cities may do with buildings. They may now order the courts to do this. I think the bill is in good order, and I think the Body should support it.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, as I've stated before, I may have a conflict of interest, so I will vote my conscience, since I am a mayor and a State Senator. However, I am supporting the bill because Amendment 2 is still on the bill, which does make it easier to foreclose and demolish property that

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-- they're eyesores -- and therefore, I speak in favor of the bill.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the Senate, this is in response to Senator Keats' concern. Anybody that has any knowledge of the working of the building court in the City of Chicago would support this Conference Committee Report. The judges are frustrated many times when the community groups come to the court requesting that a building be put in a safe condition or it be removed as quickly as possible, because it is blighted. And the court then has to wait for the corporation council's office and the other legal technicalities before they're able to move on that building. This is an improvement in that process. Basically what they're doing is they're having the courts to order the municipality or the city to demolish, remove materials, repair or enclose buildings in certain adverse conditions. This is exactly what you do want, and I would strongly encourage the adoption of this Conference Committee Report.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. A question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Thank you. Senator Daley, this, in effect, allows the City to speed up the -- the foreclosure on buildings so that they can be demolished. Is that correct?

PRESIDENT ROCK:

Senator Daley.

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SENATOR DALEY:

Yes, Senator.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Do -- do that limit it to what size building, or is it any building, and so that residents are -- is there a...

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Any building, Senator.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Senator Daley. I am familiar with this, and I -- I think that the City do need this. We can go through communities and see boarded up buildings, and we can see that there are hangouts for undesirable characters and other folks. So I think that we need to give the City this authority, and I stand in support of this bill.

PRESIDENT ROCK:

Senator Daley, you wish to close?

SENATOR DALEY:

Just that I move the adoption.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on House Bill 2967. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on House Bill 2967, and the bill, having received

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the required constitutional majority, is declared passed.  
3-0-2-4. Senator Savickas. 3-0-5-1. Senator Berman. Madam  
Secretary, please, House Bill 3-0-5-1.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3-0-5-1.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the  
Senate. This Conference Committee Report is essentially what the  
bill was as it moved down the road. There were some technical  
corrections that would require the conference committee. It's a  
State Board of Education request to provide incentives for  
reorganization of districts, especially regarding the unit  
districts in -- for more effective delivery of services to  
children. Be glad to respond to any questions, and solicit -- I  
vote to concur...

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall  
the Senate adopt the Conference Committee Report on House Bill  
3-0-5-1. 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 55 Ayes, no Nays, none voting Present. The Senate does  
adopt the Conference Committee Report on House Bill 3-0-5-1, and  
the bill, having received the required constitutional majority, is  
declared passed. Senator Collins, on 3-0-5-8. Madam Secretary,  
please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3-0-5-8.

PRESIDENT ROCK:

Senator Collins.

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SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Conference Committee Report No. 1 on House Bill 3058 is a compromise worked out by the Department of Public Aid and the Illinois Coalition for the Homeless, and in the original bill there was some confusion as to whether or not this program was, in fact, a demonstration program or whether or not it was an entitlement program. This amendment clarifies that, and it tightens up the language. It also limits the design and operation of the program to certain areas of the State, rather than on the base criteria to -- developed by the Department of Public Aid. It delete the language which requires an applicant to be reimbursed for expenditures under the needy family and children, and it has some other technical corrections. I would be happy to answer any questions. If not, I would move for its adoption.

PRESIDENT ROCK:

All right. The Lady has moved the adoption of the Conference Committee Report on House Bill 3-0-5-8. Discussion? Senator Smith. Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3-0-5-8. 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 56 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on House Bill 3-0-5-8, and the bill, having received the required constitutional majority, is declared passed. 3151. Senator Hawkinson -- I'm sorry. Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

Mr. President, on that last vote, I did push my green button, and it did not function, and I would have been voting Yes on that last bill. It just did not register.

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PRESIDENT ROCK:

The record will so reflect, and we'll have the electrician check it. On the Order of Conference Committee Reports, bottom of Page 11, there's a report with respect to House Bill 3-1-5-1, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3-1-5-1.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 3151 is a bill that will enable the school district in Peoria to comply legislatively with the Federal Court order - an agreement that it entered into regarding how its Representatives on the school board are elected, and that part of the bill is not controversial, and neither is the -- the second part. The second part was an amendment we added here in the -- in the Senate, and there were some technical difficulties that the State Board of Education had with that amendment. It has now been redrafted, and what the amendment does is it clarifies the Section so that life safety bonds will not be construed to require a referendum when they're lawfully issued. And also it clarifies - and this was the Section the State Board requested - that life safety bond proceeds shall not be used to finish construction on any building that is begun with donated funds. I know of no opposition to the bill, and I would ask for the adoption of the Conference Committee Report to House Bill 3151.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3151. Those in favor, vote Aye. Opposed, vote Nay. The voting's open.

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All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3151, and the bill, having received the required constitutional majority, is declared passed. Top of Page 12, 3562. Senator Jones. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3562.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I move the Senate adopt the First Conference Committee Report to House Bill 3562. The Conference Committee Report deleted that portion which there was objections to, and that is the clinical psychologists being placed on the Hospital Licensing Board. It -- it also contains the original bill which allow -- permits hospitals to set up sick day care centers for children as well as the amendment we put on in the Senate to clarify the -- the EMS protocol when it relate to emergency treatment of persons coming to the hospital and to require the Department of Public Health to set rules and regulations for this purpose, and I move the adoption of this Conference Committee Report.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on 3562. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3562. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3562, and the

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bill, having received the required constitutional majority, is declared passed. Senator Geo-Karis. 3-6-3-9, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3-6-3-9.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it was the unanimous agreement on the Conference Committee Report. This keeps the original provisions of the bill in and adds an immediate effective date, and it also provides for the plates for the retired -- for the Pearl Harbor survivors, and I move for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? All right. Senator -- the question is, shall the Senate adopt the First Conference Committee Report on House Bill 3639. 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. The Senate does adopt the First Conference Committee Report on House Bill 3639, and the bill, having received the required constitutional majority, is declared passed. 3771. Senator Holmberg. House Bill 3771, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3771.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This is the bill that provided day care centers in State agencies. We put it into a conference,



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because we found there was an error - we amended the wrong chapter of the law. That's been corrected, and I'd ask you, once again, to vote for this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 3771. 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 Nays are 2, 2 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3771, and the bill, having received the required constitutional majority, is declared passed. House <sic> Bill 1491. Senator Watson. Watson. 1532. Senator Jones. Senate Bill 1491. Is Senator Watson on the Floor? Senate Bill 1532. Senator Jones. Senate Bill 2190. Senator Marovitz. Senate Bill 2190, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 2190.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 2190 authorizes the creation of Expedited Child Support System in individual counties, circuits or multicircuit areas beginning July 1st, 1991 - a year from now. It grants the Department of Public Aid the authority to establish a demonstration program in one or more counties with the nonfederal one-third share funded out of the State's Child Support Trust Fund. Nondemonstration counties may choose to implement the system; however the nonfederal share will be borne by the county. The system is applicable to all IV-D cases for the establishment

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of parentage and for the establishment of modification and enforcement of child support obligations. Non-IV-D or private bar cases may make use of the system at the discretion of the chief judge, the county board and the individual parties. Specifically, the chief judge may provide for the use of the system by Non-IV-D cases in the implementation plan. However, the county board - and I emphasize this - the county board must have appropriated the funds for administrative expenses associated with the cases, and the plan may not require participation, and the plan must allow either party to opt out of the system. The way this will work -- the way this will work and the reason we need it...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Pardon me, Senator Marovitz, pardon me. All right. Ladies and Gentlemen. Senator Marovitz.

SENATOR MAROVITZ:

Time guidelines are being set down by the Federal Government, and so we need to expedite child support as quickly as possible, and we are setting up these pilot programs in a couple counties to see how -- how it works, but - and I would make this very clear - this pilot project will not be set up in any county where the county board does not approve the project. If the county board does not approve the setting up, or does not want to participate in the pilot project, then they will not participate. The only counties that will be submitted to the Supreme Court for selection as pilot projects will be those that have been approved by the county board, and I would solicit your support for this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

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question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, on that last point of -- of legislative intent, I just want to make that absolutely certain, because right now as I read the -- the Conference Committee Report, the chief judge of the circuit or of the county submits a plan. It is then approved by the Supreme Court. The bill then reads that it will go into effect if money is appropriated by the county board. What I want to make certain is that this isn't one of those situations where the county board feels that now that a plan's been approved by the Supreme Court they're in any way forced to appropriate. And I just would like you to reiterate that -- that the county board not only has discretion in appropriating money, but they have discretion in whether to approve the plan for their county or their circuit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Senator Hawkinson. Senator Hawkinson is absolutely correct. No county in the State of Illinois will participate in this project unless the county board of that county has approved participation in the project -- approved the funding and approved participation in the project. Otherwise, they will not participate and cannot be selected by the Supreme Court.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2190. 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 57, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 2190, and the bill, having received the required constitutional majority, is declared passed. All right. With leave of the Body, we'll go back and pick up -- middle of Page 12, Senate Bill 1491, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1491.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I appreciate you going back to that order of business. I was over in the House. Senate Bill 1491 will repeal the ATV - All Terrain Vehicle Act, and this -- this legislation you've all heard before here. It passed here, I think it was 58 to nothing, and then got held up in the House due to a House amendment we didn't concur with, which was a registration fee for ATVs to establish off-track tracks for ATVs throughout the State. So we didn't concur with that, so that's no longer a part of the legislation. But there was one amendment in which we did concur with, and that was to allow for ATVs to have some access to Shawnee National Forest Trails. I know of no opposition. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1491. 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 -- are 1, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1491, and the bill, having received the required constitutional majority, is

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declared passed. Senate Bill 1532, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1532.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. The First Conference Committee Report I move the Senate adopt, and what the Conference Committee Report does is clean up the Licensing Act for the clinical psychologists, and we made some changes in the Act to clarify its intent. Also, some of the changes as relate to -- under that Act is to modify the terms "satisfactory supervised experience" to clarify the provisions in the bill relating to the satisfactory supervised experience -- not to apply to those persons who are grandfathered in under this Act. It -- it cleans up the Cosmetology Act and also it contains the -- a immediate effective date for the -- the Realtors Continuing Ed legislation which is currently on the Governor's Desk, and I move the adoption of the Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1532. 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. The Senate does adopt the First Conference Committee Report on Senate Bill 1532, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 2222, Madam -- no, out of the record. 2253. Senate Bill 2253, Madam Secretary.

SECRETARY HAWKER:

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First Conference Committee Report on Senate Bill 2253.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 2253 does several things. It amends various Acts and creates the Solid Waste Site Operator Certification Law concerning State waste plans, toxic pollution prevention and several other plans. What the bill also contains is Senate Bill 2068 from Senator Jerry Joyce; Senate Bill 2102 - Senator Kustra; Senate Bill 2087 - Senator Mahar, and House Bill 3815 - Senator Macdonald. What the bill also will do is create a municipal waste incineration operating standard adding emissions and waste acceptable for incineration. Requires that certain tipping fees be applied to new incinerators after July of 1990. Creates Municipal Waste Incinerator Tax Fund to fund public information programs for recycling in communities served by incinerators and to fund household hazardous waste collection activities. This bill affects municipal incinerators, not hazardous waste incinerators, as we dealt with that last week when we passed a moratorium on the Bedford Park and other hazardous waste incinerators. So we're just dealing -- dealing with municipal incinerators in this bill. The incinerator standards were developed after negotiations took place between the industry including waste management, Laidlaw, Browning-Ferris, Wheelabrator - the maker of incinerators, Solid Waste Management Association, Environmental Council Representatives. The standards are designed to ensure that strict safety requirements are met and constant direct monitoring is available. What we have requested is that a monitor be set up directly with the EPA so that they can continuously monitor the fumes or temperature of the incinerator to make sure that there are no violations of law. Incinerators would not be allowed to accept waste from municipalities that have

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not implemented recycling as a part -- as part of a countywide plan. In addition, there will be limitations on emissions of heavy metals, as developed by the Environmental Protection Agency. What we added to the bill was an administration bill - Senate Bill 2087 - requiring all State agencies, officers, universities and the General Assembly to adopt and implement State waste reduction programs. We also added Senate Bill 2102 - specifying factors of record which the Pollution Control Board may consider in setting penalties for various violations. We've also included a requirement the Environmental -- the -- excuse me, the Energy and Natural Resources Agency develop a program to encourage the recycling of telephone directories and the printing of telephone directories on recycled paper. It also encourages directory distributors to collect outdated directories as they distribute the new ones. We've also added Senate Amendment 1 from House Bill 3815, which establishes alternative requirements for standards affecting the direct discharge of silt into the Mississippi or the Ohio River. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and Members of the Senate. I -- I hope that we're all paying attention to what is certainly going to be one of the most important pieces of environmental legislation we consider this Session. I hesitate when I say environmental legislation, because I'm not so sure just how far this bill goes to address environmental concerns. I find it difficult to rise asking you to reject the Conference Committee Report which contains one of my bills, but there is so much in here and there are some specific provisions which create so many problems that I -- I would hope those of you -- would look at them very carefully. First of all, I would call your attention to the

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new tipping fee provision of this bill. It's interesting that we are imposing a Statewide tipping fee on incinerators now across the State, and we're going to take those fees, under the terms of this bill, and create the Municipal Waste Incinerator Tax Fund, and then that fund is to provide monies for recycling and funding household hazardous waste collection activities and a number of very worthwhile and important activities. The problem is that what Senator Welch has done with this particular bill is then turn right around and exempt out the City of Chicago and Robbins, and let's forget these city names. It isn't Robbins - it's Redding Resources. That's the company building the incinerator in Robbins. So what we're doing is giving a break to a company that is building an incinerator and exempting Chicago, all in one fell swoop. Which means, Ladies and Gentlemen, since there are no other incinerators on line right now for the next three years, there is no money for the Municipal Waste Incinerator Tax Fund under this particular piece of legislation. That's unfortunate, and if we're going to have a Statewide tipping fee, then let it apply to all cities across the State of Illinois, and let's not take out our friends, and let's not take out people just because they happen to be in that particular business. I also have some problems with another Section that I think Senator Schaffer will object, but the fact is there's too much in this bill, and buried in this bill are special interest legislation which ought not to be in here. And it isn't an environmental bill, Senator Welch. I don't know how you can stand up, especially as a downstater representing your area of the State, and pretend that this is somehow looking after your people, when you've allowed a Section of the bill to -- to escape, which would have required people across the State, especially in the northern part of the State, to begin keeping track of the kinds of waste that is available and -- and going through these landfills and incinerators, and again I'll



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let Senator Schaffer speak to that, but I would suggest, Ladies and Gentlemen, this is not the piece of legislation you want to put in your newsletters as the environmental bill of the year. It ain't it. It ought to be rejected, and we ought to come back with a piece of legislation that is more responsible and doesn't cave in to special interests.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Yeah. I'd have to categorize this as the cave-in bill of 1990. One of the things that I think we had agreed on - I thought there was a concensus, certainly on this side of the aisle and in both houses, and I thought on your side of the aisle - was a bill that would track where waste is coming from and where it's going. The bill flew out of here, got tagged into this Conference Committee, and suddenly disappeared in the final hours, for reasons I don't understand. I don't know how we can set solid waste policy at this state without having any idea how much garbage is coming in. How much is going out? Who's generating it? Where is it going? How is it being processed? I mean, that was the one thing that I think we should have accomplished this year if we did nothing else. Just to have the information so that future Sessions of the General Assembly could intelligently address this problem. By caving in on that, we have doomed ourselves to fly blind on the solid waste issue for the foreseeable future. I cannot imagine why we don't -- the landfills keep these records. It's not a burden on them. They weren't that worked up about it. It was just a matter of putting them all together to get us the information. Like I said, this is the environmental cave-in bill of 1990. Boy, what a -- what a wonderful response to Earth Day. Yeah, thanks a lot!

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Very difficult to rise after the eloquent speeches of the two prior speakers. I would like to say that this is a very complicated bill. I did sign the Conference Committee Report on this bill. There was a lot of negotiation that went into it. There are a lot of administration bills that are also included in this bill, and while there are some aspects of this bill that -- that are unacceptable, perhaps, to some of the Members on my side of the aisle, I -- I don't think that I did cave in by signing this Conference Committee Report, and I think there are some very necessary and some very good components of this bill. So I guess everybody will just have to vote the way they feel they have to vote on this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. If I may, if Senator Welch could reply to Senator Kustra and Senator Schaffer's remarks, only because I've received a numerous amount of phone calls from the people from Mt. Greenwood and the Beverly area regarding the Robbins incinerator, and their concerns about safeguards, and I just want to know if that's true - that we are excluding Robbins and the City of Chicago, in -- in trying to keep track of what's going on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, Senator Raica, you'd never know there was an election this year and that Senator Kustra was running, would you? If he would have read the bill, he would have found out certain facts that are the truth, as opposed to his rhetoric. Number one,

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Robbins has already proposed building this facility. They have a financial plan in place. We didn't...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me -- pardon me. Can we take our staff conferences off the Floor? Senator Welch.

SENATOR WELCH:

The current landfill tipping fee is a dollar five a ton. If we added the dollar five a ton to the cost of the Robbins incinerator, what would have happened is -- would have been economically disadvantageous for them to issue the bonds to build the Robbins incinerator. Therefore, what we did was this: the money I'm going to collect from all of the other incinerators that are built after June 30th, we're going to put in this fund, and the fund is going to do two things. But guess what? The same two things we're going to collect the money to do with this fund, I'm requiring Robbins to do and pay for it themselves. Boy, isn't that terrible? They're going to have to separate waste. They're going to have to educate the community and have a household hazardous waste plan that they pay for themselves in-house. What I wanted to do was to put a tax on everybody else building after this time, so that they know they're going to have to include these fees in any projections of revenue that they make when they build these, and that money will be captured, and it's going to be spent directly in the communities that they collect the waste from. So if you build an incinerator around Chicago, it's not going to come down to my area. With the money that you collect from the tax, you're going to keep it in your own area. The people who supply the garbage, who pay the fee, are going to get the benefit of that fee, because the information stays in that area. Senator Schaffer accused me of -- of caving in? Senator Schaffer, of all people, you're the one who took all the fees out of your bill that isn't in this bill. We had fees charged for

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transporters that you wanted to take out. Now, who caved in? It wasn't me. It wasn't me, Senator Schaffer, and you know, I kind of -- you know, it's kind of funny that bills are -- they're either not hard enough on the environment, they're not tough enough on the environment, or they're too tough. Well, you know, we can never find a bill that you guys like, you know. Try voting for one of these once in a while, as Senator Joyce loves to say. And as far as exempting Chicago, what we did was this: there's one existing incinerator in Chicago that's exempt; any other incinerator built in Chicago from July 1 forward, will be in the bill. They will have to pay the tax. That's another red herring. So it's -- it's a bill that's meant to give notice to anybody who builds an incinerator, that yes, you're going to pay a tax. When you decide if it's economically feasible, you're going to know up front a dollar five a ton applies. It's the same fee that you apply to landfills. So we're going to treat them equal. But what's going to happen is both fees are going to sunset, because after the five-year collection that we started on landfills to fund the county waste management plants, those fees sunset. So we'll have to deal with fees. So, in effect, what may end up happening is if no incinerators are built in the next four years, there may not be any fees collected in this fund. So what ends up happening is Robbins may be the only one who has to comply with the requirement that they inform their cities that supply the garbage that they have to separate it, they have to have separate household hazardous waste programs. So, in effect, it may get tougher on Robbins than anyone else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

At the present time, Senator Welch, the landfills do have to pay the tipping fees, and I understand from what you've just said, if I'm correct, that after July 1, except for the exception that was made for the Robbins incinerator, that all the other incinerators will have to pay the tipping fees. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Let me correct myself. It's January 1st, 1991, not July 1st, and it will apply -- it'll exempt Robbins and the one existing in Chicago that's been there for several years.

SENATOR GEO-KARIS:

But none other. Is that correct?

SENATOR WELCH:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...and Ladies and Gentlemen of the Senate, one more question, if I may. This does not preclude the municipalities, if they have any programs, does it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Not at all, Senator. No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's not easy to draft a bill with as many provisions as this one has without having some concerns, but I think we're heading in the right direction with it. And I concur with Senator Macdonald, and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Schaffer, for a second time.

SENATOR SCHAFFER:

Without trying to prolong the debate, I'm somewhat amused that my worthy colleague from LaSalle County would talk about the fees coming out of the bill, since they came out in his committee at the request of the committee, and it was the only way the bill could move. I think when I arrived in the committee it was obvious I was prepared to go forward with those. The other thing -- quite frankly, after you cut through all the rhetoric - Robbins and Chicago are exempted. End of discussion. You can put as much perfume on this pig as you want, and it's still a pig.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Well, Senator Schaffer, it'd be real easy to do nothing like we've been doing for the last twenty years. You know, I wasn't here when that incinerator was built in Chicago -- Chicago, but you were. I didn't see you do a darn thing back then. Otherwise, we wouldn't be here today with Senate Bill 2253. Maybe you should have thought of that. That bill in my committee that we took the fees out of - that was your bill. Why didn't you say, "Senators, don't do that. This is bad." I didn't hear this rhetoric then, in the committee. I heard the language of a person who was caving

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in and wanted to get the bill passed, Senator. That's what I heard. I heard cave-in language. Now, because you couldn't get what you wanted, you're accusing my bill of being deficient, so we can put back in your language that couldn't even get one Republican vote? Come on, Senator Schaffer, give us a break. This bill is an environmental bill. In fact, it's probably the only one we can get out, because the Chamber of Commerce has been tying up all bills concerning recycling, concerning landfills, for a grandiose plan they have to site -- to site landfills and incinerators throughout the State. So this is something that we can be proud of as being responsible. It's the first time we've told incinerator operators they have to have standards. They can't just put anything they want and burn it. So it comes down in your community. It's going to give the people around Robbins some idea of what is going to happen in that area -- that their community might have a responsible operator. It's going to give other people when incinerators are talked about by all these county landfill planning committees -- when they talk about an incinerator, people aren't going to say, "Well, what's it going to burn? What's going to happen? Who's going to pay?" This bill is going to provide some language that tells them what to expect. Isn't that terrible? So when we get through all of the speeches in an election year, what it comes down to is this is an environmental bill. This is a bill that's going to help out. This is a bill that's going to give people some assurances. It's going to move us forward, Senator, and I'm proud of the bill. I think it's a damn good bill. It took a lot of work, and I think we should vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 2222 <sic> (2253). Those in favor will vote Aye. Those opposed, 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. On that question, the Ayes are 37, the Nays are 10, 4 voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 2222 <sic> (2253), and the bill, having received the required constitutional majority, is declared passed. Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your -- state your point.

SENATOR HOLMBERG:

In the Senate gallery, we have the Mayor of Rockford, Mayor Charles Box, down here watching what we do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Mayor Box, nice to have you to Springfield. 2253. Welch. That was the one we just had. 2267. Marovitz. 2267, Senate Bill, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 2267.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the "hate crimes" legislation. We passed this bill a few weeks ago 47 to 4. This bill -- this Conference Committee Report has already passed the House of Representatives. Similar to the bill signed with great fanfare by President Bush. It's supported by the Cook County State's Attorney, and the DuPage County State's Attorney, and the candidate for Attorney General on the Republican Party - Jim Ryan, who sent a letter to everyone in support of this legislation, as did Roland Burris and Neil Hartigan and Mayor Daley. It has bipartisan support. It sends a very loud message



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that we're not going to tolerate certain types of conduct. We're not going to tolerate certain types of conduct that is directed to people because of their race, color, creed, religion, ancestry, sexual orientation, or physical or mental disability. And I think that's a statement that this General Assembly and this Body wants to send. That's why it passed 47 to 4. That's why the House passed it. That's why the President of the United States signed it. And I see no reason why any -- why any of us shouldn't stand up and say, "This kind of conduct is abhorrent, no matter who it's directed to. We're not going to condone that kind of conduct." This is the "hate crimes" bill, and I would urge all of my colleagues to put green lights up there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There are a couple of things I did want to correct. This bill is not identical to the one signed by the President of the United States. There are some significant differences, but for Democrats, I want to stress first -- the provisions in this bill, in terms of sexual orientation, when it has been contested, has never passed the Senate with 30 votes. When this bill came back out of the House, 14 Democrats did not support it. So that -- do not presume this is a unanimous Democrat position any more than it's a unanimous Republican position. The only time this bill, with these provisions in, has passed with a majority vote, is when many us in the Senate said, "All right. Let's keep the process going. There are significant things in this bill we are interested in." And even people such as myself, who have been very concerned with the sexual orientation language, voted for the bill, saying, "All right. Let's keep the process going." It was asked of the conferees to -- hey, there's only one big

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controversial position. The civil penalties have been taken out. Let's deal with the one controversial one. You should note, if you have a copy of the conference committee, there are only six signatories. And I do say with a little kidding, if you were to pick the three most liberal members of the House, you would notice those were the three who had signed. And if you were to pick the three most liberal Members of the Senate, you would notice that that's who had signed it. The more moderate Members of the Democrat Party have never had a chance of input in this bill. So I would stress to Democrats -- in the House, fourteen Democrats did not support it, and the provisions of this bill, when contested, have never had a majority vote. I supported the bill on 3rd -- 3rd Reading myself, 'cause I wanted the dialogue to continue. I would ask each of you to ask -- forget whether the Mayor of Chicago or the State's Attorney of Cook County wants this bill. Do your constituents -- do your constituents feel that being -- that your sexual orientation is no different than being handicapped, or being Catholic, or being male or female? That's the question you have to ask yourself - if that's what your constituents believe. I personally do not intend to support the bill in this present form, but would gladly support the bill with that provision taken out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I was one of the people on the Conference Committee Report, and I never was consulted. It was never even brought to me for signature or what have you. Now, if that's the way to do business, I think that's wrong. I am in the same position as Senator Keats. I voted for it originally, hoping there'd be more more dialogue with the House on it, but I had some concerns. I

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feel that this bill should be rejected in its present form, and that amendment should be removed. I don't think we should go so far as start defining sexual orientation. What are we going to drive at? What is the normal course of conduct? I mean, what are we going to produce, and what are we going to encourage? I think we have to think about it. I have very much mixed emotions, and I feel that I cannot support the bill in its present form.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I want to rise to follow some of the comments of my colleagues - Senator Keats and Senator Geo-Karis. I supported this bill the first time around, too. I, too, was on the Conference Committee and was not asked to sign it. Having looked at the bill and -- and the definition of sexual orientation, which I did not have a chance to do the first time the bill was debated, I must say that I am concerned about the manner in which the definition seems to put into the same category homosexuality, bisexuality and heterosexuality. I would be happy to support a version of a bill that -- that makes it a crime or provides for some sort of special provision for crimes against those who are homosexual because they are homosexual. However, I am troubled by -- by a definition that seems to equate homosexuality and heterosexuality. I am not sure whether -- whether or not this is the same sort of definition that may be in Federal legislation, but until that definition is changed, I would urge at least a Present vote on this Conference Committee.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee. Further discussion? Senator DeAngelis. Senator Hawkinson, please.

SENATOR DeANGELIS:

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Thank you, Mr. President. Well, I'm interested in the dialogue that's going on, but let me point out to whoever's saying it. This bill is identical to the bill that went out previously. Now, if there's some justification for saying Yes the first time, and No the second time, that's fine, but I don't think we ought to turn around and try to act that this bill right now is any different or that your thoughts were different the first time when you voted Yes. I don't know what could have occurred in between to make you change your mind. You're either a Yes or you're a No.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Keats.

SENATOR KEATS:

I would not have risen a second time, but my learned colleague has raised a point that needs to be corrected. And one other point I would quickly add. Remember, when the House voted on the sexual orientation provision, they took it out of the bill. This was put back in clearly against the will of the majority of the Members of the House, and frankly, had they been able to vote on a clean bill, this would not have been in there. The House, by majority, took out this provision. I would correct my learned colleague by stressing -- you say this is the same bill that went out the first time. You know - and you've been here only two years less than I have - that often we will send a Senate Bill to the House or a House Bill to the Senate that we feel needs further work, but you don't want to stop it at the first Chamber knowing perfectly well there needs to be more work. To somehow allege that those of us who opposed the bill the first time and then rose to support the bill the second time -- to somehow say that you don't understand our concern for a bill that had many parts -- several which are good, and to say, "Why would you support it once and not the second time?" -- please, you've been here long enough to know better than that. There is one provision, you take it

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out, the bill flies, and we all agree.

PRESIDENT ROCK:

Senator DeAngelis indicates he got the message. Further discussion? Senator Marovitz, to close.

SENATOR MAROVITZ:

Well, thank you very much, Mr. President. I really can't understand some of my colleagues on the other side saying that, you know, this bill didn't pass here with a majority. Last year this bill passed this Body, with this provision in it, 58 to nothing. This Session it passed 47 to 4. It passed the Illinois House of Representatives two days ago. They knew what was in this bill. There's been no secret what's in this legislation. Let me read you just two -- two sentences from the DuPage County State's Attorney, Jim Ryan. "Many crimes including violent crimes tend to be committed on the spur of the moment in uncontrolled anger. While these emotional responses to circumstances can never be condoned, they can be understood. However, the commission of hate crimes involves the premeditated and conscious choice by a perpetrator to translate his personal prejudice into violent attacks, intending to punish another citizen for the conditions of that victim's life. That conduct is beyond understanding and is intolerable. I'm writing to express my support of Senate Bill 2-2-6-7 regarding hate crimes." Ladies and Gentlemen, I think we need to make a statement. We made it twice before in this Body, and I can't understand why anybody, in the course of a few days, would change their mind on a statement that we made loud and clear -- the House has made, and we've made twice. If prejudice and discrimination is abhorrent, it's abhorrent in all forms. That's what the "hate crimes" bill is about, and that's what an Aye vote will mean.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference

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Committee Report on Senate Bill 2267. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 13 Nays, 8 voting Present. The Senate does adopt the Conference Committee Report on...

END OF TAPE

TAPE 2

PRESIDENT ROCK:

...Senate Bill 2267, and the bill, having received the required constitutional majority, is declared passed. Senator Keats, for what purpose do you seek recognition?

SENATOR KEATS:

Verification.

PRESIDENT ROCK:

The Gentleman has asked for a verification. That request is in order. The Gentleman has -- Senator Keats has requested a verification, Madam Secretary. Will the Members be in their seats. Read the affirmative roll, Madam Secretary, please.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, Davidson, DeAngelis, del Valle, Dudycz, Thomas Dunn, Friedland, Hall, Hawkinson, Holmberg, Jones, J.E. Joyce, J.J. Joyce, Kelly, Kustra, Lechowicz, Marovitz, Netsch, Newhouse, Raica, Savickas, Severns, Smith, Topinka, Zito and Mr. President.

PRESIDENT ROCK:

Senator Keats, do you question the presence of any Member? He

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does not. The roll has been verified. On that question, there are 32 Ayes, 13 Nays, and the Senate does adopt the Conference Committee Report on Senate Bill 2267, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, so there's no -- so there's no magic, let me tell you what the schedule is all about. We're going to go back now to the Order of Secretary's Desk, Concurrence, and Secretary's Desk, Non-Concurrence. There will later be a -- obviously a Supplemental Calendar, which will contain Conference Committee Reports which have just recently been filed. Once we conclude with Concurrence and Non-concurrence, Senator Philip has indicated the Republicans wish to have a caucus. We will then take a break, but we will go through the Calendar. So I would urge those of you who have something on the Calendar, this is the moment. Senator Maitland, for what purpose do you arise, sir?

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I have introduced -- Senate Resolution 1277, which calls upon the Illinois State Senate to support the work of all persons dedicated to the March for Children in Washington, D.C. later -- later this summer. I would -- this -- this resolution now resides in the Executive Committee, and I would like to ask if the -- move that the Senate suspend the appropriate rules and ask for the immediate consideration of Senate Resolution 1277.

PRESIDENT ROCK:

All right. The Gentleman has asked leave to go to the Order of Motions in Writing for the purpose of discharging Senate Resolution 1277 from further consideration by the Executive Committee, and asks for its immediate adoption. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Maitland now

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moves that the Committee on Executive be discharged from further consideration of Senate Resolution 1277, and that it be immediately considered. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Maitland now moves the adoption of Senate Resolution 1277. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. We are now going to move to Page 10 on the Calendar, Ladies and Gentlemen. My guess is this may well be the last time through this order of business. So those of you who have a bill on the Order of Secretary's Desk, Concurrence, now is the time. On the Order of Secretary's Desk, Concurrence, is Senate Bill 100. Senator Zito. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 4 to Senate Bill 100.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. I move that the Senate do concur in House Amendment No. 4 to Senate Bill 100. Senate Bill 100 certainly is not unfamiliar subject matter to any Member of this Chamber. It deals with the important subject matter of Illinois banks being allowed to sell insurance. We debated that issue several weeks ago in this Chamber. The House debated it at the same time. It did pass both Chambers, and I appreciate the support that this legislation has received. House Amendment No. 4 was adopted in the House to, I think, address two very important sections of the bill. Number one, it changed the effective date to July 1, 1990, which was crucial to the legislative direction of the bill. The other important part of Amendment No. 4, however, was - to my belief - was to help with the argument from opposition of this bill that banks in some way,



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given this power, would coerce individuals, customers, our constituents, into buying insurance. So quite simply, and I think admirably, the amendment was adopted in order for a bank subsidiary to engage in the insurance business, but that it must employ individuals who are licensed as insurance brokers, and do the following: Number one, acquire a registered firm; or, number two, acquire a registered or licensed producer - all or part of its insurance business; and number three, enter into an agreement with a registered firm or a licensed insurance producer, so that we didn't have the argument of banks going out, starting their own insurance brokers and insurance businesses, want to afford the industry to provide that service. I would like to be able to answer any questions on Amendment No. 4, but I'd remind my colleagues that this was debated once before, and if they can confine their comments to the amendment, I would appreciate it.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in House Amendment No. 4 to Senate Bill 100. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we gave the savings and loan institutions the right to sell insurance, and you know what happened to them. Banks should be in the business of banking. J. Pierpont Morgan made money being a banker. He didn't sell insurance in his bank. And then when I hear that there's nothing wrong with a bank selling insurance -- ye gods -- the banks have it each way. I have checked it out myself. For instance, they have the right now to sell credit life insurance on mortgages. I found out in my area the banks charge about forty percent more in the premiums than the independent insurance agents do. Another point: isn't it wise to let the independent insurance agents exist? They're the small business people. I know that

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both labor and business people are not in favor of this. I can quote from Local 881, the United Food and Commercial Workers International Union, stating very strongly their opposition against this bill. The banks will -- have -- will be awarded an unfair competitive advantage, and don't tell me that they won't use their little advantage to the -- to the bank's credit. The banks have enough to do if they do a good job. I'm not satisfied that they should have this right to sell insurance, and I strongly oppose it. I might tell you that the National Federation of Business People oppose it also. So we have both labor and business opposing this bill, 'cause I think it's a violation of the free enterprise system. I'm not speaking in favor of the insurance companies. I speak in favor of the small business people, the independent insurance agents, with whom you deal directly and with whom you can consult, and I do feel that it's wrong to have a monopoly with a bank and everything. And I oppose this bill.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and Members of the Senate. I think since this bill was considered earlier by the Senate, several Members have rethought their position on this issue, and if the vote counters are correct, this motion will fail. I think the reason is that there has become a real concern as to whether or not this bill would allow fair competition. Insurance agents around the State - and I am one, and I have a conflict of interest in this bill, and I should announce that - but insurance agents around this State have been accustomed to intense competition in their business. So they're not objecting to competition, as long as it is fair. The problem is that banks already have insurance agency customer information. They've got copies of the loans.

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They've got copies of insurance policies. They have ready-made solicitation lists that other insurance competitors don't have. So there has always been that main objection on the insurance agent's part that somehow this information that's already in the bank records will get to the bank-owned insurance agency. Now the banks have agreed to put in this bill language that they say protects against that. Insurance agents aren't convinced. They don't believe that it -- that it provides the protection that's needed. There's nothing in this bill that says, for example, that if a bank-owned agent would solicit from the customer files that that agent would lose his license. Nothing in here says that. It doesn't address those issues in the Insurance Code. I think what we should do with this bill is make sure it stays in the State Senate, and for that reason, Mr. President, I have filed another motion on this bill, which is to non-concur with this amendment, and I will then be arguing against my own motion, because I believe we should make sure that this bill stays in the State Senate, so we can continue to work on it and continue to debate this issue. So I would at this time, Mr. President, ask that if this motion fails, that you then recognize my motion, and I'm sure that I would have a number of other people join with me in that motion, and I would ask for a -- a motion to -- to non-concur and that there be a roll call on that motion.

PRESIDENT ROCK:

Well, we will deal with that at the appropriate time. As is the custom, and rule, and tradition, the sponsor has first crack at these motions, and the Gentleman has made a Motion to Concur with House Amendment No. 4. On the Motion to Concur, further discussion? Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I, too, would like to - for the record - state that I might have a

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conflict. I do have an insurance license.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I may have a conflict, and intend to vote my conscience.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I -- I would like to limit my comments to the amendment, but since Senator Geo-Karis has opened it up, I think the comparison with the savings and loans industry is unfortunate, for the simple reason that it is an unregulated industry, and I think the problem there was no one was watching the store. On the contrary, banking remains one of the most strongly regulated industries in the State of Illinois, and there are numerous people watching the store. When we allow everyone else to be able to sell insurance with no problems in the State - other states have done this as well, with no complaints - none filed at all - and we go into the future now facing interstate banking and interglobal financial competition, it's only fair that we allow our banks to compete unimpeded. It's a good bill. I think we've discussed it. I'm not going to carry this on any longer, but I would like to see some support for this bill, so indeed it does go out and allow our banking community to be competitive.

PRESIDENT ROCK:

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I'd like to announce that I also have a conflict of interest on this bill, but I'm going to vote my conscience. Thank you.

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PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you. One of the speakers indicated -- talked about regulations in terms of the banks, but I think the biggest problems here and -- with this bill is what we have promoted around here and talked about in the State of Illinois as it relates to insurance, and that's open competition. This bill, in effect, provides the bank with a sort of sheltered market, and if we have no regulations, actually then, we say that we leave it up to competition in the State of Illinois - which is the only State without regulations for insurance, specifically automobile insurance - then we're not promoting fair competition by passing this particular bill. So if we, in fact, would regulate the insurance industry in Illinois, then I wouldn't have any problems with dealing with this bill. Because we are based on a fair open competition system, then this bill is unfair to the small insurance agents, because they are not able to compete. When I go to the bank to get a loan for my car, then they write my insurance, or when I get a mortgage for my house, then they write my insurance. Because I'm not going to go anyplace else when I go to get my mortgage or a loan for my car - right then and there I'm going to take out my insurance, rather than go on to another agent in my district or -- or a small agent to write my insurance. That's what it's all about - open and fair competition. This bill does not allow for that. Under the circumstances, that we have no controls or regulation for insurance in the State of Illinois - and the only State in the nation. Therefore, I would have to oppose the bill.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in Amendment No. 4. Further discussion? Senator Rea.

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SENATOR REA:

Thank you, Mr. President. I may have a conflict of interest, but will vote my conscience.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence. Further discussion? If not, Senator Zito, to close.

SENATOR ZITO:

Well, thank you, Mr. President and Members. It's interesting -- I really wasn't going to get into this. I really was not going to get into this, but it's interesting to hear the opposition say -- preach about unfairness and inequities in the legislation. You know, when Senator Keats and I -- when I became chairman of the Finance Committee four years ago, along with our minority spokesperson, Senator Keats, we made a commitment to each other that we were going to attempt to move the financial institutions of this State in the forefront of the national financial picture. Illinois deserves to be in the forefront. We're centrally geographically located. We have good, strong financial institutions, and we should be there. We shouldn't have to defer to New York, California, Delaware, Arkansas, with their credit card operations - we should have it here in Illinois. And to hear opposition say that this bill is, in fact, unfair, inequitable, is ridiculous. Savings and loans in Illinois currently sell insurance. Credit unions offer insurance. If we're going to be serious about helping consumers and helping the financial picture in this State, then agree with Senator Keats and I that everybody - every financial institution in this State - should be in a fair -- have a fair basis and a fair operation. Do what you want with this. This is a good piece of legislation, and as the Chicago Tribune editorial this morning said, "We need this kind of reform." Please vote Yes.

PRESIDENT ROCK:

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The question is, shall the Senate concur in House Amendment No. 4 to Senate Bill 100. 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 25 Ayes, 28 Nays, 3 voting Present. The Senate does not concur in House Amendment No. 4. The Gentleman requests that further consideration of this matter be postponed. So ordered. Senate Bill 1496. I'm sorry. Senator Schuneman. Senator Schuneman.

SENATOR SCHUNEMAN:

Mr. President, as I told you earlier, I have filed a Motion to Non-concur with the House amendment on Senate Bill 100, and previously asked that we take up that motion at this time. And I have...

PRESIDENT ROCK:

...Well, except that the sponsor has asked that further consideration be postponed, and it will be postponed, probably until November, or December, or January. Senator Schuneman. If you non-concur, it's going back to the House, and we're going to revisit this thing.

SENATOR SCHUNEMAN:

Only if the -- only if the motion fails, I think, Mr. President, or only if the motion succeeds.

PRESIDENT ROCK:

You wish to make a motion that you wish to fail? Give me a break. Senator Schuneman.

SENATOR SCHUNEMAN:

Has -- has the sponsor indicated, Mr. President, that -- that this is going to be held until the fall? Is that -- is that...

PRESIDENT ROCK:

...No. I am -- I am arbitrarily acting as the presiding officer. I will make that judgment. This will not be considered

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again today. And I am going...

SENATOR SCHUNEMAN:

...That -- removes my objection, Mr. President...

PRESIDENT ROCK:

...Senator Philip and I are going home tonight. Whether you guys want to go is your own business. 1496. Senator Lechowicz. Madam Secretary, please.

SECRETARY HAWKER:

Amendment No. 1 to Senate Bill 1496.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, I'm sure that all of us want to join you and Senator Philip tonight. But in Senate Bill 1496, I move that we do concur with the Conference Committee Report. It creates the Cook County Fair Association in Cook County. Membership shall be appointed by the county board, and shall consist of a number, from seven to seventeen, determined by them. It permits the Association to receive State appropriations from the Fair and Exposition Authority at a sum of ten cents per person, and adds an effective -- immediate date of effectiveness. The funding for the Association would total approximately five hundred thousand dollars. In Fiscal '91, the F and E's expected to receive 1.7 million parimutuel money. 1.2 is appropriated for the nine county fairs that currently receive funding from the Fair and Exposition Fund, which are DuPage, Kane, Heart of Illinois, Peoria, McHenry, Peoria, St. Clair, Sangamon, Tazewell and Winnebago. So there'd be enough money left without any tax increase or any diversion of any funds in order to fund this bill, and I move for its total concurrence.

PRESIDENT ROCK:

The Gentleman has moved the concurrence in House Amendment No.



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1 to Senate Bill 1496. Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

He indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Just a point of information. Is this -- is this the normal formula - ten cents per person?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Fawell, in answer to your question, downstate receives forty-five cents per person. Under the funding mechanism of this, it would be ten cents for Cook County.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, does this bill affect Lake County, or is it just in your county?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

It does not affect Lake County at all - strictly Cook County.

PRESIDENT ROCK:

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Well, just for some clarification. Several weeks ago - really, I guess,

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maybe starting last year - discussions were were initiated when it became evident that there were some folks that wanted a county fair in Cook County. The County Fair Association of the State of Illinois agreed to support that request if we could get some support for full funding - the formula full funding for county fairs in downstate Illinois. Well, Ladies and Gentlemen of the Senate, we did not get the full funding, which is about the same amount of money coming out of the Fair and Expos that Senator Lechowicz had in the DCCA budget. So we are establishing a new county fair in Cook County, and we in downstate Illinois are not even able to fund our full formula funding that we passed in this Body about five years ago.

PRESIDENT ROCK:

I'm sorry. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question -- a question of the sponsor.

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Just for legislative intent, did you say that the present county fairs that receive funding under the Fair and Exposition Fund are not going to be reduced by this becoming a law?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you. Absolutely correct, Senator Davidson. Let me just point out to you that in Fiscal '91, the Fair and Exposition Fund is expected to receive 1.7 million dollars in parimutuel money. 1.2 is appropriated for the nine county fairs that currently receive funding from that Fund - DuPage, Kane, Heart of Illinois Peoria, McHenry, Peoria, St. Clair, Sangamon, Tazewell and Winnebago. They will not be affected one penny. Let me also

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point out to you that, in answer to Senator Woodyard's concern, the approximately five-hundred-thousand-dollar balance forecast in the -- in this Fund -- Fair and Exposition Fund, which covers the share that the Cook County Fair would receive under this bill in the past -- this balance has been transferred to the Ag Premium Fund to help fully fund the other county fairs. However, this year the funding from the two State fairs is being moved from the Ag Premium Fund to the General Revenue Fund. This, combined with the fact that other products have similarly been removed from the Agriculture Premium Fund the past few Sessions, would enable the Ag Premium to fund other county fairs without a transfer from any other fund. That's the answer to your question, Senator. Let me point out...(machine cutoff)...let me point out to the Membership that four of the seven tracks are in Cook County. Of the revenues that are raised in Cook County, it amounts to 1.2 million out of 1.7 million dollars. We're not changing anybody's funding formula. We're saying that the downstaters get forty-five cents per person. Cook County's asking for ten cents, which is the remainder of that fund.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

A follow-up question, please.

PRESIDENT ROCK:

Yes. The sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

You spoke about Fiscal '91, which begins Sunday. What about Fiscal '92? Would the funding for the seven or eleven counties you read off which participate in the Fair and Exposition Funds - would they be affected in relation to their funding for the coming year - in Fiscal '92?

PRESIDENT ROCK:

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Senator Lechowicz.

SENATOR LECHOWICZ:

Hopefully, Mr. President and Ladies and Gentlemen of the Senate, we would have the full funding, as Senator Woodyard pointed out. He'd have my full support, and I'm hopeful that this fund will increase in revenue, because Arlington Park will be operating at a hundred percent, so more money should be coming into this fund, so no one should be hurt.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Well, you spoke to Senator Woodyard, but I didn't hear an answer to my question about Fiscal '92. Will the county -- present counties and their fairs, which are funded through the Fair and Exposition part, will they be affected by this becoming law in Fiscal '92?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

I think it will probably be to their benefit.

PRESIDENT ROCK:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank -- thank you, Mr. President. I have some concerns, Senator Lechowicz, about the full funding of the downstate fairs. Maybe with the funding of the DuQuoin Fair and the State fair out of General Revenue, that'll free up enough Ag Premium Funds to fully fund. Is that what you're stating to us?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

No. What I'm stating is that right now we raise about 1.7

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million dollars in this Fund from the tracks in the State. Four of the seven tracks are located in Cook County. They account for about seventy-five percent of the revenue that goes into this Fund. My point is Arlington Park is not in -- in Fiscal '90 - the 1.7 we're talking about - is not at a hundred-percent efficiency. I think this fund is going to be greater next year because of the attendance at Arlington Park and the mutuels that are -- are wagered there.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Well, through the years, since we started tinkering with the Ag Premium Fund, we've found that the county fairs end up on the short end. Years ago I -- I think that we had an understanding that downstates would have their county fair, Cook County would have McCormick Place. Now we've kind of gotten away and it's been juggled around, and funding sources have been changed, and I understand it. I'm not against Cook County having a fair, but I certainly am concerned about fully funding downstate county fairs.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. Chairman -- Mr. President and Ladies and Gentlemen of the Senate, I would stand in support of this bill, because this is something that has not been done in Cook County for forty years. We have kids growing up who don't even know where their food supply comes from, because farms have just become so far away from us that even in talking to our local media, they have no idea what we do down here when we -- when we deal with agricultural issues and agricultural bills and the fact that Illinois is a premier agricultural State. In my district alone, I have seen an --an emergence of 4-H Clubs, and this is something I never thought

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I would see happen, but already we have a 4-H Club in Western Springs; one that's in the process of being put together in Westchester; one that's being put together in Brookfield. I know Chicago already has 4-H Clubs going; and DuPage County has 4-H Clubs going. Even in what are considered to be traditional, urban or suburban areas, where we haven't seen a farm for years. It's a good idea, and I think it's something that brings us closer together in a very diverse State. So I would encourage my colleagues on this side to support this, and let Cook County be a part of rural America, so we have a greater understanding of what's going on throughout the State.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. You know, I -- I tend to think that Cook County ought to have a fair. And for a lot of reasons, but number one, agricultural fairs are the show window to agriculture, and as the previous speaker just said, what better place for agriculture to be exhibited than where the biggest consumer market is in the State of Illinois, and that's Cook County in Chicago. So I think there ought to be one, but I would -- and I'm going to support this. And -- and for a lot of reasons, we have many difficulties downstate with county fairs, and they're not being fully funded. Well, we have so many -- every county -- nearly every county has a county fair. Now, the agricultural community across the State has changed so much that many of those counties don't have any livestock anymore, and that's basically what a fair is - to -- to exhibit livestock. So I think that -- that what we need to do is -- you know, and I'd -- I'd like to say that what we ought to do is consolidate some of those counties and make a decent fair out of two or three counties, but I know how those fair boards go, and the parochialism that will be caused there.

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And they'll say that, you know, I'm selling out to Cook County. But, you know, that's really what ought to be done, so my suggestion would be that -- that yes, indeed, I support this, and -- but this -- we ought to form a -- some kind of a committee or task force to look at county fairs. And to come up with some -- some legitimate changes in our -- in our system how we fund these fairs, and I -- I think that that just absolutely needs to be done. County fairs were started when we farmed with -- with horses, and -- and those days have long gone. So I think the structure that we deal with county fairs ought to be looked at and perhaps we could come up with some changes that would help everyone. So, I support the program, but I also think that we need to take a look at what -- how we're -- we're dealing with this.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of Amendment No. 1. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I have been asked by several Members from our side if there's a position, and although there isn't one, let me advise you that the Republican members of the Cook County Board are, in fact, in favor of this particular bill. Let me also point out to you something that's relatively unknown, and that is that Cook County has the largest single Farm Bureau in the world - twenty-eight thousand members. And let me also advise you that although Cook County's very urbanized, I might point out to you that South Holland, Illinois is the onion set capitol of the world, and when the DeYoung Warehouse burned down five years ago, that commodity market was shut down, because so much of that product was grown in our area. And I would also advise you when you go into your supermarkets, to look at the bag of spinach or the bag of carrots, and you will see that the person who's, in

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fact, raising that and distributing it is DeYoung Brothers - D-e-Y-o-u-n-g - Farms that I worked on when I was ten years old -- the largest single distributors and purveyors of vegetables in the entire United States. Cook County is not just an urban area, and I would advise support for this concurrence.

PRESIDENT ROCK:

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, sir.

SENATOR DEL VALLE:

Yes. In the gallery, we have the Sterling, Illinois, Chapter of the Illinois Hispanic Democratic Council, led by Mr. David Barajas. I want to welcome them to Springfield.

PRESIDENT ROCK:

Will our guests please stand and be recognized? Welcome to Springfield. All right. The Gentleman has moved the adoption to concurrence in House Amendment No. 1. Further discussion? Senator Lechowicz, to close.

SENATOR LECHOWICZ:

Thank you, Mr. President. I'll be very -- rather brief. I just want to thank everybody for the full discussion and support on this measure. As everyone probably realizes, I've always supported the State fairs throughout this State. I supported the funding for DuQuoin. I supported the funding for our own great State fair. I think it's important that we realize that where the funds come from - and as Senator Joyce so eloquently pointed out, and where the consumers really live - do deserve some recognition in the fact that, yes, agriculture is the number one product of the State of Illinois. We should be quite proud of that fact. But why can't the County of Cook in the Rosemont area, as was



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requested by the county board, conduct a county fair? You're talking about three and a half million people that would have the ability to participate. It would be a tremendous money fund raiser for this State - fund raiser for this worthwhile project. Let me just also point out that McCormick Place and the fund between downstate State fairs and McCormick Place. McCormick Place -- 1.75 percent of the sales tax or forty-six percent comes from Cook County. Fifty percent of the sixty percent hotel tax - two-thirds of it comes from Cook County. 1.67 million of horse racing taxes - seventy-five percent of it comes from Cook County. Where does that money go? Thirty-two million is for McCormick Place. Ten million for tourism advertising in DCCA. Three million for convention and local tourism funds. Ten million dollars for conservation. So we get thirty-two million downstate, and the rest of the City gets twenty-three million or sixty-fourty ratio. Basically the same ratio that is raised there. I think this is a fair bill. A fair bill that deserves a chance, and we passed yesterday the appropriation in Senator Schaffer's bill. I'm asking for your support in this bill now. I move for the concurrence on House Bill -- Senate Bill 1496.

PRESIDENT ROCK:

Question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1496. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 17 Nays, 1 voting Present. Senate does concur in House Amendment No. 1 to Senate Bill 1496, and the bill, having received the required constitutional majority, is declared passed. 1635. Senator Etheredge. 1676. Senator Berman. Madam Secretary, Senate Bill 1676.

SECRETARY HAWKER:

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House Amendment No. 1 to Senate Bill 1676.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill does two things. They -- I move that we concur in House Amendment No. 1. The bill originally corrected a technical error dealing with the contracts of special ed directors. It was a ED-RED request. The House Amendment No. 1 incorporated House Bill 3745 sponsored by Senator Barkhausen, which allows the electric -- the electorate, by frontdoor referendum, to authorize an increase in either the educational purposes or CBM tax rate when there's a corresponding decrease in other tax rate. I move the concurrence with House Amendment No. 1.

PRESIDENT ROCK:

The Gentleman has moved concurrence in House Amendment No. 1 to Senate Bill 1676. Discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Senator Berman, is -- in this bill, do we reduce the retirement age from sixty to fifty-five?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

No. That's another bill.

PRESIDENT ROCK:

Further discussion? Senator Watson.

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SENATOR WATSON:

Yes. A question of the sponsor, please.

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Watson.

SENATOR WATSON:

Thank you. Frontdoor or backdoor referendum on this?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

It's frontdoor, and what it does is allows on the -- on the ballot that if you're going to raise one rate you can, at the same time under the same propositions, same vote, decrease the other rate.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1676. 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 53 Ayes, 1 Nay, none voting Present. Senate does concur in House Amendment No. 1 to Senate Bill 1676, and the bill, having received the required constitutional majority, is declared passed. 1-8-4-3. Senator Demuzio. 2-0-6-7. Senator Luft. Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 1, 2 and 3 to Senate Bill 2067.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you...

PRESIDENT ROCK:

...Representative Novak, can you step aside, please? Senator

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Luft.

SENATOR LUFT:

Thank you -- thank you, Mr. President. House Amendment No. 1 extends the TIF districts from ten years till twelve years, as the original bill provided that any real estate TIF district created prior to 1980 - which were two, if I remember correctly - be extended ten years. The House decided to extend it twelve years. That was Amendment No. 1. Amendment No. 2 extended the date from 1-1-90 to 1-1-91 as the cutoff date for the thirty-five-year period, and Amendment No. 3 redefined "redevelopment project costs" to expand the meaning of interest incurred by the developer. Interest is the interest on the money borrowed that could be paid back. I'd try to answer any questions; otherwise I would move that we concur in House Amendments 1, 2 and 3.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in House Amendments 1, 2 and 3 to Senate Bill 2-0-6-7. Discussion? Senator Netsch.

SENATOR NETSCH:

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

PRESIDENT ROCK:

...The sponsor indicates he will yield, Senator Netsch.

SENATOR NETSCH:

Thank you. On the third amendment, I believe it would be, Senator Luft, the redefining of "redevelopment project costs" to cover interest incurred by the developer. I had seen that language, I believe, on a conference committee report or something on a different bill. I think it was not on this bill, and my recollection is that according to the Department of Revenue, it was really not a new definition or an expansion, but a clarification of what they thought was the law before that.

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That's a matter of some concern, because I think some of us - back when we had the major TIF redo - felt that the inclusion of the interest cost to the developer was not necessarily a great idea, and if you're expanding it, that would be a matter of some concern. Could you clarify that?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

The only clarification that I can offer is that this amendment was sponsored by Representative Currie. Our staff person explained it to me exactly the way that I explained it, and perhaps your definition is more accurate than mine.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2 and 3 to Senate Bill 2-0-6-7. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. The Senate does concur in House Amendments 1, 2 and 3 to Senate Bill 2-0-6-7, and the bill, having received the required constitutional majority, is declared passed. Senator Philip, on 2150. Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 3, 4, 8, 10 and 11 to Senate Bill 2150.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move the House -- the Senate do concur with House Amendments 3, 4, 8, 10, 11 to Senate Bill 2150, which is the emissions testing. I'm not exactly thrilled or happy of what we

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have maybe agreed to, but I'll tell you what it does. It provides for cars to be tested three, five, seven years, and allows competitive bidding to do the testing. And includes all of Cook County, all of DuPage. It excludes the rural areas of Will, Kane, Lake. The EPA isn't thrilled with that, quite frankly. They say they can live with it. As you know, we're under a court order which comes down, I believe, July 18th. I'll be happy to ask any -- answer any questions. I would ask for your favorable consideration.

PRESIDENT ROCK:

The Gentleman has moved concurrence with House Amendments 3, 4, 8, 10 and 11 to Senate Bill 2150. Discussion? If not, the question is, shall the Senate concur in House Amendments 3, 4, 8, 10 and 11 to Senate Bill 2150. 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? All voted who wish? Take the record. On that question, there are 44 Ayes, 7 Nays, 4 voting Present. Senate does concur in House Amendments 3, 4, 8, 10 and 11 to Senate Bill 2150, and the bill, having received the required constitutional majority, is declared passed. Senator Marovitz on the Floor? Message from the Governor.

SECRETARY HAWKER:

A Message from the Governor by Stephen S. Selcke, Director of Legislative Affairs.

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

To the Honorable Members of the Senate, Eighty-sixth General Assembly: I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDENT ROCK:

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Committee on Executive Appointments. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1316 offered by Senator Zito.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. Senator Geo-Karis, before we move to your request for a caucus, which certainly is in order, Senator Schaffer has a resolution; Senator Kelly has requested that we go to the Committee on Executive Report. Then we are going to break. The Republicans will indeed have a caucus. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I just wanted to remind my Republican colleagues that our caucus is at three o'clock this afternoon in Senator Philip's Office.

PRESIDENT ROCK:

Hopefully, we'll -- hopefully, we'll be finished in time for your caucus.

SENATOR GEO-KARIS:

Thank you.

PRESIDENT ROCK:

We're working on it. Senator Watson, for what purpose do you arise, sir?

SENATOR WATSON:

Thank you. A point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR WATSON:

Each year we have, of course, our annual Senate-House softball game, and we try to raise money for a particular cause. This year the money is going to go to the Mini O'Beirne Crisis Center here in Springfield. And Mini O'Beirne was a legislative aide to Mike

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Curran who unfortunately passed away, and they named this Crisis Center after her because of her work in the community in that behalf. It's a nursing center for infants, and each year we've asked each Member to contribute ten dollars towards that, and many of you have and some of you haven't. Those of you who haven't, you can see Senator Kelly or myself to -- to help in, I believe, a very worthy cause. Thank you.

PRESIDENT ROCK:

All right. Committee reports, Madam Secretary. Senator Kelly.

SECRETARY HAWKER:

Senator Kelly, Chairman of the Committee on Executive Appointments, Veterans Affairs and Administration, to which was referred the Governor's Messages of May 3, 1990; June 12, 1990; June 19, 1990; June 26, 1990-A; June 26, 1990-B; and June 28, 1990, and the Comptroller's Message of March 2, 1990, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Comptroller's appointments set forth in his Message of March 2, 1990, and the Governor's appointments set forth in his Message of May 3, June 12, June 19, June 26-A and -B and June 28, 1990.

PRESIDENT ROCK:

You heard the Gentleman's motion. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The Senate is now in Executive Session. Senator Kelly.

SENATOR KELLY:

Mr. President, with respect to the Comptroller's Message of



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March 2, 1990, I will read the unsalaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To -- to be a member of the Merit Commission for the Office of Comptroller for the term expiring January 15, 1996, John F. Whitney, Jr. of Chatham.

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

PRESIDENT ROCK:

All right. You've heard the Gentleman's request. Is leave granted? Leave is granted. Senator Kelly.

SENATOR KELLY:

Mr. President, will you put the question as required by our rules?

PRESIDENT ROCK:

Question is, shall the Senate advise and consent to the nomination just made. 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 56 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of May 3, 1990, I will read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be the Assistant Director of the Illinois Department of Revenue for a term expiring January 21, 1991, Robert D. Steere of

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Rochester.

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

PRESIDENT ROCK:

All right. You've heard the request by Senator Kelly. Is leave granted? Leave is granted. Senator Kelly.

SENATOR KELLY:

Mr. President, will you put the question as required by our rules?

PRESIDENT ROCK:

The question is, does the Senate advise and consent to the nomination just made? 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 57 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Mr. President, with respect to the Governor's Message of May 3rd, 1990, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be a member of the Illinois Department of the Illinois Sports Facility Authority for a term expiring June 30, 1992, Joe Silverberg of Glencoe.

To be a member of the Surface Mining Advisory Board for a term expiring August 10, 1992, Robert E. Dunker of Sidney.

To be members of the Illinois Job Training Coordinating Council for terms expiring July 7, 1992, Wesley D. Broadway of Metropolis; Joseph P. Monaghan of Palatine; Robert T. Simpson,

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Jr., of Harvey; Glenda Arnett of Godfrey and Joseph R. Angleton of Pinckneyville.

To be a Public Administrator and Public Guardian for a term expiring December 6, 1993, Lindsey E. Reese of Taylorville.

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

PRESIDENT ROCK:

All right. You've heard the request of the Gentleman. Is leave granted? Leave is granted. Senator Kelly.

SENATOR KELLY:

Mr. President, will you put the question as required by our rules?

PRESIDENT ROCK:

Question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of June 12th, 1990, I will read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be a member of the Civil Service Commission for a term expiring March 1, 1993, William G. Stratton of Chicago.

To be Chairman of the Illinois Education Labor Relations Board

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for a term expiring February 1, 1994, Gerald Berendt of Evanston.

To be a member of the Illinois Education Labor Relations Board for a term expiring February 1, 1996, Eugene Flynn of Philo.

To be a member of the Prisoner Review Board for a term expiring January 21, 1991, William L. Harris of Marion.

To be the Director of the Illinois Taxpayer Ombudsman for a term expiring January 15, 1996, Robert L. Mandeville of Springfield.

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

PRESIDENT ROCK:

The Gentleman seeks leave to have those nominations on one roll call. Any objection? If not, leave is granted. Senator Kelly.

SENATOR KELLY:

Mr. President, will you put the question as required by our rules?

PRESIDENT ROCK:

The question is, does the Senate advise and consent to the nominations just made. 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 56 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of June 12, 1990, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and

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consent:

To be a member of the Board of Trustees of the East St. Louis Community College for a term expiring June 30, 1991, Norman E. Lefton of Edwardsville.

To be a member of the Capital Development Board for a term expiring January 17, 1994, G. Raymond Becker of Peoria.

To be a member of the Board of Trustees to the Illinois State Historic Preservation Agency for a term expiring January 20, 1992, Sally Schanbacher of Springfield.

To be members of the Illinois State Banking Board for terms expiring December 31, 1994, Gerald F. Fitzgerald, Jr. of Inverness; William C. Gooch, Jr. of Elmhurst; Willard Bunn III of Springfield and Walter D. Fackler of Chicago.

To be a member of the Prairie State 2000 Authority Board of Directors for a term expiring July 1, 1993, Jacob Rendleman of Carterville.

To be Chairman of the Medical Disciplinary Board for a term expiring January 11, 1994, Karl Zimmer of Lincolnshire.

To be a member of the Southwest Regional Port District Board for a term expiring June 30, 1992, Willie B. Nelson, Jr. of East St. Louis.

To be a member of the Illinois Health Care Cost Containment Council for a term expiring September 5, 1993, Larry Lawler of Decatur.

To be members of the Illinois Job Training Coordinating Council for terms expiring July 1, 1992, Jan Staggs of Springfield; Shirley R. Brussell of Chicago; Charles Porter of Chicago; Pamela Billington-Schwartz of Olney; Richard Walsh of Springfield; Kristine Coryell of Flossmoor; John B. Hudson of Springfield; Ronald Morehead of Normal.

To be a member of the Worker's Compensation Advisory Board for a term expiring January 15, 1994, Edward Breen of Joliet; Lester

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W. Brann, Jr. of Hinsdale; Richard J. Walsh of Springfield.

To be members of the Worker's Compensation Advisory Board for terms expiring February 2, 1994, Arthur Gottschalk of Flossmoor; Jay Dee F. Shattuck of Springfield; and Barbara A. Sherman of Chicago; and Lawrence -- Lawrence J. Sufferdin, of -- Jr. of Evanston.

To be a member of the Upper Illinois River Valley Development Authority for a term expiring January 21, 1991, Lynn Fieldman of Morris.

To be members of the Upper Illinois River Valley Development Authority for a term expiring January 20, 1992, Norma Miller of Henry; Barbara Jane Cowan Griffith of McNabb; Dennis G. Hackett of Morris; Louis J. Perona of Spring Valley.

To be members of the Upper Illinois River Valley Development Authority for a term expiring January 18, 1993, James E. McElvain of Morris; Helen Brandt of Moline <sic>; Richard L. Nelson of Princeton; William E. Steep of Seneca;

To be a member of the Employee-Owned Enterprise Advisory Council for a term expiring November 7, 1992, Elmer Walton of Decatur.

To be a member of the Illinois Council on Vocational Agricultural Education for a term expiring March 13, 1991, Glen E. Mills of Brownstown.

To be a member of the Illinois Council on Vocational Agricultural Education for a term expiring March 13, 1993, Dr. Thomas R. Stitt of Carbondale.

To be members of the Advisory Board of Cancer Control for terms expiring September 30, 1991, John E. Ultmann of Chicago and Irving Weigensberg of Peoria.

To be members of the Quad Cities Regional Economic Development Authority for terms expiring January 18, 1993, Eugene Suarez of East Moline, and Ken Schloemer of Moline.

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To be a member of the Illinois Student Assistance Commission for a term expiring June 30, 1991, Celeste M. Stiehl of Belleville.

To be a member of the Surface Mining Advisory Council for a term expiring August 10, 1992, Jack Randall -- Nawrot of Murphysboro.

To be a member of the Surface Mining Advisory Council for a term expiring August 8, 1993, George Burger of Elgin.

To be a member of the Illinois Health Facilities Authority for a term expiring June 3, 1994, Irene Mills of Decatur.

To be members of the Illinois Farm Development Authority Board for terms expiring January 17, 1994, Ann Hughes of Woodstock; Curtis Faber of Lincoln -- and Curtis Faber of Lincoln.

To be members of the Illinois Coal Development Board for terms expiring July 1, 1993, Edgar Hale of Pinckneyville and Wilbur W. Dodge of Peoria.

To be members of the Hospital Services Procurement Advisory Board for terms expiring January 1, 1993, Al Clementi of Palatine and Kevin McDermott of Springfield.

To be members of the Children and Family Service Advisory Council for terms expiring January 18, 1993, Thomas Awerkamp of Quincy; Jean Lee Lowe of Petersburg and John P. Madden of Chicago.

To be members of the Economic Technical Advisory Committee for terms expiring March 31, 1992, Ken Alderson of Decatur and Andrew Storniolo of Chicago.

To be a Public Administrator and Guardian for a term expiring December 4, 1993, Raymond Matter of Viola.

To be a Public Administrators and Guardians for terms expiring December 6, 1993, Charles Iskowish of DeKalb; Robert W. Winston of East Peoria; Charles L. McNeil of Mason City.

And to be Public Administrators and Guardians for terms expiring December 5, -- December 6, 1993, Stanford Schneider of

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Bloomington; Homer L. Askew of Marion; Barbara J. Bode of Mound City; East Leslie -- E. Leslie Conkling of Kempton; Barbara Sue Dyer of Pittsfield; Kelly Finet of Monticello; Fredrick D. Floreth of Litchfield; Edward Ross Houston of Arenzville; Michael R. Jones of Centralia; John R. LeComte of Savanna; Roy A. Seiling of Gilman; Thomas H. Trager of Peoria; Albert L. Van Dyke of Louisville; and Harold Webb of Newton.

To be Public Administrators and Guardians for a term expiring December 7, 1992, William O. Mays, Jr. of Quincy.

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

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman has asked leave. Is leave granted? Leave granted. The -- the question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? On that -- take the record, Madam Secretary. On that question, the Ayes are 57 -- the Ayes are 57, the Nays are 0, with 2 not voting. The majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. -- Madam President. With respect to the Governor's Message of June 19, 1990, I will read the salaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent:

To be the Director of the Department of Veterans Affairs for a term expiring January 21, 1991, Robert J. Poshard of Springfield.

To be members of the Illinois International Port District Board for terms expiring June 1, 1995, James G. Gidwitz of Chicago



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and Robert Hamilton of Chicago.

Madam President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has objection to these appointments.

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman has requested leave. Is leave granted? Leave granted. The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, the Ayes are 57, the Nays are 0, those voting Present are 0, those Not Voting are 2. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. With respect to the Governor's Message of June 19, 1990, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be members of the Kaskaskia Regional Port District Board for terms expiring June 30, 1991, Clyde D. Trexler of Columbia; Robert D. Keller of Waterloo and Elmer J. Prange of Waterloo.

To be a member of the Kaskaskia Regional Port District Board for a term expiring June 30, 1992, Gary R. Altes of Waterloo.

To be a member of the Kaskaskia Regional Port District Board for a term expiring June 30, 1993, Bob G. Small of Columbia.

To be members of the Southwest Regional Port District Board for terms expiring June 30, 1993, James E. Barker of Lovejoy; Norman A. Viner of Cahokia.

To be a member of the Illinois Job Training Coordinating Council for a term expiring July 1, 1992, Joyce A. Short of

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Richton Park.

To be a member of the Guardianship and Advocacy Commission for a term expiring June 30, 1993, James Pitts of Chicago.

To be a member of the Illinois Fiduciary Advisory Committee for a term expiring January 1, 1994, Everett W. Kassing of Freeburg.

To be a member of the Department of Children and Family Services Advisory Council for a term expiring January 18, 1993, Ida Jackson of Springfield.

To be a member of the Employee-Owned Enterprise Advisory Council for a term expiring November 7, 1992, R. Wayne Harvey of Peoria.

To be a member of the Employment Security Advisory Board for a term expiring January 21, 1991, Dale W. Stewart of Hillsboro.

To be a member of the Capital Development Board for a term expiring January 17, 1994, Barnard B. -- Birger of Collinsville.

To be a member of the Central Midwest Interstate Low-Level Radioactive Waste Compact Commission for a term expiring January 21, 1991, Thomas Ortziger of Flossmoor.

To be a member of the Illinois Farm Development Authority for a term expiring January 18, 1993, Carolyn Stone of Springfield.

To be a member of the State Soil and Water Conservation Advisory Board for a term expiring January 18, 1993, Alvin C. Neal of -- Golconda.

To be a member of the Surface Mining Advisory Council for a term expiring August 8, 1993, Richard E. Lounsbury of Carlinville.

To be a member of the Mt. Carmel Regional Port District Board for a term expiring June 30, 1991, Gordon S. Kirkman of Mt. Carmel.

To be a member of the Illinois Health Facilities Authority for a term expiring June 30, 1992, Dr. J. Robert Thompson of Oak Park.

To be members of the Comprehensive Health Insurance Plan Board

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for terms expiring July 1, 1992, Deborah Oughton of Dwight and Raymond DeFilippo of Bloomington.

To be members of the Illinois Health Care Cost Containment Council for terms expiring September 5, 1993, Robert K. Burger of Wilmette; William N. Frayser of Broadview; Charles Goulet of Geneva; Kenneth J. Morrissey of Naperville and Steven B. Scheer of River Forest.

To be members of the Advisory Board of Necropsy Services to Coroners for terms expiring January 18, 1993, Charles G. Bilyeu of Springfield and Norman T. Richter of Springfield -- excuse me.

To be a member of the Advisory Board of Cancer Control for terms expiring September 30, 1991, Thomas -- Tom Baab of Park Ridge.

To be members of the Advisory Board of Livestock Commissioners for terms expiring January 21, 1991, Michael E. Brennan of Monmouth; Joe C. Cochonour of Casey; Merlyn J. Eickman of Pecatonica; James H. Finnell of Gilman and Gilbert L. Hadley of Cambridge.

To be members of the Advisory Board of Livestock Commissioners for terms expiring January 21, 1991, Richard L. Jurgens of Towanda; David J. Kaluzny of Joliet; James H. McKee of Washburn.

To be Public Administrators and Public Guardians for terms expiring December 6, 1993, Donald Behle of Lincoln; Marlene M. Gibbs of Murphysboro; Jeffrey E. Gray of Bridgeport; William R. Mattson of Decatur; Shirley Myers of White Hall; Cary Pierce of Wheaton; Richard J. Reedy of Oswego; Lawrence J. Rolando of Jerseyville; Joseph H. Vogler of Gurnee; Emmitt Wilson of Mt. Vernon.

To be Public Administrator and Guardian -- Public Guardians for term expiring December 5, 1994, William E. Dillavou of Macomb.

To be a member of the Illinois Development Finance Authority for a term expiring January 18, 1993, Steve Cisco of Schaumburg.

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

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman has requested leave. Is leave granted? Leave granted. The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, the Ayes are 57, the Nays are 0, those voting Present are 0. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

In case you're wondering where we're at, we're about halfway done with the appointments. Madam President, with respect to the Governor's Message of June 26, 1990, Item A, I read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be the Commissioner of the Savings and Loan Association for a term expiring July 1, 1995, John D. Seymour of Springfield.

To be members of the Board of Review for terms expiring January 21, 1991, Patrick G. Duff of River Forest; Bruce Barnes of Palos Park; Robert J. Kartholl of Itasca; Peter J. Miller of Addison and Edward A. McBroom of Kankakee.

To be the Small Business Utility Advocate for a term expiring January 21, 1991, William A. Price of Wheaton.

Madam President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has objection to these appointments.

PRESIDING OFFICER: (SENATOR SEVERNS)

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The Gentleman has requested leave. Is leave granted? Leave granted. The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, those voting Present are 0. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. With respect to the Governor's Message of June 26, 1990, Item A, I read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be members of the Lottery Control Board for terms expiring July 1, 1993, Charles D. Joseph of Rockford and Rixon A. Irvine of Chicago.

To be members of the Illinois Health Care Cost Containment Council for terms expiring September 5, 1993, Ruth M. Roghstein of Chicago and Edward H. Mazur of Wilmette; Johanna Lund of Rockford; Raymond Werntz of Glenwood.

To be a member of the State Board of Education for a term expiring June 21, 1991, Marcene Mitchell of Chicago.

To be a member of the Will County Metropolitan Exposition Authority for a term expiring December 1, 1994, Gerald Frankovich of Joliet.

To be a member of the Illinois Student Assistance Commission for a term expiring July 1, 1991, Bethany Denise Baker of Chicago.

To be a member of the Illinois Sports Facility Authority for a term expiring June 30, 1993, Gerald A. Stillman of Frankfort.

To be a member of the State Soil and Water Conservation

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Advisory Board for a term expiring January 18, 1993, Greg Steele of Princeton.

To be a member of the Rehabilitation Services Advisory Council for a term expiring January 8, 1996, Jerry E. Strom of Arlington Heights.

To be a member of the Quad Cities Regional Economic Development Authority for a term expiring January 18, 1993, Charles C. Wilson of Rock Island.

To be Public Administrators and Guardians for terms expiring December 6, 1993, David F. Daisy of Benton; James Hummert of Breese; Edward Kemper of Nashville; Richard J. Kavanagh of Bolingbrook; Anthony A. Varese of McHenry; Eddie Carpenter of Jacksonville; Henry Banser of Aurora; George A. Koehler of Freeport and Sam Molen of Girard.

To be a member of the State -- Prairie State 2000 Fund Board of Directors for a term expiring July 1, 1991, Kent D. Griffiths of Chicago.

To be a member of the Prairie State 2000 Fund Board of Directors for a term expiring July 1, 1994, Alice Phillips of Whearaton <sic>.

END OF TAPE

TAPE 3

SENATOR KELLY:

Looked more like Wheaton -- of Wheaton.

To be a member of the Advisory Board of Necropsy Services to Coroners for a term expiring January 18, 1993, Grover L. Seitzinger of Danville.

To be members of the Advisory Board of Livestock Commissioners

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for terms expiring January 21, 1991, Bruce L. Betzold of Nokomis, Jerry D. King of Victoria, James H. Handy of Waverly, Buelah M. Penry of Belleville, Donald C. Peter of Quincy and Eldon F. Gould of Maple Park.

To be members of the Labor Management Commission for terms expiring July 1, 1992, Dale F. Benson of Decatur.

To be members of the Labor Management Commission for terms expiring July 1, 1992, Eugene P. Moats of Chicago and Jerome D. VonderHaar of Moline.

To be a member of the Kaskaskia River <sic> Port District Board for terms expiring June 30, 1991, George Donner of Mascoutah.

To be a member of the Kaskaskia Regional Port District Board for a term expiring June 30, 1993, Viola Ann Patterson of Chester.

To be member of the Joliet Regional Port District Board for a term expiring June 1, 1995, George J. Michas of Joliet.

To be a member of the Illinois Health Facilities Authority for a term expiring June 30, 1997, Katherine Janega of Glencoe.

To be a member of the Havana Regional Port District Board for a term expiring June 30, 1991, Willis Fleeer III of Havana.

To be members of the Illinois Racing Board for terms expiring July 1, 1992, Gary Starkman of Chicago and Lorna Ellen Propes of Evanston.

To be a member of the Illinois Racing Board for a term expiring July 1, 1996, Thomas J. Garvey of Oak Brook.

To be a member of the -- of the Guardianship and Advocacy Commission for a term expiring June 30, 1993, Patricia L. Taylor of Northbrook.

To be a member of the Illinois Fiduciary Advisory Committee for a term expiring January 1, 1993, Michael Gibson of Springfield.

To be a member of the Illinois Fiduciary Advisory Committee

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for a term expiring January 1, 1994, J. Timothy Ritchie of Chicago.

To be a member of the Illinois Export Development Authority for a term expiring January 18, 1993, Irwin Diamond of Riverwoods.

To be a member of the Illinois Export Development <sic> (Employee-Owned Enterprise) Advisory Council for a term expiring November 7, 1992, Daniel H. Cosgrove of Springfield.

To be a member of the Illinois Export Development <sic> (Employee-Owned Enterprise) Advisory Council for a term expiring November 7, 1994, Jared Kaplan of Chicago.

To be a members of the Electronic Funds Transfer Advisory Committee for terms expiring January 1, 1992, Sharon J. Sullivan of Bloomington; Frank O. Eckstein of McHenry.

To be a members of the Electronic Funds Transfer Advisory Committee for terms expiring January 1, 1993, Creston B. Harris of Rockford; Melody L. Filarski of Peoria and Christine Richards of Arlington <sic>.

To be a member of the Electronic Funds Transfer Advisory Committee for terms expiring January 1, 1994, Gary D. Anderson of East Moline; Dane H. Cleven of Glenview and Melvin Weck of Freeburg.

To be a member of the Electronic Data Processing Advisory Committee for a term expiring January 1, 1992, Linda K. Simpson of Casey.

To be a member of the Electronic Data Processing Advisory Committee for a term expiring January 1, 1993, John A. Lawrence of Winchester.

To be members of the Electronic Data Processing Advisory Committee for terms expiring January 1, 1994, Gilian K. Geniesse of Wilmette; Kenneth S. Greenwalt of Marion.

To be a member of the Economic and Technical Advisory Committee for a term expiring March 31, 1993, Gerould S. Wilhelm



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of Glen Ellyn.

To be members of the Comprehensive Health Insurance Plan Board for terms expiring July 1, 1993, Howard J. Bolnick of Chicago; Bryan W. Swank of Libertyville and Joan E. Cummings of Glen Ellyn.

To be a member of the Illinois Community College Board for a term expiring June 30, 1991, John M. Schultz of Effingham.

To be members of the Illinois Coal Development Board for terms expiring July 1, 1993, David L. Stritzel of Carterville and Richard E. Newton of Springfield.

To be a member of the Illinois Clean and Beautiful Advisory Board for a term unspecified, James W. Bonebrake of Joliet.

To be a member of the Department of Children and Family Services Advisory Council for a term expiring January 21, 1991, Barbara Gilleran-Johnson of Long Grove.

To be a member of the Department of Children and Family Services Advisory Council for a term expiring January 18, 1993, James D. Nowlan of Galesburg.

To be a member of the Advisory Board of Cancer Control for a term expiring September 30, 1991, Alan K. Hatfield of Seymour.

To be a member of the Bi-State Development Agency for a term expiring January 21, 1991, Joseph L. Berry of Columbia.

To be a member of the Bi-State Development Agency for a term expiring January 16, 1995, Patricia J. Watkins of Caseyville.

To be a members of the Agricultural Export Advisory Committee for terms expiring January 21, 1991, Roger A. Ragland of Woodstock; A. Bard Board of Barrington; Robert T. Bernat of Chicago; David Y. Chang of Chicago; David G. Kahle of DeKalb; Ginnie Hartman of Mounds; Gary L. Benjamin of Wheaton; Richard E. Burket of Blue Mound; Satoru Takemoto of Morton Grove; Bruce D. Cluver of El Paso and Richard F. Rost of South Barrington.

To be member -- a member of the Agricultural Export Advisory

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Committee for a term expiring January 21, 1991, John R. Felver of DeKalb.

To be members of the Illinois Committee for Agricultural Education for terms expiring March 13, 1993, Nola J. Gramm of Gridley and J. Gordon Bidner of Carlock.

To be members of the Board of Agricultural Advisors for terms expiring January 21, 1991, Marvin Perzee of Ashkum; John R. Little of Tolono; John P. White of Elburn; Fred W. Heepke of Edwardsville; John <sic> (Wayne) R. Gomes of Urbana; Duane M. Smith of Allendale; Lowell K. Swalve of Forreston; Charles D. Roy of Rockford, Leland J. Glazebrook of Sullivan; M. -- W. Ernest Robinson of Cameron; James P. Monier of Princeton; Gerald M. Carney of Girard and Stuart H. Mueller of Taylor Ridge.

To be a member of the Metropolitan Pier and Exposition Authority for a term expiring June 1, 1995, James B. Bolin of Western Springs.

Madam President, having read the unsalaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has objection to these appointments. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman seeks leave. Is -- is leave granted? Leave granted. The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, those voting Present are none. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. With respect to the Governor's

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Message of June 26, 1990, item B, I will read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be a member of the Illinois Liquor Control Commission for a term expiring January 21, 1991, John K. Kneafsey of Evanston.

Madam President, having read the salaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has objection to this appointment. Madam President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman seeks leave. Is leave granted? Leave granted. The question is, does the Senate advise and consent to the nomination just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the -- the Nays are none. Those voting Present are none. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President and Members of the Senate. With your kind consent, we'll continue with our few remaining. With respect to the Governor's Message of June 26, 1990, item B, I will read the unsalaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be a member of the Illinois Racing Board for a term expiring July 1, 1996, Irwin Jann of Chicago.

Madam President, having read the unsalaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has objection to this appointment, and I would ask

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that you put the question as required by our rules.

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman seeks leave. Is leave granted? Leave granted. The question is, does the Senate advise and consent to the nomination just made. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none. Those voting Present are none. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. With respect to the Governor's Message of June 28, 1990, I will read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be a member of the Chicago Transit Authority for a term expiring on September 1, 1997, Kim B. Fox of Chicago.

To be the State Sanitary District Observer for a term expiring January 21, 1991, Eleanor Watt of Park Forest.

To be a member of the State Toll Highway Authority for a term expiring June 1, 1991, David Gilbert of Glencoe.

Madam President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has objection to these appointments, and I would request that you put the question as required by our rules.

PRESIDING OFFICER: (SENATOR SEVERNS)

The Gentleman seeks leave. Is leave granted? Leave granted. The -- Senator Geo-Karis, for what purpose do you...

SENATOR GEO-KARIS:

I have a question, if I may? I just want to make sure that I heard the appointment right. Was that Kim Fox for Member of the

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Chicago Transit Authority or was that...

SENATOR KELLY:

Yeah.

SENATOR GEO-KARIS:

'Cause I thought you'd mentioned her for something else -- that's why I questioned it.

SENATOR KELLY:

No. That would be for the Chicago Transit Authority as -- as you would like.

PRESIDING OFFICER: (SENATOR SEVERNS)

Senator Smith.

SENATOR SMITH:

Madam President and Members of the Senate. He called the name of David Gilbert of Glencoe, a salaried position for the Illinois State Toll Highway Authority. I want to be registered as voting No on that. The person in question was not present, and for a new position, never to have served there before, and then to be accepted, I think we are setting a new precedence.

PRESIDENT ROCK:

...(machine cutoff)...Senator Kelly, apparently there is objection to taking them all on one roll call. Let's go each on his own. Whom do you wish to present?

SENATOR KELLY:

Order that they are.

PRESIDENT ROCK:

Thank you.

SENATOR KELLY:

First - Kim B. Fox of Chicago, to be a member of the Chicago Transit Authority for a term expiring on September 1, 1997.

PRESIDENT ROCK:

Question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed,

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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 56 Ayes, 1 Nay, none voting Present. The majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Now we'll proceed to Eleanor Watt of Park Forest, to be the State Sanitary District Observer for a term expiring January 21, 1991.

PRESIDENT ROCK:

Question is, does the Senate advise and consent to the nomination just made. Those in favor, vote Aye. Opposed, 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 57 Ayes, no Nays, 1 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Senator Kelly.

SENATOR KELLY:

Okay. I'm sorry that there's some concern on this one, but we just got the Message yesterday. It's a -- I think a -- but I understand Senator Smith's concern, therefore, I would request that we move on the appointment of David Gilbert of Glencoe to be a Member of the State Toll Highway Authority for a term expiring June 1, 1991. This is salaried.

PRESIDENT ROCK:

All right. Discussion? If not, the question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed, vote Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2

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Nays, none voting Present. Majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations -- nomination just made. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of June 28, 1990, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommends that the Senate do advise and consent:

To be a member of the Board of Agriculture Advisors for a term expiring January 21, 1991, Floyd A. Schlueter of Belleville.

To be a member of the Illinois Student Assistance Commission for a term expiring June 30, 1995, Roberto A. Armendariz of Cicero.

To be members of the Illinois (Export) Development Authority for a term expiring January 18, 1993, Norman Gold of Chicago and H. Gene Silverberg of Glencoe.

To be the Chairman of the Illinois Community College Board for a term expiring June 30, 1995, Toussaint L. Hale of Chicago.

To be a member of the Department of Children and Family Services Council for a term expiring January 18, 1993, Dora Larson of Orion.

To be a member of the Advisory Board of Necropsy Services to Coroners for a term expiring January 18, 1993, John A. Tolbert of Hinsdale.

To be a member of the Illinois State (Medical) Disciplinary Board for a term expiring January 11, 1994, Virgil C. Wikoff of Champaign.

To be a member of the Labor Management Cooperation Committee for a term expiring July 1, 1992, James E. Wilkes of Lake Forest.

To be Public Administrators and Public Guardians for terms expiring December 6, 1993, Robert Stookey of Belleville and L.

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Patrick Power of Bradley.

To be members of the Low-Level Radioactive Waste Disposal Facility Siting Commission for the duration of the Commission's activity, Seymour Simon of Chicago; Carolyn Raffensperger of Forest Park and William J. Hall of Champaign.

To be a member of the Historic Preservation Agency for a term expiring January 21, 1991, Richard J. Roddewig of Riverside.

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

PRESIDENT ROCK:

All right. You've heard the Gentleman's request. Is leave granted? Leave is granted. Senator Kelly.

SENATOR KELLY:

Mr. President, will you put the question as required by our rules?

PRESIDENT ROCK:

Question is, does the Senate advise and consent to the nominations just made. 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 58 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Mr. President, I move that the Senate arise from Executive Session.

PRESIDENT ROCK:

You've heard the Gentleman's motion. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The Senate does now arise from Executive Session. Message from the House.



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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 145.

It is substantive.

PRESIDENT ROCK:

Executive. All right. Ladies and Gentlemen, before we break for the Republican Caucus, we will -- we will reconvene at approximately 4:30. We will have a supplemental Calendar, which will contain the conference committee reports filed thus far. We've had a request, however, to go to the Order of Secretary's Desk, Resolutions, and Senator Schaffer has one he wishes to waive the Rules. Senator Geo-Karis, we'll get to you on the caucus thing. Give me a minute here. Senator Maitland made a request. Is Senator Maitland still with us? All right. Top of Page 10, on the Order of Secretary's Desk, Resolutions, is Senate Joint Resolution 209, Madam Secretary. 209.

SECRETARY HAWKER:

Senate Joint Resolution 209.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Joint Resolution 209 fulfills the Legislature's responsibility, as far as the Senate is concerned, to prepare the documentation to go to the voters, dealing with HJRCA 4 - the constitutional amendment proposed that deals with tax delinquent sales and periods of redemption. It is the amendment that we proposed by -- almost a unanimous vote this year, and that was previously on the ballot in 1988. This

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resolution, which I passed out yesterday, contains the official explanation, the arguments for and against, and the form of the ballot. It is almost the same as that which we had adopted in 1988 and put on the ballot to accompany the -- the amendment when it was then being voted on. We've shortened the explanation and made just a few changes, but it is, in essence and in substance, the same as it was at that time. I would be happy to answer questions, otherwise I would move the Senate adopt Senate Joint Resolution 209.

PRESIDENT ROCK:

Question is the adoption of Senate Joint Resolution 209. Senator Schaffer, on this question? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, I don't think anyone on this side of the aisle has any problem with this resolution. Our concern is that there are, you know, two constitutional amendments to be on the ballot - this one and the tax accountability amendment - and we have not seen the resolution for the tax accountability arguments pro and con, and I think many of us are reluctant to pass this out until we see that other one, because the court has not taken it off the ballot, and we hope it won't, and we don't want to be culpable, if you will, in denying the people of this State a chance to vote on the tax accountability amendment.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Senator Schaffer, the resolution which I passed a while ago, did provide for a second committee to take into account the tax accountability amendment in the event that it is on the ballot. It was -- it sort of overstated what we are entitled to do. If you look at the Statutes - which I'm sure you do every night,

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Senator Schaffer - you would discover that the form of the ballot, the explanation and the argument in favor are submitted by those who submitted the petitions, and it does not come to us -- it goes to the -- well, through the Secretary of State to the Attorney General. We have one responsibility left and that is to prepare the argument against the tax accountability amendment, because there is no one otherwise designated to do that. There are drafts of that that are presently around, and we're going to have to probably slightly revise our procedure, because this is something that is unique to us. But the other parts of it are not in our hands -- they are in the hands of the Secretary of State and the Attorney General.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Well, I can understand why you're having trouble coming up with arguments against this proposal, but I guess my question is, you know, I'm watching the clock wind down, and it's -- it's obvious to me that tomorrow we're going to be here without Senator Rock and Senator Philip. If we fail to act, what happens? I mean, if we -- somebody slams the gavel down and we go home without doing anything, are we in any way, shape or form jeopardizing that ballot being included in the -- that explanation pro and con be included in the mailing for the Secretary of State, or in any way, shape and form slowing down, impeding, you know, in any way, the accountability amendment from being on the ballot?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

The answer is no. If we did nothing with respect to the tax accountability amendment, then the arguments and the form of the ballot and all would still be there, assuming the court allows it

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to stay on the ballot. The only thing that would be missing would be an argument against. It seems to me we have two choices, and I have not had a chance yet to talk to Senator Rock about this. One is to go ahead and get the argument against prepared this afternoon, and the other is simply to extend time -- and the only thing the Statute says is for the General Assembly to designate someone to prepare the argument against. But in no event would it have any impact on the -- the right of the proposed amendment to be on the ballot, if the court upholds its right to be there. This one would be in jeopardy though, I think - the one that we ourselves have passed.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

If I could, Mr. President. I -- then I guess -- I guess I would address a question of the Chair. It's my hope that we could reach an agreement that we would not adjourn without passing an appropriate argument against, which I'm sure can be put together - however ill-guided it might be - before we leave. Is that part of our program, or are my concerns real?

PRESIDENT ROCK:

Well, -- your concerns are certainly real, as far as you are concerned, obviously. They are not real as far as I am concerned. As -- as one who voted against and continues to vote against, I am fully prepared to submit an argument against. No problem at all. Yes. Question is, the adoption of Senate Joint -- I'm sorry, Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Senator -- Senator Netsch indicates she will yield, Senator Barkhausen.

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SENATOR BARKHAUSEN:

Senator Netsch, do you have any idea what the -- having listened to your answer to the question about -- or your statement about -- what would happen if we -- if we do nothing, saying that there would be a statement in favor of the amendment, but -- but none against, do you know, is that what happened, or what the precedent was in the case of the cutback amendment in 1980, which was, of course, the -- the other instance in which there's been a initiative and -- and referendum proposed amendment on the ballot. Did the Legislature act at that point to pass a resolution including pro and con arguments?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Senator Barkhausen, I assume that it was prepared by the Legislature. I don't have any independent recollection. I have the blue ballot pamphlet in front of me from then, and all of those items are included in here, and I -- I don't really, of my own volition, remember exactly how it happened. I think it was done by the Legislature, though. Oh, wait a minute! I think more than that. Let me go back a minute, and let me correct myself. My recollection is that at the time that that initiative was presented, there was no provision at all that covered an initiative, and that the -- we followed the procedure that we do with respect to constitutional amendments we proposed, simply because it seemed to be the fair way to do. And then I think that subsequently we -- and I may have sponsored the bill -- went back and wrote into the Statutes the provisions that would make sure that any initiative amendment would also have similar kinds of treatment. So I think they actually postdated the so-called House cutback amendment.

PRESIDENT ROCK:

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Senator Barkhausen.

SENATOR BARKHAUSEN:

So in that -- in that earlier case, apparently a pro and con statement were furnished, but did not - I don't recall - did not the Supreme Court rule and -- and allow that particular referendum on the ballot after the Legislature had adjourned? Do you know, I mean, I know there was a challenge to that -- the appropriateness or the constitutionality of -- of having that particular question placed on the ballot back in 1980. And -- and my guess would be - or my vague recollection is - that the Supreme Court ultimately ruled in that case after the Legislature had adjourned, and yet apparently from your recollection, you think the Legislature passed a resolution including pro and con statements, prior to the -- prior to the Legislature adjourning, of course, and -- and prior to the time that the Supreme Court would have ruled in that case.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Well. We're all speaking from dim memory now, Senator Barkhausen, but my memory tells me that the Supreme Court had ruled before we adjourned, which was why I -- the petition certainly would have been due before then, and it seems to me that the court decision might have predated our adjournment. Don't pin me to the wall on that; I don't remember the precise dates.

PRESIDENT ROCK:

All right. The question before us is the adoption of Senate Joint Resolution 209. Further discussion? If not, 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? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Joint Resolution 209,

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having received the required constitutional majority, is declared passed. All right. Ladies -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I want to remind my colleagues on the Republican side that at 3:00 p.m. sharp, we are having a caucus in Senator Pate Philip's Office. 3:00 p.m. Caucus. 3:00 p.m. 3:00. T-h-r-e-e.

PRESIDENT ROCK:

Senator Weaver, for what purpose do you arise, sir?

SENATOR WEAVER:

Thank you, Mr. President. If we're still on the Order of Secretary's Desk, Resolutions, I have HJR 123.

PRESIDENT ROCK:

Bottom of Page 9, Ladies and Gentlemen. Bottom of Page 9. On the Order of Secretary's Desk, Resolutions, is House Joint Resolutions 123, Madam Secretary.

SECRETARY HAWKER:

House Joint Resolution 123.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This merely asks the Illinois Commission on Intergovernmental Cooperation to study the feasibility of Illinois joining the Midwestern Higher Education Compact. If there's any question, I'll be happy to try to answer them. Otherwise I'd appreciate adoption.

PRESIDENT ROCK:

Senator Weaver has moved the adoption of House Joint Resolution 123. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

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Mr. -- Mr. President, I believe yesterday, Senate Resolution 1309 was referred to the Executive Committee. I have talked to the chairman and minority spokesman and a couple of other people involved in the issue. It -- it is about - in addition to yourself - and I believe we have support for discharging committee and immediate passage. Senate Resolution 1309 addresses a potential problem we may have in that -- apparently in Kentucky and Missouri have put a moratorium on nursing home beds, and we're starting to see what we believe is the beginning of a trend of people from Kentucky and Missouri being placed in Illinois simply because there aren't any other beds, and would like to have the research unit in the Department of Public Aid take a look at this and report back to us to see if this is a short-term anomaly or a major financial drain on the State in the future. I don't believe it's controversial, but I think we ought to take a look at this. The implications could be scary.

PRESIDENT ROCK:

All right. Senator Schaffer has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1309. Discussion? If not, all in favor of the Motion to Discharge, indicate by saying Aye. All opposed. The Ayes have it. Senate Resolution 1309 is discharged from the Committee on Executive. Senator Schaffer now moves the adoption of Senate Resolution 1309. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. Any further business at the moment? If not, Senator Geo-Karis asked me to remind you again - three o'clock, Republican Caucus in Senator Philip's Office. Right. All right. And we will reconvene -- the Senate will reconvene with a Supplemental Calendar at the hour of four-thirty. Two hours from now. Four-thirty, Ladies and Gentlemen.



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(RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEMUZIO)

When we begin momentarily, we will begin with Supplemental Calendar No. 1. Notify the Members - Zito, DeAngelis, Fawell, Welch, Netsch, Marovitz, Smith, Tom Dunn, Jones, Carroll. 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 refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 3656 with Senate Amendments 1, 2 and 3.

Non-concurred in by the House, June 29, 1990.

I have like Messages on House Bill 3720 with Senate Amendments 1 and 2, and House Bill 3843 with Senate Amendments 1 and 2.

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 refused to recede from their Amendments 1 and 4 to a bill of the following title, to wit:

Senate Bill 1798

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

Action taken by the House, June 29, 1990.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Secretary's Desk. ...(machine cutoff)... All right. On 1798, Senator Kelly moves that the Senate accede to the ...(machine cutoff)... request of the House. So ordered. ...(machine

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cutoff)... Senator Zito on the Floor? Senator Fawell, do you want to start out? All right. Supplemental Calendar No. 1, Secretary's Desk, Non-concurrence, is House Bill 3843, Madam Secretary.

SECRETARY HAWKER:

Senate Amendments 1 and 2 to House Bill 3843.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. They have found that there is an extremely large technical error in the -- in the writing of this last amendment, and so I would ask to non-concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell has -- has moved that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 3843, and that a conference committee be appointed. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. Secretary shall so inform the House. House Bill 3656. At the top of your Supplemental Calendar is House Bill 3656, Madam Secretary.

SECRETARY HAWKER:

Senate Amendments 1, 2 and 3 to House Bill 3656.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. I would move that the Senate refuse to recede from Senate Amendments 1, 2 and 3, and that a conference committee be appointed. I think we can work out our differences in conference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito has moved that the Senate refuse to recede from the adoption of Senate Amendments 1, 2 and 3 to House

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Bill 3656, and that a conference committee be appointed. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. ... (machine cutoff) ... Welch. ... (machine cutoff) ... Okay. On the Order of Conference Committee Reports is House Bill 1220, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1220.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill -- House Bill 1220 was being used as a vehicle. We sent it over to the House with an amendment that contained three schools that were to receive money due to a timing problem over consolidation. This conference committee report now includes those three schools, in Senator Watson's, Senator Donahue's and my districts. In addition, other amendments which are told to me to be noncontroversial have been added. No. 1 is an amendment from Representative McNamara, affecting only one school district in the State concerning the consolidation in that district. The second amendment is Representative Steczo's language of House Amendment 2 to Senate Bill 1843 -- in cleaning up a law we passed last year, which was sponsored by Representative Hallock. The language is a protection of the rights of teachers who are in elementary districts which were consolidated to form a new elementary district, or who are in secondary districts which were consolidated to form a new secondary district. Third amendment is from Representative Phelps' language of an amendment to a Senate bill codifying existing law that the State Board of Education has exclusive authority to issue certificates. Another amendment was from Representative Homer, which helped several small school districts

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who experienced a large decline in equalized assessed valuation between 1981 and 1988, and Representative Curran's language establishing a parent-teacher advisory committee on dispensing medication in the school. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, -- Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senator Welch, it's unfortunate that this bill has some of the things on it that it does have, and I rise strongly to object, and I hope the Body is listening to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Maitland. If I could have some order, please. I can't hear the Gentleman myself. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I -- I rise strongly to object to -- to this Conference Committee Report. And I guess primarily because of the -- the issue of -- I think Balyki is in this, Senator Welch, and there are some other school districts in this, and Ladies and Gentleman, this is a piece of legislation that's -- that's been around a little bit this spring. And this is an attempt, quite frankly, to capture more State aid for school districts that very honestly probably ought to be consolidated. It is a disproportionate share of revenue going to these schools under the formula. And I just really believe that the Body needs to take a strong look at this, because this takes money away from - small as the amount might be - from every one of your school districts, and I think you ought to take a look at this. We ought to kill this Conference Committee Report, and let Senator Welch take it back and bring it back without this amendment on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator DeAngelis. Further discussion?  
If not, Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. What the bill does - as Senator Maitland was referring to - number one, it has money for three school districts who consolidated. Senator Maitland had his own amendment including two of the three districts; those two are still included in this amendment. The money that Senator Maitland is talking about is an equalized assessed valuation change -- that some schools did not have equalized assessed valuation figured at the rate it was supposed to be figured at -- it's my understanding. I think, as Senator Maitland said, it's a very small amount of money, and I would urge adoption of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 1220. 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 32, the Nays are 25, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1220, and the bill, having received the required constitutional majority, is declared passed. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

I'm sorry, Mr. President, but I just believe we must check the affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland has requested a verification of all the Members who voted in the affirmative. All Members will be in their seats. Secretary will call the names of those Members

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who voted in the affirmative. Madam Secretary.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, the question has been posed as to your request for a verification, because you didn't vote either way, and -- Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Mr. President. I would ask for a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We don't need to call them over, I was just curious. Senator Etheredge, do you question the presence of any Member, for Senator Maitland? Senator Etheredge.

SENATOR ETHEREDGE:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas on the Floor? Senator Savickas on the Floor? Strike his name.

SENATOR ETHEREDGE:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lechowicz on the Floor? Strike his name.

SENATOR ETHEREDGE:

Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito is behind the flag, as always. All

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right. On a verified roll call, the Ayes are 30, the Nays are 25, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1-2-2-0, and the bill, having received the required constitutional majority, is declared passed. House Bill 3164. Senator Netsch. Madam Secretary, House Bill 3-1-6-4.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3164.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank -- thank you, Mr. President. House Bill 3164 - the First Conference Committee - is fundamentally the contents of House Bill 3318, plus a part of House Bill 3675, plus Senator Brookins' House Bill 3483. Briefly, it does the following things: it deals with the question that Senator Brookins had raised about early -- those who are being released from prison being early certified, so that they do not have a gap period in terms of having access to resources. It includes the very important spousal impoverishment provisions that we have previously seen. It includes a presumptive eligibility for pregnant women, so that they can get outpatient medical care at the critical early stage. That was, I think, House Bill 3675. It provides for dental services and glasses - a recommendation of the Joint Committee on Welfare Reform - for those who are attempting to move off the public assistance rolls through job training and other activities. And it includes the winter clothing allowance for children, which also was a part of House Bill 3318. I think we have seen all of these provisions before and debated them at length. I would be happy to answer questions; if not, I would seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

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SENATOR DONAHUE:

Thank you, Mr. President, Ladies and -- the Senate. Yes, Senator Netsch, we have seen these things before, and they've failed twice to my knowledge, in various forms. I would just -- you know, alert the Body that these are things that the Department of Public Aid is already doing. They are doing it by rule, and if we codify them in the law, it makes it -- it has potential budgetbusters in the future. Let's leave the flexibility with us to be able to deal with it. I hope we can defeat this again, for the third time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)...Discussion? Further discussion?  
Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I think the record ought to be clear, this is not a budget-busting bill. One item involves four hundred thousand dollars. I don't think that's a budget-busting bill. It deals with eyeglasses and dentures for people that can't otherwise afford them, to assist them in getting employment and to be presentable when they seek jobs. If they get the job, they're off of Public Aid. That's a plus. They other item that's in this bill is one that we have addressed before, and that is spousal impoverishment. It is the number one item on our seniors' shopping list, and it's more than a shopping list - it's a dignity list -- list to allow a person whose spouse must go into a nursing home to maintain some portion - some reasonable portion - of the assets that they have accumulated over their lifetime together. And what this bill does is to say that the regulation that has been adopted by the Illinois Department of Public Aid be codified into our Statutes. The cost under this bill is no different, Ladies and Gentlemen - not one penny different - than the existing



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regulation of the Illinois Department of Public Aid. Your seniors need - deserve - an Aye vote on House Bill 3164.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I think that it's already been pointed out, but I think there has been a good bit of confusion on the Floor, and it's worth pointing out again that this Conference Committee Report has become a -- a point where we have collected a series of bills that have been defeated before. It has also been pointed out that the provisions within these bills - at least many of them - are already being implemented by the Department. What this -- what this bill really does is to tie the hands of the General Assembly in future years. I would hope that -- that we will continue to always do the very best we can by all of those people who are served by these programs, but the -- their needs are now being met. I would hope they would continue to be met. I see no need for us to codify these in law. We've defeated earlier attempts through -- by dealing with these topics with individual bills. I suggest that we defeat this Conference Committee Report as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm so sorry that our friends on the other side seem to think that the items that's listed in this bill, 3164, is not of value. And I know one in particular - the one where we're talking about the clothes for people who need to go to school in the fall of the year, and those who do not have proper clothing to wear, where we can provide the monies -- they don't need any money whatsoever -- no fiscal task force, or fiscal -- point on this bill at all

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whatsoever. All of these items that we are talking about in this particular bill are of great service to the people. We've been talking about things all along this Session, buying new buildings, and doing this, and then building this and that and the other. Why can't we stand here and say we are going to vote something for people, that's going to benefit the people? You can go home and talk with pride that we did vote for something that would help people to alleviate some of all the pressure that they are going through right now. I stand here and I appeal to you, and I ask you to please stop and think in terms of things, and for this one time, think in terms of people. People who you are sent here to represent, and not just things. I ask for a favorable vote for 3164.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think Senator Berman made a good point on spousal impoverishment. Certainly we needed to do something about bringing up the minimal levels that a spouse could have before losing Public Aid. But what -- what happened -- I think some of us who are not experts in this whole area may not be very familiar with it, but as I understand it, what happened was that the Department of Public Aid elected to pay spousal impoverishment at the highest level, as required by the Federal Government. The effect of this -- of this language, as I understand it, will forever lock us in to paying the highest required level of the Federal Government as they change their requirements. It seems to me that we ought to reject this idea and decide in future General Assemblies at what level we want to fund it. So I would urge a No vote on the -- on the concurrence motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Is the Local Government Health Care Fund still on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Alas, no. It is not in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Was that by desire, or by result?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

It was not my desire. It was the House sponsor's desire.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

The House sponsor chose to delete from her own bill what she had originally intended the bill to do?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis, was that a question?

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

In the first place, it's a he, not a she, who was the House

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sponsor, and I'm not sure it was his own choice, but apparently the votes were not there in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. I would just urge that there are some extremely important provisions which do not have a price tag on them in this bill. And the one that I think none of us can afford to ignore is the spousal impoverishment provisions, all of which are absolutely essential, as are other parts of the bill. I would point out that the House has already adopted this Conference Committee Report, with 81 votes. It was not a partisan matter in the House. I trust it will not be here, either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 3164. 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 34, the Nays are 19, 2 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3164, and the bill, having received the required constitutional majority, is declared passed. Senator Donahue, for what purpose do you arise? All right. 3337. Marovitz. House Bill 3337, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3337.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. This is the Drug-free Workplace Act. This bill requires grant recipients or contractors who are to receive five thousand dollars

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or more from the State of Illinois to take certain actions to insure maintenance of a drug-free workplace, such as publishing and distributing to employees information regarding prohibition of controlled substances and the penalties; establishing a drug-free awareness program; notifying contracting agencies of any criminal Statute conviction of any employee, and contracts or grants can be suspended or terminated and the contractor or grantee disbarred - debarred, excuse me - upon failure to comply with the requirements of the Act. Also included in this legislation is the crime of drug-induced infliction of great bodily harm; increasing penalties for money laundering based on the amount of money laundered, and penalties for delivery of drugs or paraphernalia to a pregnant woman, if you know that that woman is pregnant. There is an exemption in the Drug-free Workplace Act for railroads who have signed off this legislation and are in agreement, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator Marovitz, I noticed that there are no Republican signatures on the Conference Committee Report, and Amendment No. 4, which I sponsored - or introduced and it was passed in the Senate - is excluded from the Conference Committee. Could you tell me up on whose insistence that part of the bill was removed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It's my understanding that that was pretty much by acclamation

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- the unions, the business groups. Everybody wanted that provision removed, and there was no controversy whatsoever about removing that provision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, it seems like this is the provision that gives the legislation some teeth. You say that it's by acclamation. It seems like it's by acclamation -- everybody except the Republican Members of the Senate, because they were not -- any part of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Yeah. Senator Marovitz, last night, while I was in the office reading all the bills, this question came to mind. With reference to Page 2, lines 13 and 34, is your intention that Metra be exempted from the Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, Senator Schaffer, last night, while I was in my office reading the bills, I -- I came upon that -- that area of the bill and I realized that, in fact, Metra would be exempt under this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I think this is a good policy for the State of Illinois and the General Assembly to send to the people that we represent that we want a Drug-free Workplace Act in place. It may not be a perfect bill, it may not have as

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many sanctions in it, but it certainly sends a loud message. The business community agrees with this. The common carriers agree with this, and I think the Legislature ought to pass it overwhelmingly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 3337. 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 46, the Nays are 2, 2 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3337, and the bill, having received the required constitutional majority, is declared passed. House Bill 3580, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3580.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3580, the First Conference Report, is the House concurs with the Senate Amendment No. 1 and Senate No. 2, which extends due process protection to private agency foster parents in administrative appeal. The bill is further amended to incorporate House Bill 3578, House Bill 3579 and House Bill 3582, which all address recommendations of the Speaker's Blue Ribbon Task Force on Foster Care. Some of the items contained in this Conference Report is the insurance coverage that DCFS may provide for foster families, extend to the property of a foster families and to the members of their household, as well as the other third parties. It also contains relatives are subject to the same review and background checks required for other licensed foster homes under

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the Child Care Act, which currently includes criminal background and child abuse, neglect, registered checks, and determination of whether a person has been declared as quote, "sexually dangerous person," unquote, or convicted of a specific criminal offenses, such as murder, kidnapping, child abduction, sexual assault, sexual abuse, or similar offenses in other states. And DCFS shall make room and board payments for foster children by 7/1/94 at one hundred percent of the U.S. Department of Agriculture cost of raising a child in the urban midwest low-cost index. Conference Committee -- House Bill 3580 is a compromise between the Department of DCFS, and Senate and House sponsors, plus foster care parents' organizations. And it also contains the non-cost recommendations of the Speaker's Blue Ribbon Task Force on Foster Care. I'd be happy to answer any questions. Otherwise, I ask for your approval and adoption of this Conference Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. We've opposed this in the past and it's back again, because what it ultimately does is it creates a mandate for the State to have to pay foster parents at a rate equal to one hundred percent of the United States Department of Agriculture cost of raising a child in the urban midwest and low-cost index. And there is a -- often a discrepancy between what is on -- in this index and what is going on here in the State of Illinois. Now, in the past, we've been able to accommodate much of that, and justifiably so, through our appropriations process, which provides us the flexibility of being able to gear up what we have in the State treasury; how our economy is at any given time; can we afford to do this, and to what percentage can we go that makes some sense for us. If we lock this in at one hundred percent, even though it starts in 1994



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- and I always love it when I hear about the fact, "Well, it's not this year." Well fine; it's not this year. And in this case, it's not next year. But we're already locking ourselves into a time where we have no idea what the economy is going to be like, and we're going to have to deliver on this. It is very poor fiscal planning, very poor public policy. On that basis and the fact that you're talking about eighteen-million-dollars' differential right off, that, you know, we don't know where we're going to get -- this bill, I think has a problem, and I don't think we can afford to do this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Smith may close. I'm sorry, I beg your pardon. Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, there -- there is a provision added at the very end of this Conference Committee Report that was just pointed out to me, and it appears to be some kind of requirement on insurance companies. Could you tell me what that's all about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

It says that the insurance coverage that DCFS may provide for foster families -- I'm sorry -- it prohibits insurance from treating a foster child any differently than a natural adopted child when determining homeowners or renters insurance premium. Prohibits insurers from considering care of family household as use of the dwelling for a business purpose. And this -- this came from downstate, from the foster parents there, sir.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I think, Senator, that -- that this is unnecessary language. As I understand, homeowners policies generally provide -- any resident of a household has coverage under a renter's policy or a homeowner's policy, and I don't understand why we're getting into the Insurance Code for purposes of accomplishing what it is you want to do. I would simply point that out to the Members. I think this is -- this is certainly kind of unprecedented, in that what we're trying to do here is dictate what insurance coverages must be on property and casualty insurance, which is certainly a departure. I -- I'm wondering if the sponsor perhaps could explain where this came from, or why -- if there's any good reason why we need to do this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Senator, I'd like to say that this particular part of the bill was recommended by the Department of Insurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, there appears to be some misunderstanding here or confusion, because the Department of Insurance specifically contacted me and pointed out that this was in this bill, and I'm sure they're not in support of this particular provision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

But I'd like for you to know that it was also recommended by

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the Department of Children and Family Services. And I'd like to say this to my friend that was talking here, that last -- when we had this bill through here before, she voted for this bill and it flew out of here at 58 to nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd just like to rise in support of this bill. You know, we always talk about getting foster parents to take these kids nobody wants. Then when it comes time to do something for the foster parents, oh, we can't change the Insurance Code. We can't give them more money. We don't have the money to do this. But everybody is all for saying that we're putting these kids up for adoption or putting them in foster homes. Well I think we should vote to take care of the foster parents. We have to take care of these kids prior to their being adopted or when their kids are unwanted. I mean -- you know, it's easy to take positions on some issues and then when it comes time to paying for the result of those positions -- to come up with some argument, that "Well, we can't change the Insurance Code - my gosh, that would be terrible!" But in the meantime, foster parents can't get insurance for foster children? That's ridiculous. We should all be voting for this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith may close.

SENATOR SMITH:

I just ask for a favorable vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 3580. 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

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the record. On that question, the Ayes are 30, the Nays are 21, 3 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3580, and the bill, having received the required constitutional majority, is declared passed. Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Yes. I'd like a verification of the affirmative roll call, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Topinka has requested a verification of those Members who voted in the affirmative. All Members will be in their seats. The Secretary will call the names of the Members who voted in the affirmative. Madam Secretary.

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, Kustra, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Severns, Smith, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka, do you question the presence of any Member who voted in the affirmative?

SENATOR TOPINKA:

Yes. Senator Lechowicz, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Senator Lechowicz. Strike his name.

SENATOR TOPINKA:

I think that does it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the question, the Ayes are 29, the Nays are 21,

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3 voting Present. The -- Senator Smith -- requests postponed consideration. Postponed consideration. 3610. Senator Dunn. House Bill 3610. Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. That's been filed, but not distributed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Let's take it out of the record and come back to it. Page 2 on Supplemental Calendar No. 1. 4178, House Bill. Jones. House Bill 4178, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 4178.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I move that the House <sic> non-concur -- do not adopt Conference Committee Report 4178. The House has already acted on this Conference Committee Report and rejected it, so I in turn request a Second Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones has requested that the Senate not adopt -- but the question will be placed in the affirmative, Senator Jones. The question is, shall the Senate adopt the First Conference Committee Report on House Bill 4178. 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 7, the Nays are 27, 2 voting Present. The Senate does not adopt -- does not adopt the First Conference Committee Report, and the Secretary shall so inform the House. Senate Bill 2306, Madam Secretary.

SECRETARY HAWKER:

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First Conference Committee Report on Senate Bill 2306.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Conference Committee Report on Senate Bill 2306 concurs in the initial House amendment. The idea was on demolition of properties, and the House added a correct amendment on notice of lien on costs incurred within a municipality for repairs and demolition. In addition, it adds provisions to permit municipalities over one hundred thousand population to provide, by ordinance, for code hearing units to expedite prosecution of code violations commonly known as fly dumping. This would be of certain solid waste products, demolition materials, and so on -- so to allow for an expedited hearing process to deal with those people who have been engaging in the act of fly dumping. Thirdly, it specifically states the beginning of the term of office in the City of Chicago for the Clerk, Treasurer and Aldermen, which would be noon the first Monday of the month following their election. I would ask for adoption of Conference Committee Report No. 1 and answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, the provision on the administrative recourse for the municipalities over a hundred thousand - is that permissive?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes. We gave them the ability to establish by ordinance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I'd prefer a favorable roll call.

PRESIDING OFFICER (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 2306. 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, none voting Present. The Senate does adopt the First Conference Committee Report on 2306, and the bill, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 2. ...(machine cutoff)... Second Supplemental Calendar. Looks like Marovitz, Marovitz, Jones, Rea, Holmberg. Supplemental Calendar No. 2 is House Bill 1550. Senator Marovitz. 1-5-5-0, House Bill, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1550.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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

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House Bill 1550 disallows contracts between the board and its members unless the unit owners are afforded an opportunity to disapprove the contract. It establishes criteria for determining the reserves to be budgeted. Last year we passed a bill unanimously in the Senate requiring reserves in condominium associations. There was some question about what that was. This just defines what we meant by "reasonable reserves." That's something that we passed last year. It makes requirements applicable to single associations, applicable to master associations. It specifies if a unit owner disputes the value of his unit upon the sale of the building, he's allowed to designate an appraiser. Motions with respect to pleadings, involuntary dismissal, and for some rejudgment can be filed together as a single motion. Regarding the -- insurance, it allows a domestic insurance company with capital surplus of five million dollars or more to reinsure the business of title insurance companies. It establishes an immediate effective date for House Bill 3834 and 3740 that was passed this Session. That was specifically requested by the Department of Insurance, and it develops and administers the Attorney Student Loan Repayment Assistance Program to assist new lawyers who are in underserved areas with repayments of their loans, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I think there may be some questions on some of our Members on our side with regard to the Attorney Student Loan Repayment Assistance Act. I'm not -- I'm not quite sure how that's supposed to work. I -- I would only point out to -- to the Members that might object to that, that there's no money in here or anywhere else for this particular program. I think it's questionable whether -- whether this particular provision and



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program - whatever - come to pass, there are, in my opinion at least, a couple of things in this bill that are necessary, particularly with regard to establishing immediate effective dates for two separate pieces of legislation that we have passed for the Department of Insurance. And so I urge support for those, and otherwise ask the Members to support this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor. Question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Marovitz, on your Student -- Attorney Student Loan Repayment Assistance Program -- if there isn't any money in that, do you anticipate there be a waiver for lawyers from the Student Loan Board or from the Assistance Commission, so that lawyers who have student loans may get something waived instead of getting paid extra?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, I do not anticipate a waiver. Absolutely not, and I would reiterate that there are no State funds here, and I do not anticipate a waiver. This is something that the Supreme Court suggested, and if they can set up some rules to administer this, then it will go into effect; and if they don't set up rules within two years, then this whole program is abrogated and won't ever begin, but there will not be any waiver of any attorney's loans.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WGN has requested permission to videotape. Is

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leave granted? Leave is granted. Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'll make a quick statement, then I have some questions. First of all, you may have noticed if you are looking at her desk for a Conference Committee Report that looks about as thick as your car, that's this one. It's a hundred and nineteen pages long. You know, we sometimes question what goes into these last-minute ones -- hundred-and-nineteen-page Conference Committee Report. Some of these things were introduced, but were left in the Rules Committee, but some of it is new, and -- and Senator Welch raised a question on one that I will ask Senator Marovitz a question on. This would allow the Supreme Court, in talking to the Student Assistance Association, to come up with some way to deal with the student loans of attorneys who are now working for the government. Now if you're in the private sector, this doesn't do you any good. They would tax private sector lawyers, and the Supreme Court would do this on their own, without legislative authorization -- tax private sector people to subsidize college loans of people would have chosen to be, say, a State's Attorney or whatever. Now most of us know that the majority - and Cook County'd be an example, because there are many people who are here who are aware of it - they'll serve a couple years as an Assistant State's Attorney to gain experience and then go out in the private sector. So what you really are guaranteeing is that these people will get a real break on their loan. We will have no authorization on how it's done. The Supreme Court will tax the private sector. By the way, I'm assuming unaudited funds to subsidize the public sector, and they may get to decide how to do it based on number of State's Attorneys, which, of course, would vary based on county, as you can tell. From a downstater's point of view, I would be a touch

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nervous about that kind of provision, and I would remind you this provision has never been seen in a bill; never been seen in a conference committee report, until now; never had a public hearing; never been discussed. You sometimes wonder why people wonder about what we do - this is a perfect example. Nobody has seen it. We don't even know for sure how it will be implemented. We are handing the Supreme Court the equivalent to the right to tax, and I am assuming, unaudited funds. This is an interesting kicker. I conclude by simply asking a question. Senator Marovitz, would you be willing to include something that says this fund would be an auditable fund? Would the Supreme Court accept us auditing them taxing the private sector to subsidize the public sector?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The answer is an unequivocal yes. Absolutely. I'd be very happy, and I would agree with you a hundred percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Would you put that amendment on for us? 'Cause I have a feeling that the Supreme Court won't accept that. I trust your word. They haven't allowed anything to be audited. So I just throw that out as something to consider, and I appreciate your word, because that does improve the credibility factor. But remember, no one's ever seen this. No one has ever seen this. We haven't the faintest idea how it's going to work on a hundred-and-nineteen-page report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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Thank you, Mr. President. On another issue: there is added to this bill another provision which has never seen the light of day in any committee; had not surfaced until the last closing hours of the Legislature, and that's the provision that would allow a domestic insurance company to go into the business of reinsuring title insurance companies. I don't even know if it's a bad idea. The point is that these people don't have the courtesy nor the good judgment to bring their issues to the Legislature and let us look at them before they bring it in and try to sneak it under the tent at the last minute. Now the Department of Insurance apparently doesn't have any objection to this idea, but you may have some objection and I may have some objection. On a hundred-and-forty-seven-page bill, as Senator Keats has said, with some very good provisions in it. Some things we ought to do. They try to sneak in some of these issues that shouldn't be in there, at the last minute, and I am in a mood to reject this thing, and let them come back with something we can support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he -- Senator Marovitz indicates he will yield.

SENATOR DUDYCZ:

Senator Marovitz, the Attorney Student Loan Repayment Assistance Act - is this one of a kind or is there any other profession in the State of Illinois that has a similar program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you asked that. The doctors have a very similar program to -- to help repay and contribute money for physicians

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who serve in underserviced and underprivileged areas -- very similar to this. The doctors have it, and I'm glad you asked that question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I just would add -- this is a long -- this is a long bill. It's over a hundred pages. Well over half of this bill is the insurance portion of the bill that was requested by the Department of Insurance so that they could have an immediate effective date on a couple of very important pieces of legislation, to them. The entire bills were repeated in here, and that was requested by the Department of Insurance, and that is a very important part of the legislation and makes up over fifty percent of the -- of the legislation itself. Regarding the -- the lawyers' loan thing, the Supreme Court today set the fees in the ARDC - Attorney's Registration and Disciplinary Committee - and administer those fees. They set those today in order to police the legal profession. As Senator Dudycz brought up, the -- the doctors already have this in order to serve rural areas and areas where physicians are needed. This does the same thing where attorneys may be needed. If the Supreme Court can't set this up, it will not even go into effect. There are no public funds for this. There are no State funds for this. There's a lot of condominium law in here that is -- has been requested by condominium associations throughout the State of Illinois. The Insurance Department is for this. They have some very important pieces of legislation in this, and I would solicit

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your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 1550. 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 14, the Nays are 37, 1 voting Present. The Senate -- the Conference Committee Report is not adopted, and the Secretary shall so inform the House. 4124. Senator Marovitz. House Bill 4124, Madam Secretary.

SECRETARY HAWKER:

First Corrected Conference Committee Report on House Bill 4124.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

We are waiting for the staff to come up with the analysis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do you care to identify the -- Senator Marovitz.

SENATOR MAROVITZ:

Okay. This is the Drug-free Schools and Communities Act. The -- tax checkoff - income tax checkoff - is in here for DASA. It revises the distribution system of the funds created by the Youth Drug Abuse Prevention Fund income tax checkoff. It commits -- it creates an income tax checkoff for the United States Olympic Committee Fund. Requires the Department of Corrections to test inmates for illegal drugs prior to early release. If that early release is based on meritorious good time, not just day for day, but if it's based on meritorious good time, then they will be tested for illegal drugs prior to their release. Creates the Cannabis and Controlled Substances Tort Claims Act. Provides that a person is civilly liable for the use of any property in

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violation of the Cannabis Control Act or the Illinois Controlled Substances Act if there is delivery under -- under the Act to a minor; delivery of a substance under such Act which is later involved in a transaction giving rise to the cause of action under this Act. And I would ask for adoption of the Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, I believe that I signed this report, but I do have a question about the one provision that I had some discussion with your staff about, relating to a period of thirty months' probation and periodic drug testing for Class 4 felonies under the Controlled Substances Act, and providing that if this period was successfully completed without any additional offenses, that there would be no conviction of record. Is that -- is that still in the Conference Committee Report?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz. Is that a question? Senator Marovitz.

SENATOR MAROVITZ:

It's my understanding that that is not in this bill. That provision which you are referring to, Senator Barkhausen, is not in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, I noticed in reading the Conference Committee Report

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here - beginning about halfway through Page 1 and then continuing over on Page 2 - there are a series of deletions here. The words "and alcohol," "and alcohol," "and alcohol" are deleted. May I ask why you have deleted alcohol from the Drug-free Schools and Communities Program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

We were asked to delete alcohol and make this the - as it was intended - the Drug-free Schools and Communities Act. This bill -- this bill deals with drugs and only drugs, and does not deal with alcohol abuse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Well, I would just make the -- the comment - it seems to be that the -- all too commonly among young people, the drug of abuse is alcohol. It seems to me that by deleting alcohol you've deleted what should be a very important element in a drug-free school program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That wasn't a question, it's... He didn't ask me a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge. All right. Senator Marovitz may close.

SENATOR MAROVITZ:

I would just close by saying this is the Drug-free Schools and Communities Act. That's what it is. It's not the drug- and alcohol-free schools, and maybe it should be. And I wouldn't disagree. But the fact is it is -- it is the Drug-free Schools



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and Communities Act. That's what it -- it is what it says, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is -- shall the Senate adopt the First Corrected Conference Committee Report on House Bill 4124. 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 55, the Nays are none, none voting Present. The Senate does adopt the First Corrected Conference Committee Report on House Bill 4124, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1523, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1523.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I move the Senate adopt the First Conference Committee Report on Senate Bill 1523. The Conference Committee Report contains the original bill which establishes five hundred scholarships to be -- to be given annually beginning in the fall of '91-'92. House Amendment No. 1 changes the employment and scholarship repayment requirements. House Amendment No. 2 creates the Illinois Peace Corps Fellowship Program. Amendment No. 3 requires Drivers Ed courses to include instructions on DUI. Amendment No. 4 expands the definition of "approved institutions" for the purpose of eligibility for nursing scholarships. Amendment No. 5 provides for grants for the teachers who obtain -- who obtain employment in the public or private sectors to gain practical knowledge in that subject. Amendment No. 6 requires Drivers Ed to cover organ donor

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programs. Amendment No. 7 adds provisions increasing the annual per capita in area grants for public libraries. So I move the adoption of Conference Committee Report No. 1 to Senate Bill 1523.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

If I may have a question of the sponsor, and that is...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

Yes. Does this in any way mess with the scholarship program for nurses? That was my bill that we passed out, or it is complimentary to?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

With you -- with you, Senator Topinka, it's always complimentary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1523. 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. The Senate does adopt the First Conference Committee Report on Senate Bill 1523, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1702, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1702.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea ...(machine cutoff)...

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SENATOR REA:

Thank you, Mr. President. I would move for concurrence on -- or for the adoption of the Conference Committee Report on Senate Bill 1702. 1702. This Conference Report concurs in House Amendment 3, which exempts landscape waste collected in street sweeping operations from the landfill ban, and requires public notice for a compost facility permits. And under the Private Disposal Licensing Act a person who cleans, pumps, or hauls, or disposes of wastes from an underground coal mine is exempt from the licensing requirements, and such waste shall be disposed of in a sanitary manner. And finally, the definition, "owner/operator of hazardous waste facility" is clarified to mean in the case of a land trust or the person having an interest in such trust. I would move for the adoption of -- of the Conference Committee Report.

PRESIDING OFFICER (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on -- Senate Bill 1702. 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. The Senate does adopt the First Conference Committee Report on Senate Bill 1702, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1884. Senator Holmberg. 1884, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1884.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz, for what purpose do you arise? Senator Holmberg.

SENATOR HOLMBERG:

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Thank you, Mr. President. This Conference Committee Report is basically a bill that passed out of here on the Agreed Bill List. It -- the House recedes from House Amendment No. 1, which deleted the bill's immediate effective date. It keeps two of the House amendments; Amendment No. 2, which permits alcoholic liquor to be delivered to and dispensed on the DeKalb County Courthouse grounds only in connection with one particular function this summer, and then a second provision from the Department of Conservation, which permits alcoholic liquor to be sold in the Department of Conservation controlled buildings, and it exempts the DOC concessionaires from the local control and local referendum provisions of the Liquor Control Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate adopt the -- Senator Schaffer.

SENATOR SCHAFFER:

I'm just curious. What are we doing on the 20th of July at the DeKalb County Courthouse that requires liquor? Is it a particularly tough landfill meeting of the county board or what?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

As I remember the explanation to me - I could have this a little bit wrong - I think it's whoever -- first was the director of the County Courthouse is retiring, and they wanted to have a party on the premises, and found out they could not do this without special permission, and wish to do it for a one-time thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

I wanted to answer Senator Schaffer's question. It was my

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understanding there is a Republican judge who is going to have a party there, so they wanted to serve liquor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1884. Those in favor, 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 9, 1 voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill -- 1884, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1-9-6-0, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1960.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. The First Conference Committee Report on Senate Bill 1960 is the bill that we passed out of here creating the special task force to address some of the critical social and economic issues confronting African-American males. There was some discussion about the appointments not being equally divided between the Democrats and the Republicans, so the Conference Committee Report addressed that issue. It is now split equally down -- the appointments will be the same, and also there's some technical corrections as it related to the reporting day. I will be happy to answer any questions. If not, I would just move for its adoption and appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Report on Senate Bill 1960. Those in favor will vote Aye. Those opposed, 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. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1960, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 2231. Senator Welch. Senator Welch on the Floor? Senate Bill 2277. Senator Rea. House Bill -- I'm sorry. Senate Bill 2277, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 2277.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I would move for adoption of Conference Committee Report on Senate Bill 2277. 2277 retains the bill, as amended by House Amendment 3, and deals with the concerns of the Illinois Primary Health Care Association, and the Campaign for Better Health Care. It also provide provisions as passed by the Senate in Senate Bill 2277 which pertains to community health centers. There is not a funding mechanism for the bill. However, this bill is endorsed by the Lieutenant Governor, by the Department of Public Aid, hospital, doctors and other health care providers. I think that this is a good start in a comprehensive program, and certainly feel that it's something that we need to really give consideration to between now and November, as to what the funding mechanism will be. And we'll be coming back in November, hopefully with some type of proposal as to the funding mechanism. I would move for adoption of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

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Yes, Mr. Chairman. I would like the -- the Chamber to know that Senator Rea's done remarkable work in cleaning up this bill, and it's quite acceptable at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 2277. 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. The Senate does adopt the First Conference Committee Report on Senate Bill 2277, and the bill, having received the required constitutional majority, is declared passed. Senator Welch. 2231. All right. Next -- Page 3 or Supplemental No. 3. All right. Supplemental Calendar No. 3 is just now being distributed. So while -- Senator Schaffer, what purpose do you arise?

SENATOR SCHAFFER:

Mr. President, on a point of personal privilege. I have discovered there are two people in the gallery that were down here lobbying on the DeKalb County Courthouse Drinking Bill. Kayla Kittleson and Patty Racine from DeKalb, and I just want to let them know they'll be able to have their party in July and have -- be able to drink whatever they choose.

PRESIDING OFFICER: (SENATOR LUFT)

Yeah. Do they dare rise? Congratulations. We will stand at ease for a second until the Calendar is distributed. ...(machine cutoff)... We will go in this order: it will be DeAngelis, Collins, Jacobs, Thomas Dunn, Daley, Rea, Welch and Maitland. ...(machine cutoff)... 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

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the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 2083,

together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 3 and 5.

Passed the House, as amended, June 29, 1990.

PRESIDING OFFICER: (SENATOR LUFT)

Secretary's Desk, Concurrence. Supplemental Calendar No. 3, Conference Committee Reports, is House Bill 2647. Senator -- DeAngelis. Read the report, Madam Secretary. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2647.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. The Conference Committee Report -- First Conference Committee Report on House Bill 2647 puts the bill in the form that it was when it left the Senate. We put an amendment on taking something out that we found to be objectionable. The House refused to concur. We refused to recede; it went into conference, and the bill is now the way it was when it left the Senate, and I urge the adoption of First Conference Committee Report on House Bill 2647.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2647. 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 53, the Nays are 3, none voting



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Present. House Bill -- and the Senate does adopt the Conference Committee Report on House Bill 2647. The bill, having received the required constitutional majority, is declared passed. House Bill 2899. Senator Collins. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2899.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. House Bill 2899 is the bill that we passed which gave the CTA in Chicago the -- the authority to require background investigations -- would include fingerprinting on those carriers -- bus drivers that private contracts with the Chicago Transit Authority. We are talking about those who move senior citizens and others who enter into contracts with the Chicago Transit Authority. In addition to that, there was an amendment included on the bill which also allowed them as many other cities are -- use electronic ticketing devices -- automatic ticket-writing system to not to require the signatures of -- of the law -- of the officers on some of those, and it also takes out the amendment that were put on by Senator Watson, which dealt with the advertisement problem that -- that has been -- some feel that it is offensive. And that's all it does at this particular time, and I would be happy to answer any questions. If not, I would move the adoption and appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she'll yield.

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SENATOR WATSON:

Some confusion here, Senator, as far as Amendment No. 4. Amendment No. 4 was the language that would ban the posters being put on the CTA buses. Some confusion on our side as to whether or not that provision is in this Conference Committee Report or not.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

According to the staff - and you know that there have been several of these things floating back and forth - this is the one which takes out that -- that amendment which dealt with the advertisement.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Okay. Thank you. That's what I thought Senator, and thank you. It's unfortunate, and when I passed out a copy of the poster that is being proposed to be put on CTA buses in Chicago, and I think most of you - or a lot of you - have come around and commented about the poster, and it is, most of you feel, very offensive. You know, we're catching a lot of heat from some groups saying that what we've done here is in one way or another not supporting the concern for -- for the AIDS problem. But if you look at the poster, and you read the language on the poster, and it says, "Kissing doesn't kill - greed and indifference do," I'm really not sure what kind of message they're trying to send to the people of - in this particular case - Chicago. I think that this -- this language to prohibit the CTA from displaying this poster should go back and come into this Conference Committee Report. We have prepared a Second Conference Committee Report signed by five Members. A sixth Member will sign this upon, hopefully, the defeat of this particular Conference Committee, and we'll file

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this report. It'll have identical language as it -- that's in current Conference Committee Report No. 1, plus we'll put back in the language that will prohibit the CTA from displaying posters such as we have here, and I, you know, this is very offensive to me and most of the people that I've discussed it with. So I would appreciate a No vote. Let's send it back to conference, and get this provision back in the bill. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Maybe the -- the previous speaker here -- I've got this copy. I just wonder which one of the photographs you found that you were in opposition to. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Marovitz. Further discussion? Further discussion? If not, Senator Collins, to close.

SENATOR COLLINS:

Yes, thank you. I -- I served on that committee. I was asked to go in and -- and to discuss how to attempt to address this problem, and while I understand what Senator Watson is trying to do, from the beginning I said that I did not believe that that amendment would stand the constitutional test. It may send the message. However, I don't think the courts would uphold it. I understand it; however, the sponsor of the bill does not wish it to be attached to the bill. It is not mine; it is a House bill. Therefore I will abide by the wishes of the sponsor, and I would hope that you would also, and give an affirmative vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on House Bill 2899. Those in favor will vote Aye. Opposed, vote Nay. The voting is open.

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...(machine cutoff)... Have all voted who wished? Have all voted who wish? Have all voted who wished? ...(machine cutoff)... Take the record, please, Madam Secretary. On that question, the Ayes are 14, the Nays are 40, 1 voting Present, and the Conference Committee Report is not adopted. The Secretary shall so inform the House. On the Order of Conference Committee Reports on Supplemental Calendar No. 3 is House Bill 3-1-5-3. Senator Jacobs. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on 3153.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I would move that we adopt the First Conference Committee on House Bill 3153, which includes a number of things from the speedup of the home rule sales tax to the water and school construction projects, and I would ask for an Aye -- Aye vote. I would like to turn over the rest of my time to Senator Demuzio.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thanks. I want to congratulate Senators Woodyard and Senator Rigney, and Senator Schaffer, and everybody who worked on this particular bill. I think it's -- it's a great bill, and would ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3153. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please,

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Madam Secretary. On that question, the Ayes are 57, the Nays are none, 1 voting Present, and the Senate does adopt the Conference Committee Report on House Bill 3153. The bill, having received the required constitutional majority, is declared passed. House Bill 3610. Senator Dunn, Thomas. Madam Secretary.

SECRETARY HAWKER:

First Conference -- First Corrected Conference Committee Report on House Bill 3610.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is the Drug Asset Forfeiture Procedure Act, and it provides that real property is subject to forfeiture upon the delivery, possession with intent to deliver, or a calculated drug conspiracy under the Controlled Substances Act. For property to be exempt from forfeiture the claimant must prove that he is a non-coconspirator with the offender. Real property can only be forfeited under Section 401 or 405 of the Controlled Substances Act, and real property cannot be forfeited under the provisions of the Cannabis Control Act. Originally the bill provided for forfeiture of real property under the Cannabis Control Act. Those provisions were specifically removed by Conference Committee Report so that the law will now provide only for forfeiture of real property or delivery of a controlled substance. This is agreed to by the State's Attorneys, Appellate Prosecutor, the Cook County State's Attorney, the Attorney General, State Police, the Chiefs of Police, Chicago Police, the Realtors. The vote in the House about ten minutes ago was 106 to 7. It changes the distribution schedule by agreement with all parties. It eliminates the Steroid Control Act. Reduces the time period for which State's Attorneys must be notified of a forfeiture or seizure from sixty to fifty-two days. And personal

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property is subject to forfeiture upon any felony violation of the Cannabis Control or Controlled Substances Act. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Does this bill now - this Conference Report - provide for the seizure of property where the certain drug offenses occur, regardless of whether the drug offender owns the property?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

The property owner, Senator, would have to be a coconspirator in some manner.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But this bill does provide for forfeiture of the property to the State, even if the owner is an innocent third party not accused of any crime. Isn't that right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

That's been changed, Senator, so the answer would be no.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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

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certainly will support the bill. I just want to make it a matter of legislative intent that the innocent parties will not be harmed, and will have recourse by an injunction in the court if it occurs that innocent landowners or landlords are accused.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpriel.

SENATOR KARPIEL:

Thank you. Just to clarify that point, in case people didn't hear it. The Realtors are now in favor of the bill. The provision they were concerned about has been reworded to their satisfaction. I rise to ask a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR KARPIEL:

I believe -- if I could find where it is in here. It says something about this -- this Conference Committee removes the Steroid Act.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

It does not affect the Steroid Act. The Steroid Act is still in full force and effect.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of this bill. I want to congratulate the sponsor and all the groups that worked long and hard this week. We had dual bills proceeding. I think the concerns of the parties have largely been addressed. I know the Realtors have been turned around on the bill. The law enforcement groups are solidly behind it. It's a -- it's a positive step forward in our Asset Forfeiture Law. It will allow

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us to join the battle better against the crack houses, the cocaine houses, and the people whose property we need to be forfeiting, and I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Dunn, you wish to close?

SENATOR T. DUNN:

I want to thank the -- Senator Hawkinson for his assistance in this bill, as well as the staff of both sides. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Question is, shall the Senate adopt the Conference Committee Report on House Bill 3610. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3-6-1-0. The bill, having received the required constitutional majority, is declared passed. House Bill 3-8-2-4. Senator Daley. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3824.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I move the adoption of the First Conference Committee Report on House Bill 3824, and what the Conference Committee Report contains is provisions sought by the State Board of Elections, the Administrative Courts of the Illinois Courts, the Township Officials. And what the bill contains is photo registration tapes submitted to the State Board of Election shall include primary



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voter history. Requires a list of election judges to be made available to the public within ten business days following the election. It requires the State Board to design a standard and random method of selecting precinct subjects to retabulation for use by election authorities. It requires the election judge's certificate of results to be a document used for the officials' canvass. It establishes noon on the first Monday in May as the beginning of the term for the Chicago City Clerk, Treasurer and Aldermen. It also states that a candidate defeated in nomination for office by a party -- by a political party caucus is ineligible to run as a candidate for another political party. It gives the State Board of Election as election date to process objections to nominating petition. It provides for an election to fill a vacancy in the Office of the Circuit Clerk. It establishes a process by the Administrative Office of Illinois Courts to certify vacancies to the State Board of Elections. It adds references to State central -- committeewomen. It deletes provisions prohibiting a voter from signing nominating petitions if the voter votes in a different primary within two previous years. It requires the election authorities to keep their offices open additional hours during the period for petition challenge, if requested by a challenger, and it deletes languages that contradict provisions of federal law regarding polling place accessibility. What this bill does not contain are two provisions that were in here previously by Senator Dudycz, and those were a joint -- a Statewide absentee ballot application, as well as a provision for filing petitions in Chicago, as well as Springfield. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senator Daley, it's my

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understanding that the Governor's Office and the Speaker's Office are in some very delicate negotiations as we speak. Would you be willing to hold the Conference Committee until those negotiations have concluded?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, as I indicated to you when you told me that, I did call the Speaker's Office, and I was informed that they were not meeting on this. And there was not any meeting on this at all. And they would urge the -- to -- to move on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Daley, the last I heard that the Governor was -- or the Governor's Office was in communication with the Speaker's Office, attempting to get a provision that we in the Senate passed out of this Body three times, and that is the uniform absentee ballot provision that we've been trying to get passed and the House has been killing. I would urge at least the Members on this side, hopefully everybody in this Body, to reject this First Conference Committee Report until those negotiations have concluded, and hopefully we can include that provision in the Second Conference Committee Report. I would strongly urge that everyone just vote Present, and hope that we can resolve this in a Second Conference Committee.

PRESIDING OFFICER: (SENATOR LUFT)

...(machine cutoff)... Further discussion? Further discussion? Senator Daley, you wish to close?

SENATOR DALEY:

Simply, Mr. President, that as I said, there are -- this is -- this is the final bill, and I did talk to the Speaker's Office.

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And my understanding is that they're not meeting on this bill, so I would move adoption of the First Conference Committee Report on House Bill 3824.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 3824. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Last time. Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 30, the Nays are none, 26 voting Present. The Senate does adopt the Conference Committee Report on House Bill 3824. The bill, having received the required constitutional majority, is declared passed. Senator Dudycz, for what purpose do you seek recognition?

SENATOR DUDYCYZ:

I'm sorry, Mr. President. I would like to verify the affirmative vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Dudycz has requested a verification. All Members please be in their seats, and the Secretary please read the affirmative votes.

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.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz, you have any questions of the roll call?

SENATOR DUDYCYZ:

Senator Jones.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones. Is Senator Jones in the Chambers? Senator Jones? Strike his name, please, Mr. Secretary.

SENATOR DUDYCZ:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jeremiah Joyce? Senator Jeremiah Joyce?

SENATOR DUDYCZ:

Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jerome Joyce?

SENATOR DUDYCZ:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz? Senator Lechowicz is in his chair. Senator Jones has returned. Would you please restore his name to the roll call, please.

SENATOR DUDYCZ:

Senator Zito.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Zito is standing in the back.

SENATOR DUDYCZ:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Any further questions? The roll call has been verified. There are 30 Ayes, no Nays, 25 voting Present. The Senate does adopt the Conference Committee Report on House Bill 3824. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is Senate Bill 2-2-2-2. Senator Welch. Senator Welch. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

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Conference Committee Report on Senate Bill 2222.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 2222 contains several provisions that have appeared in other bills. First of all, it requires that all fire departments, rather than only those that use nonvolunteers, to be reimbursed by a person convicted of an offense of driving under the influence, for the cost of using emergency personnel or equipment in an accident resulting from that violation. Secondly, it clarifies that a municipal public hearing need not be ten days before the annual appropriation ordinance, and that the ordinance may be adopted at the same meeting. That language was suggested by the Municipal League. It also states that Will County municipalities are permitted to locate and regulate the use, construction, sale of private airports within three miles of their boundaries. It also says that cities and counties, by ordinance, may require the construction of fences around previously constructed artificial basins of water dug in the ground and used for swimming or wading, located on private residences. It also states that the city clerk is authorized to make -- make service of summons by certified mail in actions for violation of a municipal ordinance, when the fine is not in excess of five hundred dollars. It also adds technical language to the Quad Cities Economic Development Act cross-referencing those two separate Statutes. I'd be glad to try to answer some questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report to Senate Bill -- I'm sorry. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Is Amendment 5 in this report that requires any -- that any municipality within Will County may regulate the use, construction, sale of private airports within the municipality and within three miles beyond the corporate limits?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Senator, what happened was that specific amendment was taken off, but some of the language was kept later on in the bill and it was clarified.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, give me the language that was put in, then, in its place.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Do you have the bill -- if I -- Mr. President, that was Senator Dunn's language. Perhaps he could answer that question better than I can.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Would you repeat the question please?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Before -- Senator Welch said that Amendment 5 that provided that a municipality could regulate the use, construction, sale of a private airport within the municipality and within three miles beyond the corporate limits -- he said that that was taken out and something else was put in its place. What was put in its place?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Senator, essentially the same language. It was language that was objectionable to the Municipal League, and we substituted language that was acceptable to them.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What language was acceptable? Tell us what language you've got in there.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Senator, the exact language as the Statute reads, is, "The corporate authorities of any municipality located within a county with a population over three hundred thousand and less than three hundred and fifty thousand, according to the 1980 federal census, may regulate the use, construction, and sale of private airports within the municipality and within three miles beyond municipal limits if the airport is not within the corporate limits of any other municipality." That was the language they wanted. That's the language we got.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

...(machine cutoff)...President, I think that's an onerous -- onerous part of that report. I know the Department of Transportation has opposed this. This would set a bad precedent, and there is another part of this bill that I -- I am horrified at. And I would like to tell you that's -- Amendment 1 on this bill says that -- oh, I'm sorry -- that was taken out? Going back to the airport situation. Three miles, even now a municipality can make objections within a mile and a half of its borders - not three miles. I think this is a very bad precedent, and I speak against this Conference Report the way it is now.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I'd like to speak in favor of the bill now, and reply to Senator Geo-Karis and tell her that that's the home district of Larry Wennlund, who is a member of your side, and he is very much in favor of this. And that's part of my district, and so am I.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR RAICA:

This is only a question. Regarding the Senate Bill 1734 that was in here, it's -- where it permits volunteer fire departments to collect from DUI offenders relating to accidents. Is that -- is there any geographic boundary on that, Pat, or is that Statewide as far as -- or volunteer -- it includes all volunteer and nonvolunteer departments now - right? Is it depending on the



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size of municipality, or no? It just includes everyone?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

It includes everyone Statewide in any size volunteer department or nonvolunteer department.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As minority spokesman on Local Government and as a -- a conferee, we have gone over this bill. We did correct it. There was some bad language in it originally. Most of the language, very frankly, is either clean-up language that has been requested by Chapman & Cutler, for Denny Jacobs' district, or it's bills that frankly we have passed before. The only bill that we didn't pass before was the Will County Airport. We have checked with our -- my -- our Republican colleague in the House. Indeed, he does think this is a good idea, and I would suggest an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

I apologize that I'm speaking for a second time, but I find another amendment that's in this thing that's onerous. It says here that the corporate authorities of a municipality shall not commence any condemnation action with respect to acquire, by purchase or any other means, any private airport which is located in Will County and is located outside the corporate limits of a municipality, unless the acquisition has been approved by ordinance by the County Board or by municipal ordinance. I think that's very onerous. In other words, there is a power of condemnation here simply -- what has it been changed to? Now the

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sponsor of the bill tells me that's been changed. This bill is awfully confusing the way it is.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch, you wish to close?

SENATOR WELCH:

I would just urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 2-2-2-2. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record please, Madam -- Mr. Secretary. On that question, the Ayes are 55, the Nays are 2, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 2-2-2-2. The bill, having received the required constitutional majority, is declared passed. At the bottom of the page is House Joint Resolution 18. Senator Maitland. Read the motion, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

The House Joint Resolution 18. The Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. House Joint Resolution 18 creates the Task Force on School Finance that will, for the next year, study school finance in Illinois. It will consist of twelve Members from the General Assembly, the State Superintendent of Education and eight public members. Mr. Chairman -- Mr. President, I move for the adoption of the First Conference Committee Report on House Joint Resolution 18.

PRESIDING OFFICER: (SENATOR LUFT)

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Discussion? Discussion? If not, the question is, shall ... (machine cutoff) ... adopt the Conference Committee Report on HJR 18. Those in favor will signify by voting Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present, and the Senate does adopt HJR 18 -- the constitutional majority -- having received the constitutional majority, is declared passed. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If I can have the attention of the Membership so that everybody understands what the schedule is. I have spoken with the Speaker at least three times in the last two hours, and insisted that we will conclude our business this evening. This is going to be it. For the first time in the history of Illinois, we're going to conclude our business on time and perhaps a little early, but we will finish this evening. In accordance with our established procedure, we have two appropriation bills that have yet to be heard, and I've asked Senators Carroll and Hall to convene a meeting of the Appropriations I and II Committee for the purpose of hearing what is in those bills. I've also asked Senators Etheredge and Maitland, obviously. And so I think it -- we have -- Senator Philip and I have just signed off on about eight or ten additional conference committee reports. So my suggestion is that we will take a break. Those of you who are not on Appropriations can get some dinner. Appropriations people can do what they have to do and hopefully conclude their business in a hurry, and then get some dinner. But I would ask you all to reconvene here at 8:30 so that we can conclude, and I promise you I am bending every effort to conclude our business this evening, so that we can say we concluded our business on the 29th day of June. So I would

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move that we stand in recess. Subject to Senator Carroll's announcement, the Senate will stand in recess until the hour of eight-thirty, and then we will go right back on the Calendar. I'll yield to Senator Carroll.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. While I think most of the Members know the contents of the agreements reached this morning with the Governor and the leadership, under our rules, we will hold a hearing immediately upon recessing, in Room 212, to discuss the contents of the report. This is just like the hearings we held yesterday. They are informative. No votes are taken in those hearings. It is merely to inform those Members who are not otherwise already informed of the contents of those conference committee reports, and -- and we would meet - if everybody would cooperate - immediately, and hopefully be out of there in just a few short minutes.

PRESIDING OFFICER: (SENATOR LUFT)

Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 1317 offered by Senator Jones.

Senate Resolution 1318 offered by Senator Topinka.

And Senate Resolution 1319 offered by Senator Raica.

They're all congratulatory.

PRESIDING OFFICER: (SENATOR LUFT)

Consent Calendar. Senator Rock moves that the -- Messages from the House.

ACTING SECRETARY: (MR. HARRY)

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

Mr. President - I am directed to inform the Senate that

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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 144.

It's congratulatory.

PRESIDING OFFICER: (SENATOR LUFT)

Consent Calendar. Senator Rock moves that the -- Senate stand in recess until the hour of eight-thirty. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the Senate will stand in recess until the hour of eight-thirty.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

The Senate will please come to order. I would ask the Members who are still meeting in the conference committees and those who are in their offices to please join us. The Secretary has distributed Supplemental Calendars No. 4 and 5, and we will proceed down that order of business. It is, indeed, the 29th of June, and we -- we, indeed, are going to conclude our business this evening. Senator Weaver wants to stay till Sunday, he says. But he's the only one, Senator Geo-Karis. I agree. ... (machine cutoff)... Senator Maitland, what do you think? All right. Ladies and Gentlemen, if I can have your attention. If you'll turn to Page 9 on the main Calendar. Page 9 on the main Calendar. On the Order of Secretary's Desk, Resolutions. Senator Maitland has requested that we move to that Order for the purpose of Senate Resolution 22, Madam Secretary.

SECRETARY HAWKER:

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Senate Resolution 22.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. The Senate Resolution 22 does urge Members of the U.S. Congress to pass the necessary legislation to see the Vietnam Women's Project is fulfilled. As you know we -- we do have a memorial there for -- for men at the Vietnam Memorial, and this simply urges Congress to do the same for the hundreds and thousands of nurses and women that served in that conflict as well.

PRESIDENT ROCK:

Discussion? Any discussion? If not, Senator Maitland has moved the adoption of Senate Resolution 22. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the resolution is adopted. Ladies and Gentlemen, if I could have your attention. Public TV has requested permission to broadcast from the Senate, as has WMAQ-TV and -- requested leave to shoot some videotape. Without objection, leave is granted. Senator Berman, don't warm up -- you know what I mean? Just...(machine cutoff)... On the Order of Secretary's Desk, Resolutions, is HJR 66, Madam Secretary, please. Bottom of Page 9, Ladies and Gentlemen.

SECRETARY HAWKER:

House Joint Resolution 66. The Committee on Executive offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The -- the amendment deleted everything after the enacting clause and reinserted substantially the same provisions, which is a result of the federal requirements

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demanded under the Family Support Act of 1988. It just requires that we set up a Child Support Enforcement Advisory Committee in the Department of Public Aid, and as I stated, it does nothing other than to set up a committee to satisfy the federal requirements.

PRESIDENT ROCK:

All right. Senator Luft has moved the adoption of Committee Amendment No. 1 to House Joint Resolution 66. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

On the main question, House Joint Resolution 66, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. It is, as I explained, on the amendment, and I would just move for the adoption of the resolution.

PRESIDENT ROCK:

Senator Luft has moved the adoption of House Joint Resolution 66. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. House Joint Resolution 66, having received the required constitutional majority, is declared adopted. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I believe I have a House Joint Resolution. ...(machine cutoff)...

PRESIDENT ROCK:

All right. Senator Philip is asking that House Joint

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Resolution 144 <sic> be - a congratulatory resolution - be discharged from further consideration of the Committee on Executive, and asks for its immediate consideration and adoption. All in favor of the Motion to Discharge, indicate by saying Aye. All Opposed. The Ayes have it. The motion carries. House Joint Resolution 144, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. My sheet -- printout here shows that it's House Joint Resolution 145 - not 144.

PRESIDENT ROCK:

1-4-5, Madam Secretary.

SENATOR PHILIP:

I hope so. What this does is it urges the Governor of Illinois to proclaim October 6th as German-American Day in Illinois. My name would not indicate that I am a Krauthead, but my mother was born in Germany -- came over when she was ten years old. Her name was Elsa Gerhardt.

PRESIDENT ROCK:

All right. Senator Philip has moved the adoption of House Joint Resolution 145. Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. A request of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR DeANGELIS:

Could you move it a little further away from Columbus Day?

PRESIDENT ROCK:

All right. Senator Philip has moved the adoption of House Joint Resolution 145. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Ladies and Gentlemen, on the main



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Calendar...

END OF TAPE

TAPE 5

PRESIDENT ROCK:

...on Page 11. If you'll turn to Page 11. On the Order of Secretary's Desk, Non-concurrence, Madam Secretary, is House Bill 3-9-9-4.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill -- pardon me -- 3994.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I would move that the Senate recede from Senate Amendment No. 1 to House Bill 3-9-9-4. This'll be final action. This was the amendment that allowed the income tax deduction for those properties -- 236(d)3 properties for senior citizens. This amendment will be removed. There'll be no deductions or income tax credits or anything on the bill, and I would ask that we recede from Senate Amendment No. 1 to House Bill 3-9-9-4.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate recede from Senate Amendment No. 1 to House Bill 3994. Discussion? If not, the question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 3994. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present.

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The Senate does recede from Senate Amendment No. 1 to House Bill 3994, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentleman, if I can direct your attention to Supplemental Calendar No. 4. You should have two Calendars in front of you, No. 4 and No. 5. We will begin on No. 4. Senator Kelly, are you ready? ... (machine cutoff) ... On the Order of Conference Committee Reports, Supplemental Calendar No. 4, there's a Conference Committee Report, Madam Secretary, with respect to House Bill 9-5-4.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 954.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, Members of the Senate. I move to concur in Conference Committee Report No. 2. This Report was just approved by the House by a vote of 117 to 0. The Report accedes to the wishes of the downstate legislators, who want the six HIV centers to be located in the Chicago Metropolitan area. The Report does not include the amendment which would have eliminated the footage requirements - Senator Fawell's amendment - for Community Integrated Living Arrangements, better known as CILAs. As I mentioned previously, the conferees, with the cooperation of the Department, the private providers, and even those that were in opposition, and everyone attending our previous Conference Committee, reached full agreement with the understanding the Department would amend their exception provisions to accommodate any private providers who were opposed to the CILA footage requirements. As to the AIDS facilities, it would now only apply to -- to the Chicago Metropolitan area, and the reason for this legislation is to clarify a licensure and a certification gap.

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There are four such facilities in existence. One at -- the Chicago House holds three of the homes serving five to six people, and the Bonaventure House serves thirty people. Currently, neither home is licensed, because they are not nursing homes. Yet, some form of minimum standards need -- needed for safety and for the residents and for the community. In addition, licensure is necessary to qualify -- in addition, licensure is needed to qualify for federal funding. Besides this, I initially agreed with Senator Fawell to -- that we should eliminate the CILAs, because I had the opinion that she had, that we, the people of Illinois, would be better served, because I know and you know how hard it is to get a CILA into your community, but after discussion with the Department and looking at the issue in -- in a long-range goal, I think the Department, I think the federal government, and especially the developmentally disabled citizens, are better served by having this footage requirement which provides for a good integrated community living. There is no reason in the world why we should compile CILAs one on top of the other. It causes disruption in a neighborhood -- in the long run would be detrimental to the interests of the developmentally disabled. I strongly support Conference Committee Report No. 2. I reiterate, it passed the House by 117 to no votes, and I would appreciate your support. I'll answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on House Bill 954. Discussion?  
Senator Fawell.

SENATOR FAWELL:

Thank -- thank you very much. What Senator Kelly is talking about is a temporary rule that is good for the next hundred and fifty days. I hope within the next hundred and fifty days we can come to some agreement that will be satisfactory to everyone. The

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AIDS language has been straightened out, so that I think Senator Welch's concerns have been dealt with, and I would suggest that my side of the aisle vote Yes.

PRESIDENT ROCK:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, near the end of your remarks you talked about accepting the distances for -- for CILAs. I don't happen to favor legislative distances, because I think they discriminate against the developmentally disabled. The providers in Peoria and Galesburg and Monmouth don't like them; they think they discriminate, and they think they are unworkable in communities of -- of that size. My question is this: you mentioned a defense of them, but is there anything in this Conference Committee Report which establishes distances, or is it still simply the emergency rule which established them, and this report just doesn't talk about them at all?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Senator Hawkinson. I might add, I was expressing some personal opinions on the issue. I mentioned how I was at one time against having footage requirements, and now favoring footage requirements, after listening to both sides of the argument. The House Committee on Mental Health are going to hold extensive hearings to consider this issue in detail. They're going to work closely with the various organizations, private providers on both

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sides of the issue, to come up with a -- and the director of the Department has been more than accommodating on this, and I think Senator Fawell pretty much echoed the -- sentiments that I have on the issue.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

I understand that Senator, but my question is, is there anything in this Conference Committee Report which establishes distances?

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

No. There is nothing about the distance in here. It's in the JCAR.

PRESIDENT ROCK:

All right. Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 954. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 954, and the bill, having received the required constitutional majority, is declared passed. Senator Keats, Madam Secretary, has indicated he is now ready. Top of Supplemental No. 4, on the Order of Secretary's Desk, Concurrence, is Senate Bill 2-0-8-3, Madam Secretary.

SECRETARY HAWKER:

House Amendments 3 and 5 to Senate Bill 2083.

PRESIDENT ROCK:

Senator Keats.

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SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentleman of the Senate. I will -- moving to concur with Amendments 3 and 5, but I want to give you a two-second explanation. Forget all the basic bill. It has all been stripped out. It originally was a shell bill to begin with. Had a whole series of things for the Commissioner of Banks and Trusts, things for the Department of Savings and Loans. All that is out. What is now in the bill is in reality three portions, the key provisions being a cleanup on a bill dealing with the Department of Public Aid and banks, and an EFT distribution of Public Aid checks. This is a technical cleanup that's been agreed to by everyone. That's Section 6. Section 7 deals with the Retail Installment Sales Act, was requested by IRMA, and in reality the May stores, which was a problem they were having in terms of their retail charge agreements. Again, there is no known opposition, and they appear to have talked to everyone on the subject. That is what the basic bill is today, with also Section 5, which is some savings and loan stuff of technical nature. If anyone has any questions, my staff and I are here to answer.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate concur in House Amendments 3 and 5. Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Just to mention -- our side of the aisle and all of our colleagues -- that this, in fact, is a true representation of what Senator Keats had said. I appreciate all the patience and diligence on Senate Bill 2083, but I would urge green votes. Let's get this out of here, it's a product of good work.

PRESIDENT ROCK:

Further discussion? Senator Keats, to close.

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SENATOR KEATS:

Only in saying -- I say to the Republicans, on your marked Calendar, something that originally was in this bill is not there. Our objections are now removed, and from a Republican and Democrat prospective, it should be noncontroversial. I seek your affirmative vote.

PRESIDENT ROCK:

The question is, shall the Senate concur in House Amendments 3 and 5 to Senate Bill 2083. 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 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 3 and 5 to Senate Bill 2083, and the bill, having received the required constitutional majority, is declared passed. Senator Fawell. 3310. Senator Fawell? No. Senator Watson. The report has just been distributed. I was just giving people time to take a look at it. We'll get right back to you. 1504. Senator Lechowicz. 1798. Senator Philip. Bottom of Supplemental 4, on the Order of Conference Committee Reports is a Conference Committee Report on Senate Bill 1798, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1798.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1798 is Build Illinois. It went out of here at one million four nine eight. That's the way it came back here. I would move we accept the recommendation.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the

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Conference Committee Report on Senate Bill 1798. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1798. Those in favor will vote Aye. Opposed, vote Nay, and 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 44 Ayes, 11 Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1798, and the bill, having received the required constitutional majority, is declared passed. Senator Watson, what do you think? You ready? On the Order of Conference Committee Reports is a report with respect to House Bill 3090, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3090.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. This is an ominous <sic> bill for local government. There's an incredible amount of provisions in this. From what I understand, too, they're all agreed to. We have provisions in here for Senator O'Daniel, Senator Jacobs, Senator Rea, Senator Watson, Senator Friedland. I'd be glad to go through and explain all of this if you'd like. I don't know that there's any objection to anything that we have in here. Otherwise, I'd appreciate a favorable roll call.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate adopt the Conference Committee Report on House Bill 3090. Discussion? Senator Jacobs. Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Actually, I'm -- I'm -- would like to ask a question about Amendment No. 3, and that was Senator



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Rea's. He could perhaps answer this. Senator Rea, I just wanted to know -- am I reading this correctly - that a road district highway commissioner can just levy now for one lump sum for the road district, rather than breaking it down into special funds?

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Just one second.

PRESIDENT ROCK:

Senator Watson. Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. The answer to that is yes. Current law requires that separate amounts be listed for construction of roads, maintenance of roads, construction of bridges, maintenance of bridges, purchase of machinery, and so forth. What we're trying to do is just give the opportunity for the road commissioner to put all that together.

PRESIDENT ROCK:

All right. Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3090. Those in favor will 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 56 Ayes, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3090, and the bill, having received the required constitutional majority, is declared passed. Senator Daley, on 3793. Madam Secretary, on the Order of ...(machine cutoff)... All right. Senator Daley, we just have to wait for the copies to be distributed. We'll get back to it. Senator Lechowicz, on 1504. Ladies and Gentlemen, while we're waiting for the copies to be -- finally distributed, if you'll turn to Supplemental Calendar No. 5. That's the one with

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Senator Welch, Senator Carroll, Senator Luft, Senator Holmberg and Senator Carroll. We'll start with House Bill 2896. Senator Welch. And move down to 3393. Senator Carroll. 3460. Senator Luft. 3875. Senator Holmberg. And 1933. Senator Carroll. Supplemental No. 5. ...(machine cutoff)... While we are allowing the Members to get their papers together, Supplemental No. 6 is currently being distributed. All right. Supplemental Calendar No. 5. The Conference Committee Report on House Bill 2896, Madam Secretary.

SECRETARY HAWKER:

First Corrected Conference Committee Report on House Bill 2896.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this Conference Committee Report will do - this is the First Corrected Conference Committee Report on House Bill 2896 - it creates the Food Safety Transportation Act -- the purpose of the Act to be to protect, promote and preserve the public health and welfare concerning standards for transporting food intended for human consumption. It makes it unlawful for interstate carriers to transport food in any motor vehicle which has been used in the last two years to transport substances which would render food adulterated. It exempts transportation for all commodities by the producer from the producer's own agricultural, horticultural, or livestock raising operation to the first point of delivery. This bill has the amendment put on by the Farm Bureau and one put on by the Trucking Association. I'd be glad to answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved -- the Gentleman has moved the adoption of the Conference Committee Report on House Bill

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2896. Discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Keats.

SENATOR KEATS:

For clarification for everyone - you have an amendment on here that says in terms of back-hauling refuse in trucks that can carry food - you have an exemption that exempts interstate trucks?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, I'm looking for what you're talking about, and I don't see it. To -- are you -- are you looking at the bill? I don't see any such exemption. Well, it's not my fault. I don't see any exemption for interstate trucks. I mean, that's the whole purpose of the bill.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

In terms of the interstate commerce clause, have you -- are you saying that interstate trucks are exempted from the bill?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, let me read the provision. It says, "It shall be unlawful for any carrier which provides transportation in intrastate commerce by motor vehicle to transport food, drugs, devices or cosmetics ... in any motor vehicle that has, within two years, been transporting food."

PRESIDENT ROCK:

Senator Keats.

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SENATOR KEATS:

You have intrastate, in other words, interstate trucks are exempted. You're only dealing with intrastate. Have you also exempted farm vehicles?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Farm vehicles are exempted.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Let me explain the bill. If you - and I would normally rise on a conflict of interest, but since I'm going to vote against my own interests, I don't have a conflict on this bill - if you do not want food carried in -- in vehicles that -- I should say garbage carried in vehicles that carry food, you would oppose this bill. The title of the bill says one thing. What the bill does is a hundred and eighty degrees different, and let me explain why. When refuse is carried in trucks that also carry haul -- or also carry food, it's by and large ninety-nine percent of that refuse is carried in two types of trucks - interstate trucks and farm vehicles. Guess what are the two categories this bill exempts? Interstate trucks and farm vehicles. So while you are saying in the title you do not wish refuse carried in trucks that carry food, by exempting the two groups who carry the refuse and the food, you have done the exact opposite. Ninety-nine-plus percent of all the vehicles that carry refuse and food are interstate trucks or farm vehicles. This bill is a hundred and eighty degrees different than the title. So what I say to you is, if you think it is inappropriate, as I think it is inappropriate, that a vehicle that could carry food could also be allowed to carry refuse, you want to vote No, despite what the title says. If you

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think it is appropriate that a vehicle should be allowed to carry both food and refuse, you want to vote Yes. And I'll remind you again, ninety-nine percent of the vehicles that carry refuse and food - either interstate trucks or farm vehicles - both are exempted from this Act; therefore, what you have done is the exact opposite of the title. I would request a No vote.

PRESIDENT ROCK:

All right. Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT ROCK:

The sponsor, I'm sure, will have trouble -- difficulty hearing, as the presiding officer is having difficulty. I'm going to have to ask the staff to take the conferences -- staff conferences off the Floor. If you wish to have a meeting, please have it elsewhere. Senator Watson.

SENATOR WATSON:

Thank you. Senator, is this identical to the legislation that passed out of the Senate on the Agreed Bill List?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Yes, it is.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Okay. So the Farm Bureau signed off on it. The trucking industry. Everybody's -- there's no problems with this legislation at this particular time?

PRESIDENT ROCK:

Senator Welch.

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SENATOR WELCH:

Everyone is signed off except Roger Keats.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.J JOYCE:

Yes. Not to belabor the point, but I have a newspaper from Seattle, Washington, that my sister sent with a picture of a tanker -- this truck had carried chemicals to Washington State, and then was loaded up with apple juice and sent back to Illinois to a town in my district. Now, you know, and it hadn't even been washed. So I, you know, I think this is a pretty good bill. I -- I -- we get the bad end of this stuff, because any food stuff that's coming into this State is coming from somewhere else. So we're taking chemicals out, but then in the same truck coming back, we're bringing in food stuff. So I think this is a very good idea.

PRESIDENT ROCK:

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

SENATOR WELCH:

Well, Senator Keats has totally confused everybody. I would suggest that we do as we normally do and ignore him, and vote on what the bill says. So...(machine cutoff)...

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

I'm back. I would just say that this bill will affect hauling both garbage and food in the same truck. That's the whole purpose of it. It deals with trucks within Illinois. It's a proposal that even the Federal Government is thinking about passing. It's absolutely a terrible idea to haul chemicals in the same truck -- that will adulterate food -- with food. That's the purpose of the

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bill. So I would urge an Aye vote.

PRESIDENT ROCK:

All right. Senator Welch, I'm sorry, I missed Senator Keats' light on for the third time. Senator Keats.

SENATOR KEATS:

Senator Joyce -- Senator Joyce, do you realize the example you used is outrageous -- you're right. This bill says it's legal.

PRESIDENT ROCK:

Senator Welch, you wish to close?

SENATOR WELCH:

The bill does not affect interstate commerce, because a state cannot regulate interstate commerce under the United States constitution. It doesn't say it's illegal, Senator. We don't have the authority to regulate it. That's where you're confusing everybody. You're, you know, it's this back-room lawyer jibberish that you're spouting here, and you know, your little bit of law is bad, because you confuse people, and that's what you've done. The bill affects hauling garbage and food in the same truck. That's what it's about. I would urge an Aye vote.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on House Bill 2896. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 1 Nay, 5 voting Present. Senate does adopt the Conference Committee Report on House Bill 2896, and the bill, having received the required constitutional majority, is declared passed. 3393. Senator Carroll. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3393.

PRESIDENT ROCK:

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Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3393 is a authorization bill for General Obligation and Build Illinois Bonds. The conferees suggest the following: that we increase the -- the authorization for Build Illinois Bonds by some seventy million dollars for Water Resources Enhancement Programs, and that we further increase the General Obligation capital Bonds by some 23.7 million dollars, of which twenty two million is for the Water Resources Enhancement Program; a million and a half is for the Artisan Shop at the Geneva Creamery, and the additional capital project of two hundred and fifty thousand dollars. We establish in this -- in this Conference Committee Report the Illinois Marina Fund, which would consist of the loan repayments made by any units of local government who receive funds for marina development. It will include repayment to that fund by those units of local government of not greater than fifty percent of the loan. The fund will also receive any monies from the Department of Conservation, if they are the owner of the marina, from any concessions, leases, ground rents, or any other sources. They can use -- the Department of Conservation can use these funds only for operations and improvements of those marinas that they would own, and there is a mechanism to allow that Fund to ultimately repay General Revenue to the tune of eighty-six million three hundred thousand by Fiscal Year 1996. That is the sum and substance of the Conference Committee Report. I would ask for a favorable roll call.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well. Thank you, Mr. President. I, just within the last



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hour, attended a meeting downstairs of the Appropriations Committee, and we were talking about the fact that we needed another vehicle bill in order to implement the provisions of the Clean Water and the School District Construction Bond Fund that we passed out of here. I'm somewhat disappointed that the two Appropriations Chairmen on the minority side have refused to sign the Conference Committee Report as -- so far, and I'm just wondering if those of us that are interested in all these projects sort of going forward in concert, maybe we ought to just simply lay off of this bill until we get everybody together and see to it that -- that we have an appropriate appropriation for the -- the water projects for all of these little villages and towns and communities in Illinois, and for the school districts of this State. And maybe someone could kind of enlighten me as to what we are doing here, and assure me that affirmative vote is the right thing to do here, because I don't think it is right now.

PRESIDENT ROCK:

Further discussion? Senator Netsch.

SENATOR NETSCH:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Netsch.

SENATOR NETSCH:

One -- just a clarification from what you said on the Floor, Senator Carroll. Did you say that the Marina Program - and that's really what we're talking about - is only for marinas owned by the State of Illinois? We did not -- couldn't hear you properly in that respect.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Senator Netsch, as I indicated, this is the Bond Authorization

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Act. This is not the enabling legislation per se. It is my understanding that this increases bond authorization in the Build Illinois Bond Act and creates a Marina Fund. I think - and I can't give you with certainty, that these are two separate concepts. Funds can be used from Build Illinois for marina development. However, there is a fund created that would, in fact, be used to receive funds from concessions et al, and operate marinas owned by the State. I cannot answer any greater than that. I don't know those who purported to suggest that this is the appropriate way to go.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

I have a -- I'm not sure I understood the answer to that question. There is authorizing language in here. But one additional question: this really is the mechanism that would allow a -- a significant marina program to be established, and one of those marinas is -- and it will be appropriated in another bill or authorized in another bill for Navy Pier. Is that correct?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

It's my understanding that there -- that funds will be provided to Navy Pier in the -- I mean, we talked about it in committee. So there's forty million designated for Navy Pier as the proposed allocation. So it is not Statutorily enacted that way.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Well, I still see this as an essential part of the beginning of that program, and in view of the fact that it has never been

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discussed, not only with the legislators who represent that district - until late last week, when we were sort of advised of it - but has certainly not been discussed with the several thousand people who, believe it or not, live right in that area. I think it is unacceptable at the present time.

PRESIDENT ROCK:

Further discussion? All right. Again, I'm going to have to ask the staff to take the staff conferences off the Floor. Senator Joyce.

SENATOR J.E. JOYCE:

I think we should just establish that there is nothing in this that precludes the appropriation from being expended only on State-owned marinas. Is that correct, Senator Carroll?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Since the question was raised, Senator Joyce, in committee -- and just in reading that which has been proposed by the proponents, I don't agree with you in total, but I cannot disagree, either, in total. This does, in fact, increase Build Illinois. Those funds are unfettered in their usage, in the sense that those are the funds that could be used for marinas. However, it also creates this new Act which can only be used for those - as I read it - for those that are owned by the Department of Conservation, regardless of who operates them - be they a private entity or a public entity. So it seems to me that either is allowable without definition as to which is which.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.E. JOYCE:

What -- Senator Carroll, you are then saying that Navy Pier would not be excluded from this.

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PRESIDENT ROCK:

Senator Joyce.

SENATOR J.E. JOYCE:

Well, let -- let me just cut right to it. Does this preclude the park district from receiving allocation from this appropriation?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

I -- I don't know. I do not know. I read the two bills together, Senator Joyce. The appropriation bill as contained in House Bill 3460 says the amount - seventy million, which is the Statewide amount that we talked about for allocation - shall be made, but to -- by loan to units of local government, pursuant to the Water Resources Enhancement Program. Now, in 3393 we say in Section 63a18-1, "To manage the Water Resources Enhancement Program for the development and operation of marinas and riverfront facilities," et cetera. It is not clear to me. I think the best answer is that it's tied to the Fund, Senator Joyce. I think it is tied to that Fund, as I read the two together, and being tied to the fund, I think it has to be owned by the Department of Conservation.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, we did discuss this in committee, and perhaps Senator Carroll has some additional information, since the committee seems to be coming up with some. I will reiterate the concern that I had in the committee, and that was simply that the Zion - Winthrop Harbor Marina, which I suspect this program is modeled after, was based - at least, I believe was based, and I think I've been -- had this confirmed - on a one-hundred-percent

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payback of State investment. I see Senator Geo-Karis nodding her head vigorously. I don't know that that is a standard that has to be universally held, but I can frankly think of no more lucrative location to put a marina than -- in the State of Illinois, than next to Navy Pier, and certainly if a marina up on the edge of the State near Wisconsin -- can be a hundred-percent payback, I would think Navy Pier would be a gold mine, to be honest with you. Some of the downstate locations perhaps aren't quite as financially viable. I don't know. I am uncomfortable with the fifty-percent payback. We are moving into an area - apparently very aggressively - and I would think we need to take a look at that payback percentage, and at least get some sort of a justification, if we're going to lower the standard by this degree.

PRESIDENT ROCK:

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Well, rather than discuss the merits of this particular bill, I want to go back to the point that Senator Demuzio was making. And I'm going to urge the people on this side of the aisle to either vote Present or No on this -- on this particular bill. You know, we have a way over here, particularly late in the Session, of either passing an appropriation with no substantive language, or passing the substantive language with no appropriation. At this time, we do not have the appropriation anywhere in place to fund the water well bill and -- and the school bond bill that Senator Demuzio passed this afternoon and this body passed something like 57 to 1. And so I would encourage -- and particularly all of you downstaters, vis-a-vis, Democrat or Republican, to let's hold this process up for a little while until we do have some agreement to get that appropriation on. I intend to vote Present on this

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particular bill, and I'm encouraging everyone in this Chamber to do that.

PRESIDENT ROCK:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Just one quick question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR MAROVITZ:

Senator Carroll, in this bill, the fifty-percent payback that was referred to by Senator Schaffer -- is that percentage in this bill?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Yes.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Could the sponsor answer a question for me?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

I was at that Appropriation Committee when it was discussed about putting another bond bill out there. Could you tell me, Senator Carroll, in your -- in your great wisdom, don't we need a stream of revenue in order to pass another bond bill, and just out of curiosity, if we passed another bond bill for these wastewater -- wastewater wells and what have you, could you tell me what that stream would be?

PRESIDENT ROCK:

Senator Carroll.

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SENATOR CARROLL:

Well, Senator Fawell, it seems that when we are dealing with marinas and water, we're dealing with streams that may not exist. Oh, that was bad! And the other mistake I made, I admit, is for the first time in my career - and now I guess the last - I trusted the Bureau of the Budget, and I will never do it again. I shouldn't have done it this time. I violated a twenty-year rule. They drafted this. I can't find anybody who can explain some of the questions being asked. The way I read it, its language is clear. They can give the money to anybody for a marina. Whoever they loan it to must pay back fifty percent. The monies being paid back go into a fund. That fund can only be used to operate or maintain State-owned marinas, if you read the Sections together. Now, that seems to be the flow of the stream of funds allocated by the Bond Authorization Program. Build anywhere. The local governments borrow it, pay it into a fund, but the fund is restricted to operate State-owned - as I read it - facilities. The revenue stream, as I understand it, is those monies in Build Illinois that are created by a differential between the current deposit and the proposed schedule of deposits. While the initial money is already earmarked without question in the Build Illinois Program, transfers could be shifted by - as I understand it - the current change in rate that will allow them to sell bonds for a lesser interest rate than we authorized and presumed when the bond -- when the Build Illinois Fund was last adjusted. So they presumed - as I understand - at a rate of eight and a quarter or some such number. They're selling somewhere in the mid-sevens. Those sixty, seventy or eighty basis point difference, some believe, give the cash flow - maybe not in '91 and maybe not quite in '92, but by '93 - to fund these things. If that answers you.

PRESIDENT ROCK:

Further discussion? Senator Demuzio. No. Senator Luft.

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SENATOR LUFT:

Thank you -- thank you, Mr. President. I would hope that we could have...

PRESIDENT ROCK:

I'd ask again the staff to take the meetings off the Floor. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. What I would like to do for those people that - especially Senator Netsch, who is worried about Navy Pier - in the next bill, which is the appropriation bill, assuming this would pass, our analysis - and I think accurately - portrays -- Senator Netsch. Senator Netsch. I think you will find in the appropriation bill following this that accurately portrays that these are the assumed projects which this money would be spent for. There is nothing in granite that these are the projects. These projects would have to make application, have to be certified, have to be financially stable, and be able to repay at least fifty percent of the project. Now the other part that I -- the other part that I want to make sure that everybody realizes is that we're talking about a situation where some of these marinas could be totally State-owned. They don't have to be private; they could be totally State-owned. I would further suggest that the application at the Pier - if there was one to be made - could come from an independent source, could come from the Chicago Park District, or anywhere else. And I want to elaborate on what Senator Carroll said. The revenue stream to pay the bonds comes from a differential of interest rates. They were supposed to be -- the bonds were supposed to be between eight and nine percent at sale. They're selling at seven percent. That factored amount into the debt is what will go to relieve the bonds.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.



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SENATOR DEMUZIO:

Senator Carroll, could you identify for us the revenue stream again, with respect to where this money is coming from in order to pay off these bonds?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

It is my understanding, as I said - and I believe Senator Luft just reiterated - that the funding -- the repayment funding source is a result of the fact that Build Illinois Bonds will sell at lesser basis points interest rate than originally presumed. While I -- I would tend personally to disagree with the exacts that Senator Luft suggested, I think it is -- it appears to be fifty, sixty, seventy basis points, meaning instead of eight and a quarter, eight and a half, it'll sell at somewhere between, you know, seven and a half and seven and three quarters. That differential on this size issue is enough to then go borrow some additional funds to fund projects from the existing revenue stream. So without adjusting the feeder into the Build Illinois Fund, the taxes that go into the fund to pay off bonds to retire bonds -- you can, in fact, sell a greater number of bonds, because you're selling them at a lower interest rate, and therefore your repayment schedule on each bond is less money than you thought.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Let me ask a -- a -- another question, then. Is this -- is this -- is this going to be competition for the clean water and the school district construction bonds that we just passed out of here? Is this -- is it the same revenue source?

PRESIDENT ROCK:

Senator Carroll.

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SENATOR CARROLL:

I mean I could say that since we haven't gotten that far in conference I wouldn't know, but since you've advised me that that's the stream you want, I would have to answer yes.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I think that's what puzzles me. I mean, if we're going to be doing projects, it seems to me that everything ought to be working in concert, and I don't -- somehow or other, I just don't think they're in competition with one another, but somehow or other, I just don't know. And so it just seems to me that if I vote for this, I might be taking away revenue -- the revenue stream for the clean water projects and the School District Construction Bond Act, and I think I'm along the same lines as Senator Woodyard. Maybe we ought to just vote Present on this and -- till we get this thing all sorted out and straightened out, and maybe once we do that, everything will go together.

PRESIDENT ROCK:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the Conference Committee on House Bill 3393. There's been a great deal of talk about marinas, but I just want to call to the attention of every Member that there is much more in here. For those of you who have an interest in corrections facilities, we're providing the bond authorization to construct them. For those of you that have an interest in Mental Health and Public Health facilities, we're providing the bond authorization to construct them. And so forth and so on. We have passed legislation earlier to provide the capital construction needs that we have identified as being needed by the citizens of the State of

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Illinois. The purpose of this bill is to provide the bond authorizations to construct those facilities. So I encourage you to vote Aye on this Conference Committee Report.

PRESIDENT ROCK:

Further discussion? Senator Carroll, to close.

SENATOR CARROLL:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. I won't quote the Member, but there are Members who suggested that Millikin designed these bonds. These are not junk bonds sold by any agency. The bureau designed them. I don't know which speaks higher for the issue, but let me just state these are the bond authorization numbers necessary to implement the concept of loans to marinas, as well as the Creamery and other projects identified. As I said, to the best of our knowledge, it appears as if the flow is -- we will issue Build Illinois Bonds, being able to pay for them because we have the cash flow money to buy more bonds than we thought, to put it simply. These additional bonds will then be used to fund the marinas by grant or loan to units of local government. Fifty percent of that shall be repaid to a fund. The fund may be used - or shall be used - by the Department of Conservation to operate State-owned marinas. That's for the vast majority of that which is in this adjustment to General Obligation Bonds, The other minor ones being the capital projects mentioned. With that, I commend it to the Senate, and ask for a favorable roll call.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference Committee Report on House Bill 3393. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 16 Nays, 14 voting Present. The Conference Committee

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Report is not adopted, and the Secretary shall so inform the House, and Senator Carroll requests that a second committee on conference be -- I'm sorry. All right. The Gentleman requests that further consideration be postponed. So ordered. 3460. Senator Luft. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3460.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

This is the appropriation bill for what we just didn't do. So let's take a vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3460. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 19 Nays, 8 voting Present. The Conference Committee Report is not adopted. The Gentleman requests that further consideration be postponed. So ordered. Senator Holmberg. 3875. Senator Carroll. 1933. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1933.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This Conference Committee Report that we have discussed does the following critical things to the operation of State Government. It is, by the way, in total, an addition of about just under

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sixteen million dollars of General Revenue Funds, and an allocation of about sixty million dollars from other funds, and seems to be the sum and substance of the General Revenue Fund suggestions of the leadership and Governor's Conferences that have been going on for quite some time with the Appropriation Chairman and spokespersons from the minority side. It would, in fact, fund to the Department of Public Health families with a future, to guarantee them the operational funds necessary to attract something they have not been doing, though by law could have been, to attract additional six and a half million of federal dollars to work in the area of cocaine babies and drug-addicted mothers. It would also allow the purchase of a telecommunications satellite linkup here for Springfield. It would, for ESDA, provide funds for tornado damage in Central Illinois. It would provide a grant to recordings for the blind, for some seventy-nine thousand dollars. It would fund - and by language require - the day care center for the State Police Administration Building. It would implement the unemployment compensation agreement by the Department of Employment Security, and would therefore place nine million dollars into that fund in order to keep the twenty-some-odd offices open Statewide, and the two hundred employees working. It would, for the Department of Commerce and Community Affairs, provide the continuation of a grant for distressed period marketing. It would give the Medical Center Commission the operations of a Technology Park, something we have done, or are about to do, by substantive legislation. It would, in fact, place the appropriation authority in the IHEAP Fund for the full amount deemed necessary for the Home Energy Assistance Program, in addition of some thirty million dollars of appropriation authority. It would fund the loan for the City of East St. Louis, with the strings as attached by the substantive language. It would fund the Local Tourism Fund increase that has

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been provided by the legislation that would take us from five to eight million, using the existing allocation formula. It does restore operations to the Department of Transportation of some 7.2 million of Road and approximately five hundred of General Revenue Funds. It allows DCCA to do some reallocations, taking some particular programs and switching them, for which I will answer questions, but it's that which we have allowed all other agencies to do, and they forgot to do yesterday when we passed their bill. And it does provide the Department - I believe, it's of Public Health - grants the hospitals who -- who are now Statewide Level I Trauma Centers in the amount of five million dollars. With that, I would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1933 -- shall the Senate adopt the Conference Committee Report on Senate Bill 1933. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1933, and the bill, having received the required constitutional majority, is declared passed. All right. With leave of the Body, we'll move back to Page 4 on the Calendar. I mean Calendar No. 4. Senator Lechowicz. 1504. On the Order of Supplemental Senate Calendar No. 4, on Conference Committee Reports, there's a report with respect to Senate Bill 1504. Madam Secretary, Please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1504.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

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

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I'd like to move to concur in Conference Committee Report on -- Amendment No. 1 on Senate Bill 1504. Basically, what it does -- it puts all of Senate Bill 1565, which passed out of this -- out of this Senate by an overwhelming vote - over 50 votes to nothing - which would provide a relief for a person who lost their home in Cook County, due to an error in the procedure on a tax sale or a tax buy. It also increases the fees paid to the Indemnity Fund by buyers in tax sales from forty to eighty dollars; increases the cap on that fund from one million to two million dollars; it allows the court to avoid a tax deed based on fraud or deception, or upon showing an error by the county clerk or county collector; allows the taxed person to receive reimbursement for expenses when such a deed is avoided. It also deletes all the airport tax revenues that were originally in the bill in 1504 as it came from the House, and would require persons who have been in tax sales to deposit with the collector an unconditional letter of credit or a bond of at least one and a half times the amount of the tax due. This Conference Committee Report has the support of the County Collector, the President of the Cook County Board, the tax buyers and the sellers, because it finally provides the relief mechanism if a person who has purchased a home in good faith and it was unfortunately placed on a tax sale due to an error in any county office. This gives the individual that type of relief that was pointed out by Channel 2 and Pam Zeckman -- the inaccuracies of the current system in Cook County. I know of no opposition to this Conference Committee Report, and I strongly suggest your strong support in behalf of Conference Committee Report on 1504.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1504. Those in favor will vote Aye. Opposed, vote Nay. The voting's 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 question, there are 54 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1504, and the bill, having received the required constitutional majority, is declared passed. 3793. Senator Daley. Madam Secretary, on the Order of Supplemental Calendar No. 4, Conference Committee Reports, is House Bill 3793, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3793.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you -- thank you, Mr. President and Members of the Senate. I move the adoption of the First Conference Committee Report on House Bill 3793. And what the bill does -- it gives the RTA a continuing appropriation which is parallel treatment with cities and counties. It also changes the Department of Revenue's payment of the RTA sales tax. Instead of processing a check once a month - handout check - the Department would prepare a single annual advance payment from the RTA sales tax receipts in each -- each March. The bill also contains provisions of Senate amendments to House Bill 309, which is a Department of Revenue administrative bill. It also contains a Section for creating two new categories of special service areas - the business district special service area and the public transportation service area - which will enable the City of Chicago to move forward with the proposed circulator. The most important feature of this bill is the provision which exempts - and I emphasis exempts - residential property owners and tenants from the property tax levy to fund the circulator. Only commercial and industry property owners will pay for the circulator. The -- the project was recommended by the Metropolitan Planning Council, a coalition of property owners,



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developers and public agency representatives. The project is also supported by the Chicago Development Council, a group composed of many of the largest property owners in the downtown area. This bill passed in the Senate earlier, the circulated bill, by a vote of 59 to nothing. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. We have adopted this in House Bill 309 some weeks ago, but I think we -- we already have a commitment of twenty million dollars, payable over the next five years, for this study. Basically, this project is going to cost somewhere between four hundred and fifty and seven hundred million dollars, and probably one-third of it will be paid for by -- possibly the State of Illinois - and that's yet to be determined - but they're both -- the tax district, the Federal Government, and possibly the State of Illinois through the bond route. I just think we ought to know what we're getting into. I'm not against the project, but all of you should know that there's a potential cost to the State of Illinois of probably two hundred million dollars in the future.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the idea of a circulator down in the City of Chicago, or Loop, for a couple of reasons. First reason, it imposes a property tax without referendum. There is no restriction - whether it's the Loop area, the City area, or the County area - there is no prohibition on the district whatsoever. So we don't know if we're talking about the Loop, the full City or the full County. It locks the State of Illinois in for any period from two to five to seven years under construction for a -- a

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total of between five hundred million to seven hundred million. Illinois pays one-third, the City pays one-third and the Federal Government pays one-third. You know, this is the biggest single item the City wants, and quite frankly, I don't mind helping the City, but it's irresponsible, in my judgment, to lock us in and lock the incoming new Governor in to this maybe over seven hundred million dollars to build this facility. Might also say that Chicago always gets its share, and I won't sit here and list everything that Chicago got during this Session, because I don't -- we don't have enough time, but I'll -- this one little item. We reappropriated eighteen million dollars for libraries. We're giving them another ten million dollars. That's twenty-eight million dollars for libraries. Tell me how many of you downstaters got one dollar for one of your libraries. We ought to look at this closely, and quite frankly, we ought to turn it down and put it off.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR BROOKINS:

Senator Daley, this proposal of the circulator was put together by the business people in the Chicago and the downtown area?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, sir.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

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SENATOR BROOKINS:

And it's estimated that it will revitalize that and -- and create -- in sales tax incentive and -- which will feed back into the State of Illinois?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, sir.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

I rise in support of this bill. I have attended quite a few of the meetings in the downtown district of Chicago and talked with the businessmen, the State Street Council, and et cetera, and they estimate that this will greatly enhance the business district and the shopping center in the center of Chicago, and would create sales tax and taxes that will benefit the entire State of Illinois. Most of the -- the monies it will take to build this will be produced and created from business and the increase in business, and the businessmen are -- are willing to -- to -- to -- to bear that expense. So this is a good thing for the State of Illinois, and eventually will -- will help the entire State. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. Chairman -- Mr. President, question for the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR SCHAFFER:

The copy I have, I -- I assume it's the same page number - 104 - would seem to imply that the bonds are backed up by a levy

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against all taxable property. Now the way I read "all taxable property," that's residential, commercial, industrial. A little ahead of that, in lines 28 through lines 32, it's -- very clearly says that the special service area may be in the municipality or county, and it may -- there may be several areas set up. So what this appears to say is that the bonds are backed by taxes against all property - all taxable property - and that the area in fact could include, I -- I assume, virtually all of Cook County. I don't think that was the impression I got from the analysis, but -- wondering if you could respond to that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, residential property is specifically excluded in this bill. So there will not be a tax on the residential property.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Yes. I -- I'd like to ask a question of the sponsor. I...

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR WELCH:

I was -- Senator, I was looking through the analysis, and what it says is that this amendment would exclude from the invested capital tax, the assets of those businesses - this is paragraph 31 - including the building. According to the Department of Revenue, the issue has been most recently and strongly been raised by the Building Owners and Managers Association of Chicago. Is this going to take any money away from either the State General Revenue Fund or some State tax fund, by doing this?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

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SENATOR DALEY:

Senator, the answer is no. That is a Department of Revenue technical change.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Well, we're not reducing the value of certain buildings in -- we're not reducing the value of certain buildings in the City by this amendment, then, so that the tax that would apply to them would be different than what it is prior to passing this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, the answer is no.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, Ladies and Gentlemen of the Senate, let me just respond to some of my colleagues from the other side, and their fears as far as a possible impact on the State General Revenue Fund, with the concurrence on this conference committee. If you recall, Senator Rock had a bill that created this district and this type of transportation in the Loop, which sailed out of here 58 to nothing. The Chicago Development Council, which are all the primary large business groups within the Loop area of the City of Chicago, have endorsed this method of transportation. The Metropolitan Planning Council have also endorsed this method of transportation. What they're trying to do is to make a circulator that would run from Oak to Des Plaines to Polk to State Street to the Stevenson to Lake Michigan without one cost or one penny to the taxpayer of Illinois, based upon a real estate tax that's been agreed to by the people that I just mentioned - the Chicago

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Development Council, who are the business people within that taxing district. If anything you should be concerned about, would be providing mass transit at no cost to the taxpayers of Illinois, and this bill does this. It creates a mass transit district within the Loop area, financed by - willingly by - the property tax owners, who are the business community in that area. They realize the importance of having this type of transportation available within the -- within the boundary areas I -- I classified. Ladies and Gentlemen, if the Chicago Development Council has endorsed this program, which are the leading businessmen in this State, I don't see why we should not.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Joyce. Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Senate. Senator Philip and Senator Weaver, this legislation is merely authorization. There are -- there are no costs at this point in time. If at some subsequent time there's a determination that this would be an improper expenditure - the State could not afford to go forward with this - we could make that decision at that time. This is merely authorization legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, Mr. President, the more I hear debate on this Conference Committee Report, the more confused I'm getting. I'm getting different signals from different sides. Senator Daley, on Page 104, lines 29, I have a sentence, "The municipality or county which so establishes several areas as a set may provide that the rates of tax levied pursuant to this Act need not be the same for each area in the set." Now the way I read it, that could mean that there's -- there's an inequitable distribution of the taxes.

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You may be -- unless I'm reading it wrong, it seems like you could be taxing different -- different area a different rate.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, the transportation district would have a special -- would have the same rate, and this would be determined by the City Council.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCYZ:

I understand that, Senator, but there -- it says the rates of taxes -- or the tax levy pursuant -- need not be the same area. So are you saying that the City Council can levy, you know, a rate double in one area of what it is levying in another area?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, the -- the tax rate, my understanding, would have to be the same -- the tax rate.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCYZ:

Again, Senator, staff brings to me another point. Says that the -- the public transportation special service area means a business district special service area, or a set of areas. Again, I -- I'm getting -- the more you're explaining this Senator, the -- the more you're confusing everybody. At least me.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, bottom line, what is your question? I am not trying

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to confuse this Body at all.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DALEY:

I'm just trying to give straight answers. What is your question?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator, my question is that I don't know whether to vote Yes or No, and -- because like I said, I guess -- I guess -- I guess my -- I want to vote with you, being a Chicagoan, but there are so many questions being thrown at me and so many different messages I'm getting across on both sides of the aisle, I think I'm just going to vote Present.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Senator Daley, if you have all these questions, is this your first bill? Huh?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr President. Senator Dudycz, yoo hoo, Senator Dudycz, I -- I -- yeah, I'm going to try to change your Present to a Yes. Let me just briefly explain something, if I might, about a special service area. If you go back to the Illinois Constitution, it has what amounts to a uniformity clause, that is property must be assessed and taxed uniformly within the same jurisdiction. In order to make it possible for a municipality or a county to have special projects which don't benefit the whole area, and at the same time not have to charge the whole area in



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their property taxes, the Constitution specifically authorized the creation of something called "special service areas," and the whole idea of a special service area is that a city or a county may determine to sort of carve out some part thereof that is going to be benefited by a special project, and charge different property tax rates in that area. In other words, in effect, impose a different property tax to pay for that project. That's really the whole idea, and a lot of this confusing language really relates to that use of a special service area, and as I understand it, the -- this transit district -- what do we call it -- transportation whatever, is to -- is to be set up as a special service area, so that the whole of the City and the whole of the County would not have to be charged for it. And in addition, there is a provision which says that the taxes are to be extended not to residential property - and that better prevail, because it's my residents who are in a good part of this district, but I read the language that way, and I am satisfied.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz, you wish to respond?

SENATOR DUDYCYZ:

Well, just to respond to Senator Netsch. Now I think I am -- not only am I totally confused, but I think Senator Daley is also.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Well, whether or not we act on this tonight, the planning process will continue, because we've provided twenty million dollars over the next five years for planning for the circulator project. So, Senator Dudycz may be Congressman Dudycz before this decision need be made.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Further discussion?

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Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the Conference Committee Report of House Bill 3793, and would wish to remind the Membership that just one week ago this exact identical provision was passed by the Senate with a vote of 57 to nothing.

END OF TAPE

TAPE 6

SENATOR ROCK:

It was put on as Amendment No. 3 on Senator Weaver's bill; I explained it then, I thought, amply. This concerns itself with a special service district that is to be set up in downtown Chicago. Set up in downtown Chicago I might add, at the request of the Development Council. Those are the people that develop and own the property - commercial property - in the Loop. And the reason for the urgency in this, and the reason it passed 57 to nothing one week ago, was that in order to qualify for federal UMTA money, federal transportation money, one has to go to Washington with a district set up and with a local tax in place, so that you can qualify with your local share. If the City of Chicago is denied the opportunity to set up this district, and to tax the commercial property - and I underline commercial as opposed to residential - they stand to lose something in excess of fifteen million dollars this fiscal year, and this is truly noncontroversial. I know very well what happened -- what happened was this was identified as being important to the City of Chicago. And so it now has become a bargaining chip. It is a chip on the table. And was, in fact,

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on the table this morning when -- when the leaders met with the Governor. And it was going to be combined with all kinds of extraneous things, none of which met with any agreement. The fact of the matter is this is necessary. It is a technical change that is absolutely necessary for the City of Chicago to access federal money. It needn't be used as a bargaining chit. It passed out of here 57 to nothing one week ago, and I would urge the adoption of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Philip, for a second time.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Rock, I just can't completely agree with you. Nobody knew what was in that amendment. It was a last-minute deal. When you look at it and analyze it, I hate to tell you, there's nobody on the Floor of this Senate can tell you it's restricted to the Loop, the City of Chicago, or Cook County, and that's a fact.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Daley, you wish to close?

SENATOR DALEY:

Just -- just simply Mr. President. Senator Dudycz, I'm not confused at all -- on this bill at all. I have tried to answer your questions in good faith. I assumed you answer -- ask those in good -- good faith. I just move the adoption of the First Conference Committee Report to House Bill 3793.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 3793. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Last time. Have all voted who wished? Take the record please,

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Madam Secretary. On that question, the Ayes are 30, the Nays are 19, 7 voting Present, and House Bill 3793, have -- and the Senate does adopt the Conference Committee Report on House Bill 3793. The bill, having received the required constitutional majority, is declared passed. And the next case is House Bill 3310. I am going to read a letter first where -- addressed to President Rock, where Senator -- State Representative Terry Steczo has removed Senator Fawell as chief sponsor of House Bill 3310 and named instead, Senator Thomas Dunn. On the Order of Conference Committee Reports is House Bill 3310. Senator Dunn. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3310.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill affects Senate Amendment No. 1, which was the removal of a controversial portion dealing with the original bill, and the adoption of an amendment by Senator Fawell concerning downstate forest preserves, and a technical amendment concerning fire protection districts, as well as adding language for county executives, including Will County, to control the internal operations of their offices. It adds that no person shall also make an offer at a tax sale, unless ten days prior to making an offer an irrevocable and unconditional letter of credit or a bond in an amount of not less than one and a half times the amount of the tax due, payable to the collector, is presented. I urge adoption of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Apparently I have been outmaneuvered.

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Basically, the reason I was not planning on calling this bill is because there happens to be a very controversial amendment that was placed on by the Gentleman over in -- in the House about Will County, that is objected by some of those who represent Will County, and others of those who think it's a great idea. Basically, my understanding is what this amendment will do is allow the executive or the chairman of the board to be able to do some hiring and firing that under normal circumstances he would not be allowed to do, and there seems to be a difference of opinion whether that authority should be left in the hands of the County Board of Will County, who happened to be one persuasion, and the County Chairman, who happened to be of another. I would suggest with my colleagues, perhaps we should kill this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. The person who's insistent on calling this bill may not recall - in that he was not here when it occurred - but the county executive position was created by his predecessor, Senator Sangmeister, in response to what was perceived abuse by the chief executive of Will County at the time, and the county executive was portrayed as a good government measure. Senator Dunn, I think what you're doing is returning this back to the posture that existed at the time that your predecessor proposed the legislation, and I think you seek to commit the same abuses that your predecessor tried to rectify, and I would urge the Body to reject that opportunity.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I think this bill would give much too much power to the chief executive of

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Will County. I think it'd be a bad precedent, if he can hire and fire five hundred-plus employees without the authority of the county board, and I speak against this bill.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR T. DUNN:

Thank you, Mr. President. Well, it's interesting that all those that rise to oppose this do not live in Will County, and they are against the appointment by the county executive to appoint subordinate deputies and employees, and appointees. And Senator DeAngelis, I'd say to you that I -- in your quest for being President of the Cook County Board, if you're telling me you don't want those things, then you ought to vote No, but I urge and Aye -- adopt -- Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 3310. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Last time, have all voted who wished? Take the record please, Madam Secretary. On the question, the Ayes are 27, Nays are 28, none -- 27 -- none voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. Oh, I'm sorry. The sponsor recommends postponed consideration. Messages from the House. We will do Messages from the House right now, and in a very brief minute, so we can get the paperwork going, we will move to Supplemental No. 6, where we'll start with Dudycz, Carroll, Hall, Davidson and Zito. Messages from the House.

SECRETARY HAWKER:

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

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Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 -- Amendments No. 1 and 3 to a bill of the following title, to wit:

Senate Bill 1767.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference to consider the differences of the two Houses in regard to their amendments to the bill.

Action taken by the House June 29, 1990.

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 refused to adopt the First Conference Committee Report on House Bill 1550, and requests a Second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 1.

I have a like Message with regard to House Bill 4124 with House -- with Amendments 1, 2, 3, 4 and 6. And House Bill 3875 with Senate Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio moves to accede to the request for a Conference Committee. Supplemental No. 6. Supplemental No. 6, Conference Committee Reports, is House Bill 493. Senator Dudycz. Madam Secretary.

SECRETARY HAWKER:

House -- First Conference Committee Report on House Bill 493.

PRESIDING OFFICER: (SENATOR LUFT)

Excuse me. Excuse me, Madam Secretary. Senator Collins, for what purpose do you seek recognition?

SENATOR COLLINS:

I'm trying to -- has Supplemental No. 6 been passed out? I have not seen it, and apparently people back here haven't seen it.

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PRESIDING OFFICER: (SENATOR LUFT)

It has been distributed. ...(machine cutoff)...

PRESIDENT ROCK:

Ladies and Gentlemen, everybody have a copy of Supplemental No. 6? Somebody give Senator Zito a copy, please. Supplemental No. 6 contains House Bill 493. Senator Dudycz. House Bill 2181. Senator Carroll. 3271. Senator Hall. 3374. Senator Davidson. 3656. Senator Zito. 3682. Senator Jerome Joyce. 3722. Senator Topinka. 4190. Senator Luft. And 1136. Senator D'Arco. Does everybody now have a copy of Supplemental No. 6? Senator Dudycz, I think we're ready. All right. Madam Secretary -- once more I'm going to have to insist that the staff take the conferences off the Floor. On the Order of Supplemental Senate Calendar No. 6, Conference Committee Report on House Bill 493, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 493.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Conference Committee Report No. 1 on House Bill 493 provides that any person who is convicted of violating the Cannabis Control Act or the Controlled Substances Act, while in actual physical control of a motor vehicle, would lose their driver's license or permit for one year. As this bill left the Senate, it required that the Secretary of State cancel for one year the driving privilege of any individual regardless of their age, who was convicted of violating the Liquor Control Act, the Cannabis Control Act, or the Controlled Substances Act, while that person was in actual physical control of a motor vehicle. The House, on the other hand, seemed to have some trouble with the Liquor Control Act provisions of the bill, so the report has removed that provision. The report then states that any person



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who is convicted of a violation of Cannabis Control Act or the Controlled Substances Act while in control of a motor vehicle would lose his driver's license for one year. Several House Members had an additional problem with the outright cancellation of the driver's license provision, and a provision allowing the convicted violator to petition for a restricted driving permit has been added to Conference Committee Report No. 1, and I believe all opposition has been addressed. There is no opposition at this time that I know of, and I ask that we adopt Conference Committee Report No. 1 to House Bill 493.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of the First Conference Committee Report to House Bill 493. Any discussion? Discussion? If not -- Senator D'Arco.

SENATOR D'ARCO:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR D'ARCO:

Senator Dudycz, did you say that the provision which would revoke a person's driver's license for one year, if he was in possession of cannabis in his automobile, is in the bill, or it's not in the bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator D'Arco, it's -- the driver's license would be cancelled for a year if he was found guilty of the Cannabis Control Act, or the Controlled Substances Act.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator D'Arco.

SENATOR D'ARCO:

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What do you mean by cancelled? I -- what do you mean -- they got to tear it up, or -- or are they going to -- what do you mean by cancelled?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCH:

No. It's not suspended, Senator, it's -- it's cancelled. The -- the driver's license would be declared void. He would be without a driver's license for that one-year period.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- Senator D'Arco.

SENATOR D'ARCO:

Right. And that provision is in this bill. Right?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCH:

That's correct.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Madam President. So it's my understanding then that he doesn't have to be smoking the cannabis at the time that he's in the vehicle. In other words, in fact, the vehicle -- he doesn't even have to be driving the vehicle at the time. Is that correct? If he just happens to be in the vehicle -- if he just happens to be in the vehicle and in possession of one marijuana cigarette, his driver's license - to use your terminology - is cancelled. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCH:

No, Senator, you are wrong. It's not if the man has a joint

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or the individual has a -- a -- cigarettes of marijuana or controlled substances. It -- first of all, he must be in actual physical control of the vehicle. And he must be found guilty of the Act, not just having possession of a cigarette or a joint, as you described.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator D'Arco.

SENATOR D'ARCO:

But being in actual physical control simply means he is behind the wheel of the vehicle. He doesn't have to be driving the vehicle to be in actual physical control. And if he's in possession of the cannabis, the likelihood is he will be found guilty. I just want to understand what you're doing in this legislation. Because it's going to get about fifty votes anyway. I just want the Members to know what they are voting on, when they vote Aye.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- Senator D'Arco, I agree with you. I -- you know, this is one -- like you say, is probably going to go out of here pretty big, but, you know, we're sitting here trying to be the guardian of all people, and we're trying to be tough on drugs, and we're trying to believe that no kid is ever going to smoke a marijuana cigarette, and we're trying to think a lot of things. But what I don't understand, and I have to agree -- I don't understand, in our even -- in -- in -- in our analysis, it says, "Cancellation and denial are more administrative in nature, and the bill requires cancellation and denial, not revocation." Now, I would like to know - and I agree with Senator D'Arco - what is the difference? If you are denied a license, by virtue of having this possession,

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then your license is revoked, 'cause you don't get one for a year. And I don't understand the language, number one. I think number two, in -- in the interest of trying to be all things to all people, and trying to be tough on drugs, we're doing the wrong thing with this bill, and I happen to be one who plans on maybe joining Senator D'Arco and voting No.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

I tell you that as being the father of six children, and I am not telling you that my kids are all angels. I'm not telling you that they are bad. But I'm here to tell you that any kid has a chance, and any kid can make a mistake, and if you are going to take their license away for a year, for some dumb mistake, I think sometimes that's wrong.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I am a little tired of hearing that we just slap anyone who wants to use drugs and be in physical control -- actual control -- actual physical control of the car, and just slap them on the wrist -- let them go out and kill someone while they are under the influence of drugs, and while in physical control - if he has his girlfriend driving, he tells her how to drive when he's smoking marijuana or cannabis, anything else. I'm real tired of that. We're got to put a stop to it, and how else are you going to do it if you don't put some teeth in the law? I support this bill, and I think it's a good one, and I think we should all vote for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Daley.

SENATOR DALEY:

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Thank you, Madam President and Members of the Senate. I rise in support of this bill. I know the Senator has worked very hard with the House Members in trying to come up with a compromise. And it is to his credit and the Members of the House that we have. We have to send them a message out -- to the young people. Not only the young people - anyone driving the car should not have a joint. I urge the adoption of the First Conference Committee Report.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I know the hour is late, and I think this bill is going to fly out of here. It really should. The question is, if you want to have kids who are smoking behind the wheel, with a marijuana cigarette, vote No, and if you think that they shouldn't be smoking marijuana cigarettes and driving, vote Yes.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. I have never in my short tenure here rose for the second time, that I am aware of. But I just still don't understand this. We keep saying we want to send a message out. My goodness, if we haven't sent enough messages out, not only through this Body, but through the -- the Surgeon General, through all the advertising, through everybody in this world, I don't know when we are ever going to get enough messages out. I don't think that this bill is about someone driving a car with a joint. That's not even the issue. The issue is very simple. We're trying to pretend that we're something that we're not, and I think it's about time we own up to what we should be.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Alexander.

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SENATOR ALEXANDER:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR ALEXANDER:

Senator Dudycz, I loan you my car, and you leave a -- a joint or a cigarette in my car. You were not arrested or someone caught up with you. I get in my car the next morning driving to work, run a red light, and I am stopped and my car is searched. The joint is found. Would my license then be revoked, suspended, cancelled?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Alexander, if you were found guilty of possession of that controlled substance, then your license would be cancelled. That's correct. Not if it was just found in your -- your car, and -- and if you're smoking a joint, or -- your kid made a mistake -- we're dealing -- we're talking about being found guilty in a court of law, in violation of the Controlled Substances Act.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Alexander.

SENATOR ALEXANDER:

Thank you. I understand your response to me. However, I have already qualified one, by being in possession of cannabis, in control of an automobile, what defense would I have in court, that I, indeed, am not the owner of that cigarette?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

I'm sorry Senator, but I don't understand your question. You're saying that there is a joint found in your car -- and

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you're trying to have me explain to you how are you going to explain it to the judge. I don't understand your question, Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Alexander.

SENATOR ALEXANDER:

If I understand your legislation proper, I must be in possession of an automobile -- one, licensed driver; two, that I would be in possession of some cannabis - cigarette, joint, whatever you want to call it. Three, I could be subject to losing my license or not losing them, but cancellation of my license for a year. I made...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

You're absolutely correct. And if you are found guilty, I think you should have that license taken away from you for a year.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Madam President. Perhaps just to clear up some of the misunderstanding in the hypotheticals. Under the hypothetical that you pose it, Senator, you shouldn't be found guilty, because in a criminal court, the State would have to prove beyond a reasonable doubt that you had knowledge that those drugs were there. So you would not be found guilty. Secondly, for any who are concerned about somehow catching first offenders in this trap, much to my dismay, we have -- we have not succeeded in dismissing or in abolishing 1410 probation this year. We still have it, and this bill provides specifically, as it comes to us now in this stage, that anyone who gets 710 probation or 1410 probation is not considered convicted under this bill, and

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therefore the secretary may not suspend the license.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator D'Arco, for the second time.

SENATOR D'ARCO:

Thank you, Madam Chairman -- I mean, Madam President. You know, this is getting funnier by the minute. Here is Senator Hawkinson, telling us that if a person is charged with possession of marijuana, they can give them 1410 probation and he wouldn't be convicted under this Statute. This is the same Senator that wanted to revoke 1410 probation. Now he is defending the bill on the premise that it is still viable in the law. Madam President...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR D'ARCO:

Are you still there?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz. Senator Dudycz. Senator Dudycz.

SENATOR DUDYCZ:

Madam President, point of order. We are not speaking about Senator Hawkinson, or what he is talking for or against on some other legislation. We're talking about a bill that I'm sponsoring, Senator D'Arco, and I would appreciate your comments to that issue.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator D'Arco.

SENATOR D'ARCO:

I got a better idea. I got a better idea. Why don't you just remove the provision that he has to be in the car? I mean, why don't you just provide that if anybody is guilty of possession of marijuana, they lose their driver's license? What's the difference if he is in a car or in a bus, or in a train, or walking down the sidewalk? Let's just say that he loses his



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driver's license. He's not driving the car anyway.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz, to close.

SENATOR DUDYCYZ:

Was that a question, Senator?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz, to close.

SENATOR DUDYCYZ:

Well -- Madam -- Madam President, Ladies and Gentlemen. We're not talking about a kid that has a joint in his pocket, or talking about somebody made a mistake, Senator Jacobs. I mean one of your kids, or my kid, or anybody's kid making a little mistake. We're dealing -- we're talking about -- somebody who is found guilty of either the Controlled Substances Act, or the Cannabis Control Act, while they were in physical control of the vehicle. We're not talking about somebody who has a cigarette in the car, we're talking about people such as those that are selling drugs out of their cars in the school yards. We're talking about the kids or the people who have the -- the labs -- the amphetamine labs in the back of their vans. That's the ones that we're going after. I just -- let's just give it a green vote and let's go.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 493. 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 42 Ayes, 8 Nays, none voting Present. Having received the constitutional majority, the Senate does adopt the First Conference Committee Report to House Bill 493. House Bill 2181. Senator Carroll. On the Order of Conference Committee Reports, there is a Conference Report filed with respect to House Bill 2181, Mr. Secretary.

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The Conference Committee Report on House Bill 2181.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President -- Madam President and Ladies and Gentlemen of the Senate. In addition to the content of House Bill 2181, the following has been added, and that is that it removes the provision for appointment of two alternate members of county zoning boards of appeals and deletes an obsolete reference to congressional townships. It adds a provision to allow open land by means other than condemnation. It adds that annexation on the east side of the Northshore Sanitary District, Libraries, Park and Fire Protection Districts extend to the far side of an adjacent highway. It adds language for the Jackson Union County Port District to enter into agreements with banks and other lending institutions to guarantee contracts of performance with persons in businesses doing business with the district. It extends the term of office for all fourteen public members of the upper Illinois River Economic Development Authority by one year. And in downstate municipalities, it adds that all members of municipal fire departments are eligible to be elected as officers of that department. Also adds that owners of property who is denied a permit for individual sewerage disposal systems on or after January 1st, 1976, had been granted a permit by the appropriate governmental entity may reapply for a permit and be reviewed, using the standards in effect when the original permission had been given. That is the content of the bill, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of First Conference Committee Report to House Bill 2181. Any discussion? Discussion?

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If not, those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, none voting Present, and the Senate does adopt the First Conference Committee Report to House Bill 2181. House Bill 2271. Senator Hall. On the Order of Conference Committee Report, there is a Conference filed in respect to House Bill 3271, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3271.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 3271 - the bill synopsis is this - it appropriates ten thousand dollars from the General Revenue Fund to the Department of Children and Family Services for day care education requirement study. The Conference Committee Report analysis is this: it appropriates ten million seven hundred thousand in federal funds, five-million-six-hundred-thousand petroleum violation, and five-million-one-hundred-thousand Exxon Oil Overcharge Settlement Funds to DCCA for shortfall payments under the Illinois Home Energy Assistance Program pursuant to the Energy Assistant Act. I move for the adoption of it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall has moved the adoption of the First Conference Committee Report of House Bill 3271. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. To rise in support of Senator Hall's motion and just for clarity, the only thing this bill does now is to appropriate the

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-- overcharged money in the amount of ten -- ten million seven hundred thousand. This -- this is an agreement that we made last spring -- the Governor made with the utilities last spring to pick up the shortfall that they were short on the -- IRAPP Program last spring. This is keeping our word, and I rise in strong support of this motion.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report to House Bill 3271. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 40 -- 57 Ayes, no Nays, none voting Present, and the Senate does adopt the First Conference Committee Report to House Bill 3271. House Bill 3374. Senator Davidson. On the Order of Conference Committee Report, there is a report filed in reference to House Bill 3374. Senator -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3374.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

Madam President and Members of the Senate, this Conference Committee leaves the bill, as amended in the Senate, intact. Adds additional language, 'cause it's a necessity where there was no salaries currently established by law for the Taxpayers' Ombudsman Office, which begins July 1st, 1990. I move the adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of First Conference Committee Report to House Bill 3374. Discussion? Senator Kelly.

SENATOR KELLY:

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Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR KELLY:

Senator Davidson, in this proposal, there is a annual cost-of-living increase, I believe, built into it, which is very similar to what the Executive Officers, the General Assembly and the Judiciary had in theirs, which I believe you opposed. Are you, in fact, having this cost-of-living increase built into the taxpayer's ombudsman?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

Yes, it is. The action we took here by the Legislature, this is included, 'cause this is a Governor's appointment, and we set the salary by Statute. So it'll be considered on the same cost-of-living effort that we are or anybody else is -- was in the Cost-of-Living Bill that passed here last week or week before last -- forgot just when it was -- January -- I mean, July 1 of 1992, or 91, or whatever it is, becomes effective.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report to House Bill 3374. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, 1 Nay, none voting Present, and the Senate does adopt the First Conference Committee Report to House Bill 3374. House Bill 3365. Senator Zito. On the Order of Conference Committee, there is a report filed in respect to House Bill 3656, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3656.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Madam President and Members. In actuality, what we've done with the First Conference Committee Report on House Bill 3656 was to recede from Senate Amendment 1, 2 and 3. Delete all those provisions and write new provisions concerning Stormwater management. You'll remember this bill and all the provisions now in the Conference Committee Report indeed were passed unanimously by this Body. There was an amendment that was adopted at the request of the DuPage Council on Mayors from Senator Philip -- that is still in the Conference Committee. However, when the bill went to the House, there was an amendment that I had put on for the Water Reclamation District that met with opposition. And so, we have basically removed that. The bill is intact as it was with that provision removed, and I would ask for adoption of this Conference Committee.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of the First Conference Committee Report to House Bill 3656. Any discussions? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Madam President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

Indicates he will yield.

SENATOR R. DUNN:

Does the -- this give eminent domain to buy farmland and wetland -- do they have the right of eminent domain in it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

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I'm sorry, Senator Dunn, I couldn't hear you.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR R. DUNN:

Domain for the buying out of wetlands, farmland, -- eminent domain.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

The answer is no. This bill has nothing to do with that. I -- I could explain it. It's very lengthy. I can tell you that the provisions originally dealt with inner Cook County creating -- seven Stormwater Management Planning Councils for established watersheds consisting in the upper Des Plaines River, but I think your analysis will explain it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report to House Bill 3656. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all vote who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, 1 Nay, none -- 1 voting Present, and the Senate does adopt the First Conference Committee Report to House Bill 3656. House Bill 3682. Senator J.J. Joyce. On the Order of Conference Committee Report, there is a conference filed in respect to House Bill 3682, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Conference Committee Report on House Bill 3682.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Madam President. This has to do with a -- the pay

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phones and the 9-1-1 surcharge. Currently, independent pay phones are paying the 9-1-1 surcharge. But pay phones operated by Illinois Bell and General Telephone are not. So what this does, is level the -- the playing field so everyone pays the 9-1-1 surcharge. Also, this bill increases to twenty-five thousand from fifteen thousand the number of subscribers a telecommunication carrier may service and still be exempt from standard rule-making provisions. It also authorizes the 9-1-1 systems to use surcharge fees to secure bond to establish the system. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of the First Conference Committee Report to House Bill 3682. Discussion? Senator Schuneman -- Schaffer, I'm sorry.

SENATOR SCHAFFER:

Schuneman is the good-looking guy next to me. I -- I suspect somebody had to ask this question. We recently had a little experience with an amendment on a bill that didn't quite turn out to be what many of us thought it was. This is not that amendment again, is it, nor anything vaguely approaching it that's going to have our good friends from CUB buying rifles and marching on the Capitol?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.J. JOYCE:

It is not unless I've been tricked.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Looking at the analysis, Senator is -- it makes us a little nervous. Have we got anybody here who feels qualified to speak on behalf of the consumer advocate portion of this equation? Senator



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Keats? Anyone that could reassure us?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question? Could you tell me -- it just seems to me somewhere in the back of my mind I heard -- somebody came up to me and said something about telephone rates and all this good stuff. Do you know if there's anybody that's on -- that's opposed to this bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.J. JOYCE:

No. We -- they -- this has been worked over and worked over and worked over, and there is no opposition to this bill. And -- and there is no trickery in this bill. It is not deregulating anything.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well. Thank you, Mr. President -- Madam President. I think what might have confused Senator Schaffer is that a few minutes ago somebody said that the CUBs new phone number is 9-9-1.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Joyce, to close.

SENATOR J.J. JOYCE:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3682. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, none voting Present, and the

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Senate does adopt the First Conference Committee Report to House Bill 3682. House Bill 3722. Senator Topinka. On the Order of Conference Committee Report, there is a report filed in reference to House Bill 3722, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3722.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Madam -- Madam President and Ladies and Gentlemen of the Senate, this bill basically has two provisions in it now. The original bill, which allows the release of information regarding pending reports of a child -- of child abuse to authorized persons, and that went out of here with no difficulty. And it also amends the Juvenile Court Act to set time frames for adjudicatory and dispositional hearings in cases of alleged child abuse and neglect. This is a -- it's severely truncated, cleaned up, pulled together, tightened up version of the rather controversial amendment on that -- on this DCFS bill that went out last week. It only -- it -- it requires adjudicatory hearings to be held within ninety days of the date of service of process in cases alleging that a child is abused, neglected or dependent. It allows for only one continuance. It also requires petitions to be dismissed without prejudice upon motion of any party, if the hearing is not heard within the required time limits. It does pretty much the same thing for dispositional hearings. The intent is to move cases through the Juvenile Court System at a more timely pace to enable permanency planning for children to be more realistic. That's the bill, and I have got a fleet of very bright people with me here to be able to answer any questions you may come up with.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Topinka has moved the adoption of the First Conference Committee Report to House Bill 3722. Discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR WELCH:

Senator Topinka, in your earlier version of this amendment, you advised me on the Floor that there were some provision to allow for money to go to a State's Attorney or to the county to expedite cases. So that in order to get around the need for continuances, to get individuals into court quicker, there might be money available for an extra State's Attorney or you would provide that the courts were to set up an expedited procedure on their calendar or assign certain judges to handle these expedited procedures. How is that going to be handled?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

I think when we spoke of the first amendment, we said that in the course of moving these through the system faster, we would probably save money on the cases and that would be the money. In terms of actual real dollars that would be guaranteed or in this bill, there is no such money.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator -- Senator Welch.

SENATOR WELCH:

You've provided for the initial adjudicatory hearing to be within a hundred and twenty days. What about -- if you have the initial adjudicatory hearing there's a finding, and then there's a motion to reconsider. Is there any expedited procedure to have that motion heard, or can that delay the case, and is that subject

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to continuances?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

My experts tell me it's not provided for in here. It would be at the discretion of the judge. I think you also said this provides for a hundred and twenty days. It provides for ninety. We currently have a hundred and twenty days.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I think in fairness I ought to say something, since last week I said something rather derogatory about the first amendment that was offered to House Bill 3722 in that it was too dramatic a change in the Juvenile Court Act. This amendment I think is a good one. I have spent probably four or five hours with Mr. Ghesquiere from the Governor's Office, and Gordon Johnson and some other interested people. What we're attempting to do -- and I'm sure all of you have read the Bob Greene column about the youngster called Sara, who somehow - Mr. Greene claims - got lost in the system. And the reason that youngster got lost, it is alleged, is because there were no time lines. There was no set period within which the court had to respond to petitions and had to make an adjudicatory ruling. This will set up those time lines. Both Director Johnson and Mr. Ghesquiere agreed that we would, over the summer, hold some meetings and attempt really to deal with the bigger picture. But I think it's fair to say that this amendment is pretty well circumscribed, and I think it's worthy of our support. So I would rise in support of the Conference Committee Report on House Bill 3722. I think it does establish those time lines within which a court has to respond to

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a petition on behalf of a youngster who might otherwise get lost in the system, and I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Will the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR HAWKINSON:

Senator, do the State's Attorneys' Association support this amendment?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes, ma'am. I'm told they're not opposed to it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

Do they support the amendment?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Again, my legal counsel tells me, quote, "They did not have a problem with it," end of quote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

Let me -- let me just ask you one specific question. On our analysis, it says that this allows for only one continuance, not to exceed thirty days, if it is in the child's best interest and a written motion was filed no later than ten days prior to the

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hearing. Does this mean that if, on the day before the scheduled hearing, one of the State's Attorney's key witnesses to the abuse or the neglect is unavailable, that the State cannot get a continuance, because they didn't file a written motion ten days prior to the hearing?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

My -- my legal counsel tells me on a court so in motion, it can be continued if it is less than ten days.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

Then what does that written motion mean, if it doesn't mean that it has to be writing?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

It means it applies to the parties.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

Isn't the State's Attorney one of the parties?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

But you're telling me that -- that it doesn't mean anything, because if a key witness is gone, the State's Attorney can still

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move, or are you saying the State's Attorney may not move for a continuance if he's -- he or she have lost a key witness, but only the court can do it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

The State's Attorney can still move, but he's still bound by the ten days.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

If you're going to have hearings, that provision's got to come out, because sometimes the State's not going to know ten days prior to the hearing if one of its witnesses to the abuse or the neglect has taken ill, or is in the hospital and -- and unavailable for some reason, or is gone out of State, or -- or something else. Another question that I have relates to the next item on our -- on our analysis, and indicates that in order to have a continuance, it has to be agreed to by all of the parties. If any party objects and the deadlines haven't been met, the petition has to be dismissed without prejudice upon motion of any party, or it says, provides that the time limits for an adjudicatory hearing "may be waived only by the consent of all the parties." Does this mean if the State's Attorney feels that there is reasonable grounds for continuing the hearing, because of absence of witnesses or the need to collect more evidence, or whatever, or DCFS needs more time to prepare its report, that the abusing -- the alleged abusing party can foreclose that by simply objecting?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

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It forces DCFS to get into the picture and participate.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

I'm not going to object to stopping this bill now. Senator Rock has spent -- as indicated, he spent many times, so I've got to tell you I'm very skeptical that the State's Attorneys have even been consulted on this bill. When in Appropriations, the Director appeared on the DCFS appropriation, I asked in that committee about the problems created by the Bob Greene column, and the response at that time was, "Well, those problems don't really exist," that Mr. Greene didn't understand the situation. Well, subsequent columns, and subsequent investigation, and the fact that this bill is now being moved, obviously indicated that that was an erroneous response and that there is a real problem we need to deal with here. But I'm concerned that we're coming forth with a bill which has not consulted the law enforcement personnel of this State, has not really been consulted with the State's Attorneys, and I would urge you in the strongest terms, before this thing goes into effect, to consult with the people who have to deal with the system and in particular with the prosecutors, and straighten out some of these ambiguities.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I stand in strong support of this bill. I realize the arguments that Senator -- across the aisle has given toward this bill, but I do believe that it is in better condition than it was at the outset when it came to the Floor, and the Department of Children and Family Services is in accord with this bill, and I ask for your strong support in passage toward it.



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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, being a former Assistant State's Attorney myself, I can understand why the provision are in here for the ten-day rule, because some Assistant State's Attorneys are very dilatory and neglectful. This will put them on their march to do something, and I cannot completely agree with my colleague over here, and I think the bill is good. Let's try it out.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka, to close.

SENATOR TOPINKA:

Well. Madam President and Ladies and Gentlemen of the Senate, I -- I will -- will have the tendency to agree with a number of the speakers here. They're very erudite on the subject. I think their questions are well-taken. I don't think the bill is in as fine form as it should be, and if all parties who are involved here, you know, live up to their agreement - and I have no reason to doubt it - there will be hearings and some fine-tuning that will go this summer, and I'm sure there will be some clean-up language on this particular bill in the next Session, as it should be. I think Senator Hawkinson, to answer your question, if and when anyone told you there was not a problem, I would have to question that. It is quite obvious that there is a problem, and there are children out there who are floating around, literally without a permanent place to live, or a permanent family, or a permanence of any kind. Hopefully the bill in this form as it moves - and I would hope it could move - will start the process of -- of setting those time lines where -- where we can create that permanence and some stability for these kids, so they have a foundation on -- on which to build a fairly successful adulthood.

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I would seek your support, even with some of these disclaimers that I've brought forward.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3722. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, none voting Present, and the Senate does adopt the First Conference Committee Report to House Bill 3722. House Bill 4190. On the Order of Conference Committee Reports, there's a conference filed in reference to House Bill 4190, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 4190.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft.

SENATOR LUFT:

Thank you, Madam President. House Bill 4190 amends the Toll Highway Authority Act. Let me begin by telling you what we believe to be the most significant part, and I'm going to count on Senator Schaffer to be my co-explainer. The most significant item in the bill is a clarification - and I want to make sure clarification - that would make it clear that the Authority can use system toll revenues to support a part of the construction cost of the North-South Tollway. That means you can use revenues derived from an existing portion of the Illinois Toll Road to subsidize, in fact, the North-South Tollway. It's a clarification, because when the -- we approved the new North-South Tollway project in '84, it was deleted from the then existing legislation language that would have barred the use of system revenues for this project. It's consistent with prior intent to make the North-South Tollway a part of the Tollway System, and it

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needs to be cleared up now. This has a tendency to be long, so bear with me. It deletes provisions requiring the resolutions, rules and regulations prescribing the fixing the rates for the privilege of using toll highways to be uniform and impartial as to each class of user, which we'll come back to and let Senator Schaffer explain. Delete the requirement that a modification of -- of such rates shall be published in each of the seven largest cities in the State; allows the Authority to construct waterways and interchange improvements; allows the Authority to enter into operating agreements with gas stations, facilities, garage, stores and restaurants. It prohibit -- deletes the provision prohibiting the Authority from contracting with granting concessions or leasings, any person desiring the use of any part increases from five thousand to ten thousand the maximum value of contracts exempt from competitive bid. Increases from two to seventy-five hundred the maximum value of contracts and supplies to be let without competitive bid. Includes software and those goods or services which are economically procurable from only one source, therefore bidding shall not be required. Increases from twenty-five to forty years the maximum term of bonds, and requires - this is another important part - requires the tolls to be fixed and adjusted at a rate reasonably calculated to -- rather than the lowest possible rate that will provide funds to pay maintenance, reconstruction. Requires a ten-year plan rather than the three-year, and requires the ten-year plan rather than three-year plan. If Senator Schaffer wishes to revert back to the subject matter doing with class of users, I will yield to him at this time, and try to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of the First Conference Committee Report to House Bill 4190. Discussion? Senator Schaffer.

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SENATOR SCHAFFER:

Mr. President, I just wanted to affirm that this -- this committee -- Conference Committee Report has, I think, been rather thoroughly gone over. There were a number of things in it that I think initially would have been objectionable. They are -- they have been removed. On this side of the aisle, on your staff analysis - those of you referring to it - item number five is from an old analysis. That is gone; that is no longer in the bill, having to do with maintaining structures for townships. I should, I think -- I think, I'm -- still working? I think I should point out that the change in the fee structure is, I think, a legitimate thing. The concern was that the lowest possible might be forty-nine and a half cents, and it'd be kind of ridiculous to ask people to put forty-eight cents in, rather than fifty. The language on class of vehicle is designed to codify or to provide for a situation such as we have with the DuPage -- the new DuPage Tollway, where we are charging a higher rate for that stretch of road than we are on the older stretches. I believe the bill -- I think the controversial things have been removed, and that the bill is in -- Conference Committee is in good shape.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Emil Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR JONES:

Senator Luft, in your opening remarks, you mentioned something as relate to using funds for construction. Could you tell me to what extent that construction is, and what kind of dollar amount are we talking about?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Luft.

SENATOR LUFT:

Well, Senator Jones, I can't tell you the dollar amount, but the purpose of this is -- and I'll give you an example. If it costs - and I'm going to generalize - fifty million dollars to build the North-South Toll Road, and the revenues from the North-South Toll Road were not enough to satisfy the debt requirements, then the tolls from 294 or another existing toll road can be used as a revenue stream to satisfy the debt of the North-South Toll Road, which I think is consistent with what has been going on in the toll road system for the last few years.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Jones.

SENATOR JONES:

Well then, is there anything in this language for the Tollway Authority statutorily that would insure that minorities and women will receive their fair share of those contracts to be let for the construction of the tollways?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, if I could -- there's nothing in this Conference Committee that has anything to do with any future construction. There is no future construction authorized by this report. I know there are some rumors floating around, and there's apparently a proposal in the House. This is not that proposal. This has nothing to do with 53 extension, nothing to do with Fox Valley. This is purely a cleanup of the existing toll road language. The -- the proposal for any future construction lies awaiting a birth in the House at this point, as I understand it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

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SENATOR JONES:

Well, does this Conference Committee Report give the Authority the power to annex as such? Now the reason why I'm raising these questions to my colleague on this side, and to you on that side, is that we are talking about these Authorities and -- and about minorities and women having their fair share or access to the market, and what I'm trying to ascertain from either of the two co-spokesmen for this Conference Committee Report is that if it does have that, would you be willing to withhold this Conference Committee Report until such time as the proper language can be put in to insure that minorities and women do have an opportunity to whatever construction that is going on, or that will take place?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

If you would, Senator, I would suggest that if the proposals to expand the tollway, thereby creating the construction contracts that you're talking about, would come into fruition moves, that that would be a logical place for the kind of proposal you have in mind. Although I -- I am no expert on every line of the tollway law, but I believe some of the requirements you want exist in the tollway law already, but they're not subject to what we're doing here today.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft.

SENATOR LUFT:

Senator Jones, this bill has nothing to do with construction. This bill authorizes no new construction. For any new construction to take place on the Illinois Toll Road System, I'm -- I understand that a resolution, naming that specific road, has to be passed by both the House and the Senate, and Senator Schaffer confirmed -- can confirm this. My suggestion to you

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would be that if, in fact, that does have to be done in the process -- how I just explained, that you would have incorporated in each resolution that authorizes the construction as -- and I stated, you can't have any new construction without this resolution being passed, their criteria with which you hope to accomplish. Secondly, I understand, as well as Senator Schaffer just said, that we were told - and I can only go on what was related to us - that the provisions you seek are already in the Act, but they are not in this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Well, I don't know if they are in the Act or not, and I -- I raise that particular point. I understand that when the conferees did meet on this Conference Committee Report, that this issue was discussed and I was led to believe at that -- from that Conference Committee that it was not there and they wanted it included in this Conference Committee Report, and that's why I raise this particular issue. I will look further at the Tollway Authority Act at this particular time. However, if it is not in there, then I think this whole Body has been led -- and those who think that it's in there, that they have been misled.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR MACDONALD:

Yes. To what extent is the Authority's quick-take powers expanded under this bill?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Luft.

SENATOR LUFT:

It's my understanding that they're not expanded at all. I'm not even sure it's discussed in this piece of legislation.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald.

SENATOR MACDONALD:

Maybe Senator Schaffer can answer that. It is in my analysis of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

You know, I see that line in our analysis, but I -- I don't see it in the -- in the Act. I'm looking around for staff. It was not in the -- I -- I stand corrected. Staff tells me there is a quick-take provision for remnants. Remnants and remains of highways that are already built. News to me.

END OF TAPE

TAPE 7

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Karpel.

SENATOR KARPIEL:

I was only standing to answer the question. I think we've answered it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. I may have a conflict, but I'll



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vote my conscience.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Madam President. May I have a question of the sponsor?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield. Senator...

SENATOR TOPINKA:

Yes. It's my understanding that there's a gentleman out of Wilmette or Winnetka at this time, who has a lawsuit against the tollway regarding the use of tolls from a preexistent tollway, which allegedly are to pay off that tollway, being used for new tollways, and there are friends of the court that have joined that suit, and that suit is active, at least from my kind of limited reading on that. Is it the intent of this bill to squish that lawsuit?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft.

SENATOR LUFT:

My understanding that this bill is perspective in nature. It's my understanding that this bill is prospective in nature. Such as the Bates case bill -- school bill - that we had last year.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft, to close.

SENATOR LUFT:

Well, somewhere I hope that we will satisfy Senator Jones. It's not my intent, nor Senator Schaffer's intent, to dissatisfy anybody. We're trying to clear up language that needed to be cleared up so the Toll Road Authority could proceed with its duties, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

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The question is, shall the Senate adopt the First Conference Committee Report to House Bill 4190. 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 49 Ayes, 3 Nays, 2 voting Present, and the Senate does adopt the First Conference Committee Report to House Bill 90 -- 4190. House Bill -- Senate Bill 1136. Senator D'Arco. On the Order of Conference Committee Reports, there's a conference we -- report filed in respect to House Bill -- Senate Bill 1136. Senator -- I mean, Mr. President -- Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 1136.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Madam President, 1136 creates the Anti-Competition Commercial Covenant Act. And what it does is disallows overly restrictive anti-competitive agreements to limit competing businesses within a TIF district. The emanation of this bill evolved because in some TIF district there was a situation where a competing grocer wanted to put a grocery store within a shopping center and employ around three hundred people, and because of the restrictive covenants that were in effect in an adjoining shopping center, he was unable to do that, and this bill would correct that defect.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved the adoption of the First Conference Committee Report to House -- to Senate Bill 1136. Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members, I just tried to listen to

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Senator D'Arco's explanation of this provision which is before us, which I guess is seeing the light of day for the first time. And I'm -- I'm not sure who exactly we're trying to help or hurt, but one point I think needs to be made is - in the opinion of some of us who have looked at this - is that it's pretty clearly unconstitutional, in that it seems to attempt to retroactively deny the effect of an existing contract, and it's pretty clear as a matter of constitutional law that you can't do anything to impair an existing contractual obligation, and this seems on it's face to -- to clearly do that. And regardless of -- of who attempt -- this bill attempts to help or for that matter to hurt, I think, in light of the principle of law at stake here, that we ought to be voting against this.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. That is the very point that I was going to raise. I was just reading the language. Any contract, covenant or agreement, including those in force prior to the effective date of this Act, affecting businesses and redevelopment project areas under some article of the Municipal Code, are -- what does it say now -- are hereby declared void, as against public policy and wholly unenforceable. And Senator D'Arco, I -- I don't think that is possible to go back and ex post facto declare a -- I don't know how many contracts this might affect, but to declare them void and unenforceable, even though they have been entered into quite lawfully at the time. Just cannot be done.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. This was brought to my attention as the

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minority spokesman on local government, and -- and to reinforce what both legal eagles have said, if those on our side will -- will read the analysis, you will see that in Section 1, Article XVI of the Illinois Constitution states no ex post facto law or law impairing the obligation of contracts or making an irrevocable grant of special privileges of immunities shall be passed. That's what we're about to do. I would suggest very strongly, although I understand there is a problem that Senator D'Arco is honestly trying to take care of, this isn't going to work, and I would suggest we vote No.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator D'Arco, to close.

SENATOR D'ARCO:

Thank you. Madam President, it's -- it's very enlightening to hear from all of the constitutional experts in the Senate concerning what is an ex post facto law and so forth. But the bottom line is, the fact of the matter is, that an anti-competitive agreement can be biased in favor of one party or the other, and if that is the fact, it can cause detriment to the extent that people who would otherwise be employed by someone and that's the situation that is being faced in Collinsville at this very moment, where a grocery chain wants to open a store and hire three hundred people, and employ these people in a TIF district that is in a depressed area, and because of an anti-competitive agreement, is unable to do so. Now I'm not going to argue the constitutionality of whether this Conference Committee Report meets the requirements of the Illinois Constitution or not. That's not what this is all about. This is all about employing people who are in need of jobs in a depressed area. There's no reason not to support this report.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference

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Committee Report to Senate Bill 1136. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 24 Ayes, 30 Nays, none voting Present, and the -- and the Senate failed to adopt the First Conference Committee Report of Senate Bill 1136. At the top of Page of Supplemental 6. Senate Bill 2309. Senator Alexander. Okay, on Supplemental No. ...

PRESIDENT ROCK:

Ladies and Gentlemen, if I can have your attention. We will shortly be going to - once the computer gets ready - Calendar No. 7. That's the one with Senators Marovitz, Savickas, Fawell, Holmberg, Marovitz and Welch. Starting with House Bill 1550. There will be a Supplemental No. 8 that will contain three items, and because of printing problems - just the bulk - there will be a Supplemental 9 with one item, and that will conclude our business. We will have afforded all the Members the opportunity, at least, to present what they wish to present, but there are ten items left. So my guess is, depending on the level and duration of rhetoric, we're within -- we're within reach. The eleventh or twelfth item will be the adjournment resolution, which calls for us to return in November. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1320 offered by Senator J.J. Joyce.

And Senate Joint Resolution 211 offered by Senators Netsch and President Rock.

They're both substantive.

PRESIDENT ROCK:

Executive.

SECRETARY HAWKER:

And Senate Resolution 1321 offered by Senator Newhouse.

And Senate Joint Resolution 212 -- pardon me. Senate

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Resolution 1321 offered by Senator Newhouse.

It's congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Joint Resolution 210 offered by Senator Hall.

It is substantive.

PRESIDENT ROCK:

Executive. Senator Marovitz, are you ready on 1550? Senator Savickas, you're next on 3024. Senator Fawell, then Senator Holmberg, Senator Marovitz and Senator Welch. We're on Supplemental Calendar No. 7. That Calendar has been distributed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

1550. As you can see, we are having some difficulty with the -- with the board. We're going to try to reload the board in a second or two. For what purpose does the Gentleman from Cook, Senator Marovitz, seek recognition? You can't speak from the Floor while they are loading. So just be in recess for a few moments.

(RECESS)

MIDNIGHT

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