

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

June 30, 1989

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of nine o'clock having arrived, the Senate will come to order. Our Members will be at their desks. Our guests in the gallery will please rise. Our -- our prayer today will be by the Reverend Charles L. Kyle, Ascension of Our Lord Church, Evanston, Illinois. Father Kyle.

FATHER CHARLES L. KYLE:

(Prayer given by Father Charles L. Kyle)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Wednesday, June 21st; Thursday, June 22nd; Friday, June 23rd; Saturday, June 24th; Monday, June 26th; Tuesday, June 27th; Wednesday, June 28th, and Thursday, June 29th, in the year 1989, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion as posed by Senator Hall. Is there any objections? Hearing none, so ordered. ...(machine cutoff)... It is our intention this morning to begin on the regular Calendar, and do Concurrences and Non-concurrences - go until we can. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 511 offered by Senator Hawkinson.

It is congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

SECRETARY HAWKER:

Senate Joint Resolution 87 offered by Senators Geo-Karis, Macdonald, Fawell, Topinka, Ralph Dunn and Madigan. It is substantive.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive.

SECRETARY HAWKER:

Senate Resolution 465 offered by Senator del Valle.

Whereas, The Reverend...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Hold -- just -- just -- hold on just a moment. Senator del Valle has some special guests with him this morning, with respect to this resolution. I would ask Senator del Valle to -- and his guests to please join me at the rostrum here. You may continue, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 465 offered by Senator del Valle.

(Secretary reads SR 465)

SENATOR DEL VALLE:

I think it's very, very appropriate, that on this day, when I hope the State of Illinois will take a major step to ensure that the children of the State of Illinois have a quality education to look forward to - that on this day we honor an individual that I think has contributed more than most towards ensuring that the quality of education improves in the State of Illinois. I think you all know Father Kyle. You know his contributions. His most recent being the report that he wrote for the Joint Committee on minority student access to higher education. And on this day we want to recognize his contributions, and thank him very much for making sure that the State of Illinois gets on track to ensure quality education for all our youngsters and for our adults. Thank you very much, Father Kyle.

FATHER KYLE:

(Remarks made by Father Charles L. Kyle)

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator del Valle has moved to suspend the rules

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for the immediate consideration and adoption of Senate Resolution 465. All those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator del Valle now moves the adoption of Senate Resolution 465. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries. The resolution is adopted. Message 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 recede from the Amendments No. 2 thru 6 to a bill of the following title, to wit:

Senate Bill 1325.

I am further directed to inform the Senate that the House of Representatives requests the First Committee of Conference to consider the differences of the two Houses in regard to the amendments to the bill. Action taken by the House, June 26, 1989. Filed by John F. O'Brien, Clerk of the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Senate accedes to the request of the House with the message just received. Okay. On your regular Calendar. On your regular Calendar. On your regular Calendar. All right. Regular Calendar, Secretary's Desk, Concurrence. 150. 279. Senator Weaver. 281. Senator Carroll. 282. Senator Etheredge. We're on Concurrences on the regular Calendar. 284. Senator Maitland. Page 11. Does any -- does any Member have a bill on the Order of Secretary's Desk, Concurrence that they wish to call? We'll get right there. All right. Secretary's Desk, Non-concurrence. House Bill 859. Senator Maitland. 1261. Senator Hawkinson. House Bill 1-2-6-9 <sic>, Secretary's Desk, Non-concurrence, bottom of Page 12. Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 1261.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I would move that the Senate do recede from Senate Amendment No. 1, which would then bring this bill back to its introduced level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there a discussion? This will be final action. Senator Hawkinson has moved that the Senate recede from the adoption of Senate Amendment 1 to House Bill 1261. 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 56, the Nays are none, none voting Present. The Senate does recede from the adoption of Senate Amendment No. 1 to House Bill 1261. And the bill, having received the required constitutional majority, is declared passed. 1359. Senator...(pause)...All right. While we are still on Non-concurrence on Page 12 -- Page 12, is House Bill 859, Madam Secretary.

SECRETARY HAWKER:

Senate Amendments 1, 2, 3, 4, 5, 6, 7, 11 and 12 to House Bill 859. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I move that the Senate non-concur in Amendments 1, 2, 3, 4, 5, 6, 7, 11 and 12, and ask that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland...

SENATOR MAITLAND:



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Refuse to -- I'm sorry. I'm sorry. That is a Refuse to Recede Motion, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland moves that the Senate refuse to recede from the adoption of Senate Amendments 1, 2, 3, 4, 5, 6, 7, 11 and 12, and that a conference committee be appointed. All in favor of the motion will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. We've finished Concurrence and Non-concurrence on the Calendar; we will move into Conference Committee Reports. Page 12. Senator Topinka. 1354, on Concurrence. Page 12. Sorry about that. Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. Since this is our last day, today, some good people from my district have, indeed, brought down some soul food from us. So, we will be passing out Bohemian kolacky, from the Fingerhut Bakeries in Cicero to keep up everybody's strength. Now, I did ask Senator Lechowicz if he would bring down some Polish paczki. And I just want you to know the kolacky did arrive; the paczki did not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, Senator.

SENATOR HUDSON:

I can't top the eloquent ethnic oration we just had, but in the gallery - in the President's Gallery, we have constituents of mine, also, the legislative assistants of mine in my home office. Traveled all the way down here to see us in action at this time,

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my legislative assistants Mrs. Jackie Henry and Mrs. Kay Kerksick. And I wondered if we would welcome them to the Chamber.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would our guests in the gallery please rise. Welcome to Springfield. Senator Carroll, Page 13 on Non-concurrence, you have 2-0-9-7. Page 13. All right. Page 13. Secretary's Desk, Non-concurrence, House Bill 2-0-9-7, Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 2097.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I liked this Senate Amendment very much, and would refuse to recede from the Senate Amendment, and ask that a committee on conference be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 2-0-9-7, and that a conference committee be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries. Secretary shall so inform the House. All right. Let's -- Page 13. We'll start on Conference Committee Reports. Page 13. Conference Committee Reports. House Bill 42. Senator DeAngelis on the Floor? Senator DeAngelis on the Floor? House Bill 113. Senator Daley. Senator Daley on the Floor? 227. Senator D'Arco. Senator D'Arco on the Floor? House Bill 514. Senator Rea. 541. Senator Lechowicz on the Floor? We're on the Order of Conference Committee Reports. ...(machine cutoff)... 5-5-1. Senator Schaffer. No. Page 14. House Bill 594. Conference Committee Reports. Senator D'Arco on the Floor? 643. Senator Barkhausen. Conference Committee Reports. Page 14. House Bill 643, Madam

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Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 643.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 643, and the Conference Committee Report on it, is -- is simply the original House Bill, as it came to us without our amendment. This is the legislation that provides for an attorney-appointed system by the Supreme Court to represent indigents, in what are known as post-conviction proceedings, in death penalty cases. I'd be happy to answer any questions. It is the Supreme Court recommendation. And I ask for your support of this legislation. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not...(machine cutoff)...the question is, shall the Senate adopt the First Conference Committee Report on House Bill 643. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 643, and the bill, having received the required constitutional majority, is declared passed. ...(machine cutoff)... All right. We'll -- we'll skip over the appropriations bills on conference committee reports, and just take the substantive bills. Page 15. Senator Welch. 1085. 1287. Senator Fawell. All right. We're on Conference Committee Reports. Page 15. House Bill 1287. Senator Fawell indicates she wished to have that called. Madam Secretary, 1-2-8-7.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1287.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Is this -- is this mine, now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I beg your pardon. It's Senator Kelly's. I beg your pardon. I missed -- take it out of the record. Yesterday we took something from you and we were trying to give you something back. I beg your pardon. Take it out of the record. 1406. Senator Joyce. 1480. Senator Marovitz. Does anybody want these called Monday or Tuesday or -- Wait a minute. 1496 - House Bill. All right. House Bill 1496, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1496.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 1496, as it left the Senate, provided some limited immunities for physicians who donate their time to the public health clinics. And the reason for the bill was that they've been unable to be covered by their medical malpractice insurance policies for their time that they give to sign standing orders for immunizations at the public health clinics, and the like. The bill is in the same shape, but what the Conference Committee Report does, is add locally based not-for-profit corporations which conduct a free public health clinic among its other services. And this would give the same protection to physicians, in the not-for-profit clinics, as we have given in the House bill to other physicians. And I would ask for the adoption of the Conference Committee Report on House Bill 1496.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1496. 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 House Bill 1496, and the bill, having received the required constitutional majority, is declared passed. House Bill 1503. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1503.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, the Conference Committee Report on House Bill 1503 contains the original bill, which raised the penalties for reckless driving from a Class B to a Class A misdemeanor. In addition, it contains the legislation that had first been proposed by Senator Geo-Karis, relating to the reimbursement of public agencies by those who have been convicted of a DUI offense and whose -- whose offense necessitates the -- the services of public agencies, such as police and fire and -- and the ambulance services. There is, as a result of the Conference Committee Report, a cap placed on the amount at which an individual can be required to reimburse these public agencies, and that amount is five hundred dollars for each such agency. And I ask for your support of this 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 House Bill 1503. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

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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 1503, and the bill, having received the required constitutional majority, is declared passed. 1508. Senator Kelly. House Bill 1508, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1508.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. House Bill 1508, it maintains all the original intent that we had. This is part of our Mental Health package - the next two bills will be. And the only changes that the Conference Committee Report made was technical changes which were made, and also it added in Senator Kustra's provision, which was in Senate Bill 1177, which I believe passed by unanimous vote. And I move that we adopt the Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1508. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1509 -- 1508. And the bill, having received the required constitutional majority, is declared passed. House Bill 1571, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1571.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly. 1571.

SENATOR KELLY:

Thank you -- thank you, Mr. President. This -- very similar nature, it's -- it's on the last part of our package for the Mental Health package. The only changes that were made in this, and it's been -- is a tightening up of the language in the -- that is contained in here. And we also had brought in the concerns that Senator Topinka and Senator Fawell had; provisions pertaining to alternative funding for community mental health programs. And the one controversial item, which was the Inspector General, to be in or out of the Department; it will be in the Department, but it will be with the Governor's appointment, and the approval and advice and consent of the Senate. And as far as I know, everybody's signed off. And appreciate your support in adopting the Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1571. 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 1, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1571, and the bill, having received the required constitutional majority, is declared passed. House Bill 1726, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1726.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Conference Committee on House Bill

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1726 restructures the bill, so that calls alleging truancy will be referred - if received by DCFS - will be referred to the truant officers at the school district level. And this will also eliminate the process by which these allegations of truancy, only, are -- become indicated reports and are a cloud on the relationship of the family, based upon the record keeping of DCFS. What we have tried to do here, and what this bill does now, is to address the question of truancy in -- in the proper atmosphere of referring the calls, received by DCFS, to the proper school officials. I move the adoption of Conference Committee No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hudson.

SENATOR HUDSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Senator Berman, I notice that this bill originally in its House Bill - Representative Pullen over there, has she signed off on -- on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes. And I'm glad you pointed that out. I think this is a first time that Representative Pullen and Senator Berman have co-sponsored a bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Okay. That's good enough for me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well -- well -- I don't know how many you lose. Question is,



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shall the Senate adopt the First Conference Committee Report on House Bill 1726. 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 1726, and the bill, having received the required constitutional majority, is declared passed. There have been a couple of Members who have come in from conference committee reports -- from conference committees, and wish to go back. Let's just continue where we are right now and we can -- we can go back and pickup everybody else's later. Top of Page 16. 1754. Senator Marovitz. 1778. Senator Keats. Senator Keats on the Floor? House Bill 1859, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1859.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The First Conference Committee Reports concurs with Senate Amendment No. 1 and adds House Bill 860, which allows a fifteen-year-old minor to be tried as an adult for certain second gang-related felonies. Under the current law, certain crimes committed by juveniles trigger the mandatory transfer provisions of the Juvenile Court Act. Others are transferable to adult court on a motion by the state's attorney in a hearing and ruling by a juvenile court judge. This is to get at the repeat offenders, that are involved in gang - criminal gang activity. I move to -- for the adoption of the First Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Barkhausen.

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SENATOR BARKHAUSEN:

Well, Mr. President and Members, I'm -- I'm sorry for rising, and I -- I confess to not being prepared on this. I wasn't asked to sign this report. I've never seen it, and I'm only looking - at this very minute - at our analysis. And just judging by the analysis, the concerns I would raise are, what seems to be, perhaps, an inadequate definition of -- of gang. Our analysis raises the point that the gang is defined as an association of five, or more persons, formed to encourage members to perpetrate crimes, or support -- or to support other members who do commit crimes. But there is a question as to what level of proof is necessary to establish that the offense was committed in furtherance of the gang. There is an additional question as to whether -- whether the legislation should include prior convictions of the minor for a felony. And at this time, I'm -- I'm going to urge our side, I think, to vote Present, until we -- unless and until we can have a chance to take a closer look at this legislation. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there further discussion? Senator del Valle may close.

SENATOR DEL VALLE:

Well, I -- I'd like to point out to the Members that the bill -- or the content of the bill, that we're adding here, is the bill that Senator Barkhausen attempted to pass with some amendments that we had problems with. So, I -- I -- I don't see any problem with -- with passing this. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 1859. 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

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are 46, the Nays are 7, 5 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1859. And the bill, having received the required constitutional majority, is declared passed. House Bill 1871, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1871.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 1871 is the bill which provides that any person who knowingly transmits an HIV virus will be subject to a Class 2 felony. The Conference Committee really didn't make any major change, other than some concern that we had about transferring of -- of body fluids. And the new language simply says that the exposure of the body of one person to a body fluid of another, in a manner that could result in the transmission of HIV. This legislation passed out of the Senate with a 45 to 5 vote. The Conference Committee doesn't change the -- the intent, nor really -- just clarifies some positions in -- in regard to intimate contact, and some concerns that some of the others on the other side have. And I'll be glad to answer any questions. Otherwise, I appreciate your vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1871. 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 1, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1871. And the bill, having received the required constitutional majority, is declared passed. 1883. Senator Hawkinson. House Bill 1883,

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Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1883.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. 1883 was a bill that -- that came out of the Senate - as the bill - as a part of the -- the three-bill cult package. This was the one that makes it criminal to coerce someone to commit suicide. That bill remains in the Conference Committee Report. We've also added an amendment to the Juvenile Code, that has to do with weapons found in possession of -- of minors, who are found to be delinquent, for an offense involving the use of a weapon. This was Senator Dunn's bill, I believe. The confiscation of the juvenile weapon in the same manner that we confiscate weapons in the -- in the adult court. And finally, was the bill that was sponsored, I believe by Senator Marovitz, of aggravated battery with a firearm that passed overwhelmingly in this Body. And those are the three items in this Conference Committee Report, and I would ask for its adoption. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Marovitz.

SENATOR MAROVITZ:

Senator Hawkinson, is it your intent that a family member, who sees a member of their family dying, and in pain, and suffering a grievous death, and a long -- from a long terminal illness, would not be able to speak to that family member, or counsel that family

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member, about ways in which that member can be put out of their long, suffering misery?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

No. No, Senator. This bill has no application, whatsoever, to counseling or advice, in that manner, or any other counseling. This simply applies to coercion, and is not intended to cover the situation you've described.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1883. 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 57, the Nays are none, none voting Present. The Senate does concur -- does adopt the First Conference Committee Report on House Bill 1883. And the bill, having received the required constitutional majority, is declared passed. 1896. Senator Watson. House Bill 1896, Madam Secretary.  
SECRETARY HAWKER:

First Conference Committee Report on House Bill 1896.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This legislation, now the conference committee, just added in an effective date, which would make it an immediate. We concur with Senate Amendment No. 1, which cleared up some provisions that the committee and -- the Transportation Committee brought to our attention. But the bill simply says that it provides whenever any resident fails to pay any traffic fine, the court would notify the Secretary of State,

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and the Secretary, then, would refuse to renew that individual's driving privileges. The concern is that there is many people out there that aren't paying their fines and their court costs. And this would be one way in order to recover some of that money for the local units of government. Would be glad to answer any questions. Otherwise, appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1896. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1896. And the bill, having received the required constitutional majority, is declared passed. House Bill 2-0-5-9, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2059.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of -- of the Senate. House Bill 2-0-5-9, as we know, would -- involves the -- would amend the Vehicle Code - the drivers license suspension, and testing for alcohol or drugs, parking violations, as well as towing. Under this bill, a driver involved in an accident, resulting in the death, or bodily injury, shall be deemed to have -- shall be deemed to have given applied consent - a probable cause exists to believe that that person was drinking. It would allow test results to be used in criminal civil actions. It would also -- this conference committee authorizes a municipality to establish a system of vehicle immobilization for the purpose of

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reinforcing parking regulation. Requires any municipal ordinance, establishing such a system, to provide notice and hearing. It authorizes the City of Chicago to designate a municipal department, to assume certain responsibility towards abandoned vehicles - now fulfilled by -- fulfilled by the police department. And it makes, in Chicago, the notice of a parking violation the same as summons in the complaint of the Code of Civil Procedure. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Welch.

SENATOR WELCH:

I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Daley, you said that if you get a parking ticket it's the same as a summons and complaint. Does that mean a personal judgement will be rendered if you don't show up in traffic court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Senator, apparently this is a better means of dealing with the problem that exists in the City of Chicago, where many times the ticket is blown off the car. And therefore, it -- it would be sent to the individual.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, does this only apply to the City of Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

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Yes, it does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Daley, you wish to close? The question is, shall the Senate adopt the First Conference Committee Report on House Bill 2-0-5-9. 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, Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 2-0-5-9. And the bill, having received the required constitutional majority, is declared passed. 2-0-7-6. House Bill 2-0-7-6, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2076.

PRESIDING OFFICER: (SENATOR DEMUZIO)

20 -- Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this is the American Sign Language Bill. The -- I would urge that we concur with the Conference Committee, and -- and go with it. It, basically, puts it into the original form in which it came out of the Senate Education Committee; and notes that American sign language would be the equivalent of a course in -- of proficiency in a foreign language.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2-0-7-6. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 2-0-7-6.



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And the bill, having received the required constitutional majority, is declared passed. House Bill 2171. Senator Vadalabene. 2171, Senator Vadalabene. 2-1-7-1. All right. Is there leave to have Senator Welch handle that? Leave is granted. On the Order of Conference Committee Reports, House Bill 2171. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. 2171 is a one-page Conference Committee Report, and what it says is that the House concurs in Senate Amendment No. 1, and further amends the bill by replacing one of the sections to say that the provision which allows the State Fire Marshal to enjoin the use of seating furniture, has not been tested. It removed that provision. So I would move for adoption of Conference Committee Report on House Bill 2171. I'll try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2171. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish?... (machine cutoff)... Take the record. On that question, the Ayes are 58, the Nays are 1. None voting Present. The Senate does adopt the First Conference Committee Report on House Bill 2171, and the bill, having received the required constitutional majority, is declared passed. House Bill 2293, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2293.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I would move that the Senate adopt Conference Committee Report No.

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1 to House Bill 2293. Inadvertently, a sentence was put in the bill regarding community service for abused and neglected and dependent children. That was only to apply to delinquency. That inadvertent section was taken out of the bill. And also, probation officers are continued to be authorized to issue travel permits to individuals that are under their supervision. I would ask for adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in the -- in the report the community service work looked like it was taken out a good number of times, but can you assure us that that community service work provision is still available, in the case of delinquency?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2293. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 2293. And the bill, having received the required constitutional majority, is declared passed. 2351. House bill, Madam Secretary.

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SECRETARY HAWKER:

First Conference Committee Report on House Bill 2351.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Under this amendment, this would still require people to be accredited who administer radiation to human beings. And the Illinois State Medical Society requested the change, and I urge adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2351. 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 2351. And the bill, having received the required constitutional majority, is declared passed. Top of Page 17. House Bill 2634, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2634.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. The Conference Committee Report 2634 -- this report would de-mandate sex education courses in Family Life curriculums. And it also provides an opt-out provision for parents who want to withdraw their children from both sex education courses, or AIDS courses. It also requires that sexual abstinence be part of this curriculum -- abstinence until marriage, in all sex education courses. And

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that by teaching sexual abstinence, we are not only elevating the moral conduct of our young people, but we are also advising them -- to avoid such dreaded diseases as AIDS, and other types of venereal diseases, which can be caused by this promiscuous sexual contact. I just want to remind the opponents, that may vote against this proposal today, that last year you skimmed by, by the skin of your teeth, with an AIDS bill-teaching AIDS in school, and also with sexual education. And there were some of us that probably could have been a little more vocal, on this Floor. What we're asking for now is a little balance in that, in allowing our side to get -- to be heard. So, I would move to adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I was originally put on this conference committee, and I had talked to Kathleen Sullivan about this. We had a rather long and, frankly, heated discussion about this bill. And I thought, frankly, that we had come to a compromise; that's what she had told me. That she would allow the family life amendment to stay in if there was language that, in effect, said that sex education would be taken out of that. What we are doing, presently, with this bill, is, again, throwing the baby out with the bath water. I think a number of you, if you talk to your high schools, will discover that there is an excellent course called Family Life. In that Family Life course the children are taught the realities of marriage, as far as budgeting, as far as trying to find a job, and finding out that they're not going to make forty or fifty thousand dollars if they graduate from high school and go to work. They're going to find out that apartments that are one hundred and fifty dollars are, frankly, holes in the wall; and not the kind of an apartment that they want to live in.

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They're going to find out that children, although they are a joy at times, can also, frankly, be a pain in the neck; and that they are not going to be able to just take that child - stick it in the corner - and forget about it. I think these are lessons that should be included in the curriculum. With a fifty percent divorce rate, we've got too many families, now, that the State is responsible for; because of the fact that the families are not intact. If some of these children will learn that marriage, although it's a great institution, is not all fun and games, and that there are responsibilities that come with a marriage vow. I think that's an important lesson, and, frankly, one that's probably a lot more valuable than all the Latin and the Trigonometry that they learn throughout their courses. I think we should reject this, and take it back. I think what the compromise that Kathleen Sullivan and I arrived at was a good compromise; it should be put in place. And bring the bill back, and we can, at that point, pass it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think, in this version, this law and this Conference Committee Report is one of the more confusing pieces of legislation that we have had before us. As Senator Fawell has said, we do have Family Life courses. And one of the procedures - we have had to make sure that those who did not want their children to participate, could opt out. We have also asked that Family Life courses, with requests from some of the Members, teach abstinence. Suddenly, we're going to outlaw Family Life courses. How, then, will we teach abstinence? How, then, will we teach AIDS education? How, then, will you opt out of an AIDS education course; if there is no course to opt out of? Legally, I don't even see how this bill can work. I think it's poorly

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conceived, poorly written, and I think the language that we had in previous years takes care of everybody, and makes it a more logical approach, so that those who wish to have Family Life can do it. Those who do not want to have it, will have the option to not have their children in the program.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion?

SENATOR FAWELL:

I just want to recommend that we defeat this -- this particular conference committee report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, if I could just have your attention for a moment. I know there is a lot of things going on.

PRESIDING OFFICER: (SENATOR LUFT)

Could we have your attention, please? Could we please have your attention? Thank you.

SENATOR BERMAN:

I don't think I am overstating a point, if I say to you that your vote on this bill is probably just as important as the vote you will cast later today, on the areas of funding of the Department of Children and Family Services, the Department of Corrections, the State Board of Education. Because those budgets, especially DCFS and Corrections, will have to be dramatically increased if this bill passes. We are dealing with a bill that says that the following subjects cannot, and should not, be taught in our schools. And I quote: "the emotional, psychological, physiological, hygienic and social responsibilities of family life." Today, half the marriages wind up in divorce. Seventy percent of the women are out earning a living. You don't have

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two-parent families with stable environments. The school is a place that you hope to teach children how to act properly, and as good citizens. This bill takes that out of the curriculum in our public schools. The people that want you to vote for this bill are living in the nineteenth century. They don't recognize the dope pushers, and the prostitutes, and the single-parent families, and the television sets that act as the parent instead of a mother and father. This bill may make sense back in the nineteen twenties. It doesn't make sense in nineteen eighty-nine, and the nineteen nineties. It does a great disservice to everything that we all strive for, as far as trying to teach our children how to be responsible citizens, and to be good children, good parents, and good Illinoisans. I ask you, I plead with you, please vote No on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I cannot disagree with anything that Senator Berman said, but I will put it a little differently. I think the problem with the bill is that it simply went too far. This bill, in its original form, when I was the original sponsor, was an attempt to place into the law a statement on the importance of teaching sexual abstinence, when sex education courses were taught across the State. And I think we had virtual agreement on that, as the original purpose of the bill. There was another section of the bill, however, which created a lot of controversy, and that's the one which Senator Berman and Senator Holmberg and others have discussed already. I really think it would be unfortunate if we did, as Senator Fawell said, throw the baby out with the bath water; and have this whole thing go down. What we ought to do is vote No on this Conference Committee Report - take out the language which really doesn't make

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any sense in nineteen eighty-nine. The family life mandate has a place in State law. And there are schools across the State that are using that mandate well. If there are a few who are abusing it, then their local school boards should deal with that. But we can't keep track of all nine hundred and some odd school districts; and we shouldn't try to do that from here. So I would suggest to you, that if we can reject this Conference Committee Report, we can come back and insert the original sexual abstinence language and leave it at that. And let's, at least, leave this General Assembly, today or tomorrow, being able to say that we have, at least, placed alongside of everything else that's being taught in sex education courses across the State of Illinois, a statement for sexual abstinence. I urge a No vote on this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I can't say that I blame the proponents for putting the opponents to what Senator Kelly is trying to do. I cannot blame them for putting the best face on this thing that they can possibly conceive. But I think this full story has not been told. I think the concern here is, that it is through these so-called Family Life and Family Living programs, that we are introducing, into our school curriculum, a lot of things that a lot of parents and a lot of people simply don't want taught to their children in the classroom. And some of you who have had an opportunity to look over some of the material that is -- that finds its way into the classroom, through this conduit, will be appalled, if you had a chance to really study it. And, I think this is the objection. It isn't that there aren't some good things. Senator Fawell and I have talked about -- about this at great length. And there are



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some schools that are very responsible in their handling of these materials. But there are other institutions, into which some things are creeping, and this is being used as a conduit for those types of materials, that simply have some of our parents outraged. And I think this is what gives impetus to what Senator Kelly is trying to do here. I think the time has come for us to hear the voices of these people that are outraged at some of this material. I don't think that the school systems are going to collapse in the absence of some of this. Not at all. So I would urge support of this Conference Committee Report. It is agreed to, by the way, by Kathleen Sullivan. She is in accord with this - meets with her approval, and I presume Eagle Forum, and some of the other organizations, that are interested in -- in this subject. So, I don't think we need be hesitant or fearful to support this Conference Committee Report, and move on with our business. I urge support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, and Members of the Senate. This is a difficult vote for a lot of people, because no matter how you vote, you're going to be perceived as being for, or against sex education. That's just what it's going to boil down to. Senator Kelly, I -- I truthfully do wish that -- that there would have been an attempt made, and I tried to make an attempt, to resolve this difficult situation. As you and I both know, this language was changed last year, as a result of the work that I did on the Mandates Task Force. You indicated that it got through without anybody knowing what was happening. Sir, I would submit to you that we -- were very clear on our language, and that language was before the public for a long time. And so, I think that statement is in error. I just wish that for those of you who

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have not read this bill, I want you to read it, and ask you to really understand what you're voting for here; and what you are asking, in some cases, the State Superintendent of Schools to do, with respect to evaluation - and a number of things. It has been my goal, and continues to be my goal, that this be a -- a -- language that is very broadly drawn; that gives to local school districts the right to put together the program that they want to teach. And I think we did that last year. And allows for students to opt out, if the parents want them out of that program. What we are doing here, as Senator Kustra has said, and Senator Berman before him, is completely screwing up some very careful language that was drawn. I don't think those of you who oppose any kind of sex education in schools, are getting what you think you are getting. And I would invite you -- I would invite you to be very careful about your vote, and look what you're doing, and, perhaps, reject this Conference Committee Report. Go back to the drawing board, and try to do this job right. I urge opposition.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR KELLY:

Just move to adopt Conference Committee Report No. 1, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report to House Bill 2634. 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 23, the Nays are 26, 2 voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. On the Order of Conference Committee

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Reports is House Bill 2693. Senator Watson. Read the report, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2693.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This bill comes back to us in a Conference Committee Report the same as it was when it passed the Senate 37 to 17. This is the legislation which would prohibit the use of an aborted fetus in experimentation or transplantation. We had an amendment drafted to the legislation which concerned some of the individuals about the intent to prohibit the performance of a legal abortion, and we cleared that up, that this does not prohibit the...a legal abortion, as authorized under the Abortion Law of 1975. The reason, as most of you probably know, that this was put into a conference was in anticipation of a Supreme Court decision which would...help would have come down that we might have used this as a vehicle to address the abortion issue here in Illinois. Since that did not happen, we're now asking that you just concur with the Conference Committee Report as it passed the House originally last week, so I would be glad to answer any questions. Otherwise, I move for the adoption of Conference Committee Report No. 1 to 2693.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. A point of inquiry. Do we have this conference report on our desk? I do not as yet.

PRESIDING OFFICER: (SENATOR LUFT)

Our information was that all conference committee reports have been distributed. Further discussion? Further discussion?

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. This is a bill...this includes a bill that was passed out of here, I can't remember...I think it was passed out of here. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

What if the unborn child, where it's aborted for some good reason or other, it's used for experimentation to save someone's life for research?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you. The...that question was brought up in debate by Senator Jacobs previously, and this makes an exception for the use of fetuses obtained by the means other than an abortion, such as a miscarriage or a stillbirth, from research or experimentation. The whole idea here is to prohibit an aborted fetus from being used in experimentation.

PRESIDING OFFICER:(SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, on a Point of Order. Senator Watson, we just...we physically do not have this Conference Committee Report at all, here. I think...I would suggest that perhaps you take it out of the record momentarily and get leave to come back to it later, but we simply do not have this report. None of our Members do.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

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SENATOR WATSON:

Thank you, Mr. President. Can I have leave to come back to this, then, once that report is distributed?

PRESIDING OFFICER: (SENATOR LUFT)

Once the report is distributed, you have leave to come back to this.

SENATOR WATSON:

Okay. Will the Secretary then make sure it is distributed?

PRESIDING OFFICER: (SENATOR LUFT)

Thank you, very much. On the Order of Conference Committee Reports is House Bill 2702. Senator Demuzio. Read the report, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 10 -- 2702.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 is the -- the Election Bill. I don't -- I know of no opposition. The -- all provisions are effective immediately, except for those in the campaign disclosure article, which require a one year lead time, since the disclosure begins July 1st. Nearly all subject matter -- nearly all subject matter of Conference Committee 1 has been considered by the Senate Elections Committee, or the entire Senate. All provisions are generally agreed to on a bipartisan basis. I know of no opposition. If Senator Dudycz wishes to make some comments -- or the chairman of the committee, I -- I would move its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I reluctantly stand in support of Conference Committee Report on House Bill 2702. At the beginning, I'd just like to say that the process that brought about this Conference Committee Report stinks. Senate Bill 2702 has -- or this Conference Committee Report, as is, has, in fact, perverted the process which we follow. You know, this report, if you look at, it has one hundred nine pages, and it includes twenty-one separate provisions. But nonetheless, it has -- it has removed, or the conferees have agreed to remove, three provisions which we've found extremely objectionable. And they were the ones dealing with the voter registration at the Public Aid Office; voter registration at the Health Departments; and at the Secretary of State's Drivers License Facilities. And -- and to the Members on this side of the aisle, I would just like to report or to -- just to inform you that two questionable provisions remain. We have, reluctantly, supported them, because otherwise the whole -- the whole bill would go down - the whole Conference Committee Report. They are the ones that mandate the Election Authorities to notify all principals and vice principals. We thought it was a stupid idea. The vice principals and the principals already have the authority to register voters. Now we are going to mandate the Election Authorities to remind them that they can register voters in the schools. And the second provision is the Fair Campaign Practices Act - Senate Bill 868, which was sponsored by Senator Dawn Netsch. It -- it's a good idea, but it has no teeth, and it's unenforceable. There are no ways of prosecuting anybody that -- that does not follow these practices. But all in all, I guess this is a process that we're under, and by and large, we're just going to vote to accept it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch.

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SENATOR NETSCH:

Forget it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio. You wish to close?

SENATOR DEMUZIO:

Yes, I -- I want to thank Senator Dudycz. I think that's the last time I'm going to ask him to comment favorably on any of my bills. I -- the first -- the first few paragraphs I thought, you know, we were in real trouble, but I'm glad we got to that other part. I don't disagree with what you have indicated, with respect to the process. There are twenty-one Senate bills that are in here -- Senator Schaffer's, and mine, and Senator Netsch's, and the Chairman's, and Senator Dudycz and a number of others. It weren't my idea. I would move to concur with Conference Committee No. 1, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 2702. 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 Secretary. On the question, the Ayes are 55, the Nays are 2, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 2702. The bill, having received the required constitutional majority, is declared passed. On the Order of House Bills Concurrence is House Bill 2729. Senator Berman. Read the report, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2729.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

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Thank you, Mr. President. House Bill 2729 provided a right of lien for clinical psychologists to get paid if they renders treatment to injury persons - and built-in provisions regarding confidentiality. The Conference Committee Report only made some technical -- or corrections to some errors in the previously drawn bill. There's no substantive change. I move the adoption of Conference Committee Report No. 1. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report to House Bill 2729. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 2729. The bill, having received the required constitutional majority, is declared passed. On the Order of House Bills Concurrence is House Bill 2785. Senator Rigney. Read the report, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2785.

PRESIDING OFFICER: (SENATOR LUFT)

...(machine cutoff)...Senator Rigney.

SENATOR RIGNEY:

Mr. President, 2785, now, is kind of a collection of various Revenue bills, that started out here, that kind of fell on hard times, for one reason or another, probably for the most part because of some hostile amendments. 2785 really is a nuts and bolts bill that does several things that are important to different groups throughout the State of Illinois, and to the Department. Contains the original technical provisions found in House Bill 2786 and Senate Bill 1322. It makes several



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clarifications of the Telecommunications Tax Act, agreed to by all of the various telecommunication interests throughout the State. It does clarify the sales tax on photoprocessing, to exclude the motion picture industry and the printing industries. And it revises the Service Occupation Tax to address concerns of the Medical Society and other health professions. And numerous other cleanup type of measures.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I also urge support of the Conference Committee Report on 2785. And I think the record should be clear, that while the vast bulk of what is in here is technical, in a really technical sense of the word, that there are some substantive provisions, which Senator Rigney, I think, has called attention to, having to do with the de minimis provision on the Service Occupation Tax, and how it is to be computed; requested, particularly, by some of the health care providers; and several clarifications, that, actually, we have dealt with before in the Senate, having to do with the printing industry, and now, the exemption of the motion picture industry from the photoprocessing tax. These are not technical changes, they are substantive, but they're ones that I think we have faced before, and agreed should be incorporated in the law. So I also would urge support of the Conference Committee Report on House Bill 2785.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of either Senator Netsch or Senator Rigney.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney indicates he will yield. Senator Welch.

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SENATOR WELCH:

Senator Rigney, what's the economic impact of this? Are we going to take in more money in Illinois, or are we going to not take in as much money as we did before this, if it passes?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

I understand that there is no revenue impact in this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2785. 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.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR LUFT)

On the question, the Ayes are 59, Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 2785. The bill, having received the required constitutional majority, is declared passed. It's my understanding that Senate Bill 16 has not been printed, and will be distributed and we'll come back to that. On the Order of Concurrence - Committee Reports is Senate Bill 97. Senator Jones. Read the report, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 97.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. First Conference Committee Report on Senate Bill 97 contains the following: the -- it exempts the excess and the umbrella liability insurance from restrictions on cancellations and non-renewal of insurance policies; it establishes an improper claim practice and the failure of the insurance company to identify an estimate for automobile repair. This is the -- this second part is an agreement that has been worked on between the insurance industry, the automakers, as well as the United Auto Workers. And the second part of this report will require companies to identify, on auto repair statements, any auto parts being used which were not made by the original car manufacturer. It doesn't require that specific parts be -- be placed on repair, but what it does is let the consumer know what they are paying for, when they are going in and having automobile replacement parts for crash damages on estimates. They would know whether or not it is an original part, or is a part that is not made by a manufacturer. That's all the Conference Committee Report does, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. I promised the parties involved that I would use restraint in my opposition to this bill. Senator Jones, you have done a poor job of describing the controversial part of this bill. Non-original equipment does not mean equipment not made by the manufacturer. It can be non-original and still not be made by the manufacturer, but it can be original and still be not made by the manufacturer. What non-original means, is that if it isn't

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authorized to be made by the manufacturer, then it's not original. But it does not have to be made by the manufacturer. All right. This is a concept that's been before us before. I get a little concerned when the insurance industry agrees with the automotive industry. We're talking about parts that are not, basically, safety parts, and yet, we are saying that when you, in fact, do replace a part, you have to indicate whether this part was made by the manufacturer, or authorized by the manufacturer to be made. However, that doesn't have to be said quite that way. I'm a strong proponent of the automotive industry. In fact, I have the Ford plant in my district - the Snappy plant that makes these parts. I just really believe that -- that if we're going to deal with the issue of insurance costs, and if we're, in fact, going to be believers in our American system, this is a bad concept.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield. Senator Jones. Senator Welch.

SENATOR WELCH:

Senator Jones, in the Conference Committee Report, when you talk about non-original equipment crash parts, and you identify them as being made by the original manufacturer, do those parts have to be made in America, or made in Canada? Is there any requirement of disclosure, to that effect?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

No.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Welch.

SENATOR WELCH:

Then I'm not sure of the purpose of this. If the idea is to encourage the use of original parts, from the original manufacturer - Chevrolet, Ford - the idea is they would be made by UAW workers either in a Canadian plant, or a United States plant. If you don't put on there that they are made either in one of those plants - in America -- in North America -- what -- I don't -- I don't think you're achieving your purpose. It would seem to me, you should have on there that the parts are made in America, or made in Canada, by UAW workers.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well in response to that, this portion of the Conference Committee Report is something that has been agreed to by the UAW. The UAW, if you recall, they tried to push legislation that would require only the parts made by manufacturers. But this agreement between UAW, the automakers and the insurance industry, this is what they wanted. And they -- and this is something they came to and wanted this presented in the bill. That's the reason why it's this way.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Senator Jones, I'm just trying to help 'em out in their negotiations. It seems to me, that the last couple of years, we had buy Illinois bills - we've had buy American bills. In each one of those, we're trying to get American parts and products used. I don't understand why we're going -- why you don't include that in this bill. That's my only request. I -- I would think that you should re-draft the report to say that -- it should say

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-- say, "Made in America" or "Made in Canada." It seems to me, I'm -- I'm helping you out, Senator Jones. I think you should re-draw this report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I rise in support of this. I appreciate what Senator Welch is saying. He's trying to make it stronger for the UAW, and I think that's good. But the UAW has signed on to this, and I think what this says is that it informs the consumer that if he buys, or has a choice of these two parts, that there are different warranties. And he should know that. He should know what he's getting, and this -- this will inform him, and he can, then, make the decision.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think there's a lot of confusion about this -- about this bill. And some of those who think that it has anything, at all, to do with where the part is made, should take another look at the bill. Because what the bill says -- the bill, by the way, is an amendment to the Insurance Code, and goes into that section of the Unfair Claims Practices Act - and it -- and it recites those things that insurance companies must do. And it says that insurance companies must give a statement to the insured, and then it recites that statement. The insurance companies signed off on this, because it doesn't require them to do anything that they are not currently doing. Under a departmental rule, they are now required to do most all of what this bill requires. I signed the Conference Committee Report, and I -- I regret that I did that, because I think that the argument here is really between -- not between the insurance companies and

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anybody; the argument is between the auto manufacturers and the distributors of parts. And the distributors I think, fairly, make the statement, "that you don't get any guarantee when you buy your car, that every part is made in the United States of America, or that it has a high quality - and that the inference of this Statute, is to infer that because the part has a different label - even though it might have been made by the same -- original -- or the same original manufacturer, but under a different label -- that it's, somehow, inferior. And I think that's the problem with the bill, and it's on that basis that I'm going to vote against it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Senator Jones, I want to try to get to the substance of this bill. Tell me; who's on which side here?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well.

SENATOR MAROVITZ:

Let's talk -- the UAW's in favor of this?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Yes, they are in strong support of this legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

General Motors?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

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SENATOR JONES:

General Motors. Ford. And all the others are in support of it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Tell me who's against it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

The only persons, I believe, that could possibly be against it is those parts dealers who may want to have a -- a part placed on your car, say a fender for example, and that fender may not meet up to the standards that you want on your automobile. And so they're against it, because they don't want you to know, when you go have your car repaired - they don't want you know to know, when you go have your car repaired, as to what is being placed on your car. That's why they are opposed to it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

I understand that, specifically, your bill does not apply to fenders. Is that true? Does not.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones. Senator Jones.

SENATOR JONES:

What the bill applies to - is that any parts that are replaced -- these automobiles parts are replaced on the car - crash parts -- exterior of the car, you, as the consumer, when you get that estimate, you will have to be told whether or not the parts -- what the cost is for the original parts, or what the cost is for the replacement parts, and identify whether or not those parts are



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original manufactured parts, or a substitute.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

I think this will be the last question. But please explain to me why are the -- the little parts guys - the little guys -- why are they against this?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well, I don't know why they are against it. Perhaps they are against this simply because they don't want you, the consumer, to know what is going on your car. And this bill is a disclosure bill. It will let you make the decision as to whether or not you want a fender -- say it's a fender or a bumper, for example, whether or not you want that to come from the manufacturer, or you will want a substitute. And all this bill is disclose to you, and let you, the consumer, make the decision.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Well, Senator Jones, I -- I think your answer to that question is -- is not quite accurate. The small businessman back home is going to have to -- is -- is against this bill, because what you just said is that his part is inferior. And that's not true. I've seen parts that are identical, that are made by manufacturers, and that are made by another company, and they are not inferior. And sometimes they're made by the same -- they're made by the big guys - by General Motors, or Ford, or whoever - offshore - they come back to the United States under a different name, and they're the same quality, but they're cheaper. And this is an anti-small business

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bill, and I hope, and urge, the sides on this community to say no.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Can I -- question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator Jones, currently, do the insurance companies tell the parts people what type of product to use on that automobile?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

To -- to the best of my knowledge, they do not.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

That's it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I -- I rise if -- if only to indicate that there, I think, is some support for this legislation on -- on this side of the aisle. I've been on the Insurance Committee for the last few years, where this issue, I think now for the third year in a row, has been debated. In the past, I have been concerned about some of the earlier versions of legislation on this subject, because of its possible impact on automobile repair costs, and what that will do to what we have, through other means and other legislation, been concerned about, in the form of trying to stem the rise of automobile insurance, which greatly concerns all of

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us. But I think this is a -- is a reasonable compromise to this problem that's been kicking around here now for several years. It simply requires the disclosure of -- of non-original auto equipment and parts. And it -- it conforms, as I understand it, to the model that has been recommended by the National Association of Insurance Commissioners. And I urge your support for this legislation.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Again, let me point out the main features of this second part of this Conference Committee Report. All this does is disclose to you, the consumer, as to what parts are being placed on your automobile. If you are -- you have a choice to choose between the original manufactured part or another part. Now, I can't see why anyone would not want the consumer to know what's going on their automobile. That's all this does, is disclose what the replacement parts shall be. The -- the -- the industry, the labor representatives, as well as the insurance industry - they all came together after fighting for years, on this issue, and came with this compromise. It let you, the consumer, know, you take in a 1987 Oldsmobile in, you get it repaired for crash parts, you, the consumer, should know whether or not that part is an original manufactured part, or whether or not it is a replacement part. And you will make the decision, as to which part you want placed on your automobile. I ask for a favorable vote on the Conference Committee Report on Senate Bill 97.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 97. Those in favor

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will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 36, the Nays are 18, 4 voting Present. And the Senate does adopt the Conference Committee Report on House Bill or Senate Bill, I'm sorry, 97. The bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)...12. Senator Berman. Senate Bill 112, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report to Senate Bill 112.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 112 is the bill that sets out the legislative requirements regarding college admission standards. The bill is, substantially, the same as when it left the Senate. The Conference Committee Report changed language so that there is no State mandate, as far as additional costs to the State, for the providing of the programs -- of the courses that is set forth in the bill. And it is a advisory recommendation, in strong language, but not in mandatory language, that these courses be offered to our high school students. The bill is supported by the vocational ed people, by the community college people, by the higher -- Board of Higher Education. I recommend your vote for Conference Committee Report No. 1. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Maitland.

SENATOR MAITLAND:

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

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Just to comment that I was an original thorn in this bill, and -- and given the posture this bill is in now, I rise in support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 112. 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 112. And the bill, having received the required constitutional majority, is declared passed. Senator Berman, what purpose do you arise?

SENATOR BERMAN:

We skipped Senate Bill 16 and I believe that that's been distributed, if we could go back, it's only two bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you very much. Further discussion? Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Yes. Point of Personal Privilege, if I may. I would like the Senate to welcome the President of the Board of Morton College, which covers five communities in my district. That's Ron Kiefer. He's in the gallery in the back on the Republican side, and his son, Brian, who are here visiting with us today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be recognized by the Senate. Welcome to Springfield. Senate Bill 116, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 116.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The Senate concurs with House Amendment No. 4, which is the bill - the bill as it came back over from -- from the House. And the changes that are made are, basically, changes in words from may to shall. We're requiring additional reporting -- the reporting, as called for in the original bill. And that is all we're doing. I move for the adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator, I was just wondering, when you change the word from may to shall, what -- what is the real effect of this, then? ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

The reporting, that was required in the original bill, is -- is -- is -- is still in place. We have worked this out with IBHE. It -- there's no problem with IBHE, so I don't see any problem with it here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Ralph Dunn. I beg your pardon. Senator Weaver. Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I was just going to join Senator del Valle, in saying that the Board of Higher Education agreed to this. It just states that they shall use a feedback system in

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recruitment, for retention purposes. And we think it's a good bill, and I urge its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 116. Those in favor will vote Aye. Those opposed, 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, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 116. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 127. Senator Smith. 127, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 127.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. Senate Bill 127 as amended by the conference committee, extends the sunset date for the Minority and Female Business Enterprise Act to September 6, 1994. Senate Bill 127 contains all of the provisions of House Bill 38, which has passed both Houses. In addition, it contains important language which has been requested by the Department of Transportation, which assures Illinois access to Federal funds for State construction projects. This language is agreed with the Governor and IDOT. Other agreed changes enhances opportunities for small disadvantaged businesses, and this language is consistent with the Supreme Court decision with regard to the City of Richmond. So please support this important legislation, with your Aye vote, to the First Conference Committee Report on House Bill...Conference Bill...Senate Bill 127.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, what changes have been made in the Act to make it consistent with the Supreme Court decision that you just mentioned?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Senator Richardson, it changes the...oh, I'm sorry. Richardson. I'm thinking about the bill, I mean...decision. It changes the...the minority and female business to make it broader and...and more...with more emphasis to small businesses. For disadvantaged businesses. It's...it clarifies it and makes it more...important. And it also tailors the narrowly disadvantaged...sheltered markets.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, have you got an opinion from the Attorney General's office, or other counsel, that this is consistent with the Supreme Court decision?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

We have had the constitutional lawyer to read it, to approve it, but we have not been to the Attorney General proper. But we've had the constitutional lawyer.



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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Just a comment and possibly a question to the sponsor. When we expand a program such as this that is being abused, I mean it really is being abused, and I've talked to some of your Members about this, Senator Smith. About the...especially the female part of it, where a guy puts his wife as the owner of a corporation and then he qualifies his...his company, then qualifies under this program and it...this is an abused Act currently, and I think possibly expanding that, if that's what your intent is to do here, may not be a...a good thing. And I'd just like to have your comments about what the expansion of this Act is going to do. Are you tightening the language in any way at all, or what are...what are you actually doing here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you. Senator Watson, it is. It's tightening the regulation and narrowing the tailored sheltered market under Section 8b, shall be approved by the council prior to submission by the Department of Central Management Services to the Joint Committee on Administrative Rules. So...in other words, what I'm trying to say, it narrows the scope, it's clear, and it's protective.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well I'd just...like to speak to the bill then. It...I...I've had some experience with this with some constituents who've come to me and tried to get into this program, who are really abusing

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it. I mean they've got their wife in this as a corporate officer and therefore qualify as a...as a female-owned business and... and therefore are taking advantage of an Act that really, maybe they have no business being involved in. And I...I think the guy that's out there, that's doing this right, who's got a corporation trying to survive, and not necessarily taking advantage of some of the laws that we have, is really penalized when we expand provisions such as this. I just think this is a...a bad idea at this time, Senator, and I appreciate what you're trying to do, but I just really think that we ought to vote this down.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, I wasn't going to rise on this issue, but since so many questions have come up, I just want to say that I did not sign the Conference Committee Report on Senate Bill 127, because it does not narrow the scope of the Act. It does, in fact, widen the scope of the Act. It adds new specific language. It adds language to Senate Bill 38. It is not the same as Senate Bill 38 as it went out of here. I'm not going to say how, one way or another, to vote, but it does widen the scope of the Act and does not narrow it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith may close.

SENATOR SMITH:

Senator Karpiel, it does narrow the scope and protects the small business entrepreneur. It encourages the small business people for their protection, not only those who are...are, what do you call, the subcontractors, but even the principal contractors. This bill does that. And it...it... IDOT has...has given us the assurance that by support from our federal government in helping us to see that these things are enacted. This is a good bill. It

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is a...a thing that small businesses...that we want to encourage small business entrepreneurs and people in business. This is a legislation that will do this and give them leverage of which they have not had before. This is something that's really going to enhance small business entrepreneurs. We...know that our whole communities are made up of small businesses. We just voted here for the...pharmacists, small pharmacists, to give them an individual opportunity at the big market. This is the same thing, women and any minority who wants to go into business, will be assured of the protection of not only the State, but the federal government in helping them to be secure, and this is what I'm asking you to do. Think in terms of small businesses in your community. This is a makeup of your community, small businesses, and this is something that's going to help to insure that, and so I ask for your favorable vote on this amendment...conference committee. Please, if you want to go back to your communities and help small business people, you can go there and tell them that you supported legislation that would give them an opportunity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question, is...Senator Macdonald, the Lady had closed. The question is, shall...Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

Well, I...I apologize for rising, I just got back to my desk a few minutes ago. But, I want to rise in strong support of this bill. I know that the Senator was closing, but this bill has been worked out and agreed upon by Members of the House and Senate. It has all the federal guidelines in it, and...and this has been the product of...of long negotiations. So that...so that I hope that very thoughtfully this Senate will consider the bill and vote in favor of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 127. 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 46, the Nays are 12, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 127, and the bill, having received the required Constitutional majority, is declared passed. Leave was granted to go back on this page to two of our Members whose conference committee reports apparently had not been circulated. It is my understanding that they are, in fact, now circulated, so if you go back to page 17 at the top, Conference Committee Reports is House Bill 2693, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 2693.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I appreciate you going back to this order of business. We did discuss this earlier; I'll just reiterate what...basically what the legislation does. The Conference Committee is basically, or is, the same as what we voted on last week, in regard to the prohibition of the use of an aborted fetus or any tissue or organ taken from an aborted fetuses in research or human transplantation. The...the committee had some concerns in regard to how this might affect the legal right for a woman to have an abortion, and we reassured the committee with Senate Amendment No. 1 that the intent was not to involve at all the prohibition of a performance of a legal abortion. I'll be glad to answer any questions again, but otherwise appreciate your favorable support on this Conference Committee.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I may, Mr. President. Following our original discussion of the bill and a comment that Senator Fawell had made on the ability to use miscarried fetuses and/or stillborns, which I believe is still covered in your Act. Is that correct, Senator Watson? And in doing some reading in the interim, it's my understanding that it is very difficult to be able to use miscarriages and stillborns over and above the reasons submitted by Senator Fawell, because indeed, very often, these are...these occur because of either genetic problems, or disease, or other ailments or problems that really make the ability to use such fetal tissue almost impossible, because it's kind of tainted to begin with in terms of what you could use it for in terms of research. So, even though this is illegal, I think it's really kind of almost a moot argument, and...argument, and not really valid in terms of how you can use them. So, I just submit that issue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson may close.

SENATOR WATSON:

Well, thank you, Mr. President. I'll just move for your favorable consideration. This has been debated on several different occasions and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House 2693. Those in favor will vote Aye. Those opposed will vote Nay. The voting in 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 44. The Nays are 11. 3 voting Present. The Senate does adopt the First Conference

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Committee Report on House Bill 2693, and the bill, having received the required constitutional majority, is declared passed. All right. Middle of Page 17 is Senate Bill 16. We had leave to get back to that one. Senate Bill 16, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 16.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill that makes some changes in the Chicago School Reform Bill that we passed last year. It is -- it touches upon a number of issues, and this is the result of a number of public meetings, and inviting many of the same people that were involved in the preparation and involvement of Senate Bill 1839 and 1840. Let me touch on a couple of 'em -- of the provisions in here. The -- it clarifies the schools that are exempt from having a Local School Council, because of about five unique schools, such as the House of Corrections schools, and other unique-type of schools in Chicago, that wouldn't lend themselves to the Local School Council concept. It encourages, but does not mandate, that non-voting members be included in the participations of the Local School Councils. It perfects the language, to carry out our intentions, regarding the administrative cap, to assure that there will be substantial reductions in the administrative overlay of the Chicago Board of Education. It extends the period of time for the subdistrict superintendents to have their contracts evaluated, and initially approved, from 1990 to 1991. I'd be glad to respond to any questions, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra. Senator Kustra.

SENATOR KUSTRA:

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Thank you, Mr. President and Members of the Senate. I just rise to add my support to this Conference Committee Report. I happen to believe that Chicago School Reform, as we passed it last year, is moving along in good shape in Chicago. And what this is is an attempt, as Senator Berman says, to clean it up, and straighten out some of the problems that have been created. But, at the present time, I think we should support this and support all those people back in Chicago, that are trying to turn their schools around.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 16. 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 concur with the First Conference Committee Report on Senate Bill 16. And the bill, having received the required constitutional majority, is declared passed. Page 18. Senator Vadalabene has requested leave to have -- All right. Top of page 18. Senate Bill 185, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 185.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and Members of the Senate. I request leave to have Senator Jacobs continue with this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request of Senator Vadalabene. Leave granted? Leave is granted. Senator Jacobs.

SENATOR JACOBS:

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Thank you, Senator Sam and Mr. President, Ladies and Gentlemen of the Senate. Senator Sam, as we all know, is the original sponsor of the Civic Center legislation. And I appreciate his allowing me to help him in this Conference Committee Report. The Conference Committee Report on Senate Bill 185 creates a computer software tax and creates the bonding for civic centers and other projects. The net effect of...of this report, in combination with two other bills that have to go in tandem, House Bill 1218 and House Bill 850, provide the funding to allow the issuance of new bonds to finance the following programs: Civic Centers 98.5 million, State Parks one hundred million; Open Space and Land Acquisition and Develop ten million; McCormick Place ten million; Brookfield Zoo ten million; Lincoln Park Zoo five million; Chicago Park District Field House is six million; Chicago Branch Library is eighteen million for a total of 257.5 million to be paid out of a dedicated source of sales tax on...on canned software, and ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 185. 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 5, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 185. And the bill, having received the required constitutional majority, is declared passed. 374. Senator Smith. Senate Bill 374, Madam <sic> Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 374.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.



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SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. In the First Conference Report of Senate Bill 374 the Senate merely concurred with the House Amendment, which stipulates that ambulance service must be provided all by the -- in case of a life-threatening situation. It also prevents ambulance companies, who are paid by HMO, from seeking payment from an enrollee. This is -- was an agreed amendment, and worked out in the House. I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 374. 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 concur with the First Conference Committee Report on Senate Bill 374. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 392. Senator D'Arco. 392, Mr. Secretary, Senate Bill.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 392.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. Chairman -- Mr. Chairman -- Mr. President. This Conference Committee Report is the Energy Assistance Act of 1989. Senator Maitland and myself have been working on this, along with Senator Netsch. The -- House Amendment 1 deleted the sale on computer software tax, which just passed this Body, to be allocated for a different purpose. The problem with the conference committee was the prospective payments for the

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utilities. We've eliminated that. The utilities will not be paid prospectively anymore, but they will be paid on a month-by-month basis, as the bills are incurred. It does a number of things. There are two different funds that are set up. A pre-program -- arrearages will be paid by the recipients, to the tune of five dollars a month, if there is a State fund to pay for arrearages that are truly excessive. The bill is the work of the task force that was created as per the General Assembly. And I think it's a reasonable bill. It does everything that can be, reasonably, expected, and I would move to adopt the First Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I rise in strong support of the First Conference Committee Report on Senate Bill 392. As Senator D'Arco has indicated, this is the result of a number of months of hard work by, simply, a lot of groups in this State. And to -- to single each one of them out would, absolutely, not be possible, at this time. But I want to pay a very special thanks to -- to Greg Busch from the Democratic Staff, and -- and certainly, Linda Harper-Reising, from the Republican Staff; and to the Members in the House, who also have worked long and hard hours, putting this package, finally, together. As again -- again, it's the result of a long and -- and difficult effort for many of us, and I appreciate everybody's involvement, from the utilities, to the AFBC -- ABC Group, and the list goes on, and on. Therefore, Mr. President, I once again indicate, I rise in strong support of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- excuse me -- further discussion? Senator Netsch.

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SENATOR NETSCH:

Thank you, Mr. President. If I might add just one additional footnote to what Senators D'Arco and Maitland have said. When we passed the Public Utilities Act - the totally revised act - several years ago, one of the component parts - although in a separate bill sponsored by Senator D'Arco - that was a part of our attempt to re-address the entire question of utility regulation, and its impact on consumers, was, indeed, an energy assistance program. It was part of our commitment then, and it is good that we are keeping that commitment. I, also, strongly urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR D'ARCO:

Thank you, Mr. President. I -- I really want to indicate to my colleagues - and I see Governor Thompson is on the Floor - and I want the Governor -- and I want my colleagues to know that the Governor took an active part in the IRAPP program, which is energy assistance for poor people. And, he stood by this program when nobody believed in it. And I don't always agree with the Governor. And we do have differences, as Democrats and Republicans always do have differences. But, Governor, I publicly want to congratulate you, for standing by and believing in this program. Thank you, Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 392. 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 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 392.

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And the bill, having received the required constitutional majority, is declared passed. 394. Senator Maitland. Senate Bill 394, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 394.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 394 was our attempt to clean up the unconstitutional portion of the Drug Paraphernalia Act, that passed this Body some years ago. The only reason this bill had to go to conference was because some language was left out of -- of a House Amendment, that had been placed on here, that, absolutely, had to be -- had to be there. We, therefore, chose to put the bill in conference. The language has been taken care of. And I, therefore, ask for your acceptance of the First Conference Committee Report on Senate Bill 394.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this amendment and this bill. And I'd like to take this opportunity to thank the sponsor of this bill for the work that he has put in, in this bill. In our communities on the south side, you may have been reading in the papers where Father Clemmons and Father Mike Pflieger, who, incidentally, was our chaplain for the day last Tuesday, has been in jail -- put in jail, charged with crimes and et cetera, for their picketing of stores in the minority community for selling this type of materials. I think this will prevent them from having to do that, now. I think that when this bill goes into effect, and when it is signed by the Governor - I think

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that our community will owe this General Assembly a big thanks for the work that we have done here, today. So, for that part, I'd like to thank everyone concerned, and urge a decent vote in this -- passage of this bill -- this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill -- Senate Bill 394. 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, please, Madam Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 394. The bill, having received the required constitutional majority, is declared passed. We'll now move to Page 19. Page 19 on your Calendar. On the Order of Conference Committee Reports is Senate Bill 505. Senator Marovitz. Senator Marovitz. On the Order of Conference Committee Reports is Senate Bill 514. Senator Thomas Dunn. Read the Bill please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill...Senate Bill 5-1,...5-1-4.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The...Amendment No. 1 changed the trustees who are now required to be registered with the Attorney General. And unpaid volunteers shall not be deemed professional fund raisers, and it allows trustees to be heard in a circuit court, if there is an appointment of different trustees. This agreement was worked out with several religious groups and the act stipulates that trustees who hold, solicit or intend to solicit

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asset or contributions, and who are required to register with the Attorney General. I urge adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 5-1-4. 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 59, the Nays are none, none voting Present, and the Senate does adopt the Conference Committee Report on Senate Bill 514, and the bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is Senate Bill 692. Senator Severns. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 692.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Conference Committee Report on Senate Bill 692 is scaled down from the bill that we passed out of this Senate. It simply eliminates the carryback provisions. It eliminates the ability for companies to take a research and development credit on those expenditures being expended today. Based on the language provided in this bill, companies must take a credit only on those R and D expenditures provided, above and beyond, what they're doing today. It is adopted, identically, to the Iowa language. It also contains a provision - agreed upon language - dealing with the upgrade of the Railroad Crossing Fund, contingent upon a gas tax passing. Those companies in support of the R and D credit include: Caterpillar Company, AT&T, Deere Company, GE, the IMA,

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the Illinois State Chamber, the Taxpayers Federation of Illinois, United Auto Workers, and the list goes on and on. I think this is a step forward. It's a compromise from the provision that we passed out of this Senate earlier. It's just passed the House with a hundred and one votes. I'll be happy to answer any questions, but I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Could I have a question of the sponsor?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she will yield. Senator Rigney.

SENATOR RIGNEY:

Now, these expenses have been deductible on income tax forms. Are they still deductible, in addition to the credit?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

The change is, simply, as it relates to the credit. It now provides for a R and D tax credit.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

Well, there's no question but what any industry throughout the State of Illinois is truly going to love this piece of legislation, because it does a lot of things for them. I think, as Senator Severns points out, that we really haven't done anything, as far as the deduction is concerned. We've just laid a credit on top of that. The credit, apparently, is about six and a half percent. We really don't know what the revenue loss might be, as a result of that type of a tax credit. But mark this down as not just a merely bill, I mean, this has got some long range

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implications. Maybe they will be positive. I can't say that, you know, that it's all negative, but it will be expensive. Furthermore, as I understand your piece of legislation, Senator Severns, you're also establishing a new procedure here that we do not find anywhere else, and that is that one of the options is to take it in the form of a refund. So if you don't owe any tax, you get the six and a half percent in the form of a refund. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

That is correct. It's based on standard language. The state closest to us, that has that identical provision, is Iowa.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

Well, I have a feeling this is the sort of bill that's probably going to get about fifty-nine votes, but when we put the -- the thing up on the board. But when they come back here in November, we may find it on the Governor's veto list, because it is a significant piece of legislation, I think, with rather significant costs.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

A question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicate she'll yield. Senator Topinka.

SENATOR TOPINKA:

Is -- is your bill in compliance with Rule 43, that we agreed to after our little tete-a-tete earlier in the Session? --

PRESIDING OFFICER: (SENATOR LUFT)



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Senator --

SENATOR TOPINKA:

That -- that suggested that -- if I may explain for those who don't recall -- that there should be nothing new under the sun that we have not reviewed, through committees, or in any other of the processes of the General Assembly, so that it would not suddenly appear brand new on a conference committee report.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Yes. This, in fact, was introduced -- well, first in '87, and then in '88 -- and the Revenue Committee heard it -- in fact, I think, at that point, it was the full Revenue Committee. -- But the Revenue Committee heard it, and reported out a bill that we passed out that was, frankly, more generous than this scaled back version.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Our staff would suggest that you have a provision in here that no less than six million dollars shall be used each fiscal year for the construction - or construction of rail highway grade separation structures, which I don't necessarily disagree with, but I don't know that any of this language has appeared in any bill, prior to this Conference Committee Report. At least this Session - I mean, maybe somewhere long ago - twenty-five years ago maybe - but --

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Is that a question? Further discussion?  
Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If I might add a couple of comments

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about Senate Bill 692. I think the point that Senator Rigney made is certainly correct and justified. This is not a merely bill; it is a major substantive piece of legislation. The Revenue Committee, which has been sitting on, virtually, every form of tax credit and tax deduction, for lo these many years, decided - I would have to say in Senator Rigney's absence, at one point - that -- that there were some things that ought to have a chance to be fully debated. I, personally, think that an R and D, a research and development credit, is more defensible, in the long term, than the investment tax credit. I think it, probably, reaches a -- a challenge to American industry that is, considerably, more important than general investment. And that is a real encouragement, to invest in that which is so critical to our economic survival, particularly, against the countries who are challenging us so thoroughly. So I think an R and D credit, as a matter of tax policy, makes a fair amount of sense. I would much prefer it, to an investment tax credit. And I guess what I hoped was that the legislature would examine both, weigh them in the balance, and -- and decide in this one, rather than the investment tax credit. I probably should not have been so naive. Of course, what we are going to do is end up with both of them. But I think this one does address a -- a critical challenge to American business. It could be expensive. I doubt if it will be that expensive. We have written in a sunset, which Senator Severns accepted, and we have written in a requirement that it be evaluated, so that we don't just let it go on forever and ever. I think, on that basis, it is a very defensible position.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. I don't want to beat this thing to death, but I think -- I certainly

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intend to support this. Yes, we realize there are some problems with it. But, as Senator Netsch indicated, we have put a sunset provision in there of five years. And, as to the cost of this, certainly no one can determine at that -- at this time, but with what we're going to do today, we could extend this, not only to R and D, but to every corporation and business in the State, and still have money over. I urge your support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she'll yield. Senator Weaver.

SENATOR WEAVER:

Senator Severns, your definition of research and development is rather broad, and somewhat vague. Where did -- where did you come up with the definition of research and development?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

From the Internal Revenue Code, at the Federal level.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Well, it -- it appears that almost anything, that a company wanted to put into R and D, that would improve the function and performance of their manufacturing, or -- or their equipment, would qualify for this -- this credit. So it -- it bothers me a little bit that there isn't a little better definition of research and development in this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Severns, you

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wish to close?

SENATOR SEVERNS:

Thank you, Ladies and Gentlemen of the Senate. This bill, I believe, is a responsible approach. It is scaled down from the original bill that we passed out of this Senate a few weeks ago. Research and development in Illinois, and in this entire country, continues to diminish; when in so many other areas it -- it is on the increase. It's a responsible approach in the fact that we have agreed to a sunset provision, which I had in the initial language. It's a responsible approach that has been scaled down to eliminate the carryback provisions. It's a responsible approach that it is standard language from the Federal law, and from the ten states in the United States that have, existing, R and D credits. I think it's a step forward for our State. And I would appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report to Senate Bill 692. 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 Secretary. On that question, the Ayes are 58, the Nays are none, 1 voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 692. The bill, having received the required constitutional majority, is declared passed. We're now going to take one giant step backwards, please, to Senate Bill 505 on the Order of Conference Committee Reports. Senator Marovitz. 505.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I would move that the Senate adopt Conference Committee Report No. 1 to Senate Bill 505. The House has receded from several amendments. It creates the crime of criminal neglect of an elderly or disabled person by a

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caregiver. It defines the term, "caregiver," and defines the crime of financial exploitation of an elderly or disabled person. This is the result of a substantial amount of hearings, all over the State of Illinois, which the Judiciary Committee held, and the Attorney General held, and is aimed at abuse of the elderly. And I would solicit the adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as you know, we -- we debated this bill, at length, in -- in committee. And one of the concerns, that many of the members of the -- the committee had, concerned a good faith exception. And there has been language written into each of these regarding a good faith exception for family members or caregivers, who are unable, for some reason, to provide the care. My question, I guess, goes to whether or not the example, that many of us used in committee, would be included within that good faith exception. And that example was a situation where there are three or four siblings who are going to care for -- for an older relative, and none of them is, particularly, financially able to do so, and there's a small inheritance, or small amount of assets that that older relative has, and the siblings all agree with the relative that -- that the sibling A will care for the relative, but that then the others will give up their right to an inheritance, or to a share of those limited assets, such as they may be. And then, a couple of years down the road, after the -- the older person has been cared for by the sibling, one of the others gets greedy, and, for some reason, decides they'd like some

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of that money, and whether because of advanced age, or disease, or whatever, they're able to talk that person into changing his or her mind and -- and disinheriting the person who has been caring for him or her all these years. And because of that, the person who's been providing the care says, "Well if the money's going to go else where, I'm not going to be able to continue to provide the care; you're going to have to leave." I want to make sure that that person's not a criminal under this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

I -- I totally concur with you. That person is not, should not, and would not be a criminal, under this bill.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR MAROVITZ:

Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 505. 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? Take the record, please, Madam Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 505. The bill, having received the required constitutional majority, is declared passed. In the middle of Page 19 is Senate Bill 918, on the Order of Conference Committee Reports. Senator Barkhausen. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

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First Conference Committee Report on Senate Bill 9-1-8.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is very similar to the earlier Senate Bill 918, that we passed out 53 to 0, relating to penalties for those who interfere with a motor vehicle leasing contract. All the -- the only difference is that the -- the penalty -- the criminal penalty provided for those who have -- are guilty of this infraction is, by this conference committee, reduced from a Class 3 felony to a Class A misdemeanor. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

Our analysis says, "Eliminates the right for punitive damages in a civil cause of action." Would you explain that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

That's right. I -- I -- maybe I didn't mention that, Senator Berman. It's a minor -- a minor point. I'm trying to expedite business here, as I'm sure everybody is. There -- there is -- there is a right of civil recovery, too, in this bill, as it originally passed. And as it went out of the Senate it specified that damages could include punitive damages, and the House asked that that be removed, along with, also, asking that the criminal penalty be reduced from the felony to a misdemeanor. But there is

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still the right to recover damages and attorney's fees.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

What -- what is the type of cause of action that this, specifically, prohibits punitive damages?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, there could -- there could very well be a -- a contractual cause of action. But this is -- the bill is, in addition, creating a statutory cause of action against a person not a party to a motor vehicle leasing agreement, who obtains or exercises control over a motor -- motor vehicle, and then sells, or transfers, or leases a motor vehicle to another person without first obtaining written authorization of the lessor.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 918. 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? Take the record, please, Madam Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 918. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is Senate Bill 9-2-2. Senator Barkhausen. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 9-2-2.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.



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SENATOR BARKHAUSEN:

Mr. President and Members, this bill is in substantially different form than it was in the other day when Senator -- Schuneman and Senator Berman, in particular, were asking some questions about it. And the bill was taken out of the record, and -- and we subsequently non-concurred in the House amendments. It does a few different things. It -- it's a follow-up to legislation that we passed last year, prohibiting rental car companies from selling the collision damage waiver. And this -- but the earlier legislation provided that there could be a two hundred dollar deductible for the customers of rental car companies, and this certain provision makes it clear that rental car companies cannot sell insurance to cover that remaining deductible amount, in that it can't -- in that such insurance cannot be sold as a separate charge. The Conference Committee Report further provides that a person licensed as a new car dealer is not subject to the same provisions regarding rental car companies when providing temp -- what are known as temporary substitute vehicles -- so long as the customer is informed that it is that customer's responsibility to -- to have insurance, and to maintain the insurance during the term for which such temporary substitute vehicle is made available. It -- the Conference Committee Report further says that vehicles leased for a period of one year or more are not to require -- are not required to provide proof of insurance, but rather that the drivers of those vehicles must be in a position to show evidence of insurance, as will be required under the new Mandatory Insurance Law that we passed last year, that is -- in addition to being requested by the National Vehicle Leasing Association -- is also a recommendation of the Secretary of State's Office, that has trouble complying and enforcing the current law. And finally, the bill makes a technical correction with regard to the insurance limits for

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leased cars and -- and reduces the required level of property damage coverage from a hundred thousand to fifty thousand - an amount which was inadvertently raised in legislation we passed last year. I'd be happy to answer your questions, and otherwise solicit Aye votes.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR LUFT)

-- Sponsor indicates he'll yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I understand what you're doing as far as the rental cars, and I -- I concur in your action there. Our synopsis refers to a new provision pertaining to new car dealers when they allow their customers to take a temporary substitute loaner from the car dealer. What -- what's the effect of that change?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm looking at the Conference Committee Report here, Senator Schuneman, in asking -- answering the question, and it does say that the new car dealers shall not be subject to the provisions of this section. I know that refers in general to rental car companies in the requirement of providing insurance. But it does say when these new car dealers are -- are providing temporary substitute vehicles free of charge, so it would be in a situation where a customer has already bought or leased a vehicle from such new car dealer if something goes wrong with it, and the car dealer is providing a temporary substitute vehicle that, under those circumstances, that the obligation to -- to be insured would be placed squarely on the customer and not on the car dealer, so long

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as the customer is informed that it is that customer's obligation.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, is this amendment of the Statute applicable only to that section dealing with car rentals? What I had in mind - what prompted my question was in some car dealerships, it's rather common for them to give you a loaner, if you've bought your car there, and you have your car repaired there, many times they will give you a loaner. Is that affected by this, or is it only those instances of where a car is leased?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It -- Senator Schuneman, I'm -- I'm looking further at the Conference Committee Report, it's adding a Subsection H to a section of the statute that begins with the heading, "renting motor vehicle to another," so, I would say that it -- that it only deals with an exemption to requirements that are placed on -- on rental car companies.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

As I understand the Conference Committee Report as it applies to liability coverage, Rent-A-Cars-short-term rentals, are still at 50/100 on liability coverage, and long-term rentals, which we call leases, are at the mandatory coverage of 20/40. Is that correct?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes. That's correct.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen, you wish to close? All right, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 9-2-2. 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 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 9-2-2. The bill, having received the required constitutional majority, is declared passed. On the Order of Senate Bills - Concurrence -- Conference Committee Reports is Senate Bill 1046. Senator Demuzio. 1046, Senator.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1046.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Conference Committee on 1046 - the provisions that we had put in, with respect to the foster care allocation team, which is a recommendation that came from the Illinois Foster Parent Association, is -- and the Illinois Caucus for Foster Children, is still in this provision. An additional provision was put in that said that the ratio of staff to workload provisions, of the Department of Children and Family Services, would be reduced. I don't see it in the synopsis, but I think it's one caseworker for, I think, every cases. I think basically that's what it does.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. First of all, I think we should be aware that this Conference Committee did go down in the House, and I think, probably, for good reason. There's -- there's still a number of problems with it, and maybe a second conference committee might be in order to see if we could work out those difficulties. Which include: that the bill still, at present, restricts the employer's flexibility to assign staff to the available needs of the State, so your locking them in there; furthermore, the bill, probably, is contrary to the collective bargaining agreement that exists, that provides the employer the right to establish a reasonable or -- or to establish reasonable workload standards and productivity levels; and finally, and, probably, something that we all ought to think about, is that if you're looking for more people that should be hired, in order to increase the numbers here, it's, probably, something that does not even need legislation 'cause it can be easily handled through the appropriations process, where we do hirings, and add-ons, and things of that sort. So my recommendation would be, at this time, if we could maybe get it into a second conference committee, and work out the -- the glitches here. You know, you might have a workable product.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As some of you may know, I've had a -- a rather lengthy discussion with this Department, about caseloads, and what have you. In most of our areas, our DCFS workers are very hard-working. They -- they keep -- they try and keep those caseloads down, sometimes it gets above and beyond this. But let

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me tell you where some of the problems are. Some of the problems, frankly, are in areas of the State where I don't think the workers are working that hard. And what this Department has suggested in the past, is that maybe it might be a nice idea if they took our people and put them in there. I don't think that's a very good idea - just to reduce their caseload. I would suggest we send this back to conference. Make darn sure that our people, who are working, are allowed to continue to work in our areas. And let's not play around with this thing - send it back to conference, where it belongs.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, Senator Topinka was right. I wasn't told, but the conference committee -- the First Conference Committee did go down in the House. And therefore, it will be necessary for us to go to a second conference committee. So, I would ask, Mr. President, that you are kind of quick on your roll call, so that we can go to a second conference committee. Yeah.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the --

SENATOR DEMUZIO:

Dump it.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1046. 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? Take the record, please, Madam Secretary. On the question, the Ayes are 10, the Nays are 21 -- 29, 1 voting Present. And the Conference Committee Report is not adopted. Secretary shall so inform the House. On the Order of Conference Committee Reports is

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Senate Bill 1079. Senator Rea. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1079.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. This year Members of the General Assembly heard many complaints from parents, school administrators and teachers, regarding the State-required Student Assessment Test. And this Conference Committee Report is an attempt to clarify this issue. Senate Bill 1079 is left as introduced, by receding from House Amendment 1. The bill will revert back to five hours testing time, rather than six. It, also, provides that the supplemental State aid is eight thousand dollars per certified employee for the first three years after formation. And also, the reporting of State and local testing time may help determine if such tests are requiring too much time. I would move for adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Just to point out, with reference to the last -- to the last point, that Senator Rea made, this is a mandate that would -- would increase the State contribution by about three and a half million dollars...(machine cutoff)...

END OF TAPE

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SENATOR MAITLAND:

I think we -- as I said when this bill was before the full Senate, some weeks ago, this is a -- this is a tough amendment for me to support, and I think would be a tough amendment for many of you to support. And I simply would like to call that to your attention.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Rea, do you wish to close?

SENATOR REA:

Thank you, Mr. President. Just in closing, we have no indication of how many consolidations that there would be. But if we looked over the last three years, as to what occurred, it would only have been three million. So, I would move for adoption.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1079. 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. Take the record, please, Madam Secretary. On that question, the Ayes are 41, the Nays are 15, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1079. The bill, having received the constitutional majority, is declared passed. On the Order of Conference Committee Reports is Senate Bill 1094. Senator Severns. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1094.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:



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Thank you, Mr. President, Ladies and Gentlemen of the Senate. We restored this bill, in the Conference Committee Report, back to the original language that passed out of this -- out of this Senate, with no opposition. We simply receded from House Amendment 2, because it's the special legislation, that we felt the court could declare unconstitutional. We earlier discussed this. It -- Senator Woodyard is familiar with this language. And it was decided that it was in the best interest to remove -- remove the language. It is a bill that simply creates the Metropolitan Redevelopment Corporations Act. It is based on a Missouri law, to provide more tools to our local communities. It is the language that is credited with providing the St. Louis Community Development Agency, which was responsible for Union Station, Laclede's Landing, and other such measures. I know of no opposition, and would urge a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report to Senate Bill 1094. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? All voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 57, the Nays are 2, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1094. The bill, having received the required constitutional majority, is declared passed. Senator Weaver, for what purpose do you seek recognition? All right. On the Order of Second Reading - I'm sorry - On the Order of Conference Committee Reports is Senate Bill 1-1-1-4. Senator Raica. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1114.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Raica.

SENATOR RAICA:

Yeah. This is the one that Senator Smith and -- and Senator Carroll stood on, and had opposition to. They corrected the language in Conference Committee. It's technical, and I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1114. 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? Take the record, please, Madam Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Senate Conference Committee Report on Senate Bill 1114. The bill, having received the required constitutional majority, is declared passed. Senate Bill 1271. Senator Friedland. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1271.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Conference Committee Report on Senate Bill 1271 would permit an area, following petition to a court, and frontdoor referendum, to establish a rescue district, to provide needed emergency services - rescue services and ambulance services - for people that are in need. And I'd urge your favorable consideration...

PRESIDING OFFICER: (SENATOR LUFT)

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

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Senate adopt the Conference Committee Report on Senate Bill 1271. 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? Take the record, please, Madam Secretary. On that question, the Ayes are 56, the Nays are 2, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1271. The bill, having received the required constitutional majority, is declared passed. At the bottom of Page 19, on the Order of Conference Committee Reports is Senate Bill 1345. Senator DeAngelis. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

The First Conference Committee Report on Senate Bill 1345.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1345 when first going out of this Body was the High Tech Act, which has been placed on 2604 and passed out of both Bodies, I understand. The bill creates the Economic Development Area Tax Increment Allocation Act. And it would foster economic development to keep Sears and its jobs in Illinois. It is applicable, however, to any other situation that meets the same prerequisites and requirements. It is, in fact, a new type of TIF district. The -- the minimum size of that TIF district would have to be three hundred and twenty acres; would have to create a minimum of two thousand full-time equivalent jobs; and a hundred million dollar -- minimum of a hundred million dollar investment; require public notice though on a streamline basis. The municipality is not required to get property title. And DCCA is giving -- given final approval for the application of any project. This legislation will, in fact, keep Sears in Illinois, and will generate an average of four

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hundred and ten million dollars annually in personal income, and an average of 25.8 annually in State taxes. This bill has no impact on State Revenues. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1345. 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? Take the record, please, Madam Secretary. On the question, the Ayes are 53, the Nays are 3, 2 voting Present. Senate Bill 1345 -- oh, I'm sorry. The Senate does adopt the Conference Committee Report on Senate Bill 1345. The bill, having received the required constitutional majority, is declared passed. On the top of Page 20 - top of Page 20 is Senate Bill 1375. Senator Daley. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1375.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Mr. President and Members of the Senate. There are some technical problems; I'd ask for a Second Conference Committee.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt -- All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1375. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 14, the Nays are 21, 1 voting Present. And the -- and the

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Senate does not -- the Conference Committee Report is not adopted. And the Secretary shall so inform the House. And a Second Conference Committee Report has been requested. We're going to return to Page 13. Page 13 on your Calendar. Conference Committee Reports. ...(machine cutoff)... Page 13. We're going to go back through the Calendar one more time. Page 13. Conference Committee Reports is House Bill 42. Senator DeAngelis. Senator DeAngelis. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 42.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 42, when it went out of this Body, permitted the student member of the Illinois Community College Board to seek a second one-year term. Senator Maitland put an amendment on it, that he needed for the new community college district being created in his area. The House moved to not concur. We refused to recede. And now, they agree to concur. And that's, basically, what the Conference Committee Report is. If you have any questions ask Senator Maitland.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates that Senator Maitland will yield for a question.

SENATOR FAWELL:

No, on the original bill. This does not -- divide the -- the Board up so that they are elected from certain sections of the district, does it?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 42. 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? Take the record, please, Madam Secretary. On the question, the Ayes are 57, the Nays are 1, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 42. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 1-1-3. Senator Daley. Senator Daley. On the Order of Conference Committee Reports is House Bill 1-6-8. Senator Demuzio. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1-6-8.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. This is the third time that this proposal has been before the Senate. The House, in its wisdom, has not sought to -- favorably -- disposed to pass our 1301, where this proposal for the health program was reposed. We have scaled back the original proceeds that we were attempting to secure, which is the two percent tax that's paid into the -- by the out-of-state insurance companies, into the General Revenue Fund. We've limited ourselves, now, to eight million dollars to fund that series of substantive health package, that we passed out

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of here, that, currently, is on the Governor's desk. So, although this provision has been here for the third time, it's been scaled back substantially. And I would ask for your -- for ask for concurrence.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, could you explain to us why you have chosen to allocate a certain specific State tax to this program, rather than simply put it in an appropriation bill, and do it as we normally do here?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

If I understood the question correctly, the -- the tax that is currently imposed - this is not a new tax - we're just talking about the proceeds of the out-of-state insurance company proceeds. The reason that we are attempting to dedicate that source of eight million dollars of approximately seventy million dollars of revenue, is because it, principally, deals with -- with health. And as a consequence, that is the reason for the legislation before us.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, as -- as the sponsor said, this -- the cost of this project has been scaled back, considerably. And I think it's -- it's a worthy project. I -- I think that we ought to be aware

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that when we're doing it, that rather than following the usual appropriation process, this raises no new money. It simply says that what tax monies are paid now, have to be allocated to this program. So, it's different from most funding procedures, that we have in the General Assembly, and I simply want to pass that out. That does not speak to the -- to the credit of the bill, which, I think, has a -- has a laudable intent.

PRESIDING OFFICER: (SENATOR LUFT)

Further -- further discussion? Senator Demuzio, you wish to close?

SENATOR DEMUZIO:

Well, thank you, Mr. President. We passed it twice. And I would urge support.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 168. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 59 <sic> (49), the Nays are 7, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 168. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 2-2-7. Senator D'Arco. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 227.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The bill, which deals with cost of living increases for downstate circuit clerks, county clerks,



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recorders, treasurers, auditors, sheriffs, and elected supervisors of assessment - a three percent increase. We took out the provision that it apply to all supervisors of assessment, including those that were appointed. We also provided that the sheriffs' annual increase would not be compounded, but would be a annual three-percent increase, just like the rest of the officials that are affected in this bill. The stipend the sheriffs would receive, based on the number of beds in county jail, has been removed, so that no longer applies. The cap on the Cook County Clerk -- of -- Cook County is removed. And there is a three thousand five hundred dollar stipend for the clerk of Cook County. And I would ask that we adopt Conference Committee Report No. 1

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. When this bill originally was here, I -- I tried to warn the Members that, first of all, the first thing that we're doing - is we're starting to set pay raises. We used to always set the minimum that each official would be paid. Now we're saying how much they're going to get of a raise. Now, I realize the bill does not say that -- that this can't be above and beyond the three percent. But, let me tell you what -- what I did; I called my county board chairman, former Senator Jack Knuepfer, and asked him, "What do we pay our county officials - what's their normal pay raise?" And he said, "five percent." And I read him the language, and I said, "What will this do?" And he sort of laughed and said, "Well, frankly, the county board learns about this, they'll probably reduce their salary down to three percent a year." So instead of giving my boys a raise, what's going to happen is we're going to go down. I would suggest you, seriously, take a good look at this bill. First of all, do we want to get in the business of starting to tell the county boards

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- our local county boards, who are just elected as much as we are, how much they're going to raise their local officials' salaries every year. The basis -- the base salary that is in this bill is July 1st, 1989, and anything -- any raise is based on that. I don't know if we want to start doing this. Because if we do, it's going to be real easy for the county boards to come back every single year, and tell us they want us to pass their pay raises. I'm not sure we want to do this. I think we've got enough problems down here as it is.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco, to close.

SENATOR D'ARCO:

Well, Mr. President, we went through this once before. The county board can pay the county elected officials any amount that they want over three percent. The bill says they have to pay at least three. Now, if they're paying five percent in DuPage County, which they're paying now, this bill doesn't tell the county board they have to reduce it by two percent, to comply with the law. It simply says that they have to pay at least three, which means they can pay five. There's no argument about that. I don't know what she's arguing about, to be honest with you. I ask that we adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report to House Bill 2-2-7. 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 wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 34, the Nays are 18, 1 voting Present. And the Senate does adopt the Conference Committee Report on House Bill 2-2-7. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is

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House Bill 514. Senator Rea. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 514.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. This would -- this Conference Report would recede from Senate Amendment 1. And it limits the requirement to an offense in which a person intentionally inflicted harm upon a child. And states that refusal to sign a statement may not be the sole grounds upon which a person's employment is refused. I would move for adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I would -- would like to remind the Body, and particularly the Member of the Judiciary Committee, that heard this bill, that what this does is it recedes from the amendment that the sponsor put on, as agreed in committee. And that was that -- that we would remove from the bill the requirement that a prospective employee report all indicated reports from DCFS. And, as we all know, indicated reports, essentially, can be done without a hearing; may or may not be valid; and really, don't give that prospective employee any kind of due process rights. The sponsor has a good bill here. But it ought to be in the shape that it was when it left the Senate. And I would -- would ask that the sponsor consider taking this to a second conference committee report without these indicated reports as part of the process. We ought to be having these private organizations get criminal background information, and the like. But, they're simply unworkable to have these indicated reports as

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part of this process. And I think we ought to vote against this report, and send it back to a second report, and have it come back in the shape that it was when it left the Senate.

PRESIDING OFFICER: (SENATOR LUFT)

Further -- further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. I -- I agree with the preceding Senator, Senator Hawkinson. I -- I would suggest to Senator Rea that it go back for a second time. What -- what -- what I'm fearful about is this, if this bill passes what you're going to find is that the labor organizations, and other groups that are concerned about the rights of employees, are going to, perhaps, not address this issue, but address the question of what DCFS does in their investigations. And -- and I think what we're going to wind up with is - a less effective method of investigating child abuse through DCFS. And I -- I think this isn't necessary, in this kind of legislation. I think it ought to go back to a second conference committee and address the problem, without creating a bigger one. I would urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I -- I join the last two speakers. I would either urge a No vote, or don't vote at all. We -- we did have a lengthy discussion about this in the Judiciary Committee. There was a commitment made to take out a portion of the bill, which has now been put back in the bill, which definitely does not make the bill as strong as it -- as it would have been with the commitment, which was on, and did pass the Senate, with that commitment intact. That's been taken out. And I -- I think that we ought to send it to second conference committee - put the commitment back in the bill - and make it a stronger bill than it is right now.

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And I would urge either a No vote, or just don't vote at all.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR REA:

Thank you, Mr. President. I think the House sponsor felt that by changing this to -- to limit the requirement to "intentionally inflicted harm upon a child" that this would -- that this would deal with the -- the problem there. And this is the way that they had put it back together - the Conference Committee Report. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on House Bill 5-1-4. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On the question, the Ayes are 13, the Nays are 27, 12 voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. And a Second Conference Committee Report is requested. On the Order of Conference Committee Reports is House Bill 5-4-1. Senator Lechowicz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 541.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Conference Committee Report deletes the credit unions, at the request of the Illinois Credit League. Credit unions presently provide this type of service to their members throughout the State. As you recall, this bill was to remove unauthorized Illinois banks and savings and loans that provide financial

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services to residents of bona fide nursing homes, senior citizens and retirement homes. It's a pilot program for Representative Flinn. It applies to counties two hundred and fifty thousand to three hundred thousand. Move for the adoption of the Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 541. 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, please, Mr. Secretary. On the question, the Ayes are 58, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 541. The bill, having received the required constitutional majority, is declared passed. Top of Page 14 is House Bill 594, on the Order of Conference Committee Reports. Senator Fawell, for what purpose do you seek recognition?

SENATOR FAWELL:

Thank you. After my brilliant speech, that frankly, didn't seem to make much of an effect, my -- I failed to vote because my button didn't seem to work. Would you say on House Bill 227 I meant to vote No?

PRESIDING OFFICER: (SENATOR LUFT)

The record will so reflect. On the Order of House Bills -- Conference Committee Reports is House Bill 594. Senator D'Arco. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 594.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, in this report, what we attempt to

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do is to exempt the City of Chicago from the requirements that a referendum must be held prior to the imposition of a surtax on telephone charges for the purposes of installing 9-1-1 Emergency Telephone Systems. And we cap the surcharge at a dollar twenty-five per month. And it also allows the money to be used for facilities, operations and personnel costs, as well. The bill also includes a CUB request to require the board and its -- each of its directors to provide district membership lists to certified board candidates. It also provides that a statement of intention be made to influence elections by the board, its directors or employees acting on behalf in their official capacities. And I would ask that we adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I have talked with the officials of Illinois Bell. They have agreed to this amendment. I think it's the best thing we can probably come up with, if we want the 9-1-1 System. And I would suggest an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to point out that the telephone companies were opposed to this until this week. It's only recently that they changed their mind. And prior to their changing their mind, their objections were that first, by eliminating a referendum, what's going to be allowed here is that monies will be expended from the 9-1-1 Emergency Telephone System Fund to pay for personnel attributed to the system. This was something that they've opposed, and opposed very strongly. And just recently did they apparently remove their opposition. The bill puts a cap on the 9-1-1 charges in the City of Chicago, but

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those of us who don't live in the City of Chicago can be charged any amount at all - there is no cap - so we could be charged any amount. It's going to result in an increase in fees to everyone. It's going to add cost to utility bills. And I think that is something that we might not want to do. It seems to me that this should go back to a second conference committee report, and there should be some changes on the caps. There should be some limits on how much can be added. This permits spending for 9-1-1 areas in any amount, if you're outside of Chicago. So we could be charged, in the areas outside of Chicago, for building new buildings, staffing them with -- without regard to whether the people are needed, and are more than adequate to staff those facilities. And I think it's something that's going to result in increased utility bills for all of our individual consumers and voters. I don't think this is something that we should do. I think it should go back to a second report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield..

SENATOR HALL:

Senator, why did you just make it for Chicago? What about we who live downstate?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Well, you -- you can do it now, if you want to. I mean, this is -- this doesn't affect downstate. That's the whole point. I mean, Senator Welch is indicating that somehow this is going to raise utility bills of people that live downstate, and that's not



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the fact. This doesn't change the law for downstate. I mean, the point is that nothing in this bill affects anybody's downstate utility bills.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hall.

SENATOR HALL:

Well, after being around here all these years, you know, I'm all -- it raises my eyebrows to see if something's good for Chicago why it's not good for -- if it's something bad for Chicago -- that's why I said good for us. What I'm simply saying is this, is that -- the way I look at this, it looks like that we might be able to get an increase after all this. I got really serious reservations about this. I...

PRESIDING OFFICER: (SENATOR LUFT)

Further -- Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

This -- this Conference Report does not eliminate the requirement for a referendum in municipalities of under five hundred thousand. Isn't that right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

That is correct.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, in that case, Mr. President, Ladies and Gentlemen of the Senate, I don't see anything wrong with the bill, and I urge a

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favorable support. They certainly need it in Chicago as much as we need it downstate.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would hope that you would really seriously consider this Conference Committee Report and act favorably on its behalf. If you attend any community meetings in the City of Chicago, the first -- normally, as far as in reference to any type of crime -- criminal activities, the individuals are always raising the question, "Why does it take so long to have a policeman respond to my request when I dial 9-1-1?" And I'm sure you can ask any policeman, or any fireman - they respond as quickly as possible once they are notified of the call. The problem is the system in the City of Chicago is overloaded. Overloaded. What this bill will try to accomplish is to provide a paying mechanism so that the City of Chicago, in cooperation with the state-of-the-art equipment, can update the 9-1-1 System. And what we're talking about here is public response to an emergency. The public being the City of Chicago, whether it be the policemen or the firemen, on the request of a 9-1-1 System. It'll be paid by the telephone users in the City. And hopefully nobody will have to really use 9-1-1. But in case you do -- in case you do, the response time will be within a period of time where that person will be aided, hopefully. That's the purpose of this bill. And I would hope that this Conference Committee would be accepted.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in strong support of this Conference Committee

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Report. In fact, without speaking to the fact of the enhanced 9-1-1 and the safety values, it's a good bill because, number one, it actually doesn't allow Chicago to do as much as downstate can do, because it, in fact, puts a cap on Chicago, where we downstate are not capped. This is a good bill, not only from that standpoint, but it was agreed upon by Illinois Bell. It was agreed upon by the Municipal League. And it's just a good bill all the way around, and I ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall, for a second time.

SENATOR HALL:

Well, it's just been explained to me that this has a referendum downstate, and it doesn't really affect us that much. So, maybe I'm seeing the light at this time.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I hope everyone's seen the light. This bill's been worked on by many parties. It's signed off on by everyone. The original intent of the bill dealt with DuPage County. We did pass a referendum - a countywide referendum - on this. It adds other language about the CUB. It adds the language for the City of Chicago. Illinois Bell signed off on it. And it's a good bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco, you may close.

SENATOR D'ARCO:

Mr. President, I, too, have seen the light, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on House Bill 594. Those in favor

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will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 52, the Nays are 5, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 594. The bill, having received the required constitutional majority, is declared passed. Top of Page 15. On the Order -- Conference Committee Reports. Top of Page 15 is House Bill 1085. Senator Welch. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1085.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is create two new Acts. One is entitled, "The Vector Control Act." The other is "An Act In Relationship to the Management of Tires and Associated Vectors of Disease." What the bill is trying to do is to get at two problems. Number one is the accumulation of tires, which leads to the increasing number of mosquitos that we see on weekends, especially last weekend, if you were home. What we're trying to do is to allow the Department of Public Health to investigate when we do have problems with vectors of disease which include arthropods, rats, mice, birds, or other animals capable of carrying disease-producing organisms to a human or animal host. What this will allow is for the Department of Public Health to investigate, to recommend solutions. In addition, it specifically goes after used tires that are accumulated in quantities of a -- of more than twenty. It sets up a requirement that after two years there's going to be a licensing procedure for those who have more than fifty tires on their property. It also is going to create a fund, The Used Tire Fund, and that fund will be used to encourage

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the recycling and reprocessing of waste and used tires. It's going to provide for also creating markets to dispose of those tires, either by turning them into oil, which they can be turned into, or shredding them, using them in asphalt, or whatever other proposals that we can figure out to recycle and reuse this commodity. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just one question, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

This bill still has -- it requires the -- the okay from the municipal body. Am I correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Yes, it does.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Keats.

SENATOR KEATS:

Strictly a question. This is not in my area, but there is an okay for an incinerator that's been sited and its development permit has lapsed, and this lets them pretend like they didn't lapse it. Who is this? Who are we helping and why are we helping them, and what's the special problem that causes special legislation for one individual?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

I'm -- I'm sorry. This was a House Bill to begin with. Representative Wennlund had it. I understand it's in his district, and I've been informed that it was in Crestwood, Illinois. It's an incinerator that was permitted, was sited, and then for some reason the period of time expired and the individual didn't proceed, and now they are ready to proceed. The bill is limited to that specific incinerator on that specific site. So it's not opening up any siting requirements for anyone else.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones.

SENATOR JONES:

Yes. Yes. Thank you, Mr. President. The sponsor yield?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Jones.

SENATOR JONES:

Senator Welch, you talk about creating a fund. I was trying to go over the analysis for used tires. Where does this -- the monies come for -- for this fund?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

The fund is created, first of all, by an appropriation of one million dollars to the Used Tire Fund, which gets repaid over five years from the Used Tire Fund. The Used Tire Fund is going to be created by fifty cents from each -- each certificate of title that is filed, beginning January 1, 1990, and concluding five years thereafter, December 31, 1994. Fifty percent of the money collected for each certificate shall be deposited into the Used Tire Management Fund. That's going to be the funding source.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

What you're saying, in essence, is that the fund will come from a charge being placed on the consumer, or will that fund come from the sale -- I want to know where do the dollars come -- from for the fund? Will the tires that we purchase, will they add that cost to the tires, or would the person who is holding the tires -- say I got two thousand tires and -- who -- who's going to pay for those tires, and where -- where's those monies coming from?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Okay. Let's say you own -- you have two thousand tires. First of all, you're going to have to notify the State Department of Public Health that you have all these tires. You're going to, next, have to submit a form along with your registration that shows that you are complying with any rules that may be -- be developed by the Department, to make sure that you're not storing them so that they accumulate water, such as having them out in the open, that you have made sure that they're not stored so that rats are living within the tires. You have to have the Department of Public Health approve, basically, that what you're doing doesn't create more safe harbors for what are called vectors of disease -- animals, rodents, mosquitos, tiger mosquitos that inflict disease on individuals.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Now I'm still confused. All I want to know is, where does the money come from? Who pays this money? Who pays the money to create the fund? Fifty cents -- I want to know, where does that

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come from?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Every individual who registers a title to an automobile pays a fee. Out of that, fifty cents for each certificate of title goes into the fund. Fifty cents out of a certificate of title.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. I've been somewhat involved in -- in some of the negotiations, going back to last spring, on -- on trying to come up with some kind of a -- of a tire recycling Act. There are many State agencies - I think as many as five State agencies - that were involved with these discussions. There also were a lot of negotiations with the tire dealers, the people who store tires, and it's my understanding that this particular bill is fairly well compromised, but Senator Welch, could I ask you a question? Is the -- is the title fee increase just the fifty cents, or is it two dollars? At one time, I know that we were talking about two dollars, and there was some bike trail stuff in there. Is that out, and this is only the fifty-cents title fee increase?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Senator Woodyard, what ended up happening is there is no title fee increase. We're taking fifty cents out of the existing fee for five years.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch, to close.

SENATOR WELCH:



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Well, Mr. President, I'd just like to say that this had been worked on for several months. We've talked about this for several years. It's an attempt to eliminate used tires from the waste stream. It's also an attempt to get at all the tires that are accumulating around the State. Many of you who live near wooded areas know that there are tires that accumulate there. They gather water. That water creates mosquitos, and it's a method of getting at two separate problems. One is the problem with tiger mosquitos, regular mosquitos, other types of rodents, and it also takes care of an environmental problem by trying to recycle tires and create markets to get rid of those tires. I would move for passage of this --

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate -- adopt the Conference Committee Report on House Bill 1085. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 48, the Nays are 7, 3 voting Present. The Senate does adopt the Conference Committee Report on House Bill 1085. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports, in the middle of Page 15, is House Bill 10 -- I'm sorry, 1287. Senator Kelly. Senator Marovitz, for what purpose do you rise?

SENATOR MAROVITZ:

I -- I'm now the chief sponsor of that bill. The sponsorship has been changed on that bill.

PRESIDING OFFICER: (SENATOR LUFT)

Oh, I'm sorry. Okay. On the Order of -- All right. On the Order of Conference Committee Reports is House Bill 1287. The new sponsor, Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

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First Conference Committee Report on House Bill 1287.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I would move that the Senate adopt the First Conference Committee Report on House Bill 1287. It does several things. First of all, it permits DuPage County to levy a two and a half cent per one hundred dollars of equalized assessed valuation tax, without referendum, for nursing homes in DuPage County. It provides that on 1-1-91 the Chicago Park District can issue bonds of up to one-quarter of one percent of the assessed valuation, for environmental work that protects the public and employees. Permits the Rockford Park District to levy fifteen-cent property tax, by frontdoor referendum, for recreational purposes. And it permits the Rockford Park District to levy a three-cents property tax, for the acquisition of real estate, and that would be a backdoor referendum. And I would solicit adoption of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1287. Those in favor, vote Aye. Those 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 the question, the Ayes are 27, the Nays are 27, 1 voting Present. The Conference Committee Report is not adopted, and the Secretary shall inform the Senate <sic>. And the sponsor requests a second conference committee report. Senator Raica, for what purpose do you seek recognitions?

SENATOR RAICA:

I don't know if I was the sponsor or hyphenated sponsor - I

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know one got by today - but if I am take me off of that one, will you?

PRESIDING OFFICER: (SENATOR LUFT)

Middle of Page 15 is House Bill 1406. Senator Joyce. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1406.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is the fertilizer -- Illinois Fertilizer Act, and it deals with the county extension laws and -- and motor fuel standards. It's the Department of Agriculture. What it does is clarifies the accountability, with respect to the operation expenditures, relating to the Fertilizer Research and Education Program. It also clarifies the county cooperative extension laws. And it also lets the Department of Agriculture receive complaints about the quality of petroleum products. This would permit the Department of Agriculture to investigate some complaints, provided the hundred dollar fee is paid. I'd ask for concurrence.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1406. 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 wished? Take the record, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 1406. The bill, having received the required constitutional majority, is declared passed. In the middle of page -- on the Order of Conference Committee Reports is

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House Bill 1480. Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1480.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I would move that the Senate adopt Conference Committee Report No. 1 to House Bill 1480. This is the bill of the mortgage -- mortgage foreclosure. It allows mortgagees to require the plaintiff to pay for liability insurance during the foreclosure, and the holder of a certificate to sell title to another party before expiration of the period of appeal. It makes some changes regarding the mortgagors interest in the subject real estate. And it also grants a two-year quick-take authority to home rule municipalities and county boards to condemn certain property, in an enterprise zone, for an industrial harbor on the Illinois River. And I ask for adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. When this bill left the -- this -- this bill was changed to put the quick-take condemnation powers, for two years, by a home rule municipality and a county board for an enterprise zone by the municipality and county board. I think we have enough condemnation powers given to county boards. And I -- I, frankly, don't like it. And I'm going to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Marovitz, to

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close.

SENATOR MAROVITZ:

Thank you very much. Well this is -- this does not, as Senator Geo-Karis says, this does not expand, generally, the quick-take powers at all. It's for one limited instance, on the Illinois River in Pekin -- in Pekin, Illinois, for an industrial harbor. That's all it's for. It isn't a general increase in quick-take powers. And I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 1480. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 6, none voting Present. House -- the Senate does adopt the First Conference Committee Report on House Bill 1480. And the bill, having received the required constitutional majority, is declared passed. Top of Page 16. 1754. Senator Marovitz. House Bill 1754, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1754.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the condominium bill, which passed out of the Senate with no -- with zero No votes. Due to a technicality, it had to go to a conference committee report, but it's the same bill that passed out of here with zero No votes. It eliminates the provision that if the association doesn't provide information to an owner within fifteen days, the lien of the association is extinguished. This -- this keeps the lien of the association intact. It specifies

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that the association can commence action against a tenant for violating the rules and bylaws of the association. And that remedies under the Code of Civil Procedure, regarding forcible detainer, are available to the association in an act and against tenants, who have been notified, and refuse to comply with the rules. And I would ask for adoption of the Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with the House -- shall the Senate adopt the First Conference Committee Report on House Bill 1754. 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. The question is -- on that question, the Ayes are 57, the Nays are 1, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1754. And the bill, having received the required constitutional majority, is declared passed. House Bill 1778, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1778.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats. All right. Take it out of the record. ... (pause) ... All right. Leave of the Body -- we'll go to the Order of Supplemental Calendar No. 1, that has been distributed. Supplemental Calendar No. 1. Sponsors are: Joyce; Daley; Watson; Jones; Holmberg; D'Arco; Jones. Supplemental Calendar No. 1. Conference Committee Reports. House Bill 365. Senator Joyce. House Bill 365, Mr. Secretary. Just stand at ease for a moment, it'll take us a minute to get the computer operable. ... (pause) ... All right. We're ready. Senator Carroll, we'll come back to you in a few minutes. Supplemental Calendar No. 1 - is House Bill 365, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

First Corrected Conference Committee Report on House Bill 365.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This Conference Committee Report recedes from Senate Amendment No. 3 that required the Champaign County Forest Preserve District authority to issue bonds, that must be approved by the county board. The bill would allow territories, exactly coterminous, in a county, or municipality, or township within the district, to disconnect on certain conditions. That was in Bourbonnais Township, in Kankakee County. A forest preserve and a park district were voted on at the same time -- trying to get a piece of property that the State -- the Department of Conservation owned. It's, since, been given to the township park board. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I really don't have an objection to the -- to the -- to the bill, per se. I do, sort of, object to the way this Conference Committee was -- was conducted. There were two reports that -- that were circulated. One by the House Democratic Staff, which is the one that you have in front of you; and if you will note there is no Republican senator that signed it. There was another one that was circulated by the Senate Staff, both Republican and Democratic. The Democratic Staff in the House didn't seem to think it was necessary to come and talk to our staff, and tell us that they had taken out one of our senator's amendments, that we had passed, here in the Senate. They came directly to me and said, "Will you sign this?" I told them, "No, I wanted to talk to staff." And they said, "Well, you

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know, this is -- you've got all the House Members and blah-blah-blah-blah." I said, "No, I want to talk to the staff members." I don't like the way that this was done, and frankly, because of that, I'm going to vote Present. Certainly no -- and I'm not blaming Senator, and I'm not saying that it's a bad bill, I just think that the House Democratic Staff ought to know that we work in conjunction with their -- their House. It's not an entity unto itself. We give them the courtesy; they should extend it to us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Joyce may close.

SENATOR J.J. JOYCE:

Well, Senator Fawell, I -- I can't help but agree with you. It was done rather awkwardly. I will admit that, and I -- I wish that we could have given the Senate Amendment a hearing in the House; but the sponsor refused to do that. And, you know, there's procedures to do that, but he didn't do it. So, there you have it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Corrected Conference Committee Report on House Bill 365. 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. Take the record. On that question, the Ayes are 49, the Nays are none, 8 voting Present. The Senate does adopt the First Corrected -- Corrected Conference Committee Report on House Bill 365. And the bill, having received the required constitutional majority, is declared passed. House Bill 1718, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1718.

PRESIDING OFFICER: (SENATOR DEMUZIO)



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Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Conference Committee Report on House Bill 1718 provides that in municipalities with a population over two hundred thousand, that the retail sale of liquor may be prohibited at a particular establishment, if a petition is signed by forty percent of the voters of that precinct where it is located, and the prohibition is approved by referendum. This -- this applies only to the establishments whose primary business is the sale of alcohol. This report makes two changes. First, it limits the scope to the establishment where the primary business is the sale of liquor. And second, it requires that a petition for a referendum be -- to ban a particular establishment, must be signed by forty percent, rather than twenty-five percent of the voters. This was worked out with the Illinois Restaurant Association, who approves of this Conference Committee now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. For those of you who look at the Conference Committee Report, you may notice that no Republican member signed this Report, either in the House, or in the Senate. And that the -- our analysis indicates that the Report should be rejected. I think this is the result of a misunderstanding, actually. And -- we have no objection to this bill as -- as it is changed. So, I think it should be noted that those of us who have been following it are in support of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Daley may close.

SENATOR DALEY:

I would just ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on House Bill 1718. 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 3, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1718. And the bill, having received the required constitutional majority, is declared passed. House Bill 1876, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1876.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the bill that dealt with the AIDS problems, here in our State. There's quite a bit of language in here that was originally in the bill, which passed 54 to 3. The new language in the Conference Committee Report is that the Department of Alcohol and Substance Abuse may offer testing for HIV to alcohol abusers in treatment. The original language said that they "must offer," and we say they "may," because alcohol abusers aren't necessarily a high risk group. We put in here an immediate effective date to require the Department of Public Health to publish monthly statistics. The next provision was a concept which was in the previous legislation, which we've just cleaned up. And that is in regard to Central Management Services entering into a contract, with one or more laboratories, to provide testing for HIV. And the intent here is to provide a means by which hospitals, public health departments, locally, and others can, possibly, purchase the testing at a more reasonable rate, similar to what the US Army has been able to do federally.

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The -- another provisions in the new language require the Auditor General to evaluate the implementation and cost-effectiveness of the testing program, and would report back to us by May 1st of 1991. That's all the new language. Now, if you'll bear with me, we'll go through the old language, so that everyone is aware of what discussing here. The previous language would require everyone seeking treatment at a sexually-transmittable-disease clinic to be tested, unless that person refuses, if they wish not to be tested, then they will be given counsel. The original language also spells out what test would be used - clarifies some of the language in regard to that. Also, the Department of Corrections - their amendment, which said that the -- would require testing of those prisoners for HIV between sixty and fifteen days prior to release. This was their language, and this is what -- what we put in in the original report. Also, in the -- the original legislation required the Department of Public Health to request monthly reports from the federal government on HIV infection, and publish those reports. The other portion of the bill required the Department of Alcohol and Substance Abuse to provide HIV testing for all persons, excepting treatment for drug abuse, except as we've previously mentioned here - the alcohol situation - which would be permissive. One amendment, No. 5, has been taken out. Amendment No. 7 required the Department of Public Health to publish those monthly statistics. No. 8 was taken out. No. 9 would be -- was requested by the Department of Public Health, to limit the size of the monthly reports on HIV. I'll be glad to answer any questions, Mr. President, and thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1876. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1876. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 384. Senator Jones. 593. Senator Holmberg. Senate Bill 593, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 5-9-3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. In this Conference Committee Report the House recedes from their Amendments 1 and 2. It preserves the underlying bill, which expands notice and hearing requirements to include community college districts on an application for a property tax exemption, which would reduce a parcel of the property's assessed value by over one hundred thousand. This bill passed this Body unanimously. It now has the addition of House Amendment No. 1, clarifying that private enterprise property, situated on Toll Highway Authority property, is subject to property tax, regardless of the size of the leased parcel. And includes one other provision, which is a requirement that the tax purchaser, in downstate counties only, who pays the subsequently accruing taxes, may not do so until the second or final installment of such taxes has become delinquent. And I would ask that this Conference Committee Report be approved.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

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PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, isn't there, also, a new five-dollar fee to be collected against every purchaser of a tax delinquent property? Am I -- I'm sorry.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Senator Hawkinson. You're right. I -- I overlooked that. That is, also, in the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

And will the tax purchaser recover that fee at the time of redemption?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Holmberg.

SENATOR HOLMBERG:

It is not a new fee, it -- it's in the law right now, and we're just keeping that in, with this statement.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, the Senate -- shall the Senate adopt the Conference Committee Report on Senate Bill 593. All those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Senator D'Arco. Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 593. The bill, having received the required constitutional majority, is declared passed. On the

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Order of Conference Committee Reports is Senate Bill 789, Senator D'Arco. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 789.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the rewrite of the Judicial Article...for Cook County and some of the other judicial districts. The...789 provides for an additional six new appellate court justices, to a total of twenty-four. It also provides for fifteen subcircuits in the First Judicial District so that there would be an additional one hundred thirty-five judges total in the First Judicial District. Associate judges would also be increased to one hundred and four county-wide. This is a bipartisan effort by this General Assembly. There has been much debate and discussion on this issue and everybody is in accord that this is the best approach to solve this very serious problem. I would ask that we adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I stand in support of...Conference Committee Report 789. It differs from House Bill 2758 that passed this Body by thirty-seven votes; it's different because it is a fair compromise that has been reached. That is the legislative process. However, the bottom line has not been compromised. The results that Senator del Valle, Representative Anthony Young and Paul Williams sought in their federal lawsuit has not been compromised. That will occur as a result of this legislation is that there will be a fair and adequate representation among minority members of the bar, representing minority communities on

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the Cook County Circuit Court and on the First District Appellate Court. Let me briefly summarize this bill and highlight the finely crafted elements of fairness that makes this consensus compromise an adequate solution to what appears to be an insolvable problem. A reasonable implementation schedule has been thoughtfully crafted. In the very foreseeable future, one hundred and thirty-five circuit court judges will be elected from fifteen subdistricts within Cook County. Each district will have a population of approximately 340,000, a population base slightly larger than two State Senatorial Districts. Additional Cook County Judges will be elected on a countywide basis, ultimately ten First District Appellate Court Judges will be elected, two from five districts each. Two judges accordingly will represent population based comparably on the size of two congressional district. After giving...(inaudible)...the six new judgeships we'll create by this law, fourteen judges will be elected from four countywide districts. Initial elections will occur in 1992. This means districting based on 1990 census data, which will not be available until April of 1991. Judicial reapportionment standards require to use current data. Use of the 1980 number,...as did we in House Bill 2758, would have been a mistake, and in fact, shortchanged populations we are seeking to represent...to be representation for. The General Assembly will draw the new judicial circuits, the district map, by July 1, 1991. We will be the map makers at the same time we fulfill our duties in drawing our own legislative maps, the congressional maps. Proposals have been advanced that other entities do the cartograph involved. However, the State Constitution makes us solely responsible for these functions. We will be responsible...exercising them. The three Supreme Court Judges from Cook County will continue to be elected at large; additionally two Appellate Court Judges will be created for the

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Third Appellate District in recognition of the caseload of the court. Many people have worked long hours and under stressful conditions to make this moment possible. I want to acknowledge and thank Senator del Valle, Senator Collins, Senator Keats, Senator Berman and others of the minority caucus. Representative Williams and Representative Young. This is a very important piece of legislation, a historical piece of legislation. It is an overdue piece of legislation. It is a fair piece of legislation. Let me put to...(inaudible)...that arise in this discussion behind us. Let us vote favorably for this conference committee...

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Keats.

SENATOR KEATS:

To say briefly, I echo everything Senator Brookins has said and Senator D'Arco's description of the bill was basically accurate, but generally there are not one hundred thirty-five new judgeships, they are redistribution of the existing ones. The only new judgeships are a couple of appellate judgeships. So I say, with that, an excellent bill as described, and I appreciate anyone's support for it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I rise in support of Senate Bill 789. I don't know whether or not we have ever addressed it like this, but as I look across the State of Illinois, I see one hundred and one counties where the judiciary is representative of the people who it serves. There is one exception to that. It's Cook County. It's been that way for a long time. What this bill does, very simply, is decentralize judicial selection in Cook County, in the same way it's decentralized across the State. I was reluctant to rise as this



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bill was debated over the many weeks, because I was an original supporter of merit selection of judges, as was Senator Netsch. That apparently isn't meant to be here in this General Assembly; that's been debated over and over again and rejected by Cook County Democrats and a few Republicans along the way. The next best opportunity for voters of Cook County to have a system which elects judges who are representative of the various areas of Cook County is the Conference Committee Report before you. You've heard a lot about Greylord. Greylord happened. It happened because of the system of judicial selection in Cook County, where one party was able to dominate and control that particular selection system. This changes all of that; it opens up judicial selection to all parts of the county. It's good for the people of Cook County, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you. I am going to be very brief and just adding to what has already been said. I would like to also...we would be very remiss if we would not recognize the contribution and pulling together the negotiating team that...Senator...Representative Madigan made, and also President Phil Rock, in getting us...helping us to resolve this problem. And I'd also like to...include the entire minority caucus members who stood together and held hands and joined together until this issue was resolved. And I think we have seen democracy here at its best, and I would ask for a favorable roll call and just say thanks to everyone.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is probably, for me, a more

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difficult vote than it is perhaps for anybody in the room, because, as I guess everyone here knows, I genuinely, deeply believe that judges should not be chosen in partisan elections. I think that is wrong, I think it continues to be wrong, and I don't think anything is really going to change until we do away with that system. Judges are not representatives in the same way that we, who are legislators or elected executive officials, are. Their role is different and in one sense, not in an elitest sense, but in another sense, they should be somewhat isolated so that they can be the brave, courageous and independent persons whose role is so critical to our system...the way our whole government works in this country. I have always believed that the appointive system known as merit selection would have produced more minorities, both in terms of race and in terms of gender, because women are a minority also in the legal profession, than did the partisan elective system. I am persuaded of that, I think the evidence is overwhelming from the States that have gone in that direction, and I have long argued in part for merit selection because I think it would have produced that result much faster than the partisan elective system that we have right now. Unfortunately, and by the way, I might add one footnote, there is one person who was very prominent in politics in Chicago until recently, Harold Washington, who was also persuaded to that effect, and who stood with me in support of merit selection during his period in the Senate and during his period as Mayor of Chicago. I think it is probably true right now, as Senator Kustra pointed out, that that system is not likely to come about. I used to say I would not leave the General Assembly until we had merit selection. Then I changed it and said, "Gee, I hope I live long enough." It is quite clear now that I am not going to live long enough to see merit selection in this State, I think. I will keep trying, and indeed I will refile it in this Legislative Session.

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But given the fact that it is not about to happen, it seems to me that this is, I believe, not going to work, Senator Brookins. I have great reservations about whether it's going to produce the kind of result that you want, but I recognize its symbolic importance.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I just want to touch on a couple of important points of this bill. First of all, there are no incumbent judges that are jeopardized by the passage of this bill. Number two, it does something that ironically, I tried to do about fifteen or eighteen years ago, when I introduced a bill to divide Cook County into fifteen judicial districts, and that's what this bill, in fact, does. And what we have done here is to decentralize the method of the people having a voice in selecting the persons that sit in judgment upon them. I want to compliment the minority caucus, the Republican leadership, represented by Senator Keats, and I strongly urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, and I have the highest respect for Senator Netsch, but I hope you live long enough never to see a so-called merit selection bill, because that the biggest phony that's been perpetrated on the public, when a little committee...when a little committee can decide who's going to be appointed. I think this bill is a good bill. In fact, it is a forerunner of the bill that Senator Berman had, and I had, and Representative Breslin...(machine cutoff)...

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...a step in the right direction, it will give the minorities and the women a chance, and I certainly urge favorable consideration of it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jeremiah Joyce. Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is a reasonable compromise. I think that everybody agrees, this is the way to elect judges. It's a good approach; it's a reasonable approach; and everybody, in good conscience, can vote for this bill. And I ask that you adopt the Conference Committee Report on Senate Bill 789.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Newhouse. Further discussion? Further discussion? All right. The question is, shall the Senate adopt the Conference Committee on Senate Bill 789. Those in favor vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays are 1, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 789. The bill, having received the constitutional majority, is declared passed. On the Order -- on the Supplemental Calendar, at the bottom of the page, is Senate Bill 1289. Senator Jones. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1289.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. The First Conference Report on Senate Bill 1289 contains the following: it provides for the registration and regulation of environmental health practitioners; it exempt law enforcement officers who work as private security from requirements of submitting fingerprint cards to be registered; and it makes students who attend cosmetology schools, as well as those who attend barber schools, eligible for State scholarships. The first two items in the legislation were -- originally passed the House, and all we added to the bill was that portion as related to the cosmetology students and barber students for eligible for State scholarship. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator del Valle.

SENATOR DEL VALLE:

Is -- this included in the ISSC budget, in the appropriations?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

No, there's not. There is no appropriation as such at this time. What we're doing is putting the proper language in place so that if students who want to, in the future be able to apply -- they'll be eligible.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Further -- Senator del Valle.

SENATOR DEL VALLE:

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Well, the bill indicates that awards may be granted only from a separate appropriation for this purpose, and may not exceed two percent of the total awards. But there is no appropriation for this purpose?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

No, as I indicated, we have not dealt with an appropriation at this point. It is late in the juncture, and we'll perhaps deal with this in the future.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR DEL VALLE:

Well, to -- to the bill, Mr. President. We've just begun to implement Senate Bill 1558 that deals with the abuses in the proprietary school industry. Many, many complaints have come to me about cosmetology schools in the City of Chicago. Just this week, I heard from a number of students that are having problems at two or three different schools. I think we have to give time for the regulations that we put into place for this year to work, before we decide that we are going to give cosmetology schools monies from the Illinois State Scholarship Commission. So I would recommend that there be a Second Conference Committee Report, where we could take this section out and maybe deal with it after we've had a chance to let the regulations work and to clean up the problems that exist in the proprietary school industry.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this Conference Committee Report and on the same basis as has just been expressed by Senator

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del Valle, we, I think we need to do a great deal more work before we expand the role of the State Scholarship Commission to include schools of cosmetology, so I, too, would ask for the rejection of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, it's my understanding that this beauty left here licensing interior decorators, which is bizarre enough. But it's come back here with an amendment on it affecting scholarships for the proprietary schools. I would like to speak on the bill. But before that, I would like to get a ruling from the Chair on whether this bill violates Rule 43. I don't see where the licensing of interior decorators has anything to do with scholarships for students.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer, it's the intent of the Chair to rule that you are, in fact, correct. It is not within the context of Rule 43, and -- the Conference Committee Report on Senate Bill 1289 will be immediately referred to the Rules Committee. Senator Jones.

SENATOR JONES:

Well, I don't know for what -- which basis that you want to make such a ruling. We are amending the Licensing Act and that's what this does, this bill amend the Licensing Act under which cosmetology schools fall, and I checked the bill thoroughly and perhaps I think if the parliamentarian would check again, he will find out that our -- I am correct in this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones, the Chair was not dealing with the issue of germaneness. We were dealing with the issue of whether we were

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in compliance with Rule 43 as set forth by the Rules in the Senate. The Chair ruled based on that ruling, number 43, that this bill was not in compliance, and therefore was the reason -- we -- referred it immediately to the Rules Committee for its consideration. Senator Jones.

SENATOR JONES:

Mr. President, well, let me say simply this, there will be many, many issues that will be coming up in the very near future that will address this particular issue. Now if this is going to be a ruling of the Chair, that such bills will have to go through a Rules Committee, be it the income tax, be it -- any other issue, I -- I think no -- you're trying to set a precedent, and -- on -- on every bill that comes here as related to a Conference Committee, and I am prepared to deal with such accordingly. But what I -- rather that go to the Rules Committee, then I will withdraw this particular Conference Committee Report and -- ask for a -- ask for a negative vote, and request a Second Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones, I'm not trying to set precedent; I'm just responding to the questions of the Members. Senator Jones.

SENATOR JONES:

In one sense you are responding to a question, but also you are setting a precedent for all future Conference Committee Reports. And so therefore I -- I'll ask for a negative vote on the First Conference Committee Report, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall -- the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1289. 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



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Secretary. On that question, the Ayes are 6, the Nays are 35, none voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House, and at the sponsor's request, a Second Conference Committee Report -- a Second Conference Committee is requested. On Supplemental Calendar No. 1 is Senate Bill -- right in the middle -- Supplemental Calendar No. 1 is Senate Bill No. 384. Senator Jones. Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate. I move that the Senate adopt the First Conference Committee Report on Senate Bill 384. The -- Senate Bill 384 First Conference Committee Report contains the agreement worked out between the -- the Association of Nursing Homes, the Governor's Office, and those individuals involved with long-term care. And what the bill does, is make revisions in the cost and nursing rates components for nursing homes for reimbursement on the formula. There has been forty million dollars, which has been the agreed amount, that has been placed in the Department of Public Aid's budget. I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Senator Jones, if you recall, when this bill passed out of here we had an amendment on here offered by myself and Senator Demuzio, which would have had an impact on what is commonly called the "gap funding" for nursing homes in predominantly South Central Illinois, Southern Illinois and everybody south of Dixon, I

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believe. Anyway, it had a provision of that would have put 5.3 million dollars of -- into the Public Aid budget, if we followed the line of thinking of that particular amendment. What happened to that amendment? And why is it not in there now?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well at the -- I supported your concept, and the Director of the Department of Public Aid took that out. They're going to try to work on their -- in other legislation and the -- they had met with the Governor's Office on this, and they took it out. And that's why it's not in here.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate -- Senator Demuzio.

SENATOR DEMUZIO:

It is my understanding that - I was detained here for a moment - but's it my understanding that the Department took out the -- amendment. Well maybe we ought to reject this Conference Committee Report, and send it back, and see if we can't continue to negotiate with the Department, and see whether or not we can get it put back in. Because that dealt with all of the nursing homes in the central and downstate area. I'm not too thrilled about passing this, as it is. I mean what's good for the goose ought to be good for the gander. Right? Senator Jones, we've been through that many a times. Haven't we?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I'm not sure of -- I know the issue that Senator Demuzio and Senator Watson are talking about. This particular component of

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Senate Bill 384, is an issue that has been worked on for a number of times. That was one of the purposes of the introduction of 384 in the beginning, as a vehicle to bring a quality component into the nursing home industry. This particular issue would affect salaries statewide. It is has been worked on long and hard by -- by the industry, and I would, rather, hate to see this particular issue go down in flames, because it -- because it is, I think, critically important. There was an attempt by Representative Ryder and myself and others, quite frankly, to even get a little bit more money into the long-term health care line in Public Aid yesterday, and that -- that was not accomplished, unfortunately. But I -- I just really believe that if were going to move forward in long-term -- health care industry, this is a critically important bill. And I would urge approval of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, we got plenty of time. All these tax programs are going to be passing, and all this growth revenue. You tell me we can take care of all the nursing homes in Illinois, with the exception of central and Southern Illinois. It just seems to me that we ought to reject this -- this is untimely -- see whether or not we, in fact, can get some other additional recommendation. And I would hope that we would, simply, just reject this, and -- go to a second conference committee, and see if we can't have Senator Maitland and others get us a better accommodation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones, to close.

SENATOR JONES:

Well, I understand the concerns of Senator Demuzio and Senator Watson, but the Director of the Department indicated that they

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would attempt, in the future, to work on -- on their concerns. This legislation does call for forty million dollars for nursing homes across -- all across the State of Illinois. And there were a million meetings and negotiations going on -- on this particular issue. I know the industry wanted seventy-two million dollars, we thought we could get sixty million, but the Office of the Governor held fast and requested that forty million dollars be the figure. So everyone agreed to the forty million dollars. Now we're talking about not -- not for us to accept. The -- the long-term care representative really pressed hard. I pressed hard. But this is an agreement worked out between the Department, those involved in the industry, and the Office of the Governor. And rather than jeopardize that agreement, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 384. Those in favor will vote Aye. Opposed, vote Nay. The voting in open. Have all voted who wish? Have all voted wish? Senator Demuzio? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 46, the Nays are 13, none voting Present, and the Senate does adopt the Conference Committee Report on Senate Bill 384. The bill, having received the required constitutional majority, is declared passed. We're going to the Second Supplemental. Supplemental No. 2, on Conference Committee Reports. First on the list is House Bill 1865. Senator Hudson. Senator Hudson? On the Order of House Bills Supplemental -- on the Order of Conference Committee Reports is House Bill 18 -- are you ready now Senator Hudson? All right. House Bill 1865. Senator Hudson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1865.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Hudson.

SENATOR HUDSON:

Yes, Mr. President, thank you very much. Ladies and Gentlemen, I -- move that we do concur with Conference Committee -- the First Conference Committee on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 1865. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 1865. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 1878. Senator Watson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1878.  
...(machine cutoff)...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'm sure the Membership are going to be pleased to know that this is the last AID's bill that I've got to present before the Body. So, having said that, I appreciate a favorable vote. Maybe I ought to explain it, hadn't I? House Bill 1878. We have some additional language in the Conference Committee which helps soften, somewhat, the blow to the Department of Corrections. There was some concern here about the fiscal impact of the testing requirement for the Department of Corrections, that both saw people when they enter the prison

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systems, and when they leave. We are saying now that the amendment says that July 1st, 1990, will be the effective date of this, and, therefore, the Department will be able to plan and budget accordingly. It also says the similar language we had in the previous AIDS bill, which says that May 1st would be the effective date to require the Department to test those prisoners that are -- prior to release. It also contains similar language that was in the last legislation, which requires Central Management Services to consult with Department of Public Health, when entering into contracts with laboratories for testing, in hopes of trying to create a more efficient economical means of testing. It also requires -- has the language in here which requires the Auditor General to implement a -- evaluate the cost-effectiveness of this particular legislation. The original bill would allow the disclosure of a confirmed positive test to the -- it would allow the disclosure of a confirmed positive AID's test to the test subject's spouse -- this is "spousal notification" - after the physician has sought, unsuccessfully, to persuade the patient to notify the spouse. And there was some provisions put in here for the Illinois Medical Society that gave --them -- that satisfied some of their concerns about what the physician has to do to notify the -- the spouse. It also would set up a system, by which the Department of Public Health - to charge a fee for HIV test performed by the State Laboratory. And I'll be glad to answer any other questions. Otherwise, I appreciate your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Watson you seemed to have hit the nerve of the Body. Is there discussion? The question is, shall the Senate adopt the First Conference Committee Report on House Bill 1878. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 4, 3 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1878. And the bill, having received the required constitutional majority, is declared passed. House Bill 2025. Senator Joyce. 2025, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2025.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This requires ENI -- ENR to establish an official State recycling emblem. The national emblem is not recognized by one one ninety two. And it requires ENR to conduct a Consumer Awareness Program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? And if not, the question is, shall the Senate adopt the First Conference Committee -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates, he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Does this bill include any regional referendum for any landfill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

No. That was taken out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report to House Bill 2025. Those in favor will vote

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Aye. Those opposed, Nay. The voting in 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, Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 2025. And the bill, having received the required constitutional majority, is declared passed. House Bill 2060. Senator Luft. 2060, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2060.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This just, believe it or not, for one thing, changed the wording from "may" to "shall" on our little problem we have with the County Health Department in Peoria County. And it also put in the provisions, I believe, of Senate Bill 1374, which was sponsored by Senator Daley, which required that the threshold for public notice and bidding by the CTA is changed from five thousand dollars to ten thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion?

SENATOR LUFT:

I'm sorry Mr. President. And also regulations governing construction or acquisition by the CTA or Public Transportation facilities. May make provisions for the use of competitive negotiations or the pre-qualifications of responsible bidders, in accordance with federal guidelines, when appropriate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Jones.

SENATOR JONES:

Just to raise a question. Does the provisions contained in this bill comply with the recent adopted rules, as relate to --



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the not germaneness, but the intent of the bill, as it originally was introduced? I just want to raise that question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Well, I would raise the same issue, because I really don't think it has anything to do with that. I would also question it's germaneness. It's not even in the same chapter. And I would continue to question why no Republicans in the House signed this. They absolutely refused to sign it. Furthermore, when we were brought this Conference Committee, we asked to see a copy of it, you know, in advance - that was agreed - it would happen - it never happened. I notice all Democratic signatures were put on here. Then it came to us, and now we find this -- this very lack of germaneness here. Plus, I would question -- we have some new language in here that's kind of kinky. It would -- instead of sealed competitive bids, we would now have the use of negotiators. And I would question if this, then, would make it far more significantly easier for, maybe, sweetheart deals, for, maybe, fat cat pols in the City of Chicago to kind of get in on some of this good CTA stuff. So, I really think this -- this bill needs a little more work, and some significant looking at.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft, the Chair is prepared to rule on -- with respect to Senator Jones' motion -- that the Conference Committee Report with respect to House Bill 2060. The First Conference Committee Report does not directly relate to the matter of difference between the House and the Senate, and therefore, cannot be considered, except if voted upon by a majority of the Rules Committee. Senator Luft.

SENATOR LUFT:

Mr. President, I would ask that we take a roll call on this,

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and I would, then, ask for a Second Conference Committee to be --  
I said that I would ask that a roll call be taken on this, and ask  
for a second conference committee to be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Okay. Never mind.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the Senate adopt the First  
Conference Committee on House Bill 2060. 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 43, 2  
voting Present. The Conference Committee Report is not adopted,  
and the Secretary shall so inform the House. Senator Schuneman,  
for what purpose do you arise?

SENATOR SCHUNEMAN:

Point of order, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes Sir.

SENATOR SCHUNEMAN:

The last two times that that objection has been raised, about  
Rule 43D, the sponsors have then proceeded to ask for a vote on  
the question and -- and the question has failed in both those  
cases. What happens if the question succeeds?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. In both of those instances -- both instances, when I  
was here present, it was the clear intent of the sponsor that the  
a -- conference committee report be -- be not approved, therefore,  
requesting a second conference committee, in order that the two  
Houses in conference committee can deal with the subject matter of  
the difference between the two Houses. In a timely fashion it

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appears to me - it seems to me that there would be -- not be an opportunity today, immediately, to have the Rules Committee to consider those respective conference committee reports, and therefore, the sponsors have chosen to go to a second conference, to see if they can resolve the difference. If there's still objections when it comes back on the second conference committee report - that there's objections from the Senate then, in fact, it would have to go to Rules Committee, in order for a majority to a -- to a -- to approve. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I don't disagree what your saying, Mr. President. I -- I agree that this is the practical way to proceed. My problem is, that if, in fact, the -- the question -- the vote should succeed it seems to me that we have passed a bill which is then in violation of our own rules. And, I'm not sure how we get around that. I simply think that the point ought to be raised, because a -- to approve one of these bills would be in violation of our rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, there was no objections to the sponsor calling his bill with the implicit understanding that it was, in fact, not going to receive the requisite number of votes, and it was going to a second conference committee. You and I may be able to look in our crystal balls all afternoon and -- and it just seems to me that a -- we appreciate the fact that you brought the question up, and I hope you appreciate the fact that I have given you everything that I can give you, at the moment. Senator -- Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you very much, Mr. President. That's a -- that's once.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. House Bill 2421, Madam Secretary.

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SECRETARY HAWKER:

First Conference Committee Report on House Bill 2421.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This Conference Committee Report is identical to Senate Bill 893, that was sponsored by Senator Weaver. And it clarifies that the bond proceeds under the Illinois Development Finance Authority may include the financing of non-capital expenditures where -- which are an integral part of the underlined capital project being financed; unless that is prohibited by either State or Federal law. It extracts from the findings and purposes provisions of the Act, the general purpose of authority, and incorporates them into the definition of project. Clarifies the class of entities on whose behalf the Authority can agree to issue bonds, to eliminate the uncertainty regarding the subject matter. And clarifies that a project is an undertaking or activity, rather than a thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2421. 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 concur -- does adopt the First Conference Committee Report on House Bill 2421. And the bill, having received the constitutional -- the constitutional majority, is declared passed. KTVS -- KTV from St. Louis has requested permission to shoot videotape. Is leave granted? Leave is granted. ...(machine cutoff)... Channel 2, Chicago, has also requested leave. Is leave granted? Leave is granted. So ordered. ...(machine cutoff)... Senator Carroll.

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This morning you made a request on the regular Calendar -- with 753. I'm sorry. Senator Carroll, could you identify for us where it is?

SENATOR CARROLL:

On the Order of Concurrence, 735, Senate Bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Page 12.

SENATOR CARROLL:

Concurring with House amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Page 12. Regular Calendar. Concurrence. Senate Bill 735, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 735.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we do concur with the House amendments to -- Senate Bill 735. This dealt with the area of a -- managed care delivery -- for the Department to do a test case throughout Illinois, on whether or not that'll be cost-effective and better delivery of health care. The -- there have been some disputes between the Department and the Hospital Association that has finally been resolved, within this forum, and I would ask for a concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 735. 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 58, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 735. And the bill, having received the required constitutional majority, is declared passed. WGN, WCIA have -- WICS, WAND, WBBM have all requested permission to film, or tape, or whatever. Is there any objection? Leave is granted. While we're waiting for Supplemental Calendar No. 3, it has not arrived yet, soon as it gets down we will -- proceed. WAND has sought permission to have a camera in the gallery. Leave is granted. WHOI, Peoria, has also requested permission to videotape. Is leave granted? Leave is granted. 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 572 with House Amendment No. 1.

Filed by John F. O'Brien, Clerk of the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Secretary's Desk. ...(machine cutoff)... WLS TV, Channel 7 in Chicago, has also requested permission to videotape. Is leave granted? Hearing no objections. Leave is granted. WGN TV has requested permission. We've given them permission before -- a few minutes ago. Leave is granted. All right. With leave of the Body, while we're waiting for the Supplemental No. 3 Calendar to come down, with the related supportive material, -- there has been a request to go to the Order of the Consideration Postponed - Concurrence. Is leave granted? Leave is granted. On that order of -- regular Calendar, Page 20 -- is Senator Zito on the Floor? Senator Zito on the Floor? On the Order of Consideration Postponed - Concurrence. On the Order of Consideration Postponed - Concurrence, let's begin with Senate Bill 890. Senator del

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Valle? All right. Senate Bill 8-9-0, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3 and 4 to Senate Bill 8-9-0.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. When this bill was presented there was some confusion, I should say that it was due to a lack of communication. I think everyone's on board now -- it's one of the welfare reform bills. Amendment No. 1 clarifies the original bill - by adding that DPA shall define, by rule, what constitutes job-ready and basic literacy levels. Amendment No. 2 adds a section concerning retrospective budgeting. Amendment No. 3 is an authorization amendment, to allow the DCFS and DPA to contract for child care. And -- Amendment No. 4 is the content of Senate Bill 889 with an immediate effective date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Yes, there are a number of lights. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I would commend the sponsor for his work with Public Aid, and with all concerned here, and he's turned this bill into an outstanding piece of legislation. I would encourage a -- your positive votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in support of Senate Bill 890. I think the most significant part, or one of the significant parts of this bill, is the retrospective budgeting. We want to encourage people to get employed and to have employment. And this helps the

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seasonal worker be able to accept a job, and not jeopardize their welfare checks, eventually. And I -- I think this is a good bill, and I hope we can move it out of here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I, also, rise in support. I think there was some confusion the first time about the bill, and a -- the bill has been changed substantially, and I believe we can all support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question, shall the Senate concur -- concur in House Amendments 1, 2, 3 and 4 to Senate Bill 890. Those in favor will vote Aye. Those opposed, Nay. The voting is opened. 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 3, none voting Present. The Senate does concur with House Amendments 1, 2, 3 and 4 to Senate Bill 890. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 248. Senator Zito. Senate Bill 248, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 248.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Senate Bill 248 would establish some flow limits, there has been an amendment put on that addresses some concerns of home builders, Realtors, and municipalities. I'd be happy to answer any questions, and would move for concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)



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Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. This again is that bill that says that the speed limits of the stormwater has to be -- has to be monitored. Now, I don't mind them monitoring speed water if they would have thought about doing this a few years ago, before they put up a dam that allows Cook County to dump an awful lot of water down the Salt Creek, and the problem is they want it monitored from here on in, rather than before that dam was put up. Cook County originally agreed, twenty years ago, when the State and the Federal Government bought the land and built the reservoir, that they would put up storm gates. We've been trying to get those storm gates for twenty years. If you're going to dump water in on DuPage County and everybody else downstream, put the storm gates up and I'll be happy to coincide with your bill. But until such time, Senator, I'm afraid I'm going to have to oppose this bill, and I certainly think anybody that lives downstream ought to think seriously about doing the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

Senator Zito, you said an amendment was placed on this bill? I didn't hear your explanation of the amendment. Could you please tell us what it is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, here we go. House Amendment No. 1 was adopted to

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address the concerns of home builders, Realtors and municipalities. The amendment, Senator Karpiel, as I explained two times before on this Floor, does three things. The flow limit will not apply to construction started, permits issues or applications filed before the limit is established. In other words, Senator, ongoing construction permits and applications will, in fact, be grandfathered. Number two, the amendment would declare that a goal of this legislation is to encourage the construction of publicly financed regional retention reservoirs. And number three, and finally, the units of local government will not be affected by flow limit restrictions if on-site retention is a permit requirement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I stand in opposition to this bill again. I think we are really going pretty far afield to have to be coming up with these speed limits or water speed limits, so to speak. To stop this water, as Senator Fawell said, years ago the Cook County Forest Preserve District was to put in these gates at Busse Woods, and they still haven't done it. If they would do that it would stop the flooding from Salt Creek, and we wouldn't need bills like -- we wouldn't need bills like this. I think this is a -- an unfair approach, because it's going to be dumping water from one county into another. We're trying to do things like this on a regional basis so that everybody can be accommodated, and this is going in the wrong direction.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I can -- I applaud the sponsor for trying to make this bill better,

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because it was terrible. The speed of -- the word speed is a misnomer, and I have had complaints, not from my municipality, 'cause it doesn't apply to mine. But I have had complaints from a number of municipalities saying that this bill is not in the right direction, and therefore I have to oppose it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Madam President and Ladies and Gentlemen of the Senate. As one who represents the combined suburban Cook County and East DuPage County district, and therefore having an affection and an affinity for both counties, it obviously would not be my intention to support a bill that could cause harm or damage to either. I have called Kay Whitlock, who is the engineer for the DuPage County Regional Stormwater Management Commission, and we have talked about this bill extensively. And she assures me, as an engineer and not just as a layman, that there should be no difficulty with this bill, nor should there be any adverse reaction in terms of flooding in the region, and having worked with her before on floods and stormwater management and the Governor's task force on flooding, generally speaking Kay Whitlock views stormwater management and flooding as a regional issue, and I doubt very highly that she would see to this if she thought there was going to be any difficulty. So I will be supporting this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Zito, to close.

SENATOR ZITO:

Thank you, Madam President and Members. House -- Senate Bill 248 is a very, very simple concept. What it will allow for is controlling some type of flow, and Senator Fawell, your argument about water flow back into DuPage County, excuse the pun, just

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doesn't hold water. Water flowing northwest to southeast cannot come back upstream. I've never seen it happen, and it's not going to happen with this bill. We're just asking to have some kind of monitor on the water flow, so that in those crucial times of flooding, we are not deluged in suburban Cook County with everybody else's water. I would ask for a concurrence. Please support this motion.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 248. 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, Madam Secretary. On that question, there are 39 Ayes, 20 Nays, none voting Present. Having received -- the Senate does concur in House Amendment No. 1 to Senate Bill 248, and having received the required constitutional majority, Senate Bill 248 is declared passed. Senate Bill 890. Senator -- Senate Bill 956. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 956.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. I would move that the Senate do concur. Is this a conference committee? Concurrence motion. With House Amendment No. 2 to Senate Bill 956. This -- the U.S. Supreme Court decision in Penry versus Lynaugh reversed the defendants sentence to death, due to the failure of the jury to consider evidence of the defendants mental retardation. That decision is consistent with this bill, Senate Bill 956. The Penn - the court - the Supreme Court - has passed the ball back to the States to develop a standard of decency, which prohibits execution of mentally

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retarded individuals. Senate Bill 956 is, therefore, critically important, as a first step in clarifying that there already exists a consensus against execution of mentally retarded individuals. As Judge Steigman, from downstate, noted in his testimony before the House Judiciary Committee this spring; there are some things that we just don't do, and executing mentally retarded individuals is one. That's what this bill says. It places the burden of proof on the defendant to prove that he or she is mentally retarded. I think it's a very good bill, and I would urge a concurrence motion and an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I rise in opposition to this bill. Also consistent with that Supreme Court decision, would be to place this as a mitigating factor, and that's where it properly belongs in the statute. To consider whether or not a person is retarded and the level of retardation. To consider that is a mitigating factor, and have the jury or the court so consider it. If you set up an automatically-excluded class your going to have a situation where every defendant, in a death penalty case, raises this issue in an attempt to be excluded. And the problem with that, you have to remember, when your talking about death penalty cases your talking about a very narrow focus of cases - where someone has been convicted of multiple murders, or shooting of policemen, or something of this sort. And to create an automatically-exempted class is not the way to go. We ought to make this a mitigating factor, where it ought to be properly considered, and the jury and the judge, in appropriate instances, make the determination not to impose the death penalty because of retardation. But don't set it up as an automatic exclusion.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President, and Members. Senator Hawkinson, I see made, and cogently made, I think, although it is a little hard to hear in the chamber at this point, the points that I wish to make. I would simply --

PRESIDING OFFICER: (SENATOR COLLINS)

Excuse Me. The Senator is requesting that you please hold your -- you take your conferences off of the Floor and hold your voice down because he can't hear. Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam. I wasn't really making that request but just was noting that it was a little noisy in here. I would simply follow up -- Senator Hawkinson's cogent analysis of this bill, and remarks on it, by noting, as I think most of us know, that now, in a typical death penalty case takes several years, often up to ten years to litigate one of these cases. If we make mental retardation an automatic defense in every death penalty case, as opposed to a mitigating factor, I think we're going to complicate this process, and make it much more difficult for the death penalty to be enforced in most every case. Senator Hawkinson is right on what we should have in our statutes, but what we already have, to a degree is, -- is a specific provision - a spelling out - that mental retardation is a, so called, mitigating factor that a court should take into account in deciding whether to impose the death penalty. Already under our statute this is, to some extent, already the law, because in addition to considering the mitigating factors now specifically set forth in the death penalty statute, a court is directed to consider quote unquote "any other factors" - in which case -- or in which category mental retardation would certainly fall, in deciding whether the death penalty should be applied. But I

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think, by passing this legislation, we are going to be creating a situation in which mental retardation can be raised, and might, likely, be raised in every single death penalty case, or in almost every single death penalty case; because the defendant will simply have to show, by a preponderance of the evidence, and it will certainly be worth a try. The defense lawyers in these cases certainly -- certainly exhaust every other possible defense, and this will be giving them one more. So I think we're going to far with this bill. Senator Hawkinson and I, and others would be willing to -- and would be eager to, in fact, to take the more sensible approach of making this a mitigating factor. But I think, all of you who claim to support the death penalty -- I strongly suggest that passage of this legislation will be inconsistent with -- with your past statements and positions, should you support this. So I urge no votes.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. Murder is murder. Is a person who's mentally retarded, and yet knows enough to commit murder, it's still murder and we have to think about the victims. I concur with Senator Hawkinson and Senator Barkhausen. It should be a mitigating factor. In fact, just recently the Supreme Court of the United States said a mentally retarded person can be a recipient of the death penalty. So, if your going to be concerned about the victims, rather than the defendants, I would urge the vote no.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question to the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

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He indicates he will yield.

SENATOR SCHUNEMAN:

Senator, I think we're all in sympathy with what your trying to do here, and yet -- yet we can see some exceptions. Is it not true that a person could be considered mentally retarded and perhaps not be able to do math, or some other function of that kind, but have very competent ability to know the difference between right and wrong? Would that person not be mentally retarded and, therefore, not subject to the same penalties?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you asked that question, Senator Schuneman. The answer to that question is no. Mental retardation is a medical and clinical condition which is not curable. It has nothing to do with being able to understand math, or understand science, or read, or write. We're not talking about mentally ill or slow learners or perceptual -- perceptually handicapped individuals. We're talking about a mental retardation which as a medical and clinical diagnosis - not curable. That's all we're talking about. And let me make it very clear; when some people say that there should be -- this should be a mitigating factor -- you're going to bring it up anyway, if it's a mitigating factor. So it's not going to change anything in the trial -- of a case, if it's a mitigating factor, there going to bring up that the individual's mentally retarded. He's still got to prove that. The defendant has to prove it. And we're only talking about individuals who have been adjudicated mentally retarded.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz, you may close.

SENATOR MAROVITZ:

Thank you very much, Madam President. This legislation does



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not affect, in any way, the death penalty in any other case, which is in effect in Illinois, and does not affect the death penalty in any other case. One individual on the other side of the aisle said, "This is almost already into law." Well, if it's almost already in law, let's codify it. That's what this does. And that's what the Supreme Court said when they passed their decision, just a few days ago. They threw it back to the state's to clarify it, and to develop a standard of decency. This is that standard of decency. We, in Illinois, do not execute juveniles. The law of Illinois say's "if your under eighteen years of age, you cannot be executed in the State of Illinois". That's a standard of decency that Illinois has set up. Doesn't mean that we don't have the death penalty. It means that if your a juvenile, you can't be executed. Well, if your mentally retarded, you shouldn't be executed either, and you have a mental age of under twelve years of age, if your mentally retarded. That's what your age is. This is a bill that many of you know Dolly Holmstrom has worked very very hard on. I believe she's right. We don't execute juveniles. The Supreme Court has said "let's set a standard of decency". What are we talking about here? If we don't execute juveniles, how can we execute mentally retarded kids? People whose mental state is less than twelve years of age. Let's be consistent, and vote for this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 956. Those in favor will vote Aye. Those opposed, Nay. The voting is opened. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 32 Ayes, 25 Nays, none voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 956. And, having received the constitutional majority, Senate Bill 956 is declared passed.

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Senate Bill 1417. Senator Welch. Read the bill.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1417.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1417 passed out of the Senate with 42 favorable votes. What the House did was add House Amendment No. 1, which I would move to concur in, which eliminated the City of Chicago from the bill. It reinstates prohibition against issuing a liquor license to Chicago Aldermen and members of the Cook County Board. I would move for concurrence in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President. On a point of personal privilege. I'd like to take this opportunity to introduce a person who served in the Senate, from my district, several years ago - and - happy to have him back here in Springfield. Bill Grindle.

PRESIDING OFFICER: (SENATOR COLLINS)

Welcome to the Senate. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As Minority Spokesman of Local Government, I rise in opposition to this bill. What this basically does is allow aldermen and trustees on city councils to have the -- also have a liquor license. Now, as many of you know, there are a lot of issues that come up about where taverns are to be located. Usually, quite frequently, it is the Mayor who is the Liquor Commissioner. This puts him under a great deal of pressure, certainly, to make sure that his Aldermen or his Trustees will get that liquor license. We have defeated this bill

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in the past, both in the Local Government Committee and on the Floor. I would suggest we do it one more time.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President. I rise on a point of personal privilege. While we're introducing people, I see that the Secretary of State, Jim Edgar, has joined us on the Senate Floor, and I hope we can acknowledge his presence.

PRESIDING OFFICER: (SENATOR COLLINS)

Welcome to the Senate. I see Savickas back there saying that he's ...(machine cutoff)... Secretary. Further discussion? Senator Schuneman, on the bill? He yields to Senator Schaffer.

SENATOR SCHAFFER:

Thank you, Senator Schuneman. I appreciated that. I rise in support of this bill. I have never quite understood, I guess, since the days of Patty ...(inaudible)... are quite some distance behind us, why we did this. Nowadays it's not unusual for 10 or 12 people to form a partnership and to own a restaurant that may have a liquor license, and we have effectively removed all of their ability to run for office, even though they may own a small percentage of a liquor license. I don't know how it is downstate - and I consider myself an upstate-downstater - for the rest of you, but one of the things that's very much public knowledge is who holds liquor licenses. I do not see this as any more of a conflict - serving on a village or city council or county board - than perhaps being a real estate agent. In fact in my area, where city councils vote on one development after another, I would suggest to you that being a Realtor might be a bigger conflict than owning a liquor license, or owning part of a facility. I think the public -- this is clearly a case of the public will know who owns liquor licenses, and if they want to elect someone to

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that position, I think they ought to have that right. I'm a little surprised someone hasn't tested this particular provision in court, because frankly, I think it's just absolutely unconstitutional for us to set aside one type of profession, one type of license holder, and say that they are somehow second class citizens and shouldn't be allowed to seek office. If, in fact, liquor licenses were held in secret, you might be able to make some sort of an argument. But you can't on this, because everybody knows who has liquor licenses. The press does, the public does. This bill really ought to pass. This is something that was passed in this State as a reaction a hundred years ago to a bad situation, and I don't think it applies today anymore.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President and Ladies and Gentlemen. I agree with Senator Schaffer. This -- you know we talked about this the other day. We allow firefighters, we allow police officers, we allow everyone else. In fact, we've even made changes to allow the local lumber store guy to run, because he's the only guy in town that can sell products. A lot of times, that same thing happens in small communities to a tavern owner, and I think that we ought to vote Aye on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch, to close.

SENATOR WELCH:

Thank you very much. I would move for a concurrence, and I would like to say that the reality of what happens downstate is that when a police officer wants to get a license, they usually they end up with the license in their wife's name. So it ends up the city council may not know what's going on. What this would do is not only make your police officers, your aldermen first-class

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citizens, it would also allow people to know who actually holds these licenses, and I would move for concurrence in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1417. 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, Madam Secretary. On that question, there are 39 Ayes, 19 Nays, none voting Present. The Senate does concur to House Amendment No. 1 to Senate Bill 1417. And having received the constitutional majority, Senate Bill 1417 is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Has the Supplemental No. 3 Calendar been distributed? All right. In distributing -- Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President. I would like to have leave to go to Page 9 on the Calendar. Resolutions. Resolution 56. House Joint Resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there leave of the Body to go to the order of Page 9 on Secretary's Desk, Resolution, for the explicit purpose of House Joint Resolution 56? All right. Leave is granted. On the Order of Secretary's Desk, Resolutions, House Joint Resolution 56, Madam Secretary.

SECRETARY HAWKER:

House Joint Resolution 56. No committee amendments and no Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

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Yes, thank you, Mr. President and Members of the Senate. House Joint Resolution 56 urges Congress to extend the steel in -- Steel Voluntary Restraint Program Act for five years or more for the -- and I move for a favorable roll call, and then I would like to stand up on a personal privilege after this vote is taken.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Vadalabene has moved the adoption of House Joint Resolution 56. All in favor will indicate by saying, Aye. Opposed, Nay. The Ayes have it. House Joint Resolution 56 is adopted. Senator Vadalabene, on a point of personal privilege.

SENATOR VADALABENE:

Yes, thank you, Mr. President and Members of the Senate. Bev? Yes, Bev, I've been awfully quiet all Session, and I've been observing you, also, all Session, and I've been looking over the attorneys in the Senate, and I've decided to pick a speedy, quick attorney who could get quick results. I'm thinking about getting a divorce, and I believe that Senator Barkhausen could get this job done in about five years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Who gets custody of little Sammy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Before you answer that, Senator, let me refer it to your attorney. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. I better add a disclaimer here. I am not a divorce lawyer. Senator Sam, I suggest you look elsewhere, and I think there are probably some likely candidates here in the Chamber other than myself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

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SENATOR VADALABENE:

Yes, I really think that's the reason I picked you. Your not a divorce lawyer. And that's why it would take at least five years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the Order of Supplemental Calendar No. 3. Supplemental Calendar No. 3 has been passed out. To expedite the process, we have distributed the Conference Committee Reports individually. They're on your desks. House Bill 507. Ralph Dunn. House Bill 507, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 507.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. I move that we accept the Conference Committee Report on House Bill 507, Conference Committee Report No. 1. The new line adds -- it's a Civil Center bill, and it adds Maywood Civic Center, which is in Senator Zito's district. It has the standard Civic Center language, and I move the adoption 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 House Bill 507. 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 House Bill 507, and the bill, having received the required constitutional majority, is declared passed. House Bill 656. Senator Barkhausen. 656, Madam

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SECRETARY HAWKER:

First Conference Committee Report on House Bill 656.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members. This Conference Committee Report, as it is presented to us, contains the Senate Bill which went out of here once we amended it. It deletes those provisions which dealt with the question of juvenile jail detention centers and define them and relax the mandate that we had passed last year. This deals solely with the Parental Responsibility Law provisions, and I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 656. 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 House Bill 656, and the bill, having received the required constitutional majority, is declared passed. House Bill 7-7-9, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 7, pardon me, 7-7-9.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I ask that we reject the First Conference Committee Report on House Bill 7-7-9.



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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The sponsor has requested that the Conference Committee be not approved. However, the question must be put in the affirmative. The -- Senator Daley.

SENATOR DALEY:

Be appointed. Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the question is, shall the Senate adopt the Conference Committee Report -- the First Conference Committee Report on House Bill 7-7-9. 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 15, the Nays are 18, 6 voting Present. The Conference Committee Report on House Bill 7-7-9 is not adopted, and the Secretary shall so inform the House. 859. Senator Maitland. 1472. Senator Zito. House Bill 1472, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1472.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you very much, Mr. President and Members. House Bill 1472, if you recall, postponed the deadline for leaves and things to be put in landfills. Senator Schaffer had offered an amendment that we drafted in error. We did not add an effective date. Conference Committee Report No. 1 to House Bill 1472 now reflects the corrected version with an effective date. I know of no opposition, and would ask that the Senate adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

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I just wanted to confirm Senator Zito's comments, and appreciate his willingness to help us resolve this problem, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on House Bill 1472. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 1472, and the bill, having received the required constitutional majority, is declared passed. House Bill 2485. Senator Luft. 2790. Senator Welch. House Bill 2790, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2790.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move for passage of the Conference Committee Report. What we did was we put this in a conference committee because there was a problem with the typing in about three words. The House concurred with Senate Amendment No. 1, broadening the type of security interest that could be involved in the transfer of real estate, requiring only a single document to be filed when there is a trust deed filed where a beneficial owner changed because of that. I would move to -- I would move for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2790. Those in favor will vote Aye. I beg your pardon. I didn't see -

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Senator Schuneman has a discussion. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Apparently there's no controversy about this bill, and -- this is the kind of bill -- I want to pose this question to the Chair. Under Rule 43, our rules require that conference committees, in their final form, be placed on the desks of the Members at least one full legislative day prior to the final passage of the bill. This particular bill, and a number of others, were dropped on my desk just a couple of hours ago. I'm curious to know, Mr. President, how we're interpreting our rule.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, it is my understanding that the Minority Leader and the President had a meeting yesterday. They had some understanding and some agreement. Apparently there has been no controversy thus far. I suggest that you talk with your leader. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm directing the question to you as the Presiding Officer, Mr. President. I -- if -- if, in fact, the Rules Committee has met and exempted some bills, I guess I understand that process, and I think it's allowed under our rules, but I think we, as Members, deserve the right to know how this is going to be handled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. That question was a subject of discussion all day long yesterday. I'll be happy to respond, but I'll -- at the moment, I will call upon Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, Senator Rock and I have been working to expedite this situation. Every supplemental that has come out, our staff has reviewed, and we have kind of agreed on some of

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these things that we don't consider hot issues, so we're not here tomorrow and the next day.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman, in -- in further response to your question, there was a number of scenarios that were posed. In other words, does that mean 11:59 today versus 12:01 tomorrow. I mean -- we attempted to stay away from that, so we wouldn't get into those kinds of arguments. That is precisely why we kept the Secretary's Office opened yesterday until late into the evening, so that these matters, in fact, could constitute - if they were filed by with the Secretary's Office today, and if they appeared on the Calendar the next day - that that, in fact, would constitute a full legislative day. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President, and I'm not trying to screw up the process here. I understand we all have work to do. Are we to assume then that if -- if a conference committee report is distributed, that it, in fact, has the agreement of the Majority and the Minority Leaders -- that it's exempt?

PRESIDING OFFICER: (SENATOR DEMUZIO)

No. It's my understanding that the verbal agreement that was worked out yesterday was that if the Conference Committee Report was filed with the Secretary's Office prior to the close of business last night, on that legislative day, that it, in fact, would then show up on the Calendar for the next legislative day, and that, in fact, would constitute a full legislative day, as required in our rules.

SENATOR SCHUNEMAN:

And if it's not filed, then it's not going to show up on our Calendar?

PRESIDING OFFICER: (SENATOR DEMUZIO)

That is -- that is correct.

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SENATOR SCHUNEMAN:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right -- further -- let's see. I think we were discussing Senate <sic> Bill 2790. Senator Welch, you may close.

SENATOR WELCH:

I think that was sort of an endorsement of my bill, but I would move for concurrence. I don't think that this changes much from what we passed not too long ago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate concur with House -- adopt the First Conference Committee Report on House Bill 2790. 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 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report with respect to House Bill 2790, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1305, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1305.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to accept the First Conference Committee Report on Senate Bill 1305. We simply receded from House Amendment 1 and reinserted House -- kept House Amendment 3, because it simply provided for technical cleanup language. This is the Community Health Care -- Community Health Center Care Fund Tax checkoff. I don't know of any organized opposition. I'll be happy to answer any questions, and would urge your support.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President and to the sponsor, I wish you'd do one of two things. Either send this back for a second report or else just simply hold it till Fall Session, and perhaps we can make a more intelligent decision upon the merits of that thing at that time. As the sponsor has pointed out, this is another checkoff, and it's for community mental health centers, and that's fine - I think we're all for those. The problem is a rather technical one, and let me try to tell you what the problem is. We have sent legislation to the Governor that I fully anticipate that he's going to sign. And when that legislation is signed, it will mean that the ten-dollar limitation upon giving will be gone. In addition to that, you'll be able to contribute, regardless of the fact that you may have a rebate coming. You can make contributions to this. Now you could imagine the confusion that might be created if you have various checkoffs on your State tax form playing by two different rules. And that's precisely the situation that you would have, and frankly, I don't anticipate that the Governor is going to allow that to happen. I think he's going to opt for one way or the other. And it seems to me that the trend for now is going to be for the new system, and this reverts to the old system of doing business with the caps and the limitation to the refund. I think -- again, I repeat my plea to you, that you do one of two things. Either write a second report or just simply hold it till fall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Severns may close.

SENATOR SEVERNS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, to Senator Rigney. Perhaps it was just an

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innocent error, but it's community health centers that we're discussing, not mental health centers. Secondly, I concur with Senator Rigney's comment that the Governor would not permit two inconsistent laws to exist, or I expect he would not. Senate Bill 1305, as it has been prepared by this First Conference Committee Report, is written consistently with existing law. The legislation that Senator Rigney refers to is legislation only. It's not been signed into law. I expect if the Governor signs the proposed legislation that Senator Rigney refers to into law, he would then take the necessary step to have this language conform with that legislation that has not yet been signed into law. He's not been shy about using his amendatory powers, and I don't think he'd be reluctant to do the right thing on this bill as well. I would urge an Aye vote on this bill, and am convinced that the Governor will do the right thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1305. 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 31, the Nays are 28, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1305, and the bill, having received the required constitutional majority, is declared passed. Before we leave this order of business, on Supplemental Calendar No. 3, 2485. House Bill 2485, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2485.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This was a bill introduced at the

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request of the Attorney General. The report simply requires that corporations that are tax delinquent must obtain a tax clearance letter from the Department of Revenue before they may file their annual corporation papers and pay their fees. This is a bill that is sponsored and approved by the Attorney General and the Department of Revenue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 2485. 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 concur -- does adopt the First Conference Committee Report on House Bill 2485.

END OF TAPE

TAPE 5

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we will go to the Order of Secretary's Desk, Resolutions, back on your regular Calendar, for those of you who were concerned about resolutions. Senator Jones on the Floor? Secretary's Desk, Resolutions. Page 7. We'll start with Maitland, Zito, Lechowicz, in that order. Senate Resolution 22. Senate Resolution 22 -- Senate Resolution 22, on Page 7. Senator Maitland. All right. Take it out of the record. Senate Resolution 61. Senator Zito. Senate Resolution 61, Madam Secretary.

SECRETARY HAWKER:



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Senate Resolution 61.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Senate Resolution 61 would create a Senate Select Committee on International Trade to examine the impact of the unification of the European Common Market on Illinois business and financial institutions. Senator Severns and I and other colleagues have introduced this -- resolution and have asked for your approval, because of the ever-growing influx of European and Far-Eastern businesses and money into the Illinois Common Market. We feel that if foreign investments are going to continue at the rate they are currently going at, that we needed, in fact, to understand and have an idea where that money is being spent and who's spending it. I think it's a good concept. I would be happy to answer any questions on Senate Resolution 61, and would urge this Body to adopt it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Resolution 61 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Resolution 61 is adopted. 175. Senate Resolution 175, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 175.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Resolution 175 directs the Economic and Fiscal

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Commission to evaluate the impact and implications of various forms of property tax relief. The State has authorized exemptions of property values from the property tax base of local governments exceeding approximately eight and a half billion dollars in assessed valuation. The State also has authorized substantial ongoing property tax relief for its senior citizens and disabled, under the Circuit Breaker Program. Despite the number of studies on property tax reform -- little -- little information exists regarding the impact and possible implications of the various options for taxpayers and local governments, particularly concerning shifts in tax burdens to other taxpayer classes, and the effects of property tax relief on economic development and social policy. This resolution would direct the Economic and Fiscal Commission to report its findings to the Senate by December 31st, 1989. I know of no opposition, but I would strongly recommend that this Body do adopt this resolution, because I think this is a very important study, especially with the rising real estate taxes that we've all been exposed to, in explaining to the citizens of this State exactly what relief has been passed by this General Assembly and what form it's available to them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Lechowicz, I fully agree with the objective of your study. The only thing that I would add - and this is a plea to the appropriations people - is that the commission has now been directed to do a substantial number of additional studies, as a result of our action this Session. And I'm not sure that we have the staffing to be able to do it. So this is a plea - please, if you're going to ask us to do additional studies, help us to get the wherewithal to be able to conduct them properly.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Lechowicz may close.

SENATOR LECHOWICZ:

I totally agree with Senator Netsch. As -- being a member of the Commission, I'm well of that the budget's constraints as well, but I think that the staff that we do have is one of the best in -- in the United States. They'll be able to do a good job. I humbly request an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz has moved the adoption of Senate Resolution 175. 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 Senate Resolution 175. Senate Resolution 176. Senator Lechowicz. Madam Secretary, 1-7-6.

SECRETARY HAWKER:

Senate Resolution 176. Amendment No. 1 offered by Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Resolution 176 creates a Senate Task Force to analyze the suitability of a tax-exempt investment plan to aid first-time home buyers. The lack of an adequate down payment on a new or existing home often prevents people from purchasing a home, even though they might be able to make mortgage payments. The ability to purchase, and subsequently finance the purchase of a home, is directly related to the percent of the purchase price that potential home buyers can offer as a down payment. A coordinated investment program is often more reliable and

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profitable than individual efforts. Michigan has proposed a tax -- tax-exempt program to offer prospective first-time home owners to contribute to a State-administrated home purchase. Basically, the -- with the adoption of this, Senate Resolution 176, we would create a Task Force composed of two Senators appointed by the President, two Senators appointed by the Senate Minority Leader, a Representative of DCCA, a Representative of BOB, a Representative of IDA, a Representative of IDFA, a Representative of State Treasurer and Illinois Economical and Fiscal Commission. The Task Force shall seek the assistance of any State agency or other group it deems helpful in its deliberations. The Task Force shall analyze the suitability of a tax-exempt investment plan as a means of helping finance first-term <sic> home buyers, and they would report to the General Assembly on December 1st, 1989, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Lechowicz has moved the adoption of Amendment No. 1 to Senate Resolution 176. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. All right. Senator Lechowicz moves the adoption of Senate Resolution 1-7-6. 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 Resolution 176 is adopted. 177. Senator Luft. 179. Senator Luft. 182. Senator Kelly. Senate Resolution 182, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 182.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

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Thank you, Mr. President. This resolution commemorates April 28, 1989, as Workers' Memorial Day for those workers who have died or have been injured while serving their company, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Kelly has moved the adoption of Senate Resolution 182. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 182 is adopted. Further -- let's see. Senate Resolution 189. Senator Watson. Senate Resolution 189, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1-8-9.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, Mr. President. I'd like to have leave to resubmit this to Committee. We had passed a -- a resolution similar to this earlier.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson moves to recommit Senate Resolution 189 to the Committee on Executive. Those in favor -- all right. Senate Resolution 189 is recommitted. Senate Resolution 199. Senator Macdonald. Senate Resolution 199, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1-9-9.

SENATOR MACDONALD:

Yes, this resolution simply registers the General Assembly's criticism of the Catastrophic Medicare Act passed last year by Congress. Unfortunately, what Congress did last June was to amend the Medicare Act, but the -- the way in which it was amended, the plan is financed by a tax increase for senior citizens, and it doesn't cover custodial care. There -- there is quite an

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uprising, actually, in the senior citizen community, and I was asked to carry this resolution to this Body, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Resolution 199 be adopted. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 199 is adopted. Senate Resolution 233. Senator Marovitz. Senate Resolution 233, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 233.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz. Senate Resolution 299. Senator Topinka. All right. Senate Resolution 299.

SECRETARY HAWKER:

Senator Resolution 299. The Committee on Executive offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, Senate Resolution 299 recognizes that Congress has already acted upon the Savings and Loan bailout legislation, and asks that the Illinois Commissioner of Savings and Loan Associations study the effect of the recent Federal legislation will have on Illinois. The question of good will, will still be a top investigation priority. And a -- the study is due October 4th, 1989, and this has been encouraged and is supported by the Commissioner of Savings and Loans.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? All right. Senator Topinka has moved the adoption of Amendment No. 1 to Senate Resolution 2-9-9. Those in

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favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Senate -- Senate Resolution -- Senator Topinka has moved the adoption of Senate Resolution 2-9-9. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Resolution 299 is adopted. Senate Resolution 307. Senator Marovitz. Senate Resolution 307, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 307.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. The State's current fiscal crisis has placed tremendous strain on law enforcement agencies across the State and the courts and correctional institutions to manage the ever-increasing number of violators going to prison. Jail crowding has led to the release of inmates by the tens of thousands in Cook County, in order to comply with the Federal court order prohibiting inmates from sleeping on the floor and overcrowding in the jails. Twenty thousand five hundred accused criminals awaiting trial were released on I-bonds - Individual Recognizance Bonds - from the jail during the last nine months only. Many of these offenders that were released on I-bonds were charged with serious crimes related to drugs and theft. This problem's not going to go away, and building more prisons is not the total answer. It's time to review the current criminal justice system in Illinois and consider the merits of perhaps utilizing privatization of parole, prohibition -- probation, and prisons and the bail system. I know Senator Keats has looked at this -- has looked at this question of

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overcrowding and privatization. Today there's fewer than forty parole agents supervising the entire State of Illinois release of parolees. Law enforcement agencies don't have the resources to track down these people and bring them back. It's a very important issue, and I would solicit your Aye vote for this Resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Resolution 307 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes and 2 Nays, none voting Present. Senate Resolution 307 is adopted. Senate Resolution 316. Senator Joyce. 316, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 316.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Senate. Senate Resolution 316 emanates out of a situation in which an individual who's paid by the British Government to come and lobby against the MacBride Principles appeared in front of our committee here last year, is seeking office in Ireland and is purporting to the people that he's asking to vote, that he was not against the MacBride Principle. This resolution would call upon those who come here in the employ of the British Government to register as agents, if they are going to be here lobbying against legislation. I ask for its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Joyce has moved the adoption of Senate Resolution 316. Those in favor will indicate by saying



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Aye. Opposed, Nay. The Ayes have it. Senate Resolution 316 is adopted. 341, Senate Resolution. Senator Topinka. Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 3-4-1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This is -- would acknowledge this week as being Animal Conservation Week. It just basically discusses the endangered species and those that have been added to the list. It's requested by the two major zoos in the State, and I would appreciate your affirmative response.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka has moved the adoption of Senate Resolution 341. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and Senate Resolution 341 is adopted. 348. Senator Joyce. 348, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 348.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This requests the Auditor General to audit the townships -- or the RTA, to find out how much money the townships who receive no RTA services are paying to the RTA.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Resolution 348 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

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question, the Ayes are 55, the Nays are none, none voting Present. Senate Resolution 348 is adopted. 355. Senator -- Senator Joyce. 355. 356. Senator Topinka. Senate Resolution 356, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 356.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, this Resolution, No. 356, has been requested by the many Baltic organizations that we have in -- in Illinois that recognizes the continuing desire and right of the people of Baltic Republics for freedom and independence from domination by the Soviet Union, and acknowledges that fifty years ago they -- they were indeed enslaved through these various dictatorships that have come across. I would ask for your positive response.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka has moved the adoption of Senate Resolution 356. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 356 is adopted. Senate Resolution 4-1-4. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 414 offered by Senators Etheredge, Luft, Hawkinson and Thomas Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you very much, Mr. President. Ladies and Gentlemen of the Senate, this is a resolution which deals with the Steel Voluntary Restraint Agreements, and is very similar to the earlier resolution which we approved, HJR 56, under the sponsorship of

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Senator Vadalabene. I would be happy to respond to any questions. Otherwise, I would ask for its approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is -- Senator Etheredge has -- has moved the adoption of Senate Resolution 414. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the resolution is adopted. Page 9. Senate Resolution 424, Madam -- Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 424 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and Members of the Senate. Senate Resolution 424 would direct the Auditor General to investigate the current management agreement between the Authority and the White Sox. It seems that the circumstances, the representations and the negotiation preceding the making of the agreement...there are some questions on it. And we would like to have the Auditor General find and assess the fiscal impact upon the State if the White Sox pay no rent for their use of the facility that's developed by the Authority. The original rent agreement called for and the representation was that there was at least a million five in attendance each year for the White Sox. Last year was a million two. This year they expect nine hundred thousand, and I think we should know what this fiscal impact would do to State revenues.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Savickas has moved the adoption of Senate Resolution 424. 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

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Present. Senate Resolution 424 is adopted. Senate Resolution 439. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 439 offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This resolution resolves that we designate September 24, 1989, as United States Marshal Bicentennial Day, and that we, as citizens, are to observe the day with ceremonies and activities. The United States Marshal were created by the First Congress on September 24th, 1789.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson has moved the adoption of Senate Resolution 439. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 439 is adopted. 4-4-7. Senator Marovitz. Senate Resolution 4-4-7, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 447 offered by Senator Marovitz, with Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz, on Committee Amendment No. 1.

SENATOR MAROVITZ:

I -- I -- was this -- I move that -- the -- we adopt Committee Amendment No. 1. It's -- it corrects a drafting error only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Committee Amendment No. 1 to Senate Resolution 4-4-7. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Senator Marovitz, on Senate Resolution 4-4-7, as amended. Beg your pardon.

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ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Beg your pardon. Amendment No. 2. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Amendment No. 2 also corrects a drafting error only, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Resolution 4-4-7 memorializes the Commissioner of Baseball to reinstate "Shoeless" Joe Jackson as a member in good standing in organized baseball. In the last 60 years since the event occurred, there's been a tremendous amount of evidence to contradict Jackson's participation in any attempt to "throw" a game - evidence that he gave the money back and asked not to even play in the World Series. His family has suffered a long time. There are a lot of extenuating circumstances. We would just like the Commissioner of Baseball to take a look at those extenuating circumstances in order to perhaps reinstate Jackson as a member in good standing of organized baseball. I ask for adoption of House -- of Senate Resolution 4-4-7.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard. Is there any discussion? Discussion? If not, Senator Marovitz has moved the adoption of Senate Resolution 4-4-7. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 4-4-7 is adopted. 4-4-8, Mr. Secretary, please.

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ACTING SECRETARY: (MR. HARRY)

Senate Resolution 448 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The Illinois Farm Credit Services, which is a federally chartered and regulated institution, has been operating in Illinois since 1961. Farm Credit Services which are now actively participating in similar linked deopost programs in Ohio and Oklahoma and Missouri, which are mentioned in this resolution. And the resolution just simply urges the participation by Farm Credit Services in the agricultural production Loan Deposit Program. And I would move for the adoption of Senate Resolution 4-4-8.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Luft has moved the adoption of Senate Resolution 4-4-8. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 4-4-8 is adopted. 460. Senator Welch. Senate Resolution 460, Madam -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 460 offered by Senator Welch, with Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch, on Committee Amendment No. 1.

SENATOR WELCH:

Thank you. Committee Amendment No. 1 states that copies of the resolution will be presented to the Illinois Commission on Intergovernmental Cooperation and the governing boards of the various State public universities. I move for adoption of Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment was promised in committee. What it does is add a fifth meeting of the Committee in Bloomington, Illinois. I move for adoption of Floor Amendment No. 1 <sic>.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch has moved the adoption of Amendment No. 2 to Senate Resolution 460. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Senator Welch, on the resolution.

SENATOR WELCH:

Thank you, Mr. President. What the resolution does is ask that the Commission on Intergovernmental Cooperation study the various systems of governing boards in the Higher Education, and evaluate their effectiveness of the current systems of government. This is in response to several bills and resolutions and amendments this year to create separate governing boards. We think that perhaps having an independent group separate from universities' control, investigating this issue may be the best

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way to determine once and for all the feasibility of separate governing boards. I would move for passage of this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Resolution 460 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 5, none voting Present. Senate Resolution 4-6-0 is adopted. Senate Resolution 494. Senator Kelly, 494. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 494 offered by Senators Kelly, Hudson, Daley, Joyce -- J.E. Joyce, that is, Welch, Raica and Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Senate Resolution 494 is the annual Respect Life Week Resolution. The only change over the last 15 years - every year we have it - it states October 1 through October 8, 1989, is "Respect Life Week." I move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kelly has moved the adoption of Senate Resolution 494. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 494 is adopted. House Joint Resolution 18. Senator Maitland. House Joint Resolution 18, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 18 offered by Senators Maitland and Rigney, with Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, on Committee Amendment No. 1.

SENATOR MAITLAND:



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Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 to Senate Resolution 494 really rewrites the resolution. It creates a Task Force that will report to the General Assembly on March 1 of 1990, dealing with the School Aid Formula. It calls for twelve members. Eight of them will be legislative members, four will be public members. They will be appointed by each one of the four leaders. They will organize by September 1. The chairman will be picked from within the Task Force. I know of no opposition, and move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, on the resolution.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I have explained the resolution in its entirety, and would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is -- Senator Maitland has moved the -- the adoption of House Joint Resolution 18. 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 58, the Nays are none, none voting Present. House Joint Resolution 18 is adopted. House Joint Resolution 24, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 24 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Joint Resolution 24 requests, or urges, the Department of Professional Regulation to delay the implementation of the twenty-hour continuing education requirement. This would make that twenty-hour requirement for their licensure for the period that goes from September 1981 to -- or 1989 to September 1991. I would urge for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue has moved the adoption of House Joint Resolution 24. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. House Joint Resolution 24 is adopted. House Joint Resolution 29. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 29 offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this House Joint Resolution brings up the fact that Chanute Air Base just recently had one hundred and seventy million dollars' worth of capital improvements, which was not even considered by the Federal Commission on Base Closure Realignment, and we -- again reiterates both Fort Sheridan and Chanute Air Base should not be closed. And I move for its favorable passage.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Geo-Karis has moved the adoption of House Joint Resolution 29. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. House Joint Resolution 29 is adopted. House Joint Resolution 37. Senator Macdonald. House Joint Resolution 37, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 37 offered by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes. House Joint Resolution 37 requires that the Department of Public Health conduct a study of Caesarean section deliveries in Illinois. It sets a number of parameters for that study. This is a resolution that is sponsored and supported by the Conference of Women Legislators. The Department of Health believes that valuable information can be obtained by this study, and that such a study may, in fact, lead to the improvement of maternal and fetal outcomes and fewer Caesarean section deliveries. Such deliveries are -- pose a great risk for both the mother and the child, so I ask for your support of this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Joint Resolution 37 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. House Joint Resolution 37 is adopted. House Joint Resolution 50, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 50 offered by Senator Rea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Rea.

SENATOR REA:

Thank you, Mr. President. This resolution urges the U.S. Congress and the Illinois Congressional Delegation to remedy the -- differential in Medicare reimbursements between urban hospitals and physicians and rural hospitals and physicians, in order that rural communities across America receive the equitable financing and access to health care critical to the well-being of the rural citizens. We've had several rural hospitals to close throughout the nation. In Illinois, they're under financial threat. I move for adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rea has moved the adoption of House Joint Resolution 50. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. House Joint Resolution 50 is adopted. House Joint Resolution 55. Senator Zito. House Joint Resolution 55, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 55 offered by Senator Zito, with Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Floor Amendment No. 1 would extend the reporting date from June the 30th, 1989, to October the 1st, 1989. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Zito has moved the adoption of House Joint Resolution 55. Those in favor will vote Aye. Those opposed, Nay. The voting is open. I beg your pardon. Hold on a minute. We have to -- there's a committee <sic> amendment. Senator Zito moves the adoption of Committee <sic> Amendment No.

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1 to House Joint Resolution 55. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee <sic> Amendment is -- is adopted. Are there any further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito has moved the adoption of House Joint Resolution 55. 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. House Joint Resolution 55 is adopted. Page 10. House Joint Resolution 58. Senator Savickas. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 58 offered by Senator Savickas...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

ACTING SECRETARY: (MR. HARRY)

...with Committee -- Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Savickas, on the amendment.

SENATOR SAVICKAS:

On the amendment. The amendment would delete everything, and it would create a Joint Committee on Waste Management, and an Advisory Committee on Landfills and Waste Facility Siting. Basically, it creates a Joint Committee on Solid Waste Management to be comprised of twelve Members of the General Assembly, made up of -- the Senate President and Minority Leader, House Speaker and Minority Leader shall appoint three Members. They shall consider reports and recommendations of the Advisory Committees. Creates the Advisory Committee on Landfills and Waste Facility Siting, to

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which again -- they -- put members on. They will serve without compensation. They will study all related studies of projects required by the General Assembly, including those performed by the Advisory Committee, and be coordinated with the work of this committee to the maximum extent possible. Evidently there is a concern that nearly one-quarter of the State's county -- counties currently have no permanent landfills or incinerators to accommodate the solid waste generated within those counties. Many communities have inadequate and rapidly diminishing disposal capacity for municipal solid waste. And the State Sanitary Landfill Regulations have been virtually unchanged since they were first adopted more than ten years ago. So, for the government to protect its citizens from poorly situated and badly designed sanitary landfills, this proposal has been presented to us, and I would move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas has moved the adoption of the amendment. Is there discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I rise in opposition to this. I -- I just want to tell you that this -- this resolution has been the excuse the House has used all Session long for not passing any bills to protect the environment, or any bills that deal with landfills. And if any downstater thinks that when this commission gets done, that they're going to have a better siting procedure than they do in 172, I think they're sadly mistaken. And I know Senator Savickas is a great environmentalist - probably as great of one since the Captain of the Valdez - but, you know, to -- to let this resolution go on without downstaters realizing what could happen to them, I think would be a great mistake. So I'd ask for a No vote on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Savickas may close on the amendment.

SENATOR SAVICKAS:

Well, I think Senator Joyce has brought out a very important item - that there is no action being taken. And that the House has, in its -- its own initiative, through meetings with the IMA and -- the landfill people, the -- the chemical people, all the people that would -- and the cities and local governments that need landfills - and I am talking about many, many hours of meetings - they have come to this agreement at least to have a start. It would be a poor idea to -- just because nothing was passed, to now say, "Well, we should do nothing else." Let us move along. Let's get the committee put together. Let's hear their report, and go on and try to solve this very pressing problem. I would move for its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Savickas has moved the adoption of the Amendment No. 1 to House Joint Resolution 58. 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 35, the Nays are 17, 2 voting Present. Amendment No. 1 is adopted. Senate -- Senator -- Senator Savickas, on the resolution now.

SENATOR SAVICKAS:

That is the resolution, so I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is -- Senator Savickas moves the adoption of House Joint Resolution 58. 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

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all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 16, 1 voting Present. House Joint Resolution 58 is adopted. Senate Joint Resolution 11. Senator Jeremiah Joyce. Senate Joint Resolution 13, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 13 offered by Senators Jones -- offered -- introduced by Senator Jones, with Amendment No. 1 offered by Senators Jones and Carroll.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Yeah, Thank you, Mr. President and Members of the Senate. I yield to Senator Carroll on Amendment No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 would basically create a Technical Advisory Panel to the Senate, the Joint Select Committee. The issue before it is on the availability, the affordability of health care. The purpose of the panel is similar to what we did with Hospital Cost Containment, in that it would create public participation in an advisory capacity to those who are most affected. The -- the -- the insurance industry, the Hospital industry, consumers, or whatever. With that, I would answer questions and would offer Amendment No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Carroll moves the adoption of Amendment No. 1 to Senate Joint Resolution 13. All those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted.

ACTING SECRETARY: (MR. HARRY)



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No further amendments.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Joint Resolution 13, as amended -- as amended, deals with a very serious problem we have in the State of Illinois. What it does is create a Joint Committee on the Affordability of Health Insurance, and require the report to be submitted to the General Assembly by 3-1-90. As we all know, many Illinois citizens are unable to meet the -- the cost of maintaining health and overcoming sickness. The inability to reduce the zero welfare of this State, the cost of maintaining health and -- and becoming sick and injury continue to escalate in Illinois. And individuals, small businesses, government and other groups are "sick-at-means" to deal with this serious problem. So this committee will cut through all aspects of our society as relate to health care and the accessibility of it. It incorporates the provision of the bill introduced by Senator Carroll as well as Representative Cullerton. And with this bill, I believe we can come together and come up with a solution in dealing with the problem. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Jones moves for the adoption of Senate Joint Resolution 13. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 57, the Nays are none, none voting Present. And Senate Joint Resolution, having received the constitutional majority, is adopted. Top of Page 10. Secretary's Desk, Resolutions, is Senate Joint Resolution 11. Senator J.J. Joyce. Read the bill --

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read the resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 11 offered by Senator J.J. Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. It's -- it requires -- asks the Department of Conservation to make trees available, for planting, to various governmental agencies and civic groups. I ask for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Joyce moves for the adoption of Senate Joint Resolution 11. All those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. On the Order of Secretary's Desk, Resolutions, is Senate -- Senate Joint Resolution 24. Senator Kustra. Read the resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 24 offered by Senator Kustra.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. The Illinois Association of Park Districts has asked us to act on this amendment. It urges our Congressional Delegation to support passage of the American Heritage Trust Act, which will establish needed funding for the preservation of our natural and historic heritage. Apparently there are two funds which were created by Congress - the Land and Water Conservation Fund and the Historic Preservation Fund. Both of those, through the 1980s, have not received appropriations necessary to carry them forward. The American Heritage Trust Act would create a self-perpetuating fund

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that would eventually return the funds to higher appropriations. And I would urge adoption of Senate Joint Resolution 24.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Kustra moves for the adoption of Senate Joint Resolution 24. Those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Senate Joint Resolution 25. Senator Madigan. Read the motion, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 25 offered by Senators Madigan, Jacobs and Smith.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Joint Resolution 25 is a continuum of Senate Joint Resolution 111, which was adopted in the Eighty-fifth General Assembly. The reason for this is this advisory board has a March 1st, 1990 reporting date, and we need to adopt this resolution to keep the committee's efforts...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Sorry. Discussion? Discussion? If not, Senator Madigan moves for the adoption of Senate Joint Resolution 25. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 58, the Nays are none, none voting Present. And the motion is adopted. Senate Joint Resolution 30, on the Order of Senate -- Secretary's Desk, Resolutions. Senator Topinka. Read the bill...

ACTING SECRETARY: (MR. HARRY)

Senate Joint...

PRESIDING OFFICER: (SENATOR LUFT)

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Read the resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 30 offered by Senators Topinka and Macdonald, with one committee amendment.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka, on Committee Amendment...

SENATOR TOPINKA:

Yes...

PRESIDING OFFICER: (SENATOR LUFT)

No. 1.

SENATOR TOPINKA:

The Committee Amendment changed the name of this task force that we were seeking from Medical to Infectious Waste, and it added the Veterinarians as a component to the -- to the groups that we were seeking to be on this particular commission.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Netsch.

SENATOR TOPINKA:

No. I have a Floor amendment.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Topinka moves for the adoption of Committee Amendment No. 1 to Senate Joint Resolution 30. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR LUFT)

Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch, on Floor Amendment No. 2.

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SENATOR NETSCH:

Thank you, Mr. President. Floor Amendment No. 2 would simply add the Illinois Environmental Council as a member of the joint -- of the committee and also would correct the number of members to reflect both the committee amendment and the Floor amendment.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Netsch moves the adoption of Floor Amendment No. 2 to Senate Joint Resolution 30'. Those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Further Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka. Senate Joint Resolution 30.

SENATOR TOPINKA:

To the bill, Mr. President. We are asking here to create a task force on the management and disposal of infectious waste. It would comprise fifteen members, and we would involve the partisan leaders in this appointment. We would involve the Chairman and Spokesman of the Senate and House Energy and Environment Committees, and work out how the -- the Chairman -- how the Chairmanships would be developed. And that's been agreed to. We would also be including, as members, the Department of Public Health, the EPA, the State Medical Society, the State Dental Society, the Hospital Association, the Solid Waste Management Association, the Veterinarians Association, as well as now the Illinois Economic - I'm sorry - the Illinois Environmental Council. And we are asking that a reporting date be put in here, back, so -- so that we come back to the Legislature. The Governor's Office is neutral. Everybody's signed off. I know of no opposition.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I think the sponsor of the resolution would agree that one of the subjects that would be included within the purview of the commission's studies, would be the problems of incinerator -- on-site incinerators at hospitals. I just wanted to make that clear, for the record.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she will yield.

SENATOR WELCH:

The resolution that Senator Savickas just passed - House Joint Resolution 58 - included a provision in it so that all of these reports that we have been requesting this year to be filed, be coordinated with the Department of Energy and Natural Resources. Now we've already passed four bills out of here requiring reports. One on degradable plastics. One on woodchips. One on recycling contents of landfills. And one, I believe, on chlorofluorocarbons. All four of those are to be coordinated with the Advisory Council. Now, when you have somebody sign off on this, did they understand that we were trying to have one committee to resolve all of these waste problems, instead of having four or five different committees studying landfills, wastes, recycling and other -- other items? Was there any knowledge on your part, or whoever signed off on this, that that was the case?

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Topinka.

SENATOR TOPINKA:

To my knowledge, we worked strictly on the basis of infectious waste and those groups that were having problems and saw their -- their solid waste fees, in terms of having to rid themselves of these things continually going up. And they said, "Can you find out how best we can handle this?" Since we opted out of the federal program, this seemed to be the obvious way to go at it. I -- I don't have a problem, one way or another, as long as we get at the problem.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Well, Senator, I'd ask that you contact the Governor's Office and see if you can get somebody to coordinate all of these, because it looks like another study that might be handled with this committee created in the previous resolution.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR TOPINKA:

I just would seek your positive vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Topinka moves for the adoption of Senate Joint Resolution 30. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the motion is adopted. In the middle of Page 10, on the Order of Secretary's Desk, Resolutions, is Senate Joint Resolution 34. Senator Woodyard. Read the bill, please -- read the -- read the resolution, please,

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Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 34 offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Members of the Senate, this encourages the Federal Congress to extend the sunset date on the Aggie bonds. Certainly, that's been a very -- an extremely successful program, as well as very important to agriculture. And I'm not sure that Congress will listen to us, but we're at least urging them to extend that sunset date till 1996.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Woodyard moves for the adoption of Resolution -- Senate Joint Resolution 34. Those in favor will signify by saying Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Senate Joint Resolution 39. Senator Woodyard. Read the resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 39 is offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This would create the Property Tax Relief Task Force, composed of Minority Spokesman and Chairmen of Revenue, Elementary and Secondary Education Committees, as well as other various associations and agencies, to study where we may go and get cohesive ideas to how to introduce some legislation that will create and achieve meaningful property tax relief.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Woodyard moves for



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the adoption of Senate Joint Resolution 39. Those in favor will signify by saying Aye. Nay. The Ayes have it and the motion is adopted. Senate Joint Resolution 42. Senator Collins. Read the resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 42 offered by Senator Collins, with Floor Amendment No. 1 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins, on Floor Amendment No. 1.

SENATOR COLLINS:

Yes. Thank you, Mr. President. Floor Amendment No. 1 simply authorize the Joint Committee to enter into contracts for technical and professional services to carry out the duty -- duties of the amendment, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr -- Mr. President. I stand in opposition to this amendment. The bill, or the resolution, as it passed out of the Executive Committee, is fine. But there's a hundred and fifty thousand dollars in the DCCA budget to fund this joint committee that she's forming in this resolution. And now we have an amendment to enter into contracts for services. I -- I don't know about the rest of you, but I don't know that this is a very usual procedure. Usually, when we form a committee or a task force of the Legislature to study an issue, we don't fund them on a hundred and fifty thousand dollars, and we don't give them the ability to be entering into contracts for professional services. I don't think it's necessary if it's a legislative committee, and I would urge the -- a No vote on the adoption of this amendment.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Newhouse. Further discussion?

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Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this amendment. I think that the sponsor should be commended for thinking of this in -- into this -- putting this resolution in. It is useful. It is needed. And it - and it -- if you would just go into any of the large cities, and the small cities, in the State of Illinois, you'll know that it's needed. It don't take a genius to know that we need something to study. So I urge an Aye vote on this resolution.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Collins, do you wish to close on the amendment?

SENATOR COLLINS:

Yes. Senator Karpiel - Senator, this -- this -- the money is not -- we did not put the amendment in the DCCA budget. It was in there originally -- and monies came out of that -- the -- the -- the -- the -- the amendment. The monies would be -- the contracts would be entered for the professional services of this through the basic Senate Operations. So the money's already there. There's nothing wrong with the amendment. I agree with you - it doesn't have to go on. And we can just -- withdraw the amendment, and just move the resolution. So what I would do, if it's your satisfaction, I would withdraw the amendment, because since that time we have taken out the money out of DCCA budget, because it's not necessary. So I can -- withdraw the amendment but we could leave the amendment on, because you still may need to do this for the technical assistance, even though it would be through Senate Operations.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

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Either way - it's -- it's your choice to leave it on or leave it out. But the money is not separate anymore.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpel, what's your choice?

SENATOR KARPIEL:

Well, I'm -- I'm opposed to the amendment. I just don't think that...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins asks to withdraw...

SENATOR COLLINS:

...this is the usual operation of this Legislature, and I...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins asks to withdraw Amendment No. 1, Floor Amendment No. 1, for consideration. Senator Collins, on Senate Joint Resolution 42.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. The -- the joint committee is established to study social economic problems of African-Americans, male. The necessity for such a study is, I think -- is very straightforward. If we look at our penal institutions, and we will see that at least seventy to eighty percent of those housed in our -- in our -- in our penal institutions or included in our prisons, our federal and state, and our county jails, African-American males under -- from the ages of sixteen to about thirty-five years old. We look at IV drug users, we will find a disproportionate number are again African-American males. And if we look at unemployment figures and dropout rates, we -- if we look at single-parent families, and we look at the majority of children on AFDC, they will be African-American males. What we'd like to do with this resolution is to take a very serious, comprehensive look at the problems, with the hopes of coming up with a realistic agenda by way we

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could somehow, change -- reverse the trend in this State. This kind of effort is being taken in many other states across the country right now. And I would just ask for a favorable roll call on this resolution.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins moves for the adoption of Senate Joint Resolution 42. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 31, the Nays are 23, none voting Present. And the motion is adopted. Senate Joint Resolution 68. Senator Berman. Read the bill -- the resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 68 offered by Senators Berman and del Valle.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 68 creates a Joint Task Force on Student Dropouts. It's coincidental that it was -- that this resolution is before us today. We earlier had recognized Father Kyle, who was the moving force behind the original Hispanic -- Task Force on Hispanic Student Dropouts, which gives rise to this follow-up study as to expanding the question of the pre-sixteen-year-old dropouts in our schools. It's a serious problem, and would consist of eight members - two from each side of the aisle, in both Houses. I move the adoption of SJR 68.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Berman moves for the adoption of Senate Joint Resolution 68. Those in favor will vote

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Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. And the motion is adopted. At the bottom of Page 10. Senate Joint Resolution. Senator Philip has leave -- with leave of the Body, Senator Karpel will handle this for Senator Philip. Senate Joint Resolution 73. Senator Karpel. I mean, read the bill -- resolution, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 73 is offered by Senator Philip.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Joint Resolution establishes a Joint Committee on the Water Resource Permit Process, to study and make recommendations to the General Assembly on how to consolidate and expedite the permit process dealing with flood control, dredging and other activities. The Committee shall be composed of eight legislative members, two appointed by each of the four leaders, the Director of IDOT, EPA, ENR, Pollution Control Board, Department of Conservation, U of I Water Survey, and a member appointed by the Governor to serve as chairperson. The Committee shall report its finding and recommendations to the General Assembly by January 1st, 1990. This came out of the Executive Committee on the Agreed List, and I know of no opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Karpel moves for the adoption of Senate Joint Resolution 73. 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?

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Take the record, please, Mr. Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present, and the motion is adopted. We'll now move to Supplemental Calendar No. 4. Supplemental Calendar No. 4. We're going to stand at ease for one brief second, till we can get some paper distributed. Messages from the House.

ACTING SECRETARY: (MR. HARRY)

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 779, and requests a Second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 1. Action taken by the House on June 30, 1989.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Supplemental Calendar No. 4. Supplemental Calendar No. 4. At the top of the page, on the Order of Concurrence, is Senate Bill 572. Senator Jacobs. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 572, with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I ask that we refuse to concur with House Amendment No. 1 to Senate Bill 572, and throw a hat in the door and ask for a conference on committee <sic>.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs move to non-concur in House Amendment No. 1 to Senate Bill 572. Those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. And the motion carries, and the

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Secretary shall so inform the House. Supplemental Calendar No. 4. Conference Committee Report is House Bill 1-1-4. Senator Schaffer. Senator Schaffer. On the Order of Conference Committee Reports is House Bill 8-7-9. Senator Schaffer. House Bill 2-3-6-5. Senator Topinka. Read the report -- read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 2365.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Yes, I would ask for concurrence with Senate Amendment No. 1 and for House Bill 2365.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2365. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 57, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 2365. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 2634. Senator Kustra. Senator Kustra? At the bottom of Page is Senate Bill 1369. Senator Savickas. Senator Savickas. We'll return to House Bill 2634, on the Order of Conference Committee Reports, Senator Kustra. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report -- or Second Conference Committee Report on House Bill 2634.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. It wasn't very many hours ago when we debated this issue, and as you remember, we rejected Conference Committee Report No. 1. So what this Conference Committee Report does is reinstate the family life mandate in the health education curriculum, but it retains the amendment which allows parents to remove their children from objectionable family life instruction, if they request to do so in writing. And I would urge adoption of committee amendment -- or Conference Committee Report No. 2.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Kelly.

SENATOR KELLY:

Well, I reluctantly rise to support this Conference Report. I personally think it should not be a mandate upon the district, but it has been changed back to the original concept, which the sponsor -- Senate sponsor wants, and I will support it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2634. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Yes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the ayes are 58, the Nays are none, none voting Present, and the Senate does adopt the Conference Committee Report on House Bill 2634. The bill, having received the required constitutional majority, is declared passed. At the bottom of Page, Senator Geo-Karis, for what purpose do you seek recognition?

SENATOR GEO-KARIS:

Well, on the point of parliamentary inquiry. I was one of the people listed on that Conference Report, and I never saw the



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report. I'm for the bill. I voted for it. I wasn't even given the courtesy to even sign my name to the darn thing. So what's going on around here? Don't we care what happens?

PRESIDING OFFICER: (SENATOR LUFT)

I would ask your staff that's in charge of Conference Committee Reports. You were not a conferee on this report, by the way. That's what I'm told. All right. At the bottom of Page -- Conference Committee Reports is Senate Bill 1369. Senator Savickas. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (Mr. Harry)

First Conference Committee Report on Senate Bill 1369.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, the Conference Committee Report on Senate Bill 1369 deals with towing of abandoned vehicles. One dollar of each fee collected for certificates of title shall be deposited in the vehicle recycling fund, and all other monies collected for certificates of title and all monies collected shall -- be placed in the General Revenue Fund of the State treasury. Basically, in cities with more than five hundred thousand inhabitants, the corporate authorities may, by ordinance, designate any department of municipal government to do any of the following: First, perform any of the duties or functions specified for law enforcement agencies in Paragraph A of Section 405; authorize a towing service, to remove and take possession of abandoned, lost, stolen or unclaimed vehicles in a manner that municipal police may make such authorization; and three, to send notification as required under Paragraph B of Section 4-205. This has been introduced and supported, basically, to try and answer the problems we have with abandoned automobiles in the City of Chicago and those municipalities that are affected

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by this problem. I would move your support of this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Just for a point of clarification. I would like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

The Senator indicates that he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator Savickas, regarding -- Page 4, it says "to perform any of the duties and functions specified for law enforcement agencies in Paragraph A of Section 4-205." Is this -- are we dealing strictly in the towing of vehicles, and what are those functions? I don't know the Section.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

I don't have the Section in front of me, but the intent was just to deal with towing on those automobiles. At the present time, I think those law enforcement officers have to put a seven-day notice on before they can tow any of these vehicles. This would eliminate that and let the -- let the city itself tag the vehicles and tow them.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

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Senator, you explained that one dollar of each fee collected for certificates of title shall be deposited in the vehicle recycling fund. First of all, what is a certificate of title and how many of those are issued each year?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

These are -- salvage certificates.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Well, I understand that -- from the Secretary of State's Office, they say that this is not a salvage certificate. That is in Section 2-119. What you're referring to are certificates on all automobiles purchased, both new and used, and from what we understand, that's about three and a half million a year, which would generate that kind of revenue to go into this vehicle recycling fund. That's what the Secretary of State tells us, Senator, and -- I would like for you to respond, if you would.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

You are correct. I was looking at the wrong section. You are correct on that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

All right. Well, then why should the State subsidize the towing industry to the tune of potentially three and a half million dollars a year? They get paid for when they, I understand, issue a salvage title or scrap processor, they get some fifty dollars from them, and then they're also going to get

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fifty dollars now from the State. It seems like this is something that the State maybe shouldn't be doing, Senator. Why should the State be subsidizing the towing industry to this extent?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Well, part of our problem is when you tow these cars and you keep them for I think it's a minimum of seven days, just -- just the storage facilities alone for the amount of automobiles we're talking about is an enormous cost. Part of this inducement is to be able to find a place and have a -- have a place to store these vehicles, so that that seven-day minimal is met by the law, and -- and that is part of the problem.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Watson.

SENATOR WATSON:

Just -- Thank you. Just one quick comment. We're talking about a diversion here of three and a half million dollars average a year out of the General Revenue Fund to go into this vehicle recycling fund, and I -- I don't know why necessarily we should be doing this. Maybe it's a problem in the City and maybe some other areas in this State, but it certainly isn't a problem in my area. And I don't think that my people in the rural district should be having to pay for a service that they're not getting an advantage of. So I think a No vote on this is appropriate.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in opposition to this Conference Committee Report. That three and a half million dollars is a raid on the Road Funds, not the General Fund. The vehicle -- title fee that you pay goes in the Road Fund, which

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goes to address a very crying need from those of you who have been talking to me all this Session as to the needs of the highways and the bridges in your district and your area. And this subsidizes private operators, and if they weren't making money as a private operator, they wouldn't be in the towing business in the first place. They get probably fifty dollars minimum for selling that automobile for scrap. This is a terrible, terrible thing to be doing. You're all saying you don't have enough funds in the Road Fund to address the transportation needs in your district, but if you vote Yes on this, you're telling your people you're going to give subsidy to private operators, a minimum of three and a half million dollars a year. I urge all of you to vote No on this Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

Senator Savickas, what is the difference between what we're doing here? We're -- we're -- we're paying these towers to -- tow abandoned vehicles. What is the difference between -- I thought that's what the relocators did.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

I'm sorry. I didn't hear the question. I was -- talking to Senator...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpziel.

SENATOR KARPIEL:

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I thought that you had to be a relocater in the City of Chicago, or have they opted out of the provisions of that bill? I thought you had to be a relocater to -- to tow abandoned vehicles, and if so, they do get paid, and we just removed the cap on their -- from their fees. I don't know what we're doing here.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Well, it's my understanding that the relocators are -- in a different area than this. We're talking about when they tow the vehicle stored and then junk it. They have to apply for a -- a certificate -- a salvage certificate. They have to get a junk title or a junk title certificate, and then move the car out for destruction. It's not just for relocation. In relocation, they move it out and then someone comes in and bails the car out. This is to remove the car and send it out to the junkyard.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, I don't have a copy of the bill here, and -- and -- and I don't know, did it still go through committee? Did it go through committee? This bill go through committee? I mean, I think there is some confusion here, because it's my understanding that relocators also tow abandoned vehicles. They -- they don't just tow vehicles and then have them come and -- get. I also object to the -- to the dollar coming out of the title fee. Didn't we just take fifty cents out of the title fee for the tire program that Senator Welch proposed? Now we're taking a dollar fifty out with that fifty cents. This guy's going to get -- this tower is going to be paid twice. He's going to get the check for towing, and then he's going to get paid by the vehicle scrap processor. I understand there is also language in this bill that

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this money does not go to the police department that authorizes the towing, but they're going to set up a separate department in the city to do this. I think it's a bad idea. I think Senator Watson was correct, that we're all paying for this. It's going to be a real diversion of the money that goes into the -- from the vehicle title fees, and I'd urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR SAVICKAS:

Yes. I understand the concern with -- our highways and the Motor Fuel Tax Fund, but you've also got to understand that a major portion of those people that use the municipal streets in urban areas are confronted with a problem - a daily problem - of abandoned automobiles, not only hindering the transportation question, but causing a very detrimental effect and to our children and to the people in the community. It may be a new -- a new idea in the concept. But it's a needed one in our urban areas, and I would seek your support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill -- shall the Senate adopt the Conference Committee Report on Senate Bill 1365 -- 69. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, The Ayes are 28, the Nays are 27, none voting Present. And the Conference Committee Report is not adopted. The Secretary shall so inform the House, and the sponsor requests a Second Conference Committee Report. Supplemental No. 4. We're going back. House Bill 114. Senator Schaffer. Senator Schaffer. House Bill 8-7-9. Senator Schaffer. Conference Committee Reports. House Bill 1-1-4. Senator Schaffer. All

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right. Are we ready? Supplemental No. 4. House Bill 1-1-4, on the Order of Conference Committee Reports. Senator Schaffer. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 114.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, the Conference Committee on this bill deletes the bill, which was an education bill, which is duplicated; a bill of mine is now on the Governor's desk. It simply provides that schools may utilize federally funded health care programs - Medicare programs, in other words - to share the costs of providing special education services. All special ed services must continue to be initially funded by the schools and must continue to be provided irrespective to any cost-sharing. Medicare reimbursement funds are to be considered supplemental, and shall not reduce any other federal, state or private payment for special ed. The -- I believe the State Board of Education has signed off on it. I don't think there's any controversy at all.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1-1-4. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 114. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 8-7-9. Senator



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Schaffer. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 879.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

The -- this bill adds - it's a one-word bill, as it turns out. And it adds optometric schools to the list of hospitals and clinical facilities that can use health service training programs.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Jones.

SENATOR JONES:

Yes. Senator Schaffer, now the board - this bill deals with the Board of Governors. Am I correct? Now what's this other provision that you've added into here that was not in the original bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

It, again, deals with schools, and adds -- optometric schools along with medical/dental schools. I -- I understand where you're coming from, but I don't think you're quite on target. But it's a good ground right alongside the bulkhead.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well, let's check on that, Senator Schaffer. Let's do a little checking here. You know, I see there that the Board of Governors - but the Board of Governors is not the same entity as the Board of Higher Education. Let's just check on it. I'd like to be sure, you know.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Senator Schaffer, to close.

SENATOR SCHAFFER:

And by the way, this doesn't have anything to do with the separate board for NIU. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on House Bill 8-7-9. Those in favor will vote Aye. Those opposed, Nay -- vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 53, the Nays are 1, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 879. The bill, having received the required constitutional majority, is declared passed. Supplemental No. 5. Supplemental No. 5. Conference Committee Reports. Senate Bill 1046. Senator Demuzio. We'll stand at ease until you get it.

END OF TAPE

TAPE 6

PRESIDING OFFICER: (SENATOR DEMUZIO)

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 the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit: Senate Bill 960, with House Amendments 1, 2,3, 5 and 6. Passed the House, as amended, June 30th, 1989.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Secretary's Desk. While we are at ease, we may announce that the Governor is in our midst. Welcome Governor. All right. With leave of the Body, the Senate -- Senator Rock.

PRESIDENT ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd ask you, Mr. President, to ring the bell and call everybody to the Floor. I ask leave to go to Page 17 on the Calendar for the purpose of the Conference Committee Report on Senate Bill 169.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, we will to - go back on the regular Calendar, the regular Calendar, bottom of Page 17. Bottom of Page 17 is Conference Committee - a Conference Committee Report to Senate Bill 169. Madam Secretary, 169. Senate Bill.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 169.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Can we have some order, please? Can we break up the caucuses and all -- Senator Rock.

PRESIDENT ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to ask approval for the Conference Committee Report on Senate Bill 169. This morning at about seven o'clock, when I started what was the first of what seemed to be all-day interminable meetings, I suggested to one of the other leaders that we can, in fact, finish today. We can get out. We can meet our deadline on June 30 and have the work product delivered to the Governor's desk. A little later we will deliberate on the Conference Committee Report on House Bill 714, which is the Department of Transportation recommendation for a gasoline motor fuel tax increase. As I am sure everyone is aware, the budget bills are pretty much in agreement. But they literally depend upon Senate Bill 169, and its approval, because this is the

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proposal that temporarily raises the personal and corporate income tax rates by twenty percent, and does, at the request of many in this Chamber on both sides of the aisle, provide for tax relief in the form of a double deduction for property taxes paid on an individual's primary residence during tax years 1989 and '90. The income tax...personal income tax rate would be increased to 3. from 2.5. And the regular corporate income tax rate would rise to 4.8 from its current 4. These higher rates would be in effect from July 1, 1989 through June 30, 1991. And most importantly, we will be, by exercise of our approval of this Conference Committee Report, be approving some three hundred and sixty-three million new dollars for education in our State, and some three hundred and thirty-four million dollars for the beleaguered municipalities across this State, who can utilize that money for capital expenditures that have long been delayed due to federal cutback, or perhaps provide in their judgment some abatement or some property tax relief. Directly or indirectly, Senate Bill 169 affects the entire budget, because when we pass this, and we will later consider other taxes that will be proposed, but when we pass this, we make a statement saying that education is our number one priority. And we have delivered, for the first time, an amount of money that the State Board of Education, and the Board of Higher Education have been telling us is absolutely essential for continued quality education in the State of Illinois. I presume everyone has pretty well made up their mind. But I would ask you also to remember that the other part of the budget literally depends on this Conference Committee Report and its approval, because as we are all aware, there is additional spending authority. There is additional money to be appropriated, and we have done that. And those appropriations reside across the whole host of human service agencies that we would otherwise have to readdress. And so I ask your favorable support, and ask an Aye

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vote on the First Conference Committee Report on Senate Bill 169.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

First of all, Mr. President, I would like to have my name removed as sponsor of this bill, which I thought I had done previously.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, you've heard the request of Senator DeAngelis. Is leave granted? Leave is granted. Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think the time for rhetoric has come and passed. We've all indicated what we thought, but I think that it has to be said that there is now a new misrepresentation of this bill. And that is that the so-called double exemption is property tax relief. It is not property tax relief; it is income tax relief. This bill will not allow people who would have enjoyed the income tax deduction of the alternative plans not to have one. It will not help the senior whose income level is not sufficient enough to capture this additional exemption. In fact, I'll tell you who it will help. It will help those who have high and very high property tax bills, because our proposal had capped the deduction at five hundred dollars, or the credit. So I think what we have here is an attempt to induce a few more votes. But let it not be said, as some of the headlines of the paper said, that we now have addressed the issue of property taxes. We are not addressing that at all. And I don't want to sound like a broken record by saying we have not addressed the revision of the School Aid Formula. We are still, in fact, more so property tax dependent if this bill passes. And we have passed, in my estimation, the best opportunity we will ever have...ever have, and certainly the best one I've ever had since I've been down here, to revise a School

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Aid Formula that does not work. As a matter of aside, I uphold, or at least talked to, quite a few mayors in my own district. And just to set the record straight on this, because the Speaker of the House, who is the original sponsor of this plan, had indicated that the property tax could be lowered by us doing this, because there will be some communities who will lower their property taxes by the influx of this money. And I can tell you that in my area, and I have very, very good mayors, very responsible people, and very truthful people. Not one of them told me they would abate the property tax. Not one. In fact, one of them said how can we do this...do that when it's only a two-year plan, because if we do, we'll really have to sock it to 'em two years from now if this plan does not stay in place. So, do what you want, but let's not call this property tax relief. It's income tax relief.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. One of my favorite authors, and indeed one of my favorite books, was Dickens' book, "A Tale of Two Cities." That book starts out, It was the best of times, it is the best of times, it is the worst of times, and I...I think that's where...is where...I think that's where we find ourselves today. This is going to be a very tough vote for John Maitland. As it was last week, as a matter of fact, but I am terribly concerned, Senator Rock, about those same areas of State government that you are concerned about. I have agonized with those school districts in this State that are facing difficult financial times that are on the financial watch list. And I have pledged to them that I would assist them with additional revenue from Springfield, that they absolutely needed and deserved. And on this note, I'm not going to be able to deliver. And I can't deliver because I know, as I send them this

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money for two years that addresses their immediate fiscal problems, that after two years, if that money then is not continued, we then once again place them in the same difficult position that they find themselves in now, and once again, having to go back to the property taxpayer to help sustain their operation. The same goes with higher education. We make that commitment to them today, and then say in two years, "but we're sorry, the money isn't going to be there." I don't want to fight that battle once again, and allow them to leave Springfield today with that uncertainty. I'm a farmer. When I send that tractor or that combine to the field every day to do a day's work, I send that tractor out there with a full tank of diesel fuel. Not a half a tank, not a fourth of a tank, but a tank to do the day's work. Think of it, Members of the Senate. In the last ten years, this State has granted unbelievable tax relief to a number of areas. But that tax relief has caused an erosion of the State's General Revenue Fund. And we've tried very hard to take up the slack, and economic growth has helped us. But you take the sales tax off of food and drugs, seven hundred million dollars a year, you cap the public utilities tax, you take the tax off of farm machinery manufacturing equipment, you cap inheritance tax, that's nearly a billion dollars every year of lost revenue that no longer is there. And we finally caught up with that deficiency. And we've got to turn that around. My colleagues in the Senate, I don't want to leave Springfield today telling education that we're going to give a...give a Band-Aid to you and then worry about where we go in two years. I think that's the wrong message to send. We have one more opportunity, I think, and I would urge my colleagues on both sides of the aisle to recognize what I think is a very serious responsibility that fifty-nine Senators have here. And let's...let's send this bill back to conference and address the needs, the permanency factor, and let's fund education and all

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other agencies of State government properly and correctly. I urge opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Let me just make a suggestion regarding the comments of my esteemed, and I mean it, colleague, Senator Maitland. He and I vocally, along with Senator Rock, were some of the few people that for the past two years joined the tall gentleman next to the minority leader in recommending a tax increase here. What I'd rather suggest instead of voting No today and saying we'll work on it the next six and a half hours, I would rather suggest that we vote Yes, give education two years of substantial increased funds and start five minutes after this roll call is taken, hopefully with a majority endorsement of this tax, working to address the concerns that cause some of the people here not to vote Yes, and to encourage us to address the question of property tax relief, Senator DeAngelis, and the question of what is sometimes perceived as inequities in the School Aid Formula. And we've passed a resolution by Senator Maitland, the Citizens Council on...on School Problems is ready to hold statewide hearings beginning in September on the question of revisions in the School Aid Formula. Let's look positively, to move forward, so that in two years we can continue the kind of increased assistance that the schools have been asking for...for many years in the past. Instead of saying let's not do this and start again, Senator Maitland and others, I've got to tell you, we've been talking for at least three years, with very little response. Senator Madigan and Senator Rock have made this moment available to us to address in a positive manner the needs of our schools and as well as our cities and villages, and I think we have to grab that opportunity and start now to assure that fifty-nine Senators



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can vote for the extension of this, and perhaps the improvement of this, in two years, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I took a position last week, and that position was for tax relief for the residential real estate taxpayer. And I proposed an amendment that would grant ten percent tax credit, and that amendment flew, and it lit over here and it wasn't called on the bill. I regret that. It wasn't the wrong position, it was the right position. And under 169, I don't get all that I sought, but it doesn't mean that we have to stop working for tax credits for residential real estate people. It doesn't mean that I have to ignore my watch list. I have more schools on the watch list than any man or woman in the room. Senator Maitland, I respect you. I'd rather send the tractor out there half full than try to push it around empty.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. I think I have the reputation as a staunch supporter of the schools. I certainly believe very strongly in the adequate funding of our school systems. But I...and there has been a great deal of talk about the assistance that the passage of this bill would be to our schools. But I would suggest to you that the big winners under this bill, are not the schools at all, but rather our counties and municipalities, our units of local government. Over the last several days, the Appropriations Committee representatives have been working. We began last Saturday morning at an early hour and worked late into the evening to identify eighty-eight million dollars that could be

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freed up from the other departments of State government. In the event that there is no tax increase, that could be added to the part already set aside by our Governor, who had identified the schools as his highest priority. That's eighty-eight additional millions of dollars. So that if we were to approve this piece of legislation, the new dollars that would be allocated to education are not two...three hundred and sixty-three, but three hundred and sixty-three minus eighty-eight. That is two hundred and seventy five million dollars. That's the new dollars. Those are the new dollars that would be made available to our schools. Now I'm not going to stay here and...stand here and tell you that...that is not a significant sum of money. It is. However, it would be two hundred and seventy-five million dollars for our schools, but as I said before, the big winners here are ...they are units of local government that would receive three hundred and sixty millions of dollars from the passage of this bill. I rise in opposition to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Schools in my district are in serious difficulty, as they are in many of your districts. And I have promised them that I would support a modest income tax if the bulk of the money went to education. That's not this bill. This bill, I think, although it's...it's characterized as for education, I think the fact of the matter is different. Because, as my colleague, Senator Etheredge, just pointed out to you that without a tax increase, education is going to get a big share of an unprecedented growth in State government this year, State government revenues. But with this tax bill, they're going to get half of what we raise, and the other half we're going to give away to a new program. And one other problem that I...I think needs to

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be mentioned here, and that is that with all of the increased State spending that's in the mill, that we're about to approve if this bill passes, we will be establishing ... State spending that we'll be required to repeat year after year after year. But we're looking for funding this year from a growth in State revenue which will not repeat. I've heard various figures, but people indicate that perhaps as much as thirty percent of our revenue this year is one time only. Now we're building in spending for future years this year. And I really believe this tax plan, if it fails, will have more effect on other areas of growth in State government than it will on our schools. I'd like to vote for more money for schools, and I will vote for more money for schools. But I don't think this is the plan to accomplish it, and not only that, Senator Rock, in all due deference to you and Representative Madigan, nobody has answered for me yet the question, what happens to education in two years?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you Mr. President, and Members of the Senate. Again, we listen to the debate and I concur in many of the remarks of those who have spoke previously. And I, too, recognize that in 1991 we may have a problem. I do recognize that today is June 30th, six hours to go before midnight. And I recognize that we need a permanent fix for education. But when I listened to the debate last week as individuals spoke, they indicated, "give us more time." Well, we've had more time. And I ask them, "Where are the trees that you should have planted, or how many trees have you planted since last week? I don't see any." And...and...and I'm becoming more and more convinced there is those who criticize this piece of legislation, they have no intent on passing tax increases necessary to fund education. This is a small attempt to

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solve that problem. But as I indicated last week, and I indicate today, the needs of education throughout the State are permanent needs. But those who criticize, they should look in the mirror and say, "I didn't plant any trees, so the children of the State of Illinois can benefit from the fruit of those trees." We must fund education permanently throughout the State of Illinois, and not criticize. Today is June 30th. I intend to vote Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. We're looking at a issue now on which reasonable people can disagree. Senator Maitland, I share with you the agony of trying to cast a vote on this bill. My chief executive officer, to whom I report, never fails to remind me that we are paying rent on a house that we own. My wife tells me that almost every day. I have to pay attention to that. And you're right again, Senator, this is Hobson's choice, which is no choice at all. Senator DeAngelis, you're right, this is not property tax relief. However, it does give the property tax owner...property owner some palliative for the moment at least. And for that, I think we can reasonably expect to go back home and say to property tax...property owners that yes, we did attempt to do something. Recognizing it's not tax...tax relief, it does give some relief in another guise. Senator Dunn, I think your tractor analogy was absolutely appropriate, which leads us to the real question. Not having a real choice, we have to ask ourselves, which is the most important of the issues which face us now? Let me make a suggestion. Property tax owners and other taxpayers need to look at their tax bills over the past twenty years, look at what's happened to the education system during that time, and ask themselves how much further down that road can we go? Not only are we looking at massive destruction of society, we're

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looking at broken families, broken communities, teenage parentage, most of which is a function of their inability to compete in an economy, and that's the bottom line. The economy that youngsters have to compete in today is no longer a local, or a national economy even. We're talking international competition, and we're talking about competition with nations that we looked down our noses at a generation ago. I think almost everyone here can remember when one bought a product, if it said made in Japan, it meant cheap and shoddy. So what was the response of that nation? They decided to educate all their children. And now in this new high tech age, we're taking our signals from beyond these shores, and that's the competition our children are going to have to enter. Making hard choices is part of what we're down here for. The equation is between property tax relief and support of education. It's just that simple. It can't get any more simple than that. I think that we have an obligation, and it's going to be difficult, to interpret to our property tax people, to our property owners, that it isn't just that your taxes are high now, it's how much higher they're going to go. When we continue to put people into the economy who cannot produce, and who then therefore, are tax consumers. It comes back to you one way or the other. It's foolish for us to talk about a relief that really isn't a relief. Because if the education system continues on the trail that it's going right now, it means simply you're going to take it out of another pocket. My suggestion is, and I think that the speakers before me have alluded to this, let's get this bill out, and go to work immediately...immediately to come up with something more substantive, not two years from now, but as quickly as something can be fashioned. Meanwhile, what we have is an emergency situation. It is a dire emergency situation. We cannot any longer put off the kind of support for our education system that it really needs. I would suggest that in this emergency that

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the real life raft is to fund education, and if we're going to fund education, we've got to bite the bullet and provide the dollars for that purpose. I would hope to see green lights light up the sky on this one. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in support of Senate Bill 169. One third of my school districts are on the financial watch list. And I was one of the Senators that said that before I can support this, there would have to be some property tax relief in it. There is somewhat. I was amused at...at Senator Maitland...you know, and one of my concerns is that if we don't do something here there's a good possibility that we will be repealing the farmland reassessment. And this has been very, very beneficial to farmers, and it would be devastating if they repealed this farmland reassessment. We haven't been able even to honor that...that commitment. You know, capable people can pick any piece of legislation apart. And I wouldn't...I don't think at this time I would want to support a permanent tax increase. You know, we have to think positive, and we have to believe in the economy, and the State is showing some natural growth, and then...possibly in...in two years maybe we won't have to have it. Hopefully, our natural growth will...will pick up till...till we can get along without a permanent tax increase. And I think this is a step in a...in the right direction, and it is a tough vote, but I will be supporting this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. In looking at State appropriations in terms of 1980 constant dollars, the decade of the '80s for

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elementary and secondary education, as well as higher education, has been one of absolute dismay. In only two years in the decade, did State appropriation increases for schools show real growth in terms of real dollars, the first two years of education reform. And you here in this Body were a part of that. But in six of those years, the State fell below simple maintenance of those real dollar levels. Even in '84, the one-year effect of the temporary income tax increase did not provide for an increase in purchase power for our schools, but only allowed simple maintenance of prior year constant dollars. During that time, my school district has closed over a dozen schools. This year they were faced with a seven-million-dollar deficit. I believe that it's time for all of us to stop the bleeding. My own community, as I've mentioned before, lost home rule a number of years ago. My new mayor and my previous mayor have both called, and they have said that each year they must go to the public for a four-million-dollar capital improvement project. The interest on that alone is three and a half million dollars. That means that in two years, we will save fifteen million dollars there alone in property tax relief. In addition to which we will be receiving nine million dollars from this income tax gain. As many of you have pointed out, we have enough money to fund State government right now for the next two years, and do the things we need to do in other programs. The one area where we never seem to get around to having enough is education. This income tax that we're considering tonight is ideal for our local communities and our local schools. It bypasses the State bureaucracy, feeds the money right into their hands. This money goes directly to our communities. Let's all band together and vote Aye on Senate Bill 169.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

PRESIDENT ROCK:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't think a great deal has to be said, but I would just like to point out, I suppose, the old bromide that some of my friends see the glass half full and others see the glass half empty. And of course, I'm with my friends. I would like also, as I think I have said virtually in every part of the State to which I visited, a permanent income tax. And I don't know what's going to happen, Senator Schuneman and Maitland, two years out. I can pledge to you, as I have pledged in the past, and as Senator Berman just did, that we can begin immediately to work to resolve that. I remember when we put a sunset on the School Aid Formula, with the hope that we would get it done. It is a very difficult, as you well know better than any perhaps, difficult and complex matter. The fact of the matter is we have here again, as I indicated last week, a real political governmental opportunity, that if turned down, I am not sure is going to come back. I was convinced last week it may not come back. But I sat and spent a great deal of time this week considering alternatives, negotiating alternatives, and finding out literally what was doable. Because I, along with the nine hundred plus school districts, and the four hundred thousand plus kids in this State, have to live and work in the real world. And so we can wish all we want about what is doable or possible; tell me what's real. This is real. This is three hundred and sixty-three million dollars this year for the Illinois school systems. It's three hundred and forty-three million dollars for the cities and villages and counties across this State. Education does get the lion's share, fifty-two percent, forty-eight percent for local government. It is in fact, Senator DeAngelis, tax relief. If you pay property taxes and you file an Illinois Income Tax return, you're entitled to get some money back, or not pay as much as you otherwise would have paid. And in fact, over two years it's a hundred and seventy-one million



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dollars' worth of property tax relief. Is that enough? I don't know. We talked all week about credits, five percent, ten percent, cap, no cap. What's doable? What can we agree on? You had more caucuses over there than we did. What did you agree on? I dare say it's very difficult to agree on something like this. This has already passed the House with 72 votes. I urge an Aye vote on the First Conference Committee on Senate Bill 169.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 169. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 27, 2 voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 169. And the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Having voted on the prevailing side, I move to consider the vote by which Senate Bill...Conference Committee Report on Senate Bill 169 was passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll has moved to reconsider. Senator Newhouse has moved to Table. Those in favor indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion is Tabled. Senator Rock.

PRESIDENT ROCK:

Thank you. Thanks, Bonnie. Mr. President, Ladies and Gentlemen of the Senate. After the noise subsides, perhaps we can go right back to Page 10. I am told by the Appropriations people

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that those budgets reflect the budgets as agreed, with the additional education money already included. And I can start with Senate Bill 150, and perhaps proceed through the Calendar.

PRESIDING OFFICER: (DEMUZIO)

All right. If we could have some order, please. We're ready to proceed. The sooner we get going, the sooner we can get out of here. All right. With leave of the Body, we will now go back to the Order of the regular Calendar. Page 10. Secretary's Desk, Concurrence. Senate Bill 150, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 150.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock. 150.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to concur with House Amendment No. 1 to Senate Bill 150. As all of you, I'm sure, will recall, as Senate Bill 150 left this Chamber, it was an amendment to the Public Aid Code to provide for additional payments under a formula available under the -- federal Medicare reimbursement rules to those hospitals that handle, treat, care for a disproportionate share of Medicaid patients. Over in the House, after some lengthy negotiations with the Department of Public Aid and the House sponsors and others from the administration, it was agreed that yet a third formula, or perhaps, better said, a second formula, would and could be made available for this purpose, and would also include some provision for the children's hospitals and the two major hospitals that treat the poor, namely the University of Illinois and Cook County Hospital. Under this formula, that's included in House Amendment No. 1, fifty-eight million additional dollars will be made available this year for those hospitals. I know of no opposition. I commend Director Suter and her staff for working with us toward

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what I believe is a very equitable arrangement for those hospitals across our State who treat - and God love them for it - who treat the poor people. Ladies and Gentlemen, I would urge you to concur in House Amendment No. 1 to Senate Bill 150.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 150. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 9, 1 voting Present. The Senate does concur with House Amendment 1 to Senate Bill 150. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 279. Senator Weaver. On the Order of Secretary's Desk, Concurrence, is Senate Bill 279, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 279.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move the Senate concur in House Amendment No. 1 to Senate Bill 279.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver. All right. Discussion? Question is, shall the Senate concur in House Amendment 1 to Senate Bill 279. 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 56, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 279, and the bill, having received the required Constitutional majority, is declared passed. Senator Netsch, for what purpose do

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you arise?

SENATOR NETSCH:

Thank you, Mr. President. I was trying to get your attention beforehand. Senator Weaver, it would be nice if you would describe what is in the bill so that we could at least have our memories refreshed. Too late now, but please, next time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 281, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3 and 4 to Senate Bill 281.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the ordinary and contingent expenses of the Board of Governors at two hundred and nineteen million nine hundred and four thousand eight hundred dollars. It is at the tax increase level for funding of Higher Education. We are in fact concurring with the House Amendments, and have the tax package already built in. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendments 1, 2, 3 and 4 to Senate Bill 281. 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 concur in House Amendments 1, 2, 3 and 4 to Senate Bill 281, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 282, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 282.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the OCE for the Illinois State Scholarship Commission. It is - the funding level is three hundred and fourteen million six hundred and seventy-four thousand four hundred dollars, and I move to concur with the House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 282. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 282, and the bill, having received the required constitutional majority, is declared passed. 283. Senator Etheredge. 283. Senate bill 283, Madam Secretary.  
SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 283.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. House Amendment No. 1 deletes the effective date, therefore I move to non-concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge has moved to non-concur with House Amendment 1 to Senate Bill 283. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senate Bill 284, Madam Secretary.

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SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 284.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I move that the Senate concur in House Amendment No. 1 to Senate Bill 284. That is the Board of Regents annual budget. It stands at two hundred and forty-one million eight hundred and fourteen thousand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 284. 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 concur with House Amendment 1 to Senate Bill 284. The bill, have received the required constitutional majority, is declared passed. Senate Bill 285, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 3 to Senate Bill 285.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. I concur with House Amendments 1 and 3, and -- the amount two hundred and thirty-two million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Discussion? If not, the question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 285. Those in favor will vote Aye. Those opposed, Nay. The

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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 concur with House Amendments 1 and 3 to Senate Bill 285, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 286, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 5, 6 and 7 to Senate Bill 286.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 286 is the OCE for the Illinois Community College Board for a total of two hundred and thirty million four hundred and twenty-nine thousand two hundred dollars. I move that we concur in House Amendment 1 and non-concur in House Amendments 5, 6 and 7.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns, do you want -- your request is concur in 1 and non-concur in 5, 6 and 7. Is that correct? All right. Is there discussion with respect to concurrence on House Amendment 1? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 286. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 286. Senator Severns now moves to non-concur with House Amendments 5, 6 and 7 to Senate Bill 286. All those will in favor indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform

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the House. Senate Bill 287, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 287.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I move to concur with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 287. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 287, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 288, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 288.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This -- I would move that the Senate concur in House Amendment No. 1 to Senate Bill 288. Now, Senator Netsch, this is the amount of six hundred and forty million one hundred and ninety dollars -- five hundred. Any questions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 288. 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?



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Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 288, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 404, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 404.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I move to concur with House Amendment No. 1. This is the OCE for the Capital Development Board. It is in the amount of eight million seventy-five thousand four hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 404. 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 -- I'm sorry. On that question, the Ayes are 53, the Nays are 3, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 404, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 415, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2 and 3 to Senate Bill 415.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I have two motions to make on this bill. First, I move to concur in House Amendments 1 and 3.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge, let's take that one first. Discussion? If not, the question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 415. 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 concur with House Amendments 1 and 3 to Senate Bill 415. Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

I move to non-concur in House Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge moves to non-concur in House Amendment 2 to Senate Bill 415. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senate Bill 417. Senator Topinka. Senate Bill 417, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 417.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, I would move that we would -- concur with all of the amendments from the House and for the Department of Human Rights.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 417. 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

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1, 1 voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 417, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 421, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 421.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Thank you, Mr. President. I move to concur in House Amendments 1 and 2 on Senate Bill 421.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 421. 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 concur with House Amendments 1 and 2 to Senate Bill 421, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 437. Senator Maitland. 437, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 7, 8, 10, 11, 13, 14, 15, 16 and 20 to Senate Bill 437.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I move that the Senate does concur in House Amendments 1, 2, 3, 7, 8, 10, 11, 13, 14, 15, 16 and 20. This is the OCE for the Department of Aging. Appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Maitland, are these amendments - because I can't find any paperwork on this - are these the amendments that would implement or substantially increase the budget for the Elder Abuse and Neglect Act, the home-delivered meals, community-based services, increase wages for chore/housekeeping, homemaker services? That's what all these amendments are doing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

What is the figure over the budget as introduced, with these amendments?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

The total? The total, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Six and a half million, Senator Karpiel. Senator Karpiel, six and a half million over introduced level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the Senate...Senator Watson.

SENATOR WATSON:

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Thank you. I just want to make a comment here. I don't even know where we are. Department of Aging. Here we got estimated '89 budget of a hundred and thirty-five million, and as we're passing it now, I believe we got a hundred and fifty-nine million -- a hundred and fifty one million - I'm corrected. Well, that's an increase of twenty-one million dollars over last year. You know, a lot of this money could have gone to education. I mean, we're going to sit back now and roll these budgets out of here at an inflated rate, and all that growth of revenue - that seven hundred, nine hundred billion -- million dollars - whatever it is - we're going to roll that right now into these other agencies, when that money could have gone to education. And I think that that point ought to be made, and I'm not opposed to this budget, but just thought I'd get something off my chest. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland, do you -- the question is, shall the Senate concur with House Amendments 1, 2, 3, 7, 8, 10, 11, 13, 14, 15, 16 and 20. 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 concur with House Amendments 1, 2, 3, 7, 8, 10, 11, 13, 14, 15, 16 and 20, and the bill, having received the required constitutional majority, is declared passed. 438. Senator Maitland. Senate Bill 438, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 through 9 to Senate Bill 438.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Mr. President, I have two motions on Senate Bill 438. I would

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wish first to concur in Amendments 2, 3, 4, 7 and 8.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland wishes to concur with 2, 3, 4, 7 and 8. Is that correct? Is there discussion? If not, the question is, shall the Senate concur with House Amendments 2, 3, 4, 7 and 8 to Senate Bill 438. 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 1, none voting Present. The Senate does concur with House Amendments 1 - beg your pardon - House Amendments 2, 3, 4, 7 and 8 to Senate Bill 488 <sic>. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I wish then to - would move to non-concur with House Amendments No. 1, 5, 6, and 9.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland has moved to non-concur with House Amendments 1, 5, 6 and 9 to Senate Bill 438. Those in favor will indicate by saying Aye. Opposed, nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. 441, Madam Secretary. Is Senator Schaffer on the Floor? Senator Schaffer on the Floor? 443. Senator Fawell. I beg your pardon. Senator Maitland, for what purpose do you arise? Senator Schaffer, who's on first? Senator Schaffer. Madam Secretary, 441, Senate Bill.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 4 and 5 to Senate Bill 441.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I would move to concur in all three amendments -- five amendments. Five amendments - pardon me. You keep adding

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them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendments 1. Discussion? Senator Watson. Would you all pay attention, please? Senator Watson.

SENATOR WATSON:

Well, just to point out last year's budget was seven hundred and thirty-four million, this year it's eight hundred and thirty-three million. Just a nickel here, a nickel there. A hundred-million-dollar increase. I realize OBRA's in here and there's responsibilities that the Department has to -- concur, but now we're just putting off another tax increase in two years. We're going to be back here in two years to increase taxes again to keep this type of funding up. So, you know, let's roll it on out of here. I'll probably vote for it, but I just think the Membership ought to be aware of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, there won't be any probablys. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Maybe we should have answered this on an earlier bill on an earlier discussion. But this is where the growth in revenue is going - to fund the needed social programs of the State that we are all committed to. If Senator Watson or any other Member does not want to vote for bringing the staff/patient level ratio in mental health institutions to a safe level for Teen Suicide Prevention Programs, for parity and pay for those who work in the communities, and all these other things, that's fine. But those of us who supported increased taxes also support using the eight hundred and eighty million dollars of revenue growth to fund necessary programs. We wanted to stay there an extra day to try

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and keep the institutions open. Maybe some of us belonged in some of the institutions. But now, let's do what we're supposed to be about and make sure that it is a good staff/patient ratio, that there are good mental health services in the community, that we're taking care of the peoples' needs - the people who sent us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I understand what you said, Senator Carroll. But I think the point needs to be made that there's a lot more fat in these budgets than is normal around here, and surely a lot more than would be possible without any new revenue, and I think we simply should be aware of that. The other thing that needs to be stressed is that all this money we're passing now, we'll repeat next year. It'll be back here next year plus the regular increase. I'm not sure we're going to have the kind of revenue growth to sustain it. So, this perhaps is a continuation of the last income tax discussion and I don't plan to prolong it, but the point needs to be made.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I just want to have the Membership realize what we're discussing here is the annual appropriation for the Department of Mental Health. And even with this increase, Ladies and Gentlemen, we do not comply to the federal guidelines in many ways, as far as how we're treating the mentally ill in this State. And half of the increase is required by the Federal Government, and we don't know if it's going to be more - I personally believe it's going to be much more next year - for compliance. Now, you can do and say what you want to do, but in my personal opinion, our appropriation process, and budgetary



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process, since Sam Shapiro, has changed in the type of care for the mentally indigent <sic> in this State, and it has not gotten better. We're trying to maintain a system that was changed under Walker, and I think with the Federal Government intervention, we're going to have to take a more active part in making sure that the mentally ill are taken care of by this State. This budget's not going to get any smaller, whether you like it or I like it. It's going to have to be increased, mandated by the federal requirements. I just want to point that out to you. And I think you're picking a wrong budget to accuse of an increase for the mentally ill. I strongly encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well. You know, I was hesitant to rise, but I want to make sure that we understand, you know, what we're doing here. We may have disagreement budget to budget to budget, but Senator Lechowicz, you make my point that I made in a speech earlier tonight - that we were singled out over here as being opposed to a tax increase and we ought not even be arguing against these, but that wasn't the issue at all. I mean, those of us who supported a permanent tax increase recognize these problems, and that's why we're where we were, and I just want to make that point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer may close.

SENATOR SCHAFFER:

Mr. President and Members of the Senate. This is the Department of Mental Health's budget. The increase - the largest share of the increase - is of course the OBRA increase, and it does -- but this a budget does do some positive things in many areas to step forward. Quite frankly, I think most of us in this Body would have made Mental Health a priority, with or without a

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tax increase. I think it's a responsible vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House Amendments 1, 2, 3, 4 and 5. Those in favor -- to Senate Bill 441. 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. That question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendments 1, 2, 3, 4, 5 to Senate Bill 441, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 441. Senator -- I'm sorry. 443. Senator Fawell. 443, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 4, 6, 8 and 9 to Senate Bill 443.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the normal appropriation for the Department of Rehabilitation. It's -- I'd like to concur in Amendment 1, 2, 3, 4, 6, 8 and 9 and the -- as it passed it's a hundred and ninety-three thousand, -- a hundred and ninety-three million five hundred and fourteen thousand eight hundred and one dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2, 3, 4, 5, 6, 8 and 9 to Senate Bill 443. All 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 the question, the Ayes are 57, Nays are 2, none voting Present. The Senate does concur in House Amendments 1, 2, 3, 4, 5, 6, 8 and 9 to Senate Bill 443, and the

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bill, having received the required Constitutional majority, is declared passed. On the Order of Secretary's Desk, Concurrence, is Senate Bill 763. Senator Mahar. Senate Bill 983. Senator Weaver. Senate Bill 988. Senator Welch. Senate Bill 1354. Senator Joyce. J.J. Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Page 13. Turn to your Calendar, Page 13. On the Order of Conference Committee Reports is House Bill 113. Senator Daley. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Corrected Conference Committee Report on House Bill 113.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I stand to ask support of Conference Committee on House Bill 113. This is the impact fee, which is the result of three months of meetings of DuPage, Lake, the home...the home builders, Realtors and commercial developers. Conference Committee -- this Conference Committee Report on House Bill 113 applies only to those local governments who currently have the power to impose impact fees. The amendment sets up a process by which a local government must go through in order to impose impact fees. Included in this process are public hearings, notifications of interested parties, cooperation between the public and private sectors, and an appeals process. This is a...I believe a...an agreement on both sides of the aisle, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not the question is, shall the Senate adopt...Senator Karpziel.

SENATOR KARPIEL:

Well Mr. President, I don't...I can't seem to find anything on

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this desk. Could you tell me exactly what is in the bill? I mean you've mentioned DuPage County. Who else is in it, and what kind of impact fees, what's the maximum and...and tell me a little bit about what we are doing here.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

The bill applies only to DuPage, Lake and home rule municipalities. It does not set the amount of fee...fees, but it sets the process by which these fees can be...can be...you know, started.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpiel.

SENATOR KARPIEL:

What is that process, for instance, in a...in the county?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

It would set a public hearing,...set a public hearing, provide public notice of the hearing each week for three consecutive weeks, requiring the notice to state that any member of the public affected by the service area and roadways thereof, has the right to appear at the hearing; create an advisory committee, at least forty percent of homes shall be representatives of the real estate development and building industry and labor communities; require the advisory committee to report to the county or municipality on all matters concerning the impact fee and to make recommendations regarding a comprehensive road plan and it would require the development of a comprehensive road plan that would describe and analyze the roadways within the service area; estimate the costs of current deficiencies in the roadways, and identify the source of available funding, to be updated at least once every five

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years.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

One last question. Has this been agreed to by the Realtors and the contractors and all the parties involved now?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, it has.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

I haven't seen the conference report on this, and I trust to the Gentleman, if you'll just tell me...just how much money...is there money coming out for this thing, or what?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Right now...right now, my understanding, Senator, that DuPage is the only...only area right now collecting the fees. And Lake will eventually do...will do this.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

May I ask you this question? Under this bill...because I haven't seen a copy of it...of your conference report, unfortunately. Under this bill, are you saying to me that Lake

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County will have the right to put on impact fees for roads? Is that it?

PRESIDING OFFICER: ( SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

My understanding, Senator is they have that right, right now. But this will set up a...a...a better process.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

There were people here from Lake County on these conferences, I believe. Can you tell me whether my people from Lake County were agreeable to this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Everything that the representatives from Lake County is in this bill. This bill did pass the House 107 to 7.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I will go for the bill, but will you please give me your copy before...after you've finished, so I know what I'm talking about.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, a couple of questions. Does this, just to repeat, this applies only to DuPage County?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

DuPage, Lake and home rule.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Home rule counties or home rule municipalities?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Both, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well then it applies to Cook County, fellow Americans.

PRESIDING OFFICER: (SENATOR LUFT)

Is that a question?

SENATOR DeANGELIS:

Yeah, I want clarification, 'cause it would...

PRESIDING OFFICER: (SENATOR LUFT)

...Senator Daley.

SENATOR DALEY:

Cook County has agreed to it, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'll tell you one Senator from Cook County that hasn't agreed to it. We were told, and...and I'll tell you, there's a lot of stuff floating around on this. A lot of misinformation...disinformation. Let me ask one more time for the record. Is Cook County included in this?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, it is, Senator.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'll tell you something. Then your comment about who agreed to it is not correct. Because the groups that I talked to told me that they agreed 'cause Cook County wasn't in there. And the counties that were in there are the ones who are already collecting it.

PRESIDING OFFICER: (SENATOR LUFT)

Further Discussion? Senator DeAngelis...I mean Senator Geo-Karis.

SENATOR GEO-KARIS:

Just to state that if I had a conflict of interest, I'd vote my conscience on it. That's all.

PRESIDING OFFICER: (SENATOR LUFT)

Further Discussion? Senator DeAngelis. I didn't mean to cut you off, Senator. I'm sorry.

SENATOR DeANGELIS:

Yes, well, that's okay. I'm used to that. Well, I have another question. What happens...now you're talking about home rule communities as well?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DeANGELIS:

So it's counties, towns and who else?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Home rule municipalities. Cook County as you know, Senator, has this right...has this ability right now.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.



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SENATOR DeANGELIS:

I understand they have the right to tax. But we're not talking about that kind of taxation. We're talking about a selected tax about a selected class of people who are engaged in a selective type of activity.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, Cook County, as a county, is not affected. I...it's the municipalities. The home rule municipalities within Cook County. But Cook County...

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis. I'm sorry.

SENATOR DeANGELIS:

Well, I was still told that they were not in there. I was told that only those existing areas that were in the original legislation were in there.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

I did not hear his question.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

I was told that only those areas that were in the initial legislation remained there. Now we're expanding this to include towns in Cook County that are home rule.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley. Senator Geo-Karis.

SENATOR GEO-KARIS:

Excuse me for speaking. I...on Page two of the corrected report, it says, "Units of local government means counties with a

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population of over four hundred thousand and all home rule municipalities."

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'm still waiting for the sponsor's response, because...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, my understanding is that Cook County, as a home rule unit, could always do it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

I didn't hear the last part. I'm sorry.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Always do it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Could always assess an impact fee?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, as a home rule unit.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

On a selective basis for selective purposes, selective people. Like developers or builders or...

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Yes, Senator. Yes, sir.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

I'm sorry to extend this, but this is a very critical issue, because it impacts on the economic development of the areas we live in. What happens to somebody who doesn't fall into this and tries to extract fees for construction or development? Is there any penalty for anybody who is not allowed to do this under the law?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

They...they...they cannot do it Senator, unless Cook County would authorize a...an impact fee.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Let it come as no surprise, but it's occurring already, Senator Daley. There are school districts who are into extortion, to the tune of three thousand dollars a lot in the south suburbs, for anybody who wants to build a house. Now, if that...if there's nothing to prohibit them from that, why do we need this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Senator, this affects roads only. It does not affect schools.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

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SENATOR DeANGELIS:

Does...does not affect who?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Schools. That you refer to.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

You mean, the schools can assess a builder and  
(inaudible)...they're doing it, I'm telling you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Joyce. Jeremiah? Further  
discussion? Senator Macdonald.

SENATOR MACDONALD:

Senator Daley, has this bill changed at all during the day?  
Is it the same that it was, say at nine o'clock this morning?  
When...

PRESIDING OFFICER: (SENATOR LUFT)

...Senator Daley. I'm sorry. Proceed, Senator Macdonald.  
Senator Daley.

SENATOR DALEY:

It is the same, as was filed last night.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Macdonald.

SENATOR MACDONALD:

It's the same as it was this morning? Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR DALEY:

No.

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PRESIDING OFFICER: (SENATOR LUFT)

All right, the question is, shall the Senate adopt the Conference Committee Report on House Bill 113. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record please, Mr. Secretary. On the question, the Ayes are 51, the Nays 4, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 113. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports at the bottom of Page 17 is House Bill 551. Senator Schaffer. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 551.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

This is the appropriations bill for the State Board of Elections, and this ought to keep some of my friends on my side of the aisle happy with the House Amendments. We've cut their computer operations so that they'll probably stop operating shortly after the next primary, but apparently the decision has been to concur in this Conference Committee and try and work it out, perhaps on a trailer bill, but I would like to, at least for the record, mention that there are a couple of line items in this budget that are cut to the point that realistically we should expect to have problems down the road.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 551. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record, Mr. Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 551. The bill, having received the required constitutional majority, is declared passed. At the bottom of Page 13 is House Bill 584. Senator Rock. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 584.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, the First Conference Committee Report on House Bill 584 resolves the differences between the House and the Senate. The difference was over a thirty-five-thousand-dollar line item to the Legislative Research Unit. We have, in another bill, given to that unit additional responsibility, and we in the Senate felt that the money ought to go to discharge that responsibility. The House has finally agreed, so the Conference Committee before you has a total of ten million nine hundred and nineteen thousand dollars in support of our Legislative Support Service Unit. And I would ask your favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is shall the Senate adopt the Conference Committee Report on House Bill 584. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question that Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 584, and the bill, having received the required constitutional majority, is declared passed. At the bottom of

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Page 13 is House Bill 592. Senator Rock. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 592.

PRESIDENT OFFICER: (SENATOR LUFT)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I should, I suppose, defer to Senator Berman. He's probably more proficient with this budget than am I. This is an amount of three billion six hundred and seventy-four million six hundred and seventy-six dollars for the Common School Distributive Fund and for the operations of the State Board and for the categoricals. As you recall, when this bill was before the Senate, I think we put on something like eighteen amendments. We have agreed, in conference, to withdraw from some eight of those. Ten new items were added to reflect the wishes of the Membership, in terms of the Senate amendments, I know of no objection remaining to this bill, and I would urge your support for the First Conference Committee Report on House Bill 592.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 492<sic>? Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 592. The bill, having received the required constitutional majority, is declared passed. Page 14. Page 14, House Bill 659. Senator Alexander. Read the bill, please, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 659.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Alexander.

SENATOR ALEXANDER:

I accept the Conference Committee Report as presented to the General Assembly.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 659. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 659, and the bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports, in the middle of Page 14, is House Bill 830. Senator Karpiel. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 830.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I move to -- I move to accept the First Conference Committee Report on House Bill 830.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 830. Those in favor will signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record,



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please, Mr. Secretary. On the question, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 830, and the bill, having received the required constitutional majority, is declared passed. In the middle of the page is House Bill 833. Senator Philip. Senator Philip. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 833.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As introduced, it's minus twenty-nine thousand four hundred dollars. I'd ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 833. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 833. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 836. Senator Etheredge. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 836.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

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

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Senate. This is the OCE for the Department of the Lottery. It is in the amount of four hundred and sixteen million six hundred and thirty-three thousand one hundred dollars. I move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report to House Bill 836. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are 1, none voting Present. The Senate does adopt the ...(machine cutoff)... Report for House Bill 836, and the bill, having received the required Constitutional majority, is declared passed. House Bill 838. Senator Madigan. Senator Madigan. House Bill 843. Senator Weaver. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 843.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the OCE for the State Police in the amount of two hundred and five million a hundred and fifty-five thousand six hundred and five dollars, and I'd move ...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 843. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present, and the Senate does adopt the Conference Committee Report

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on House Bill 843. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 845. Senator Donahue. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 845.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would move that we accept the First Conference Committee Report on House Bill 845. It's the Department of Agriculture's budget.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 845. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 845. The bill, having received the required constitutional majority, is declared passed. At the bottom of the page is House Bill 846. Senator Etheredge. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 846.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I would ask that this Conference Committee Report be rejected in order that we might request a second conference committee report on this bill.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Carroll.

SENATOR CARROLL:

Just a question as to why the suggestion? I thought the objection had been to the non-tax increase level. Is it? Okay.

END OF TAPE

TAPE 7

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you. Senator Carroll, there have been some questions raised in regard to some of the projects that are contained within the bill. We are heeding to that request and that we can sit down and talk about them.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? You moving to adopt, Senator? What did you -- what was your request? All right. The question is, shall the Senate adopt the Conference Committee Report on House Bill 846. Those in favor, signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Nays <sic> are 7, the Ayes <sic> are 36, 1 voting Present, and the Conference Committee Report is not adopted. The Secretary shall so inform the House, and at the request of the sponsor, a Second Conference Committee will be established. We're going to back up on a -- top of Page 15, on the Order of Conference Committee Reports, is House Bill 847. Senator Etheredge.

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ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 847.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the OCE for the EPA. It is in the amount of eighty-three million nine hundred and ninety-seven thousand dollars <sic>. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 847. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none - 1, none voting Present, and the Senate does adopt the Conference Committee Report on House Bill 847. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 849. Senator Weaver. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 849.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the OCE for Banks and Trusts, in the amount of eighty-three million nine hundred and ninety-seven thousand dollars, and I'd move adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 849.

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Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 849. The bill, having received the required constitutional majority, is declared passed. We will now return to Page 14, House Bill 838, and with leave, Senator Etheredge will handle the bill for Senator Madigan. House Bill 838. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 838.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the OCE for the Department of Military Affairs. It is in the amount ten million one hundred and twenty-eight thousand nine hundred and ninety-eight dollars. I move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 838. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 859 <sic>. The bill, having received the required constitutional majority, is declared passed. Page 16. Top of Page 16 is House Bill 1778. Senator Keats. Read the bill, please, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1778.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move we accept the First Conference Committee Report. The original bill allowed the Illinois Banks to count -- or to dispose of property that used to be their main banking premises. We put on a -- a amendment that allowed the Commissioner of Banks to assess -- electronic data processing fees. It was not as good an idea. We put that amendment on another bill, so that amendment we are asking that we recede, and that's what the bill is. I'd appreciate your concurrence on the First Conference Committee Report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1778. Those in favor, vote Aye. Those opposed, vote nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 56, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 1778. The bill, having received the required constitutional majority, is declared passed. Page 18, top of the page, is Senate Bill 278. Senator Rock. Senator Rock. In the middle of the page is Senate Bill 405. Senator Etheredge. Senator Etheredge. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 405.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

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SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the budget for new projects for the Capital Development Board. It is in the amount of three hundred and fifty-eight million four hundred and two thousand, three hundred and twenty-four dollars. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 405. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Senator Demuzio. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 45, the Nays are 11, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 405. The bill, having received the required constitutional majority, is declared passed. Senator Vadalabene, for what purpose do you seek recognition?

SENATOR VADALABENE:

Yes. I just want to thank Senator Etheredge for sponsoring important legislation that went into my district. Thank you, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

On the Order of Conference Committee Reports is Senate Bill 412. Senator Weaver. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 412.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is ENR's OCE in the amount of a hundred and thirty-six million ninety-four thousand seven hundred dollars. I move we accept the Conference Committee



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Report.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Report on Senate Bill 412. Those in favor will vote Aye. Opposed, vote nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 58, the Nays none, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 412, and the bill, having received the required constitutional majority, is declared passed. At the bottom of page is Senate Bill 420. Senator Karpiel. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 420.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I move to accept the First Conference Committee Report on Senate Bill 420. It adds two million four thousand -- two million four thousand two hundred and thirty-two <sic> GRF to the budget. It's the request of the Industrial Commission, and then there's a breakdown on where they're going to use that. I ask you for your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 420. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 58, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee

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Report on Senate Bill 420. The bill, having received the required constitutional majority, is declared passed. At the bottom of the page is Senate Bill 432. Senator Etheredge. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 432.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the OCE for the Department of Revenue. It is in the amount of three hundred and eight million four hundred and fifteen thousand eight hundred dollars. I move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 432. 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, please, Mr. Secretary. On that question, the Ayes are 54, the Nays are 3, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 432, and the bill, having received the required constitutional majority, is declared passed. Top of Page 19. Top of Page 19, Conference Committee Reports, is Senate Bill 435. Senator Watson. Senate Bill 442. Senator Maitland. Senator Maitland. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 442.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

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

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Senate Bill 442 is the OCE for the Department of Public Health. It is in the amount of two hundred and seventy-two million dollars, eight hundred --two hundred and seventy-two million eight hundred and eight thousand dollars, I would therefore move that the Senate accept the First Conference Committee Report on Senate Bill 442.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 442. 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, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 442. The bill, having received the required constitutional majority, is declared passed. We'll go back to Page 18, top of the page, Senate Bill 278. Senator Rock. I mean read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 278.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 278, in this Conference Committee Report, represents eighty-four million, two hundred and sixty-one <sic> dollars that we annually appropriate to the Board of Higher Education for their operations, and more importantly, for grants to a whole host of programs. By virtue of this Conference Committee Report, we have agreed with the House on certain of their amendments, and sent one back and asked them to recede, which they did. But we have a couple of additions, Black Hawk

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Community College -- for a hundred and fifty thousand in GRF, minority articulation, minority retention, pre-apprenticeship programs, Spoon River Community College, Illinois Valley Community College, Saturday School Program and the Board of Governors cooperative marketing of the universities. Again, I know of no objection. The total amount is eighty-four million two hundred and sixty-one dollars, and I would ask for your approval of the First Conference Committee Report on Senate Bill 278.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 278. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee on Senate Bill 278. The bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica, for what purpose do you arise?

SENATOR RAICA:

Thank you, Mr. President. If you'd be so kind, Senate Bill 405 -- I pushed the green button. I just looked at the roll call. It registered red. If you'd be so kind to have the record reflect that I -- I would liked to have voted Aye - I don't know why it didn't kick up - please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The record will so indicate. All right. Supplemental Calendar No. 6. Supplemental Calendar No. 6. Senator Welch on the Floor? House Bill -- House Bill 2374, Madam Secretary.

SECRETARY HAWKER:

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First Conference Committee Report on House Bill 2374.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill -- this report creates a new act - the Hazardous Construction Disclosure Act, that we passed out of here a few days ago on House Bill 2374. At that time, I promised that the parties who were in support and opposed to this - and there were many opposed to it - would get together and work out an agreement in the conference committee or we wouldn't see it. This bill is now agreed to by all of the parties who previously had stood in opposition. What it does is state that any contractor or subcontractor, who in performance of a construction or evacuation contract, discovers any substance or material not previously disclosed by the owner, an applicable law, rule or regulation, and either requires removal or containment, prohibits that person from proceeding until the removal takes place. And if any contract does not provide allocation responsibility, the contractor or subcontractor and other parties, whose work is impaired, may interrupt performance without penalty until the substance or material is contained or removed. The Conference Committee Report also amends the Natural Resources Act concerning the Coal and Research Center and gives authority to the Coal Development Board to create a consortium or center which conducts, coordinates and supports coal research activities within the State of Illinois. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I signed the Conference Committee Report on House Bill 2374 because I understood that the -- "or the subcontractor" language was taken out.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The -- the provision that was in controversy was, could the payment be made to the subcontractor but terminate the contract once hazardous -- material was found, I believe is -- was the issue, Senator Karpziel. And the answer is the owner, in order to terminate the contract, has to pay the contractor, not the subcontractor. He can't pay the subcontractor and the contractor be ignored.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Well. I don't think that was my understanding when I signed it, but I guess everybody -- I notice there are several people who did not sign, I don't know why but...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The reason we only have six signatures is the House Staff wanted to get in quick. I think they're expecting an early adjournment in the House. That's the only reason. I don't -- I don't think anybody absolutely refused to sign it, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I was a part of -- parts of this bill, earlier on, there -- and there was some opposition. Senator Welch, I was not on the Floor when you started to present the Conference Committee Report, but I understand that all those who were concerned about it some days ago are now on board. If that's the case, I would urge everyone

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to support to this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch may close. I'm sorry. Whoa, whoa, whoa, I'm sorry. Senator Geo-Karis - there's one additional light. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

If I recall correctly, that's the bill where the Illinois Farm Bureau opposed -- which the Illinois Farm Bureau opposed, the Illinois Manufacturers Association opposed, and the Illinois Realtors Association opposed. Did they sign up on that bill now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

It's my understanding that they did. They have no further opposition to this bill, and I -- I told the individual who brought the bill to me to contact all of the opponents, and he did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President. Would you tell me what change you made in the bill? That --when it went out of here, I had written - risen and spoken against that bill, because I didn't find it was fair. I had -- could you tell me what change has been made, briefly, in your Conference Committee Report that makes this so-called "good bill" better?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

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SENATOR WELCH:

Well, basically, the initial bill gave the contractor the right to walk off the job upon finding of any amount of a hazardous substance. Under this proposal, what is required is that the owner of the property, who did not disclose what was on the property, can pay that contractor. He will be off the job and a neutral contractor come onto the site. He can hire somebody new to take over.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I just got a note, Senator. That we're all okay now on 2374. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We're all all right. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I do -- I too rise in favor of this Conference Committee Report. I know it's been worked out very, very difficultly, and I just urge everyone to support this Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on House Bill 2374. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 2374, and the bill, having received the required constitutional majority, is declared passed. House Bill 2517. Senator Carroll. 2517, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2517.



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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the bill that deals with mobile home parks and it -- identifies that -- as at least some recall the legislation when it passed in '79 was intended to do, but court orders had indicate otherwise. And this says that when a park owner chooses to cease the operation, he must, in fact, give twelve months' notice, even if the tenant's lease was for less than twelve months. He would still be required to give ten -- twelve months' notice of expiration of the lease, if the lease will not be renewed. It requires a certified typed notice that - or a personal service of the actual notice - and also allows where a court has said that there are fees due because of tenant problems, that the park owner may remove the mobile home under certain very specific -- issues, and that's only where the court has said that that may, in fact, happen because of actions of the tenant, not because of a change in use. I know this is somewhat -- contrary to what some people wanted. They wanted greater monies for those who were -- the tenants, but this does give twelve-month notice, if there is a change. It was felt at the time that this law was originally passed that the owner of the property had the right to use the property in the way in which the owner of the property wanted to use the property. A court had said that the language was vague and therefore, the clarification. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We have six speakers. Discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and Members of the Senate. I rise in support of this Conference Committee Report, and I think

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Senator Carroll has said it well. We have a body of landlord-tenant law in this State, which we followed for many years, and I don't know exactly how the glitch occurred, but it just doesn't make any sense to tell someone who owns land that they can never pass it on to somebody else to sell it or use it in another fashion, and what this law does is clarify that. There may be some folks across the State who are going to need, down the road, some assistance regarding relocation. Those things should move forward someplace else either this Session or next, but in the meantime, we shouldn't have laws that are written that literally deprive owners of their ability to use their land, to transfer it, or sell it for another purpose. What this bill does is clarify that, and I would urge an Aye vote to House Bill 2517 Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm going to have to stand in opposition to 2517. I have a lot of mobile home owners in my district, and -- and the mobile home owners on the northwest and the southwest side are opposed to this. You know, this piece of legislation may -- be clarification; however, right now their land can't be taken away from them, and I was hoping that in case that it would be that we would be -- that we would be able to offer them a -- at least moving expense or a twenty-five dollar -- a twenty-five-thousand-dollar settlement, but there's just not that many parks around that these people can go to, and I would hate to have that taken away from them, and therefore I'm going to have to stand in opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

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SENATOR BROOKINS:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Brookins.

SENATOR BROOKINS:

Senator Carroll, did I hear you say that they would be given some kind of notification in advance, if -- if -- if the owner decided to change his mind on what he was using the land for?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Brookins. It would require twelve months, one full year's notice, prior to the expiration of the lease, and if, in fact, the lease were even a month-to-month lease whereunder if they had an apartment with three months' lease or a six-month lease or a month-to-month, an apartment would only require thirty days' notice. This says for a mobile home there has to be one year's notice. A full twelve months -- a full -- can we break this up, please?...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Break up the caucus, please.

SENATOR CARROLL:

...A full twelve months' notice before the lease is over, even if they didn't have that long of a lease, and it requires that it be certified mail to them or personal service, to make sure they actually got it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

To the report. I have, I think, maybe the only trailer home on the -- in Chicago. I'm not sure. I think it's one of two. And just a year or so ago these people were being replaced and put

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out and therefore, they owned expensive home trailers. And they had nowhere to take them to and nowhere to put them to -- to move them to. So, Senator Carroll, I'm going to have to oppose this legislation. I'm going to ask that a No vote be given on this, because this is like depriving a person of a home that he has invested large sums of money in, and all of a sudden you tell him that you decided that you don't want them no more and to move. And these people, normally they are veterans. I found that they were mostly World War II veterans. The way they located on the southeast side of the City of Chicago is when we were at war, during World War II, so they have become senior citizens and they have just lived there on and on and on. This is bad. This is a bad bill, and I think we're setting a bad precedent when we deprive someone of their home. So I rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR GEO-KARIS:

Senator, when you appeared before the Executive Committee, I believe you stated that you were going to add to that bill the Florida Law, and now I understand that, although it was offered as an amendment by Senator Raica, you rejected it. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Close, but not correct, Senator Geo-Karis. When we were in committee, we did discuss the potential of the Florida Law, and we said we would look at it and discuss it. Senator Raica did offer

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and then withdraw it on the Floor, on the basis that, Senator, on the basis that we would attempt to resolve it. It is not resolved. I made no representation that it was resolved. He did withdraw it to give us the opportunity to resolve it, and the opportunity met with no resolve.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, if this bill were to fail, the poor people who bought and invested life savings in these trailer homes will still have a little more protection. I have many of these senior citizens living in trailer homes, and I cannot in good conscience vote for the bill in its present condition. And I rise to speak against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, our analysis -- talks about Senate Amendment No. 2. Is that still attached, or -- is that gone? That's the amendment apparently that would provide up to twenty-five thousand dollars for moving expenses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

That's the one that was withdrawn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

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This bill, I assume -- is statewide, and I understand that you had problems in the City with this. I guess my problem is that -- in many places in downstate Illinois, there's all kinds of room to move mobile homes to other parks, and -- and the twelve-month notice seems like a really long notice to have to give. Could you just comment on that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

The -- as Senator Brookins pointed out, there may be one park within the City. I don't know, but they're spread out amongst the suburbs and elsewhere. In an attempt to be fair, although it won't be as much as others want, the owners said, "We will give a full year's notice if we intend to change the use of the park or the ownership of the park so that they can, in fact, move." Even if they didn't have a one-year lease. Some of these people have six-month leases, three-month leases, whatever. In an attempt to be fair, the people who did not buy the land, do not own the land, but want to control the land, they said, "We'll give you a year's control, but then we're entitled to do what our land -- what we want to do with our land." By the way, the tenants could buy the land, like anyone else. They've never offered to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I rise in strong support of this Conference Committee Report on House Bill 2517. I don't think there's a Senator in the Chamber that has more parks -- mobile home parks in their district than I do, and I can tell you that I have worked over the last nine years in the General Assembly on behalf of tenants and owners. This bill provides a much-needed relief for the mobile park home owner, and I might

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add, for the tenants as well, to get those individuals who do not operate and lease a mobile home in the -- in the proper surroundings of the park. There are many, many tenants that support this legislation, because they don't want to get stuck next to a mobile home that may not be kept as well as theirs, or is in constant violation. There have been no provisions for a mobile park home owner or the tenant's rights to remove such a -- a scrupulous <sic> tenant. This goes farther than any other lease agreement on any apartment or any rented house. It provides twelve months' notice. Twelve months' notice before the supposed tenant would have to vacate the property. It's not their property. They're renting. Again, I know as many tenants that support this Conference Committee Report as I do park owners. They have worked. This is as close to an agreement as we're going to get, and I would urge all of you to support this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Mr. President, I apologize for rising a second time, but I'm reading a staff analysis, and I do not see what Senator Zito was just saying. According to staff analysis, says a mobile home park owner must provide residents twelve months' notice prior to terminating lease due to ceasing operation of the park. What would that have to do with the -- if someone has a -- I mean you're stating if someone doesn't keep up their property - I don't know if that's in here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Raica, it is, and if -- I can give you a brief summary or -- or the Page 2, lines 13 et al, in order for possession of a

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site by a park owner -- authorizes the owner to remove the home if he has been -- received from a court of competent jurisdiction an order for possession that has been entered into by any court when any stay has -- expired. So the mobile park owner may place the lien on the mobile home for the cost of even removing that. The point is that there have been cases, as Senator Zito pointed out, where the owners have had to go to court because of the dereliction of the mobile home owner and had not had the ability to do anything about it so that the Section 22a allows when a court is given such an order, that -- the site can be reclaimed by the owner of the park, in order to get rid of the problem that Senator Zito described.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

All I'm saying is that we probably could have taken care of that a different way, but we used the shotgun -- to do the job of a thirty-eight in this case. Instead of just trying to -- to -- to zero in on one problem, it's just opened up the bag for another one, and I'm still opposed to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Carroll, you may close.

SENATOR CARROLL:

I just ask for adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall the Senate adopt the First Conference Committee Report on House Bill 2517. 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 35, the Nays are 16, none voting Present. The Senate does adopt the First



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Conference Committee Report on House Bill 2517, and the bill, having received the required constitutional majority, is declared passed. 2520. Senator Luft. House Bill 2520, Madam Secretary.  
SECRETARY HAWKER:

First Conference Committee Report on House Bill 2520.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 2520, when it left here, as amended, created the Illinois Rural Bank Bond Act. The House concurred in that amendment, and also added a provision giving the Southwest Illinois Development Authority power to make home mortgage loans. It's -- the Committee - the Conference Committee Report specifies the powers that the Authority will have. It's -- it issues bonds to defray costs of acquiring home mortgage loans, paying interest on bonds or notes. It's allowed to sell or dispose of any home mortgage loans. Pledges revenues and receipts from such loans to punctually pay bonds and notes, and other provisions in here dealing with the Authority's right to make home mortgage loans. I would attempt to answer any questions. If not, I would move the adoption of Conference Committee Report No. 1 to House Bill 2520.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Mr. President, first, it would appear that this Conference Committee Report does not comply with Rule 43. There's certainly at least one portion - the Southwestern Illinois Development Authority Bank - that has absolutely nothing to do with the original of this agreement, and had nothing to do with the original bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Well, Senator Keats. Do you want to be more specific?

SENATOR KEATS:

I would question whether it meets with Rule 43.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

I'm not going to argue the merits of the House amendment and/or to try to encourage the Chair's decision or its ruling, but the bill, as it left here, dealt with bonds. And the bill, as it came back, deals with bonds, and I would think that that may intertwine and make it applicable to the rule that was mentioned by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Totally different bonds. The subject of bonds - that could be bail bond, too. I mean, yeah, I can see bonds is both phrase, but as you look at the first portion, which was your original bill, the Rural Bond Bank Act, that does one thing. But when you start looking at the second part, which includes the State's got to pick up the debt if the Southwestern Illinois Development Authority Act determines it cannot meet with regard to the notes and bonds issued hereunder. You have to kind of wonder. Plus, none of these bonds are subject to competitive bidding. We have a debt. We owe it, and it isn't even competitively bid. That is not quite comparable to the other bill that went out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. While we are determining that, is there further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I just wanted to follow up and -- and question -- and I - the statement was made by Senator

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Keats, but I want to ask Senator Luft of the question since this is the Southwestern Illinois Development Authority. Is this -- is that fact, that the State will then have to incur the debt and pick up the responsibilities of those loans that go bad?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Senator Watson, I think that is already the law when the Southwestern Illinois Development Authority was created. Unfortunately, I don't -- I can't say, for certain, whether I'm right or not, but I know that we were looking at creating this type of model in Central Illinois, and we looked at the language -- creating Southwestern Development Authority, and the legislation that created this authority, years ago, stipulated that if any bonds issued by this Authority could not be provided for with revenues under the Authority, the State would back them up. I think - and I want to emphasize that I think - this is not new language for this Authority. I'm not saying it's good/bad; as a matter of fact, I'd probably agree with you that it's bad. But I -- I'm certain that that may be in the -- that law creating that Authority, already.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes. Just one more question. I guess the Southwestern Illinois Development Authority came to you and -- with this language and asked you to introduce this in their behalf. Since it is my area of the State, I've not been made aware of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Senator Watson. I'm a carrier. This was a House amendment,

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added in conference committee. No one from this Authority has ever discussed this with me. It's my understanding this was put on at the request of Representative Sam Wolf.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

Senator Luft, is the language about the Corridors of Opportunity still in there? Or has that been taken out?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

That was deleted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Everything dealing with that is taken out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Luft, my staff analysis says yes it was taken out on -- one half goes to Corridors of Opportunity in Chicago, which shall provide matching funds. The new language allows Chicago Corridors to get one-third of the total appropriation without matching funds. Is that in there?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

We -- we amend - it's my understanding, we amend two acts with this Conference Committee Report. One is the Rural Bond Bank and the other is the Southwestern Illinois Development Authority Act, and the provision that you're discussing, it's my understanding, is not in the Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Keats, in response to your inquiry, Senate Amendment 2 to House Bill 2520, as it reposed here in the Senate, created the Rural Bond Bank Act to assist rural communities in financing their respective public improvements. The House Amendment 1, with respect to the Rural Bond Act, is in response to how to fund the respective Bond Bank Program. And therefore - in fact, it is the Ruling of the Chair that the subject matter is like and in fact, meets with our Rules under Rules 43. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I won't contest the ruling. I will give you credit - that was an imaginative ruling, and I do want to commend you, because I didn't think you would come up with a way to justify it, but forget that. I won't question the ruling. Let me speak to the bill, then. For everyone in the Senate, please listen to this a moment. First of all, under the Rural Bond Bank, which I'm -- partially exists, I'm not arguing some of that - the State is directed to pay the bank's debts when the bank determines it doesn't have the monies to pay its own debts. Why bother to set up a Rural Bond Bank and just throw the money out? Why don't we just give it as grants and not kid ourselves? The second part, Southwestern Illinois Development Authority can now get into every kind of home mortgage and loan - the whole works. We have all

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kinds of institutions that do this, right now, that are federal institutions that we don't have to accept the liability on. This now says the State -- Mr. President, can we have a little gavel?  
PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and Gentlemen, Senator Keats is speaking. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. God bless you. Take a look at this bill. Right now the Federal Government does this, but it's their debt. We're now setting up programs comparable to the Federal Government's, but it becomes our debt. Why are we competing against Federal Programs, that if they screw up, they pay off, to now set up State Programs, that if we screw it up, we pay? Why not let them continue to carry the risk? Plus, these bonds do not go out in competitive bidding, so you want to talk about a little pin-striped patronage where we sit here and pay the debt. I appreciate the intentions of the sponsor, and I appreciate the ruling. But I have a hard time justifying State tax dollars going to this kind of very risky investment, competing against our own tax dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor. Senator, our analysis said that there - says that there were never any committee hearings on this issue. Were there any hearings in the House? Did it ever get to committee there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to make one thing perfectly clear for, I think, the second or third time. I saw

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this today. This was a House amendment added on to a House Bill that I amended, in an attempt to satisfy a request of the Lieutenant Governor in creating his Rural Bond Act. I sent that bill back to the House. The House sent it back to us, with this on it. No one conferred with me, no one requested that I do this. It's on this bill, and I can't tell you whether there was any committee meetings or anything held on this at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you. You know, it occurs to me that this might be a really good idea, but there are a lot of unanswered questions here. What we probably should do is hold this over till the fall, at least, and -- and see if this is really the right thing to do. I think that under the circumstances, we ought to withhold or support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Luft may close.

SENATOR LUFT:

Thanks. Well, Mr. President, if I am correct, and Southwest Illinois Development Authority already has the ability to not fund their bonds with the revenues that are generated from their efforts, and the State has to fill the need, then I'm not so sure it's a disadvantage -- a disadvantage for the Authority to be able to issue the same bonds for mortgage payments, when, in fact, when you issue that bond to someone who is buying that house. I think we do the same thing under IDA. IDA issues bonds for first-home buyers. We passed a package out of here called Senate Bill 1463, which also allows bonds to be issued by IDA for first-home buyers. Senator -- or Representative Madigan had a bill - I think was House Bill 1000 - that passed through here last week or this week, that issued bonds for first-home buyers. Vote your conscience.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on House Bill 2520. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last time. Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 25, none voting Present. The Senate does not adopt the Conference Committee Report, and the Secretary shall so inform the House. The Secretary shall so inform the House, and ask for a second conference committee. Senate Bill 1375, Madam Secretary.

SECRETARY HAWKER:

First -- pardon me. Second Conference Committee Report on Senate Bill 1375.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. The Second Conference Committee Report on Senate Bill 1375 leaves the bill intact, as it passed by the Senate. It adds numerous noncontroversial provisions relating to local government. And they are: Under House Amendment 1, - number one, it allows downstate counties to contract with municipalities for police protection in unincorporated areas. Number two, it adds the provisions of House Bill 1124 that authorizes local government units to provide emergency financial assistance to alleviate life-threatening circumstances or assist an individual in obtaining self-sufficiency. In certain circumstances, it would require municipalities to give ten days' notification to township supervisors concerning annexation. It would permit the



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...(inaudible)...area of McHenry County to incorporate without consent of the adjoining municipalities. It adds the provisions of House Bill 465 that permits townships to sell or deliver alcohol -- alcohol in township buildings, plus adds the requirement that townships comply with all applicable, local ordinance in any incorporated area of the township. It adds the provisions of House Bill 2175 that requires elected or appointed township officials to take the oath of office before any person authorized to administer the oath, instead of -- instead of before a judge or town -- or the township clerk. And finally, it increases the dollar amount for any purchase or service materials of equipment that must be let to the lowest -- responsible bidder from five thousand to ten thousand in Cook County townships. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. There were a couple of - frankly, bad pieces of legislation in this bill, originally. Those were deleted. I think if you will look at your analysis, you will indeed find that there is nothing controversial left in this bill. It's a lot of things that a lot of people want, but nothing's going to hurt anybody, and I, too, would join in soliciting your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Daley may close. The question is, shall the Senate adopt the First -- Second Conference Committee Report on Senate Bill 1375. Those in favor will vote Aye. Those opposed, 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, the Ayes are 57, the Nays are 1, none voting Present. The Senate does adopt the Second Conference

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Committee Report on House -- on Senate Bill 1375, and the bill, having received the required constitutional majority, is declared passed. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I'm directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on House Bill 1883, and requests a Second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 1.

Action taken by the House, June 30.

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

Mr. President - I'm directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 572.

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 regards to the amendments to the bill.

Action taken by the House, June 30.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Senate accedes to the request of the House with the Message so -- just read by the Secretary. Message 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 amendment to a bill of the following title, to wit:

Senate Bill 1252 with Senate Amendment No. 1.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Secretary's Desk. Message 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 adopt the First Conference Committee Report on House Bill 1718, and requests a Second Committee of Conference.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Senate accedes to the request of the House. Supplemental Calendar No. 7. Senator Rock.

SENATOR ROCK:

Is that House Bill 714?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, Sir.

SENATOR ROCK:

I'd like to go back first, if I may, Mr. President and Ladies and Gentlemen, to Senate Bill 1258. It was on an earlier Calendar. I'm informed it was on Calendar No. 2, Supplemental Calendar No. 2. Conference Committee Report on Senate Bill 1258.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we'll return to Supplemental Calendar No. 2. Senate Bill 1-2-5-8, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1258.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The First Conference Committee Report on Senate Bill 1258 has successfully passed the House, I'm happy to report, with 66 affirmative votes. This does four things. It increases the

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leadership on the Democratic side of the Senate and the Republican side of the Senate by one person. It increases the House leadership by two persons on each side of the aisle. It will provide a stipend in the amount of six thousand dollars for the officers, the committee chairmen and the minority spokesmen of the Senate and the House, which is to be effective January of this year. It also provides, at my request, an increase in the district office allowance, to become effective July 1st of this year, of twelve thousand dollars. And finally, it provides for a change in the pension benefit for the constitutional officers. I think this is something, in my judgment, that is long overdue, and I would urge an affirmative vote on the First Conference Committee Report on Senate Bill 1258.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I rise to oppose this Conference Committee Report. Okay. And I'll tell you why. And it's mainly because the House and Senate are getting the same amount, twelve thousand dollars each, to operate their district offices. And that is in no way -- this Senate has so many more constituency that we have to serve. And I'm going to tell you, we ought to occasionally have a little backbone and say, "Let's let the whole thing go down if we don't get at least a better formula than a equal proportion." It's not right. I'd encourage opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate. I'm not going to let us cut off our nose to spite our faces. Certainly we have a lot more work to do. We know that. But let's be honest and fair. All your chairmen and all your minority

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spokesmen work very hard in these various committees. And I'm not going to -- I'm not going to vote against it, even though I might get a raise in the darn thing because I'm in leadership. But the point is, I've never voted for a pay raise bill for myself, until I voted for these stipends. And I'll tell you, I'm doing it because I want your -- your chairmen and I want your spokesmen to get some extra money because they deserve it. They work very hard in their various committees. And in all due respect to my good friend, Senator Kelly, I feel that, even though we're not getting more than twelve thousand in office allowance, somehow we can manage. And I feel we can help our other people here, who have a hardship sometimes. So I speak in favor of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill -- this conference committee was just barely adopted by the House. And it was a very difficult thing to achieve over there, because there are some other things that they're absolutely opposed to. I want to commend the President of the Senate for his fortitude in making sure he took care of the Membership, as well as he could, in this Body. And I would strongly recommend that this Body, as well, adopt this conference committee. Because if it goes back, you won't be -- you won't be seeing this one again. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have attempted to persuade the House. We've passed, I think, this proposal or something similar on three separate occasions. Finally, we have gotten the House to agree to something. I think

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the increase in the district office allowance is something that we all recognize we need to service those constituents that we serve so well. The additional leadership spot is as a result of an agreement we made early on. The pension change, I think, on behalf of the constitutional officers, is fair, because when all this started the officers were making less certainly than they are now. I would urge an Aye vote and I'd ask all Members to please lend your affirmative support to the First Conference Committee Report on Senate Bill 1258.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1-2-5-8. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. That question, the Ayes are 37, the Nays are 22, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1-2-5-8. And the bill, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 7. Supplemental Calendar No. 7 - can't find it - is House Bill 714, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 7-1-4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The First Conference Committee Report on House Bill 714 represents nearly identically - or certainly substantially similar to - the amendment that was offered last week and explained so well by Senator Schaffer. And if he's around, I would probably need his help at some point. This is a proposal from the Illinois

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Department of Transportation to increase the Motor Fuel Tax by three cents per gallon, effective upon the Governor's signature, and an additional three cents a gallon on the first of next year. There is a redistribution of the State's share of the Sales Tax transferred to the Motor Fuel Tax Fund in order to cover the new - and I underline new - RTA Strategic Capital Improvement Bond Program. Additionally, it authorizes the counties of DuPage, McHenry and Kane to impose a county motor fuel tax of up to four cents a gallon, in addition to what is otherwise available. At the request of the minority Members, there is the establishment of a Gubernatorial Advisory Committee to the Disadvantaged Business Enterprise Program. It authorizes the RTA to issue a total of 500 million dollars in new strategic capital improvement bonds, pursuant to an annual plan which must be submitted to and agreed to by the Governor. Important, I think, for those of us from Cook County, is that it authorizes the Department of Transportation to again make grants to mass transit agencies as subsidies for reduced fares for students, disabled and elderly persons. And I underline that that's important to those of us from Cook, as it is to those downstate, because it will mean, I hope, that the Chicago Transit Authority and METRA and PACE will not, in fact, have to subject their ridership to a fare increase, with this additional subsidy. There will be increased funding for the Grade Crossing Protection Fund. There will be increased funding for Boat Safety. There will be increased funding for the Commerce Commission Regulatory Oversight of Railroads. And as Senator Philip and I discussed at about eight o'clock this morning, when the bonds and notes are sold by the RTA, there's a five-year sunset, so that it will have to revisit this assembly and justify, in fact, what they have done. This proposed increase is, in my judgment, long overdue. It will provide, as many of you know, according to the Secretary's Transportation Plan, some much-needed additional

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revenue for maintenance and construction in the various districts across this State. And for those of us in the western suburbs, it is extremely important that the Chicago Transit Authority and METRA and PACE will be able, with this additional bond authorization in which the subsidy that will be made available will be able to shore up not only their operation, but their capital improvement. I would ask you, Mr. President and Ladies and Gentlemen of the Senate, for your affirmative vote on the First Conference Committee Report on House Bill 714.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I arise in strong support of Senator Rock's bill, which is the Department of Transportation proposal. Transportation is the backbone of our State's economy. It is easy to nitpick a couple of provisions in this bill, and I'll be frank - there are a couple I'm not excited about. But when you look at the overall impact of this bill, Illinois is built on Transportation. We have the top mass transit in the country. We have the most federally numbered roads in the country. We have the heaviest truck traffic in the country. Our barge traffic is number one in the country. We have the busiest airport in the world. We are based upon transportation. And we cannot continue the deterioration of our system. We can argue a little here and little there, and I can save a buck on this and maybe a buck less there, but the simple fact is when you drive our secondary roads and you look at those bridges, they are verging upon being unsafe. Our mass transit system cannot wait any longer. Too often we're waited for the crisis, and then once the crisis is there, it costs three times as much to fund it. I've looked at those bridges the RTA tracks are over. I have looked at their rolling stock, and I want to tell



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you - if we don't do it now, in two to three years, it'll cost three times as much, 'cause then you can't fix it. Then you got to redo A to Z. I would appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I concur with Senator Keat's remarks, and I might tell you that eighty-eight percent of this program is to rehabilitate the existing State roads. And only twelve percent is for new roads. And when you want to attract business and industry to Illinois, you want to be able to brag about the fact that we have plenty of water, we have plenty of transportation facilities, and we have plenty of good roads. And we can't have good roads if they're not maintained. And when eighty-eight percent of the budget has to go to maintain and repair these roads, I think it's a key thing, and it's critical for us. And we do have necessary bridge repairs. We got them in my county. We got them in a number of counties, 'cause we have to think of the safety of the people. I feel that as long as it's the State putting this gas tax, I have no objection. I did object to the fact that it was included, for my county, to be able to go up to four cents. That has been taken out. So I'm happy to say that I'm supporting this gas tax, and I urge everyone to vote Yes, because you want to bring business and industry in this county -- in this State, and you're not going to get it if you don't have adequate roads at least maintained well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins. All right. Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this bill. I have toured and seen movies of the CTA tracks in Chicago, 61st and

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Indiana, in particular, where it's all boarded up. 51st, between Prairie and Calumet. The station is falling down. I have seen these pictures. There's repair money for infrastructure in this bill. Secondly, the bridges in my district are falling down. The roads are falling apart. There's money to repair those bridges. There's money to repair the docks so that we can use our port system in the Cal area. Therefore, I rise in support of this bill, to bring more money to that system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Again, as I said earlier, I suppose if there were more time or more opportunity, as Senator Keats so aptly pointed out, the program could be bigger, wider, higher and longer. We are confronted again with a deadline. I think this is absolutely essential, and I commend the Secretary for having listened to us in terms of the phase-in of the tax itself, to make it a little easier for the consumers and the marketers, and for his consideration of mass transit in our State. In my part of the State, mass transit is absolutely essential for the continued economic viability of Illinois. And I commend him for his effort, and I again urge an Aye vote on the First Conference Committee Report on House Bill 714.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the First Conference Committee Report on House Bill 714. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish?

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Take the record. On that question, the Ayes are 35, the Nays are 22, 2 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 714, and the bill, having received the required constitutional majority, is declared passed. With leave of the Body, we'll go now back to the original - to the Calendar - to this morning's Calendar. Page 18. The regular Calendar, Page 18. Senate Bill 5-5-5, Madam Secretary. I'm sorry. Senate Bill 2-5-5. 2-5-5. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

Mr. President, while a different set of lobbyists, from earlier, leaves, I'd like to take this opportunity on a point of personal privilege to introduce a couple people in the gallery, from DeKalb County - Patty Racine and Kayla Kittelson, who were part of the crew who helped get me married here, a couple of years ago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise? And Welcome to Springfield. Senate Bill 255. Senator Rock. Madam Secretary, 2-5-5.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 255.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 255 passed out of this Body earlier this year with a pretty substantial vote, because it addressed itself to a problem that particularly Senator Collins and Senator Berman, and all of us who live in communities that are serviced by the Chicago Transit Authority or by Rapid Transit are extremely concerned about, and that is the question of security. As this bill left

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this Body, it provided for additional money for the purpose of security on mass transportation. As it has now come back in a conference committee report, it recognizes that the Chicago Transit Authority, in particular, does have a budgetary problem. And we do not wish to impact on that or exacerbate it. What we do want, however, is a statement from this General Assembly, that as long as public State money is going into that operation, we expect that the consumers - the riders - will have a sense of security. And that, in fact, there will be a doubling of the effort towards proper security on that mass transit line. And so what this bill will provide, is that fifteen percent of all new money, in the form of grants, which we have just approved in Senate -- House Bill 714, will in fact be be earmarked for the purpose of security. Now what that translates into, this year, is an additional three and a half million dollars for security over and above what the CTA currently spends, which is roughly eight million dollars. I have spoken extensively with Chairman Clark Burris of that Board, with Superintendent Martin, with the Chicago police officers in charge of that program, and I can tell you they are in favor of increased security on the CTA, and they are frankly looking for some help. The First Conference Committee Report on Senate Bill 255, in my judgment, does two things. It affords them some extra help, and equally as importantly, it says on behalf of this General Assembly, we will not tolerate less than your best effort at security for the riders of the CTA. And I would urge an Aye vote on the First Conference Committee Report on Senate Bill 255.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 255. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 2-5-5, and the bill, having received the required constitutional majority, is declared passed. Senator Alexander. Supplemental Calendar Number 8 will be down momentarily, so we'll just stand at ease for just a few minutes. Supplemental Calendar No. 8 has been passed out, or in the process of being passed out. Supplemental Calendar No. 8. Everybody have one now? Some don't want one; others do. If we could break up the caucus in front of Senator Berman. Secretary's Desk, Concurrence. Senate Bill 960, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 5 and 6 to Senate Bill 960.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 960 as in -- in this Conference Committee Report, is the School District Emergency Financial Assistance Law. And I will describe what this is. First of all, because of the existence of the School Finance Authority and the reform package that we have previously passed, this bill does not affect Chicago School District 299. But for every other school district in the State, this is a voluntary plan, proposed by the State Board of Education, whereby a majority of the members of a local State Board of Education can seek financial assistance through the means of a loan and financial oversight from the State Board of Education. The -- the program is voluntary, as I've indicated, on behalf of the local Board of Education, and the condition is that the local district must agree to establish a

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financial oversight panel. The State Board of Education must further determine that the -- that the petition for emergency financial assistance is in the best educational interest of the students of the district of other schools in the area and that the pupil -- that the district has sufficient pupil enrollment and assessed valuation to provide and maintain recognized schools. The -- if the petition is granted, the State Superintendent has the power to appoint three members to serve on a financial oversight panel, with one of the members serving as a chairman. They shall be -- appointed on the basis of their knowledge in education finance, serve without compensation, shall not be a member of the board of the local district or an employee of that district. The financial oversight panel will remain in force for three years, not more than ten years. There is an authorization in this bill for up to fifty million dollars of bond authorization. The interest shall be at the rate of four percent. The payment shall not exceed ten years. The limitation on the amount of a loan is at a maximum of one thousand dollars per pupil. There are other amendments here that elaborate upon that. Let me touch upon a couple of the other amendments which do not deal with this, so that we cover the entire conference committee report. One amendment - one part of this - extends the hold-harmless deadline for Adams County from 1986 to the 1988 assessment because of the lack of action of the Adams County assessor. And the last portion of this bill deals with the collegiate license plates in which funds are going to be used, part of the funds for scholarship monies from that college. Be glad to respond to any other questions. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hall.

SENATOR HALL:

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

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Senate. I rise in strong support of this. There are many school districts that are in serious financial difficulty, and Senator Berman has correctly stated, and I would ask your most favorable Aye vote for this emergency relief.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I too, rise to support this bill. I remember when Acting Superintendent Leininger brought this concept to my office. The first and most important question that I think I asked, was "Are we going to create something here that is going to create a line of school districts who will be out to avail themselves of financial aid and assistance, which they're unwilling to get back home?" Well, Superintendent Leininger gave me a long list of reasons why this is not a bill that will do that. And I think if you take time to read just what a school district must go through, in order to qualify for this program, you'll see that your local school districts will not want to avail themselves of this law. However, if they are in such dire financial straits that there is simply no alternative, this is a way for them to make something happen back home. I think this is a very good idea. It's a step short of what New Jersey tried a few years ago, which was to have the state run school districts. I certainly haven't heard any support for that across this State. And I would suggest that this is an awfully good way to solve a very difficult problem that is occurring in a number of school districts across Illinois. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Mr. President. As Chairman of the Transportation Committee,

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we formed a special subcommittee where we put all special and vanity license plates in. There's many Members, both on this side of the aisle and the other side of the aisle, that allow us to do that, so that we could study the situation and bring special recommendations as to how we should go about using these special plates and these vanity plates. The State Police, IDOT and everybody become confused with thousands and thousands of different type of license plates running up and down the...the highway. And therefore, when Senator Sam Vadalabene appeared before the committee, we explained it to him. We told him that it would be a working committee, that we would work swiftly and come back with some recommendations. And asked him would it be all right to put this in subcommittee. We have about seven or eight bills in this subcommittee, and as chairman I must ask you to respect the wishes of that committee and take this portion out the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President and Members of the Senate, I echo Senator Brookins, Chairman of Transportation Committee. The first five amendments are fine. 1, 2, 3 and 5 are excellent, and I urge all of you to vote to concur. But No. 6 flies in the face of what everyone agreed to, 'cause there was about ten or eleven or twelve or fifteen different special vanity plates asked for, including this one. This had a hearing in Transportation. It was sent to subcommittee rather than killing it outright with all the others. There was an agreement among all the sponsors, and for this to rise its ugly head as a part of a conference committee report flies in the face what we want to do for education. I would urge Senator Berman to concur in 1, 2, 3 and 5 and nonconcur in 6, and the House can recede and this bill is whole, and it's on its way.



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And I have no problem and I support that part of it. But, long as No. 6 is in here, I'm going to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and Members of the Senate. I'm one of the sponsors of the license plates for the students at the University of Illinois. I was told flatly by the chairman that it would be put in a working subcommittee. However, in the event that this stays on this bill, I am going to support...support this bill, because my intentions were just like it was in...in Transportation Committee. If others who had theirs put in subcommittee can do likewise, but I'm going to support this bill since it's in this Conference Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank...thank you, Mr. President. Our analysis says that this Amendment No. 6 only affects Illinois, the colleges and universities. But the language, Senator Berman, and I'm going to have to concur with Senator Brookins and Senator Davidson that we did have an agreement in our Transportation Committee that the...the special license plates provisions would all go into a subcommittee and we would have hearings throughout the summer to talk about the problems. But there is major problems with particular provision. And let me just...look at Amendment No. 6 if you would, sir. On line 12 through 13, the Secretary of State may issue special collegiate license plates as provided in this section for State and private colleges and universities. Nowhere does it say Illinois universities. And then on...on the second page here, on line 11, 12 and 13, it says twenty-five dollars of this fee shall be distributed back to the designated State or

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private college or university for scholarships. Again, nowhere is there a provision for Illinois schools. Now I can imagine where Notre Dame for example, could possibly get ten thousand alumni together and decide that "maybe this is something we ought to do for the good alma mater over at South Bend," and end up raising money through...through this type of provision. Now, I...I don't believe that's necessarily the intent, but I think that's the language we have here. So I'd like for you to respond to that comment and question, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

In response to that question, let me indicate that technically both lines that...both passages that you've referred to refer to State with a capital S. Which would be Illinois, and for the record, it is legislative intent that we are talking about only Illinois schools.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, he slid by that one pretty good. I still think you got problems with this. I agree with the Chairman of the Transportation Committee, Senator Brookins, and Senator Davidson. We do have a...a mechanism by which these special plates will be addressed and that is in a subcommittee. And the...the Department of State Police, Department of Transportation and others have been very concerned about the...the situation that could occur in the area of the law enforcement. I have a question of the Chair, if there's any way at all, Mr. President, that we could divide the question in regard to Senate Amendment No. 6. Mr. President, that's directed to you.

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END OF TAPE

TAPE 8

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. No I was...

SENATOR WATSON:

The...the question is, Mr. President, can we divide the question on Amendment No. 6 and in the remaining portion of the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, under our rules, the sponsor obviously is...in complete control of his bill at all times. If the gentleman wishes to divide the question, that would be the sponsor's objective. Keeping in mind, however, that even if the question is divided, and there is a non-concurrence with respect to one amendment, then there still...necessitates further action and therefore a...a eventually a...if the House refuses to recede, eventually a conference committee. So I mean, there are consequences in this respect. Senator Watson.

SENATOR WATSON:

Well, I guess your suggestion is we vote No and hopefully send this back to the House...

PRESIDENT OFFICER:( SENATOR DEMUZIO)

No, the...the...the Chair is not taking in a...a opinion one way or other with respect to this bill. The Chair was attempting to point out that it is, in fact, the sponsor's prerogative, that if he wishes to call the question in its entirety, he may do so. If he wishes to separate the question, under our rules he has the opportunity to do that. I was merely pointing out the consequences of a motion that concurs with certain amendments and

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non-concurs with other amendments that...

SENATOR WATSON:

Well, thank you, Mr. President, then can I address my...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Absolutely, but I... but the Chair was not expressing an opinion, one way or the other, with respect to this bill.

SENATOR WATSON:

...I understand, thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to address that question then, to Senator Berman, the sponsor of the bill. Would he be willing to divide the question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

My problem is a practical one. I don't know what shape the House is in. You're chatting there with the majority leader. He's indicated that he would prefer to have this bill run with Amendments 1, 2, 3, 5 and 6. And that...I will defer to him, and I will defer to my colleague, Senator Vadalabene, who indicated that he would like to run it that way. If it...if it doesn't pass, this is the First Conference Committee Report, but I just want to tell you that...and I understand the position of the members of the Transportation Committee. But it's a...a quarter to a...a quarter to nine, I can't guarantee that either the nonconcurrency or the receding or a Second Conference Committee Report is going to go. So, I'm sort of caught between a rock and a hard place. That's not a pun. And I would like to run it the way Senator Vadalabene and Representative McPike have asked me to do so.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, the Chair will not enter into an opinion as to whether or not it is too early or too late. Senator Watson.

SENATOR WATSON:

Well, the question would be that all the House would do, would have to recede then and...and goes right to the Governor. There's really no problem with...the timing, I don't believe. We're not asking for a conference committee or any other consideration, all the House would do, would have to recede, it goes right to the Governor. It's an easy process, and I...I think that's...that's the way this ought to go. We ought to vote No and...and send this back to the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Parliamentary inquiry. How many Members does it take to ask to divide the question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

(machine cutoff)...my forty-one or my thirty...Senator Davidson, let me just point out to you as I have pointed out consistently throughout the process, that a sponsor is in control of his bill, and if we start attempting to play this very dangerous game of attempting to separate a question with respect to the sponsor...this could go in...this could go on into infamy, and...I just don't think we want to get into that. Senator Davidson.

SENATOR DAVIDSON:

Well, I understand that clearly...Mr. President. But, some of us feel, who sat and heard...we even heard this bill in committee. We made a obligation to the other Members of this Floor about their bills and they all acquiesced to it. This bill had a hearing and for it to show up now, I don't think it's kosher.

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Just for your parliamentarian's inquiry, by our rules, any two Members can demand a separate roll call on any such amendment, when we're on concurrence. Rule 43.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Well, Senator Davidson I was not attempting to evade your question. I was attempting to suggest to you that...taking that responsibility away...from a member with...with respect to control of his bill is a very dangerous precedent to establish here. Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't...Mr. President, I don't think you're taking control away from the sponsor. We have always, as a matter of courtesy, granted a person who has made the request, to divide the question. I don't ever recall when it's not been granted.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Senator Berman.

SENATOR BERMAN:

Let me revise the motion, and I will address the issue of time et cetera when we get to No. 6. So let me first move to concur in Amendments 1, 2, 3 and 5. Let's get that out of the way and we'll address 6.

PRESIDING OFFICER: (SENATOR DEMUZIO):

All right. The question is, shall the Senate concur with House Amendments 1...1, 2, 3 and 5 to Senate Bill 9...he's going to concur in 1...1...(machine cutoff)...1, 2, 3 and 5. All right, the question is, shall the Senate concur in House Amendments 1, 2, 3 and 5 to Senate Bill 960. 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 46, the Nays are 12, none voting Present. The Senate does concur with House Amendments 1, 2, 3 and 5. Senator Berman.

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SENATOR BERMAN:

Thank you. Now, let me address the issue and...and I...you know, the reason I've divided it, I want everyone to think about this. What we've just concurred in is very important. I understand the issues involved, perhaps on the merits and perhaps on the procedure, regarding the college vanity plates. But Ladies and Gentlemen, I urge an Aye vote on concurrence on No. 6 for this reason. The majority leader was just over here and he indicated that he wanted the bill to go to the Governor with 6 on there. Our colleague, Senator Vadalabene, also indicated that he wanted 6 to go to the Governor. What I am concerned about is, and I would respectfully suggest, that the greater issue is what we have just concurred in. The other part of the bill, because I am concerned that, if it goes back to the House for either a Motion to Recede, it may not be called, or a Second Conference Committee may not be called. I'm sorry, the First Conference Committee may not be called. And...and then a very important bill with the loan provisions could go down the tubes. That's my concern. That's the issues. We've heard the debate regarding the vanity plates. I ask you on the point of time and question of what the House would do, I ask for an Aye vote on...to concur in Amendment No. 6.

PRESIDING OFFICER: (SENATOR DEMUZZIO):

Discussion? Senator Brookins.

SENATOR BROOKINS:

I think this is my year to be in trouble, I don't know, with my own leadership and Members on my side of the aisle. And I don't think that no one in here has more respect for Senator Sam, and...and...and McPike...Majority Leader McPike than I do. As you know, I do come from the House and I'm here now. But I think that the first thing that was told to me when I come here in the General Assembly, is that you have to have a word. If you don't have a word, then you're through in this Body. And to be true to

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that word, I promised over nine or ten different sponsors of different type of license plates and vanity plates and all kind of license plates, that we would have a meaningful subcommittee, we would study the issue, we would bring back suggestions that would be fair and equitable to all. And I intend to do that. I have named that subcommittee. That subcommittee will work. It has good people on it. And therefore, I must stand in opposition to this...amendment to this conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Further...further discussion? Senator Friedland. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would only hope that this would get thirty votes. I think we've given vanity plates to every individual in the State of Illinois. And I see no reason not to help Senator Sam and Representative McPike. I think it's a decent idea, I don't even know why we're arguing about it to tell you the truth. So I would hope that...all the Members on this side of the aisle and I think those on the other side of the aisle should join us in supporting us in this and move on.

PRESIDING OFFICER: (SENATOR DEMUZIO):

All right. Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you. Just to insure that there is a loan program, let me just point out, the bill passes, we know it's passed. You can talk to the Governor, he can amendatorily veto it. And we don't get hung up in jeopardizing an important loan program for schools that are in trouble. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Question is, shall the Senate concur in House Amendment 6 to Senate Bill 960. Those is favor will vote Aye, those opposed, vote Nay. The voting is open. Have all voted who wish? Have all



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voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 24, none voting Present. The Senate does concur with House Amendment 6 to Senate Bill 960, and the bill, having received the required constitutional majority, is declared passed. 1883. 1883. Senator Hawkinson. House Bill 1883, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Second Conference Committee Report on House Bill 1883.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. We passed this earlier today, in the form of Conference Committee No. 1. It was rejected in the House because of some disagreement over Senator Marovitz's amendment regarding aggravated battery with a firearm. That provision has been modified to the acceptance of the House, and I would urge the adoption of the Second Conference Committee Report on House Bill 1883.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur -- all right. The question is, shall the Senate adopt the Second Conference Committee Report on House Bill 1883. 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 Second Conference Committee Report on House Bill 1883, and the bill, having received the required constitutional majority, is declared passed. 2363. Senator Carroll. Senate Bill 95. Senator Jones. Senate Bill 95, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

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First Conference Committee Report on Senate Bill 95.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. First Conference Report on Senate Bill 95 is the Omnibus Pension Bill, and -- and -- it contains several provisions in there. Number one, the first -- the first is a minimum State funding for Retirement System. And under the alternative proposed by Governor -- the Governor, the funding of these systems would be increased incrementally over the next seven years, so that by FY'96 the minimum funding level would be sufficient to pay normal costs of unfunded liability over forty years. This is a variation of the legislation passed by Senator Netsch. And the second provision in the bill is that the compounding of annual costs of living. Survivors now receive no annual increases. Those given to the retirees are to be calculated on a percentage of their annual -- original pension. This bill would grant increases to survivors and require their annual increases be calculated as a percentage of the current pension, including all previous increases. Also in here is proposals for Members of the General Assembly, State Employees, State Universities, downstate teachers, Chicago teachers. Also, the -- the agreement -- the Korshack settlement as it relates to the annuitants in the City of Chicago, that -- that is included in here. Members of the -- survivors of Members of the General Assembly. It increases the annuitant for those -- those persons, a proposal by Ralph Dunn. Also, there are provisions for downstate police, downstate firefighters, Chicago firefighters, Chicago police, and many, many other provisions. This is the Omnibus Pension bill. I ask for a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Is there discussion? If not, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. The pension bill has something for everybody, folks. It's been designed in such a way that everybody's got something in here. The -- the major cost of this bill is in the three-percent compounding. And we've been getting letters about that from really underpaid retired teachers and a lot of people, but not much of it will be used for that group. Not much of the cost will go to that group. There's a lot of support that has been built for this bill, and for those of you who care, for those of you who care what the cost is, I wish -- I wish you'd listen just for a minute. Pension funding, the cost of pensions, is determined by actuaries in -- in public pension systems by figuring out what the cost is over a forty-year period. It will take about forty years to pay off whatever we would pass here tonight. Now based on a forty-year funding basis, the cost of the three-percent compounding, according to the Economic and Fiscal Commission, is seventy-nine million dollars a year. Now the Governor -- has indicated that since we're so far behind on our regular pensions, that is before we passed this, that he'll put in thirty million dollars this year as new funding, but that is only the tip of the iceberg. We have a huge, huge pension debt. And while I -- I think our people probably deserve a three-percent annual increase - and perhaps we ought to go back and look at our other pensions - the question is, are we going to keep up our practice of passing these bills and then not putting any money in there. Just one -- one more point I would like to make, and that is, if -- if we fund the pension bill, Senator Netsch's bill, 22, which we all voted for -- it's really fun to vote for these pension bills. When it gets tough is when you have to put the money in there. And if we put it in the way we've agreed to, our pension funding this year, which is going to be

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about five hundred million dollars, and we pass this bill, next year it's going to have to be six hundred and sixty-two million dollars. '92, it's going to be seven hundred and seventy-one million. In '93, it's eight hundred and eighty-nine million. In FY'94, one billion fifteen million. FY'95, one billion two hundred million. I mean this is the kind of liability we're creating here. Now if this is what we want to do, let's go do it. 'Cause it's sure fun to give away these benefits. But someday, you know, we're going to have to pay the price. This is a little bit like -- I might use the analogy of the credit card. If you owe the credit card company a lot of money, you get a notice each month telling you what little bit you can pay. And that's what we're doing with our pensions. We're just paying a little bit. But boy, that interest is running up every month and every year, and eventually, this debt's going to come due, folks. So, you know, realize that in this bill there are all kinds of windows that have been opened for all kinds of people, special -- special situations that everybody around here has asked for. But the fact of the matter is, that doesn't cost much. What really costs the money is the three-percent compounding. I have no objection to it, if you want to set aside a billion dollars to pay pension benefits. But if you don't, then maybe you'd better back off a little bit.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

I'd like a couple of questions of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor -- indicates he'll yield. Senator Rigney.

SENATOR RIGNEY:

I want to understand now about survivors' benefits. Will they get the three-percent compounding also under this -- survivors?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

The question is, will the survivors get the three-percent compounding. Yes -- yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

So both the -- the employee and the survivor will each get three percent compounded. Okay, I notice that for the General Assembly, the compounding begins at age fifty-five, regardless of whether you're retired or not. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Only if you are maxed out in the system. Only if you are maxed out in the system, that is you have twenty years in, and that you are still paying -- give me some attention here, please?

PRESIDING OFFICER: (SENATOR LUFT)

Could we have a little order, please? Little order, please.

SENATOR JONES:

We have several Members of the General -- General Assembly right now who are currently still paying into the system, and they receive no additional benefits. What this does is that it will start for those individuals three percent, and they will continue to pay into the system. You -- you follow me? Several Members, I think, in the Senate and the House, fall into that category.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

Will their retirement then be based upon their salary when they hit that twentieth year, or will their retirement be based

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upon whatever they go out at?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

It will be based on their last year's salary. Whatever they go out at -- whatever the salary of the General Assembly is. But they continue to pay into the system, even though they have maxed out for the twenty years in the eighty-five percentile.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

Well I just -- you know, trying to understand about how -- what the changes are we're making. So if I stay around here another twenty years, and the salary is seventy thousand dollars at that time, I'd go out at seventy thousand, and I would be compounded all the way from age fifty-five on, is that correct? Put all of that together.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

It will be at eighty-five -- whatever the salary is if you stay around another -- the max that you are able to get is eighty-five percent, but the compounding will take place after you have maxed out of the system, because if you retire, you're going to get it anyhow. And for those Members of the General Assembly right now who are -- have maxed out, but they are still contributing to that retirement system, the max that they get is eighty-five percent. So all this does is give them a little three percent on their own money.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney.

SENATOR RIGNEY:

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I think I'm understanding this, and I can see why a lot of folks might like that. You'll go out at the higher salary, plus three percent compounded every year from age fifty-five. So if you go out of here at age seventy-five, theoretically, you could have three percent compounded all that twenty years. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Not -- not the way that you are actually figuring. It will not work that way.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra, for what purpose do you seek recognition?

SENATOR KUSTRA:

Thank you, Mr. President. I knew that you wouldn't want to let a moment go by without acknowledging a special guest in the gallery. Senator Aldo DeAngelis from Olympia Fields has joined us tonight, and I thought we all want to give him a hand.

PRESIDING OFFICER: (SENATOR LUFT)

Who? Who? The Chair doesn't know how to pronounce that name, otherwise I would introduce him. Further discussion? Senator Rigney. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I hate to interrupt this debate on...on an issue that doesn't...a point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR SCHAFFER:

Would those two pages at the door with that wheelchair stop for a second. Excuse me, would you two...

PRESIDING OFFICER: (SENATOR LUFT)

Ladies...

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SENATOR SCHAFFER:

...at the door please stop.

PRESIDING OFFICER:

Senator Schaffer.

SENATOR SCHAFFER:

You know, I've been here seventeen years, and I've learned to have a lot of respect and admiration for Members of the Illinois General Assembly and their dedication. But this year I've had a chance to witness something that really sets a record. There's a Member of this Senate here who's been down here doing his job representing the people of his district through some pretty severe hardship. And I know that this session's going to get a little Raggedy-Andy from now on, and that maybe tomorrow we'll be here and maybe we won't. But, I want to say one thing. It's been, and it is, a very real honor to serve with Sam Vadalabene. And I only hope that the people of my district one day will look back and say that Jack Schaffer was half as good a representative for them as Sam Vadalabene's been for the people of his district. ...(long break for applause)... And if I can, to my friends in the press, that's what it's all about.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Sorry. Senator Sam, at Senator Brookins' desk.

SENATOR VADALABENE:

Yeah, my buddy, Senator Brookins and friends, I'm going to be going to my doctor Monday. And then Thursday, I'll be -- they are going to be preparing me for major surgery at Missouri Baptist Hospital. But there's no way that I was going to leave this Senate without helping the school kids and do something on the taxes. It could have been easy for me to go back home and say that I was unable to vote for those bills. But I want to say one thing. Every one of you are all great. No matter how you think



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or no matter how you work, you're all great. And this is not a farewell. If God's willing, I'll come out of the surgery again. Thank you, and God bless you.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rigney, were you finished? Further discussion? Further discussion? Senator Jones, to close.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate. In closing, let me say this, and I -- I respect the remarks by the Minority Spokesperson on this piece of legislation, but Members from both sides of the aisle and the conferees worked many, many hours putting this package together. Sure, there is something in here for everyone. The Office of the Governor came out very strongly for the workers of the State of Illinois and in strong support for the compounding of the increases for State Employees and retirees. So, let's give me a favorable vote on this bill, and we will do good for the people who work hard for the State of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 95. 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, Mr. Secretary. On that question, the Ayes are 41, the Nays, 12, 6 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 95. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is Senate Bill 1426. Senator Rea. 1426. Senator Rea. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 1426.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. Senate Bill 1426, as passed by the Senate, and House Amendment 2 to Senate Bill 1426 adds the provision requested by the Chairman of the Illinois Council on Forestry Development regarding appropriations funds. This report will provide -- return the bill back to its original form, and it will, as far as reforestation of property owned by the Department of Transportation, it -- also there is a portion of the bill exempting from various regulatory requirements a passenger motor vehicle owned by a new car dealer as temporary substitute transportation, and it is an initiative to the New Car and Truck Dealers Association of Illinois. This was contained in another bill - I know that in House Amendment 2 of Senate Bill -- of another bill - that went out. It allows for the agreement for the State to share in the cost of Forestry Management Plans, deletes provisions limiting the percentage of the State's share of such plans. And as I understand it, this was recommended by the Forestry Council of the - and the Department of Conservation. I would move for adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1426. 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, please, Mr. Secretary. On the question, the Ayes are 59, the Nays are none, none voting Present, and the Senate does adopt the Conference Committee Report on Senate Bill 1426. The bill, having received the required constitutional majority, is declared passed. We'll go back now, on Supplemental No. 8, to pick up on the Order of Conference

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Committee Reports, House Bill 2363. Senator Carroll. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 2363.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill started out, as Senator Geo-Karis may remember, as defining "common law fiction," and we have now brought it up to current date and got rid of some fictions that might have existed. Basically, we've accomplished two purposes, we believe. And one is dealing with the pleading and responding parties on bill of particulars, a case that had been before the Supreme Court in litigation, and this is the accepted language for that. And secondly, in the area of malpractice, at the request of the Medical Society, the affidavit of the person testifying - the health care professional - and again, partially because of court action - will be one who practices or has practiced within the last six years, or teaches or has taught within the last six years, in the same area of health care or medicine that the particular action has been brought in. The purpose was to require that the testifier had experience in the specific area in which the complaint arises. This is no longer fiction; it is fact, and I would ask for adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

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Senator, this also provides, on the bill of particulars, the affidavit form and so forth. Am I correct? And wasn't this a bill that we passed out of here, and didn't the House in its usual non-wisdom to...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

I never like to discuss the House's wisdom, or lack thereof. But yes, this is the bill that had passed the Senate.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2363. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 2363. The bill, having received the required constitutional majority, is declared passed. We'll stand at ease for a few minutes, until we can circulate Supplemental No. 9. 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 292 with House Amendment No. 2.

PRESIDING OFFICER: (SENATOR LUFT)

Secretary's Desk. Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

Well, are we having a Republican Caucus in the balcony, in the

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Senate President's? I mean, Senator Schuneman...

PRESIDING OFFICER: (SENATOR LUFT)

Did Senator Geo-Karis ask for a Republican Caucus in the balcony? Senator Geo-Karis.

SENATOR GEO-KARIS:

I've got a couple of strays, you know, in my district here, my area here. But I have to give them a little time with their wives so they don't get lost completely.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio was getting worried. Senator Demuzio is still worried. Senator Demuzio.

SENATOR DEMUZIO:

Well, now is a good time, while they're up there, to go to Supplemental Calendar No. 9. It's been passed out.

PRESIDING OFFICER: (SENATOR LUFT)

All right. We'll go to Supplemental Calendar No. 9. On the Order of Non-Concurrence is House Bill 1252. Senator DeAngelis. Is -- read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 1252.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

I move to recede from Senate Amendment No. 1 on House Bill 1252.

PRESIDING OFFICER: (SENATOR LUFT)

All right. All right. Discussion? If not, the - Senator DeAngelis moves that the Senate recede from Amendment No. 1 -- sorry. Senator Topinka.

SENATOR TOPINKA:

To echo what Senator Netsch always keeps asking, could you kind of refresh our memories what you are seceding from?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

With pleasure, Senator Topinka. House Bill 1252 is a bill that the assessors required because it removes the redundancy of their educational training that, under current Statute, they would have to do. Amendment No. 1 is an amendment that included two desires on the part of Senator Fawell and myself. One, to exempt the -- a Girl Scout security facility from property taxation, and in my case, it was Cantagany. The Chairman of Revenue, in the House, is very adamant that these things ought to be brought through on a different manner, and has expressed her vehement desire not to see this pass in this manner, even though she doesn't know why it shouldn't.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? All right. The question is, shall the Senate recede from Amendment No. 1 to House Bill 1252. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays are 1, none voting Present. And the Senate recedes from Amendment No. 1 to House Bill 1252. The bill, having received the required constitutional majority, is declared passed. Conference Committee Reports. House Bill 514. Senator Rea. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 514.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. The -- this Conference Committee

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Report does concur in a Senate Amendment No. 1, which we had here before and which was passed, to be put back in, and then there is another change here of inserting after "of" the following: "or charged with". I would move for adoption of 514.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report - Second Conference Committee Report on House Bill 514. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 514. The bill, having received the required constitutional majority, is declared passed. On the Order of Conference Committee Reports is House Bill 779. Senator Daley. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 779.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President. The Second Conference Committee Report on House Bill 779 restores the original provisions of the House Bill 779, as it passed by the House, making reckless homicide while driving under the influence of alcohol or drugs a Class 2 felony. It also provides a mandatory extended sentence for persons seventeen years of age or older, convicted of sexually assaulting a person under thirteen years of age. It exempts statutory rape between consenting individuals. The third provision, a person commits computer tampering by program when he knowingly inserts into a computer program information or commands

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intended to cause a loss, damage or a disruption of a computer on its data or programs. A person also commits computer tampering by program when he knowingly provides, or offers to another person, a computer program containing the same types of material. The fourth provision, discharging a firearm from a vehicle becomes a Class 4 felony, and the -- the fifth provision includes Senate Amendment 2, which provides - which was Senator Davidson's amendment which provides that residential burglary combined with first-degree murder can elicit the death penalty. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR GEO-KARIS:

I believe that, Senator Daley, you said that one of the new provisions is a - whether it's murder of a child under thirteen?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Rape. Rape of a child.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Daley, do you wish to close?

SENATOR DALEY:

Favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the House -- shall the Senate adopt the Conference Committee on House Bill 779. 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



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who wish? Take the record, please, Madam Secretary. On the question, the Ayes are 55, the Nays are none, 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 779. The bill, receiving the required constitutional majority, is declared passed. On the Order of Conference Committee is Senate Bill 243. Senator Daley. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 243.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President. The First Conference Committee Report on Senate Bill 243, in that the -- the House recedes from Senate, Senate -- House Amendment No. 1, that provided a salary increase for district commissioners. That amendment is not in here. The Conference Committee simply accepts House Amendment 3 that provides two annexations in the Palatine area involving a Church and a new development. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Daley, I'm sorry. At the very end of your presentation - and I hadn't had a chance to look at our analysis, much less then Conference Committee - I notice you said something about the -- the Palatine area and so forth, and I represent the Northern unincorporated portion of the township. I think Senator Macdonald

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represents the other part. Maybe she is more familiar with what this is than I am. But can you tell us again what that covers?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Daley.

SENATOR DALEY:

The House amendment provided two annexations in the Palatine area involving a Church and a new development. This was at the request of Representative Kirkland.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I stand in strong support of this bill. The Palatine parcel that's going to be put into the Metropolitan Sanitary District, Senator Barkhausen, is indeed necessary, and it - I have been contacted by all the local officials, and they're very much in support of this. So, I hope we will pass this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee on Senate Bill 243. 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 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 243. The bill, having received the required constitutional majority, is declared passed. Middle of page - on Supplemental No. 9, House Bill 1287. Senator Marovitz. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 1287.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Marovitz.

SENATOR MAROVITZ:

Thanks. Thank you very much, Mr. President, Members of the Senate. I would move that the Senate do concur with the Second Conference Committee Report on House Bill 1287. This has the -- this has two and a half cent on assessed valuation for the DuPage County Nursing Homes. That's without referendum. It has a -- tax for the Chicago Park District, taxes for the Chicago Park District to issue bonds of up to a quarter of one percent of the assessed valuation for environmental work to protect public employees from environmental hazards. Also for Rockford, the Rockford Park District can levy three-percent property tax for the acquisition of real estate, and the Rockford Park District can levy fifteen-percent property tax by frontdoor referendum for recreational purposes. And I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Second Conference Committee Report on House Bill 1287. Those in favor, signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On the question, the Ayes are 21, the Nays are 30, 2 voting Present. And the Conference Committee Report is not adopted. And the Secretary shall so inform the House. Senator Marovitz.

SENATOR MAROVITZ:

I request Postponed Consideration on that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz request Postponed Consideration on House Bill 1287. Senator Jacobs, you seek recognition? If Senator Netsch and Senator Lechowicz are within the sound of my voice, you're going to be up next. Oh, there you are. If any Members are within

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the sound of my voice, we're going to get started again, so we would appreciate it if your presence was on the Senate Floor. Going to make another request for all Members of the Senate that are within the sound of my voice. We have some major bills appearing on Supplemental No. 10. Senator Demuzio would like to have everybody here, please. Sit down. All right, this is the last call to the Floor. We have two bills dealing with the family leave and the Chicago hospitals. So everybody should get here. You ready? All right. Supplemental No. 10. On the Secretary's Desk, on the Order of Concurrence. Senate Bill 292. Senator Netsch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 292.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would move that the Senate do concur in Amendment -- House Amendment No. 2 to Senate Bill 292, and let me explain what this is. The bill is the Family Responsibility and Medical Leave Act of Illinois of 1989. It is an extremely important piece of legislation. The bill left the Senate in what I think was very good form, but we made some --

PRESIDING OFFICER: (SENATOR LUFT)

Excuse me, Senator Netsch. I'm sorry. Senator Karpel, for what purpose do you seek recognition?

SENATOR KARPIEL:

A point of order, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR KARPIEL:

When was this bill put on the desks?

PRESIDING OFFICER: (SENATOR LUFT)

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This is a concurrence. ...(machine cutoff)... I'm sorry, Senator Netsch. You may proceed.

SENATOR NETSCH:

Good try, Doris, but -- back -- back to the substance. It took the House a little while to get around to acting on the bill. Let me tell you what the amendment that was put on the bill in the House does. It addresses three issues that were the three issues that were most seriously raised by many of you on that side of the aisle when we first considered the bill. The threshold for applicability of the Family Responsibility Act is fifty employees. When the bill passed the Senate, it was thirty-five. What that means is that ninety-four percent of the employers of the State of Illinois are excluded; they are not covered at all. Ninety-four percent of the employers. We also reduced the amount of leave from twelve weeks to eight weeks - another point that was raised by some of you. That means that only two months of unpaid leave is authorized by the bill. The third thing, which I was sorry to have to do, but we did, was we eliminated the provision which required -- or which provided that the employee's insurance while on leave would be continued under whatever arrangements existed prior to the leave. In other words, if the employer paid half, then the employer would continue to pay half. That has now been changed, so that the employee is responsible for payment of the health insurance. Those are three significant changes in the -- in the thresholds, really, which are part of Senate Bill 292. Let me then remind you what it does. It provides that employers of fifty or more employees will provide up to eight weeks - no more - up to eight weeks of unpaid leave for the following circumstances: the birth or adoption of a child, the serious illness of a child, the serious illness of a dependent parent or spouse, and the illness of the employee, him or herself. It is a bill which addresses probably one of the most dramatic things that has

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happened to the structure of the American work force in our lifetime, and that is the fact that the -- the substantial number of women are now in the work force. Seventy percent of women with children under three years of age are in the work force. All of this means that there is no longer an adult at home to take care of a family crisis. What we are saying is that it is time for the rules of the work place to recognize the change in the structure of the work place, and in the structure of the American family. It is an extremely important bill which has been substantially modified again, to meet the objections that many of you raised before. I urge your support of the Concurrence Motion.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. Once again, I rise in strong opposition to this bill. The last time we addressed Senate Bill 292 was the last day, very late in the night of -- of our deadline day. Again we're addressing it very late on the last night of Session. And I hope everyone pays attention to this, because what we are doing with this bill is once again infringing - making an unwarranted infringement on businesses in this State. When -- this bill is going to do several things, as Senator Netsch has said. First of all, it's going to increase unemployment costs for -- for companies, because the employers are going to have to be -- be paid the UI costs of the replacement employee when that -- employee is taking a leave. If you lose an employee from your business, and you're a fairly small- to moderate-size business of fifty employees, you have to replace that person. It -- it goofs up your productivity. You have to train the new person that comes in. It's an infringement on those in that business, and when that replacement employee leaves, that business is going to be fully responsible for the unemployment cost of that replacement employee

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for three years after that person leaves, or else you're going to have to find another spot for that person. It's going to cause so many disruptions in the work place. What happens, for instance, in a rural school district who has a physics teacher leave for eight weeks? How is that rural school going to find a replacement for that physics teacher? Or somebody - some other very specific or specified type employee that has a specific job or training, and that employee leaves for eight weeks - or even worse, takes it on a week every -- once-a-month basis or a half-a-day situation. This bill -- applies not only to full-time employees, part-time employees, it's just going to increase costs; it's going to cause disruption; and frankly, what we're doing here is we're meddling in what should be a collective bargaining agreement. That's what labor and management sit down to decide. Benefit packages. Not only salary, but benefit packages. There are situations, I am sure, where, because of the kind of employment and because of the type of employee, where this wouldn't even benefit them. Maybe they'd rather have increased pharmaceutical benefits or -- or eyeglass benefits. The companies are going to be prohibited by the expense of this from offering other kinds of benefits when they are being again mandated by the State to do something. You know, we're always trying to do things for business in this State; we create one task force after another to study something; we're always trying to give them tax relief; we're encouraging business to come in; we go around the country - the world - looking for business to come in Illinois; and yet we are constantly meddling in their business and telling them what we have to do. Did you ever have a business in your -- in your district write you and say, "I want you to -- I want you to meddle in my benefit packages, what I offer to my employees." What they write to you and say is, "Stay out of my business. Keep government off my back, and let me run my business without you constantly telling me

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what to do." Who says that we know best what my little plastic company up in Roselle should offer their employees in a benefit package? Why do we think we know so much about what business should do? Why don't we let them get on with their business, and we get on with our business, which is staying out of theirs.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senator Karpziel has come pretty close to saying it all. She's done an excellent job. She's covered the basic points, but no matter -- with all due respect to its very fine sponsor then, no matter how Senator Netsch tries to sweeten up this bill, I tell you, my friends, it is still as sour as lemonade with no sugar in it whatsoever. It is bad. It is distasteful to the business community. I don't know of any of them that are for it. All opposed to it. I think it sends a chilling message once again to our business friends. We talked about Build Illinois, for heaven's sakes. We talk about improving the business climate in the State of Illinois, and then we do these things, and I don't -- I don't, for the life of me, understand why we do it. We have no business. This is State intrusion in something that should be, yes, collective bargaining, or should be the business between the owner of the business and perhaps the collective bargaining process. So let's -- let's please vote this -- vote this measure down. It's no better than it was before.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in support of this Conference Committee, and let me just give you all a very simple example, and -- and just maybe those of you who are



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opposed to this bill will understand the necessity for this kind of legislation. I cannot rise and attest to this bill being perfect or even this bill being absolutely fair to all parties involved, because if it was, it would most certainly be different and unique from any other legislation that we have passed in this Body at least the last thirteen years that I've served here. I have never seen us respond to a critical problem and everyone was perfectly satisfied. I do think this bill as amended, though, is better that it was when it left in terms of fairness. But I support this bill because it's right to do, and because there are many employees out there without unions, and some with very weak unions, who will not bargain on these kind of issues fairly. I had the -- was blessed with the privilege of having a second grandson born back in November of last year. My daughter-in-law worked for one of the major established retail establishments in the City of Chicago. At five weeks - five weeks - she had a seven-week leave granted her by her job -- six weeks, rather. But at five weeks the baby took ill -- my grandson took ill, and had to go into the hospital, and they found that something was wrong with the baby's heart and his digestive system. She was told by the hospital - she is in one of the anchor programs - that she needed to stay in the hospital with the baby. In addition to that, that she had to request from her employer some more time off with that baby. She lost her job. She had worked thirteen years. She lost her job. She was given an option to come back after those next seven weeks that they granted her, starting off as a brand-new employee, at the bottom of the pay scale, and doing heavy manual work. That was all open and available to her, and it is that kind of reason that this kind of bill is necessary and fair. So I would hope each of you will vote for this bill. And if you had to pay for your daughter or son because of that situation - five hundred additional dollars - almost a thousand

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dollars that we had to subsidize their expenses to keep them in their home. And this bill is fair, and I hope you all vote for it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I'd like to -- to give you another insight that I obtained a couple years ago when I went to Texas to a conference of small business people. This bill was passed in some other states - one was Oregon, one was Washington - and I happened to talk to a couple of legislators there about their experience. Let me tell you what they told me, and they were for the bill originally. They said what happened was, first of all, anybody that had - and in this case it would be thirty-five or more employees, tried to cut their employees back to underneath that number. In fact, one of the legislators from Washington told me, "If you ever see this bill on your Floor, your best bet is to take as much money as you can possibly gather and invest it in Kelly Girl or any other temporary service you can, because they're the ones that ended up making an absolute fortune. What happened was the companies would cut back, and they would go out and they would hire the Kelly Girls of the world to fill in, on a permanent basis, so that they didn't have to offer this benefit to the rest of them. They also found out that the young women, the young married women who might become pregnant, were finding it very difficult to get jobs, and the young mothers, especially those who were single parents and might have to stay home with that child, were also finding it almost impossible to find jobs. This is the real world. This is what's going to happen. We think this is going to benefit those that frankly this bill will end up hurting the most. Why don't we gain from the experience of -- of our colleagues in the other state and defeat this bill? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. As the chief sponsor of House Bill 1343 and now a sponsor of Senate Bill 292 and a supporter of 292, I can tell you that when Senate Bill 2-9-2 left the Senate, passed, I might add, passed this Chamber, it was not a bill that many of us with industry in their areas felt very comfortable about. We thought it was unfair. I personally talked to Senator Netsch several times about raising the employee rate, about the length of time, I thought it was unfair, and I even called some of the small businesses in my district. Ironically, Senator Hudson and Senator Karpel, I can show you several letters from small businessmen - when I say small, about a hundred employees - from my district that had urged me to vote against Senate Bill 292, but were in support of House Bill 1343, on the principle that there were fifty employees or more, which excludes ninety-four percent of the employers in this State. They were frightened that there was too much time off and they were petrified of the fact that health care costs would have to be paid by them to their employee. I can tell you that the Conference Committee Report of Senate Bill 2-9-2 has made serious concessions to address those concerns. I got off the phone with them this afternoon and they were delighted at the prospects of being able to encourage family life and family structure, because so many times we have talked on this Senate Floor about a root -- the root of a lot of these problems that we're faced with in our society come from the family deterioration. That families aren't together. This bill is an honest effort at a compromise to insure that those employees that sincerely, and I mean sincerely, need time off, can spend time. I don't know how many Senators have been affected by a family member that has been serious -- seriously ill. I was. My father worked for a major -- major

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employer in this State - Commonwealth Edison. Many big companies, yes, I agree, will do this already, but it's for the protection of the employee, to make sure that that family structure stays together. If an employee feels that their time with their family is more important than a paycheck in that period, more important than having medical and health care paid for in that -- eight-week period, the least we can do is support them in that effort, and give them the time that they so righteously deserve with their family. I would urge everybody on both sides of the aisle - because all business is not opposed to this - to support this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Netsch, the work force has changed. Family styles have changed. Business has changed. What hasn't changed is the General Assembly, 'cause they still think they know better and more than the real world. This bill reminds me a little bit of Karl Marx when he was writing Das Kapital, and he was sitting in a room secluded from the world in a British museum, describing events that were changing already outside his window - describing something that was going to occur in a country, that didn't happen. This bill has serious consequences. It does not address the issues, as Karl Marx did not address the issues, of the country he was living in. As -- as Senator Fawell has said, this bill -- and if I were a woman of childbearing age, I would be very much opposed to this bill, because why would I be hired by anyone, if, in fact, you were going to mandate this. You know, there's a theory out there that employers are all rotten guys that, unless you tell them to be kind, they never will be. That is absolutely wrong, because anybody who's been an employer, particularly of a substantial amount of people - know, they know

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that if you don't have a relationship, a decent one with your work force, you won't have any productivity. And you also know that if you have somebody in that work force and they have a need - and Senator Collins, you might want to listen to this - that if that employer thought that person was important enough, they would do for them. The problem is that when you mandate, nobody becomes important anymore, and in fact, that six weeks or eight weeks may not be sufficient enough for those people who truly have need. And Senator Collins, that eight weeks might not have saved your situation. The point is that you cannot mandate by law those things, regardless of how decent you think they ought to be. In fact, the more decent they are, the more difficult they are to mandate. And I'm going to tell you, it will be a sad day if this is implemented, 'cause you're going to see a lot of these small employers not come to Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, unless you meet a payroll, you don't know what it is. I meet a payroll every Friday. When my secretary had very serious surgery, she was off eight weeks; I took care of her completely. She got her salary every week, 'cause I felt she earned it and she deserved it. I had to get someone else. Okay. I was able to do it. But -- small business is the backbone of this country. If we're going to start telling them how to run them, I think we're in bad shape. We're trying to encourage business coming into this State, not shove them out, and when you talk about Commonwealth Edison, heck, they -- they make their money from the stockholders, and they charge us enough as it is, so they can afford it. We can't compare them to -- the small businesses, and I speak against the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I came from a school system where I worked before I came to the Senate, where we gave two years' parenting leave, and we found that it worked beautifully for the young families that needed to have the bonding with their children, and gradually came back into our work force. I have heard the word "business" mentioned time and time and time again by the opponents of this legislation, and never did I hear them mention the word "children," and yet the two are very interrelated. There are three questions. Who cares for the children? Who cares about the children? And who cares to have children? In the book, "Birth Dearth," the research points out that society is no longer having enough children to even replace itself. That women forced to work -- and who do not have enough time off, are choosing instead to give up the privilege of bearing children. Unless business gives parenting leave, as a society, there will be no children to grow up to work in our businesses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. Two brief comments. One, the consequences of a family leave policy simply cannot be as serious as some of you have suggested, because as many of you have acknowledged, there are many employers who have voluntarily undertaken this and have, indeed, prospered from it, because it is good employment policy. Secondly, with respect to the problem of don't mandate it -- how -- why do we know better than the employee themselves, let me say this: that was the same argument we heard before we passed child labor laws in this State and minimum wage and maximum hour laws. You respond to what is the crisis in the

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work place today, and this is the challenge; this is the crisis. This bill is the most pro-family bill that will be before you in this Session of the Illinois General Assembly. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt -- I beg your pardon. Question is, shall the Senate concur with House Amendment 2 to Senate Bill 292. Those in favor will vote Aye. Those opposed will 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 30, the Nays are 28, none voting Present. The Senate does concur with House Amendment No. 2 to Senate Bill 292, and the bill, having received the required constitutional majority, is declared passed. Senator Karpel, for what purpose do you arise?

SENATOR KARPIEL:

Verification of the Aye roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR KARPIEL:

Senator Jones. Oh. I see him, here he is. Senator Savickas.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR KARPIEL:

That's it. Thank you, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On a verified roll call, the Ayes are 29, the Nays are 28,  
none voting Present. The Senate -- All right. Senator -- I --  
I'll do that, I didn't -- didn't -- I wasn't looking in that  
direction. Senator Netsch has requested Postponed Consideration.  
Postponed Consideration. House Bill 1191. Senator Lechowicz.  
Madam Secretary, House Bill 1191.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1191.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the  
Senate. This Conference Committee Report recommends that the  
Senate recede from Senate Amendments 1 and 2. And further  
recommends that - requires that the University of Illinois and  
Cook County, in implementing the lease agreement regarding the  
University of Illinois Hospital by Cook County to be guided by the  
recommendations and conditions specified in the Department of  
Public Health report issued by Dr. Turnock on April the 6th, 1989,  
regarding the impact of the proposed affiliation on access to  
health care in Chicago. And that the University is required to  
affirm, in writing, its compliance with the report in an annual  
report to the Governor and the General Assembly. It also provides  
that the report will enable the affiliation of the University of  
Illinois College of Health Science and School of Medicine and Cook  
County, and implementation of the lease of the University of



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Illinois Hospital to Cook County, approved by the University of Illinois Board of Trustees and the County Board. The agreements have been reached between Cook County and the State of Illinois regarding conditions to following conditions. One, that the State of Illinois will provide Cook County Hospital with a fair rate of reimbursement, under the provisions of Medicare ICARE system. And that I have submitted to the Membership. As I stated, I would distribute the costs and who's going to bear them, in our initial debate on this matter. The increased ICARE rate for Cook County Hospital would be approximately twenty million dollars. And fifty percent of that is reimbursable under the Federal Medicare Program. So it would be to say about ten million dollars. The second provision of the agreement is to provide for an ambulatory care facility at Cook County. And that cost is sixty-four million dollars out of the CDB Bond Fund Program. That is the cost whether or not the University went into the County of Cook or not. That was planned by the University and is just going to be transferred over to the Universities. The other agreement was part and parcel of this program was twenty million dollars of bringing the University of Illinois Hospital up to code. That cost will be borne by the County. That completes the recommendation of this Conference Committee Report. I will be more than happy to answer any questions. And I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. As you know, when we get down to June 30th, we reach the real difficult decisions that have to be made by this General Assembly. And I have mixed emotions about this Conference Committee Report. The University of Illinois Hospital in Chicago, and the Medical Center, has been, through the

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years, a real drag on the University of Illinois at the Circle Campus and at the Urbana Campus. We have probably subsidized the Hospital and the Medical Center for many millions of dollars every year. All of us are proud of what the Medical Center has meant to the training of doctors, for the people of the State of Illinois. We've kind of probably gone backwards in the last few years. And I really don't know what the proper answer to this whole problem is. The cost of a teaching hospital is great. And someone has to pay for it. And through the years - through the last few years, it's been the academic image of the University of Illinois at the Circle Campus and the Urbana Campus that's been sacrificing to subsidize the U of I Hospital. We can't continue, we just can't continue this subsidization. Either we're going to have to change the direction and change the funding of the U of I Hospital in Chicago, or this General Assembly is going to have to provide more money, or else the academic program at other campuses is going to suffer. I really have mixed emotions about this. And I don't know which - I really don't know what's best - I really don't know what's best, for the training of doctors in the State of Illinois. President Ikenberry has tried to work with everyone concerned with the training of Illinois students in the medical professions to try to give them an education without sacrificing those who are interested in liberal arts, computer science, engineering, whatever. But the U of I Hospital in Chicago has been a drag on the whole system at the University of Illinois. I personally am concerned with the total mission, the total mission, of the U of I. It's unfortunate that we come down to the 30th of June to make a decision as to how we're going to fund education, medical training, service to the indigent, to the community -- to the Chicago community. Senator Lechowicz has a program here. Maybe it'll work. Maybe in the long term it'll be best. I'm not sure. We've tried to work with the total health care community of

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Illinois to provide a teaching facility and a care facility for the people of Illinois. And really, Ladies and Gentlemen, it's -- it's too bad -- it's too bad that we come down to the 30th of June to try to make a decision as to what's best for not only those young folks who are trying to get an education in the health professions, it's too bad that we have to choose up between ICARE days, ambulatory facilities or the academic side of the total University of Illinois. I really have mixed emotions about this, Ladies and Gentlemen, but some way or another - some way or another, we're going to have to continue to fund that which we have promised to the youth of the State of Illinois, an education in the medical sciences, and in doing that serve the needs of the community of Chicago, surrounding areas in Cook County, collar counties. It's really -- it's really kind of a...

END OF TAPE

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...dilemma. And it should not be a political -- it should not be a political decision that we make here tonight, even though it may be a political decision. But the number one concern that you and I should make tonight, is what's best for our constituents, those constituents who want a medical education from one of the finest institutions in the world. Cook County, the University of Illinois, Presbyterian-St. Luke's, all of those on the west side medical community are doing a terrific job of trying to educate our sons and daughters and our constituents. And really, Ladies and Gentlemen, I don't see any alternative at this point in time. There may be some refinements - there may be some refinements that can be made in the future. But at this point in time, I see no

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alternative other than to go with this Conference Committee Report. And I would appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce.

SENATOR J.E. JOYCE:

Question of the Chair, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir.

SENATOR J.E. JOYCE:

How many people have indicated they wish to speak on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I have four additional lights that are flashing.

SENATOR J.E. JOYCE:

I would move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has moved the previous question. Is there -- all right, the previous question has been moved. Senator -- further discussion? Senator D'Arco. Senator Newhouse, you're on.

SENATOR D'ARCO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a very important issue for all of us. We all care about people and their hospital needs. What are we to do in this situation? What is the best approach to solving this problem? Ladies and Gentlemen of the Senate, I submit to you, that the University of Illinois Hospital, contrary to what Senator Weaver said, is not a drag on the University of Illinois. It never has been a drag. It's one of the finest teaching hospitals in the United States of America. And it also has some of the finest doctors in the State of Illinois, to provide care for the indigent population on the west side of the City of Chicago. Now the question is, is the University of Illinois Hospital going to

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continue in the same tradition that it has been accustomed to, or are we going to change the policy and initiate a new direction? Which direction we are unsure of. Which direction we do not know the consequences of. I submit to you that there are fifty-five thousand patient days where people are being cared for at that hospital today. There are two hundred thousand outpatient days where people are being cared for at that hospital today. There is no reason to abandon the mission that this great hospital has embarked upon. There is no reason to give up what we fought for so diligently, to keep the people's needs sacrosanct and justifiable. Ladies and Gentlemen of this Senate, we can't abandon the people on the west side of the City of Chicago. They depend on us. They look to us for direction, believe me, I hear from them all the time, and they care about this hospital. They go to this hospital. They care about the treatment they receive at this hospital. And let me tell you, every one of them thinks and feels that they are receiving some of the best care in the City of Chicago. And they don't have to pay high medical bills to obtain that care. That's what this is all about, good care for poor people who can't afford it. That's what this is all about. We, as an institution, must never go backwards in our mission and purpose to achieve what is essential in the health care needs of the people of the City of Chicago. Ladies and Gentlemen, there is money for the hospital in an appropriation bill that will be coming before this Body. We can keep this hospital intact. We don't have to sell it short. We don't have to give it away. We can accomplish our goals and Cook County Hospital can also accomplish its goals. The two are not divisible; the two are not inseparable; they can accomplish their purpose together. And we, as an institution and as a Body, must see to it, that that is -- becomes a reality. Ladies and Gentlemen, this is so important for us. It is so important to do what is best and what is right.

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And in this instance, there is only one right course of action. There is only one way to go. And that is to defeat this Conference Committee Report and get on the business of the University of Illinois caring for people who need that care.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Well. Yes, Mr. President and Ladies and Gentlemen of the -- of the Senate. I -- I think we've gone through some of this bill before - for as long as we've been having committees, as long as we've been having meetings - and we have said that this bill, as it began life, was bad, because it lacked public input, it lacked scope, it lacked a vision of a -- an entire medical center. It was basically presiding over the dissembling of the University of Illinois Hospital and certainly of the University of Illinois Medical School. Let me just talk some money figures first, 'cause I've been sitting here with our appropriations staff. Contrary to what Senator Lechowicz has put out here, that there is really no money in this bill except for a twenty million dollars that Cook County has kindly agreed to use in the remodeling of the University of Illinois Hospital, should this bill pass, we are anticipating that the overall impact that the passage of this bill, over and above what it would do to patient care in the black, Hispanic and indigent community, is roughly two hundred and nine million dollars. Now maybe today with a temporary tax we're feeling all fat and sassy. But once we build this into the system, who's going to pick up this cost two years from now, when now the State is totally subsidizing a private...(inaudible)...hospital in the form of Michael Reese, Cook County Hospital, which it -- costs a great deal of money, thirty million dollars' worth of debt that we are forgiving to the University of Illinois. Roughly all the for-pay patients moving

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over to Michael Reese, and therefore taking away from us whatever offset we may have had. We don't even know what the unknown of Michael Reese is because we've never known. There have never been any financial figures on this. Furthermore, in this bill, this particular agreement does not bind any affiliation between the University of Illinois and Michael Reese. They are totally exempt from any responsibility; they're on their own. All this binds is Cook County and UIH. We have no idea of the cost of the equipment that's already being moved to Michael Reese. The cost of the faculty salaries. Not to mention the departure of the faculty salaries. The differentiation in pensions on the part of -- of the employees there. This has been a bad bill. For a downstater, it's one thing to subsidize the University of Illinois Hospital; it's another thing to subsidize Cook County. This is a marvelous George Dunne reelection bill. In fact, if it passes, I'll probably vote for him myself, because he -- he's pulled off a tremendous stunt in unloading all of this onto the State of Illinois. And downstate, I hope you don't mind picking up the tab.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Sponsor yield to a question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield. Senator Newhouse.

SENATOR NEWHOUSE:

There were some conditions attached to this deal as I understand it from the Turnock report. Can you tell me the status of those -- response to those conditions?

SENATOR LECHOWICZ:

Would be more than happy to, Senator Newhouse. In fact, in my opening comments I pointed out that in this -- in this Conference

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Committee Report, the Turnock report, eleven conditions are supposed to be signed off and then reported to the Governor and the General Assembly. The only difference between the Turnock report and the -- when the amendment was adopted really in the Senate, the final -- final approval would have been done by the Department of Public Health. That is not contained in the Conference Committee Report, but all eleven points are.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Let me speak -- let me speak to both the bill and to the events leading up to this bill. First, Senators, I'd like to just give a brief review of the genesis of this operation so far as many of us who are concerned about services to the needy are concerned. This activity had been generated somewhere behind closed doors, and when it first came to the attention of this legislator and some others on this side of the aisle, it was brought to us as a Dunne bill. Senator Smith is shaking her head, and others are doing the same thing. When we, as legislators, who vote on funding both those institutions, proceeded to ask questions, we got no answers that made any sense. Let's go for a moment to the mission of that institution. First of all, we are given to believe that the University of Illinois in Chicago was sent there to serve an urban mission and it seems as if, from its inception, it has moved from that urban mission as swiftly as it possibly could. What kind of urban mission is served by an institution that begins to build dormitories and recruit its students from out of state, when it's surrounded by a sea of young people who could very well use that institution as its training ground. But let's go to the hospital, and go to the personnel there. We asked for some cooperation from those who had begun the planning, and what we got was the back of their hands.



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As a matter of fact, we asked for and held at least two to three hearings at which hearings we were simply told that the deal had been done and that what we did, at least was implied, would make no difference whatsoever. That the votes were already in the tank, and whatever we said or had to do with this would be of no force in effect, and that this procedure would be carried out, whatever the objections were. What's going to be the effect? An excellent health care system, and it was and is an excellent health care system, which served an indigent community or a community that had a large number of needy people, is about to move. It's physically going to be in a location where the needs are not nearly so great and where those who are needy find it difficult to find. Let's talk about quality. The Senator was absolutely correct in talking about the quality of the institution. As a matter of fact, that's going to present us with a problem, because what we have is first-rate medical personnel who don't need to be jacked around like this, and who can go find a job wherever they would like at other quality institutions of higher education and/or at other medical institutions. From what I understand from some of them, that's precisely what they plan to do. They are sick and tired of the politics that have surrounded this move. If there were some sincerity about the service to the poor and indigent, then the political decisions that some of us have made would not have been made. I think most of us would much rather be on this Floor tooting the horn of the University of Illinois, praising its accomplishments to the highest. That's what we prefer to do, but when that institution says to us, without any conversation and over our stated objections, that "Yes, we've made a decision and we're going to move anyway," I'm not sure how they would have expected anyone to act except negatively. This deal smells. It smells to high heaven. And for us to endorse it, in view of the facts that surround it, in view

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of the facts, as a matter of fact, that those conditions which have been attached, to my knowledge have not been responded to. Now I'm not disputing my colleague who tells me one set of facts, but we've heard nothing from those people who have purported to have done these things, as a matter of reporting back to those people who asked the question, and I was one of those. We have had absolutely no communication. Now I don't know what's involved in this. I can tell you it's more than meets the eye, and I would not want to speculate on what it is. But there's no reason and no rationality behind the way this deal was put together. Like a mackerel in the moonlight, it shines and smells. Let's bury this turkey.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. I want to make a comment first, and that is that, when I was elected to the Senate, or to the Legislature, period, I made a vow that I would be true to the State of Illinois, that I would always act in its best interest, seeking to preserve and protect. And I still have that theory, and I believe that as a State legislator, that it is my duty to think always in terms of my State first. I also might say that I live in the City of Chicago, and that I am a member of the Democratic Party. And I've always tried to be very faithful and very loyal to my party. But this is the State that I am representing here today. I'm privileged to serve as Chair for Health, Welfare and Corrections. And it came to my attention that there was a newspaper item about the University of Illinois and that they were going to get rid of the hospital and they were going to merge with another hospital, and then at that time it was just very vague about Cook County Hospital. As Chairman, I thought it was only right for me to hold a hearing on

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this because letters began to come in and they wanted to know, what was it all about. I began to get calls from doctors, from employees, from people who resided on the west side, and they want to know - they were beginning to get scared - nurses -- "What's going to happen? Our jobs are in jeopardy." It was only one thing for me to do with my committee, and that was to hold a public hearing. And so we held this hearing in the State of Illinois Building on the 7th of March. The Board of Trustees of the University of I was supposed to meet, I think, on the 15th and we were going to meet afterwards, but I found out that it would be much better to meet before their board -- trustees meeting. That we did, and this set things in motion. There were many promises made, but promises that were broken. Then it was requested that there be a -- a report done, research done by the Chicago Board of Health and then that would impact -- there were eleven recommendations by the Board of Health. This we thought that the U of I was going to live up to. Then we began to hear a lot of different stories about this was being moved out, and this person was being fired, and so many people were going to be laid off. And then I began to hear a little bit more about Cook County Hospital. This has been done wrong, every instance that the people who were in charge that did this and brought it to thus far, were wrong. It was not done above the table, and we who are legislators, who have the privilege of voting for the funds to keep the University of Illinois Hospital going, were seemingly the last people to know anything. The only thing that we understood is that whenever appropriation time came, we were supposed to vote Yes. And I don't think that that's right. I think that if we are going to do these things, we should be well-informed about what is going to happen, and we did not know anything about the plans, about a -- a merger or new affiliation at all. I come today, I'm not against Cook County Hospital, but I am against the method of

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the University of Illinois leadership. The people at the University of Illinois Hospital are people who are well-qualified. You have some of the finest doctors, as -- as -- Senator D'Arco just stated, in the world. Men who have practiced and studied all across this world to come to the University of Illinois Hospital to serve people. You have fine research departments, one that you are about to lose, I understand, about eighteen million dollars on the research of AIDS. And you're going to lose that. I had calls that the entire fifth floor had moved out and had gone over to Michael Reese. And that the people were not there, there was a skeleton crew, a dispatch phone service there, in case people called. I understood that if you were a paying patient or you had insurance, they would send you over to Michael Reese; if you didn't, they'd send you over to County or Illinois Masonic Hospital or someplace else. I understand that last year alone, and I understand the pediatrics center in gone, neurology and all of -- have gone and left the premises. And I didn't know that a State institution could move their properties that belong to the State over to somebody that was private. I didn't know that. I thought you had to have a certificate of need in order to do these things. And I understand that the doctors were -- was -- told to move, and we're not talking about University of -- I mean -- Michael Reese, because we're discussing -- Cook County. But I have to say these things. We did not know that these things were being done, and so I'm saying this, that inasmuch as we support and sponsor the University of Illinois Hospital, that hospital, if it is seven million dollars that they are in the arrear and I understand right now this hospital is not in the red at all. I understand it's well in the black. And they'll need some money. Now, if we could give them twenty-five million dollars that he wants now and he wants another twenty-five million, all right, the State of Illinois, give it to them and put it -- that hospital

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back in shape. You have people who are indigent people, who do not have insurance for themselves. Some of them are not poor people, but the insurance is so high they can't afford the insurance. But they have to go there to the hospital. If they need that money, let us keep that hospital open so that it might be able to continue to serve not only the people of the City of Chicago, but the people across the State of Illinois. Because they are all subject to that hospital, and if they don't have their way to get there, get a helicopter and bring them there. If we can take twenty-five million dollars and put it over here, and put it over there, and buy secret this -- we can do the same thing for that hospital, because that hospital belongs to us. And so I am saying, I encourage maintaining the opening of that hospital and keep it in apple-pie order for the people of the State. Now, for Cook County, I am not against that, but inasmuch as this is a quick, quick deal, and it is not clear, and all parties have not had an opportunity to say anything about this, because we are shaping now the total medical system for the whole State of Illinois. Hospitals are closing everywhere, and we certainly don't need this. I'm asking the sponsor of this bill, I'm asking you, suggesting, if you would hold up this bill and let us have a conference and bring all the parts in, the doctors and all, and let us talk about this thing, so that the people who are our constituents in the City of Chicago and the State of Illinois, that they can -- I don't -- maybe I'm going to sit down, but I've -- I had to say this. I'm asking you, if we will delay this bill, put it -- delay this bill and let us have a conference, so that all the people in the City of Chicago can help and hear what this is all about. Please, I'm asking you.

PRESIDING OFFICER: (SENATOR LUFT)

Ladies and Gentlemen, I've had the timer on and we've been very liberal with the timer. Further discussion? Senator del

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Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I will be brief, because I think it's all been said, but we've waited until the last hour -- until the last hour - to vote on a bill, on a bill that is -- has a staff analysis that's a couple pages long, not very long. And yet we're voting on a bill that has been very complicated, very confusing and I think the fact that we're voting on this at the last hour, is keeping in line with the whole -- with the way this whole matter has been handled. And so I support Senator Smith in her request that we not approve this Conference Committee Report, and that we take a careful look at the cost of this merger, that we take a careful look at the effect that it's going to have on indigent care on the west side and near west side, and that we not take any action until we have all the answers to all the questions.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. You know, it bothers me a little bit that the accusations of the minority community of Chicago have been made against the administration of the University. The University administrators have made every effort to meet with the minority community of the City of Chicago on every request. They're not trying to hide anything. They've got a problem. You're not willing to deal with the problem. Through the years the University has tried to identify qualified minorities who are eligible for medical training, and what happens? The private universities come in and give them a ten-twenty-thousand dollar scholarship to go to the private schools. So you're complaining about the lack of identification of eligible minorities, who want to attend medical school.

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They've busted their back for the last ten years that I know of, and where do they end up? They end up at Harvard, Yale, Northwestern, wherever. Give them a break, people; give them a break. There's been no transfer of much equipment, or any equipment, to my knowledge, to Michael Reese. Some of the Michael Reese people are on joint contracts to provide the necessities of the students, and they will continue to do that until this is solved. But it really bothers me that the chairman of the committee would not let the president of the University of Illinois testify on these bills. It really bothers me. The University of Illinois is interested in training medical students. Their mission is difficult, is costly, but they're going to continue to try. Whether this is the way to go, I'm not positive, but it's the best alternative, and I would support this conference committee.

PRESIDING OFFICER: (SENATOR LUFT)

Ladies and Gentlemen, Senator Joyce had moved the previous question. I am not going to call people from now on if they're up for a second time. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think in my twenty-three years in the General Assembly, I don't think I've ever voted against the University of Illinois. I consider them an outstanding institution. I have one son who has graduated from the University of Illinois. And I am always very sympathetic to the University of Illinois. As you know, for the last two or three months, President Ikenberry, Governor Thompson, George Dunne, have been trying to work out a reasonable compromise. Unfortunately, they have not worked out a reasonable compromise. For some reason, I was led to believe that we were going to put in the DCCA budget, which is in the DCCA budget, twenty-five million dollars to hold the University of Illinois

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over. And then between June 30th and when we come back here to the Veto Session, the interested parties would get back together once again and try to work out a reasonable solution. And Ladies and Gentlemen, I think we ought to do that, and I think we ought to debate -- defeat the sixty-four million dollars.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, will be brief. I know that a number of Members have issues they wish to have called before midnight. But this one is important. Important because it concerns itself with health care for the medically indigent, particularly on the west and south side of Chicago. And probably twelve or fourteen months ago, maybe eighteen months ago, when it was made painfully apparent by virtue of a headline in a newspaper, that the University of Illinois had stopped accepting poor people because they ran out of money apparently, I called Doctor Ikenberry and I said, "This is no way, truly, to run an institution." And he said, "Well, we're trying to get an affiliation with Cook County so that, one, our medical school can be better, and equally as importantly, if not more importantly, that the medically indigent, particularly on the west and south side, can be better served." And now we have a chance by virtue of this agreement to make sure that's accomplished. And literally what I've heard is that there are certain people who are piqued, because they weren't consulted, they weren't involved. And I dare say that -- that no one of us wants to involve ourselves, nor should we, in the day-to-day operation of Cook County Hospital or the County Board or the University of Illinois; that these questions have been brought to us; the Senate committee has had at least three hearings that I'm aware of; everything has been aired, and what is the problem? The



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problem now is that the Governor has agreed, as Michael Reese has agreed, Michael Reese will build an ambulatory care facility on the south side. Now the U of I and the State of Illinois has agreed to build an ambulatory care on the west side. What's the matter with that? And we have agreed that Cook County Hospital serves a distinct clientele, and so they are entitled to a little more ICARE reimbursement. What's the matter with that? I think you have to look, Ladies and Gentlemen, at the big picture, and decide whether or not we are going to provide for adequate health care for the people who cannot otherwise afford it on the west and south side of Chicago. And I would urge an Aye vote on this conference committee.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz, to close.

SENATOR LECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think the President said it very, very well as far as what this conference committee's about. But let me point out to you, in the last year and a half, five hospitals closed in the City of Chicago. Let me also point out to you that this is a -- statewide problem, and really a nationwide problem as far as reimbursement rates to hospitals. Whether they're private or public, the hospital rate reimbursement by the feds and this State do not meet the needs of the actual costs of treating those patients. People mention the University of Illinois and its excellence as a teaching facility in medical care. And that was true and it is true. But the problem being that the University of Illinois Hospital only has a very small patient load. In order to be a teaching facility, you have to have a diversity of patients. That's what the affiliation is to promote. A better teaching facility from the University of Illinois and its personnel, and having the ability to treat a diverse patient load. I think

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anyone who questions the sincerity of a Stanley Ikenberry, the sincerity of a George Dunne, does not realize the type of individuals you're talking about. In my personal opinion, Stan Ikenberry is not only the finest President of -- the University ever had, but one of the finest in the nation. And to impugn his integrity on a situation where he, in good faith, realized the University of Illinois has to maintain a teaching facility, would have to have a diversity of patients, is an injustice. His negotiations with the President of the County Board and its membership was always aboveboard. And what was contained in this Conference Committee Report was stated in the press, was stated before the County Board and stated in this -- this Chamber. Before and now, I think this is a good situation for the University of Illinois, and it's a decent situation for Cook County. And let me go back and just ask yourself one question. Who has been providing the health care for the poor and the needy, if it hasn't been the County Board? Whose responsibility is it? And they haven't shirked from their responsibility. They, I think, with Stan Ikenberry and George Dunne, and a proper medical facility on the west side, the poor will be better served with your help and your Aye vote. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 1191. 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, please, Madam Secretary. On that question, the Ayes are 16, the Nays are 39, 3 voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. And the sponsor seeks a Second Conference Committee Report.

PRESIDENT ROCK:

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All right. Ladies and Gentlemen. We will move, then, to the Order of Senator DeAngelis' Supplemental Calendar Number 11, if that's your desire. Senator DeAngelis? All right. Ladies and Gentlemen, it's twenty-one minutes after eleven. There are a number of Members on Senate Calendars 11, 12 and elsewhere, who would dearly loved to be called before midnight and we'll try to accommodate those who -- want to be called. Madam Secretary, on the Order of Supplemental Number 11, Conference Committee Reports, is a Conference Committee with respect to House Bill 760.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 760.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Conference Committee Report No. 1 on House Bill 760 does several things. The first thing that it does, it changes the name of the Metropolitan Fair and Exposition Authority to the Metropolitan, Pier and Exposition Authority. And it authorizes that authority to own and develop Navy Pier. It makes structural changes in the board. Terminating...terminating the terms of the current members and increasing the membership from twelve to thirteen, with the additional member to be appointed as Chairman, by the Mayor, with the Governor's approval. It amends...I...the second thing that it does, it amends several different sales tax acts and increases the amount of sales tax deposited into the Build Illinois Fund from 2.2 percent to 3.8. And raises the amount to pay debt service. This permits financing for three hundred and twenty one million dollars in higher education, science and technology projects, a hundred and fifty million dollars for Navy Pier, a hundred and fifty-eight million for waste water treatment grants for local government and fifty-nine million for other recreations parks, zoo and exposition

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projects. The next thing it does, it amends the Cigarette Tax Act by raising the cigarette tax by ten cents per pack, which raises approximately ninety-six million dollars, and has an effective date upon becoming law. I'll be happy to answer any questions.

PRESIDENT ROCK:

Any discussion? Senator Joyce.

SENATOR JOYCE:

Are there any other speakers, Mr. President?

PRESIDENT ROCK:

There are not, sir.

SENATOR JOYCE:

I move the previous question.

PRESIDENT ROCK:

The previous question has been moved. Senator DeAngelis, do you wish to close?

SENATOR DeANGELIS:

Only to say that a vital part of what we have attempted to do, and for those of you who have voted for a tax, may think that you've done all there is need to be done, but the fact is that there is still a hole in that budget. Because the budget that was adopted does in fact have need for the revenues raised by the cigarette tax. I urge an Aye vote.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference Committee Report on House Bill 760. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 23 voting Aye, 21 voting Nay, 2 voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. And Senator DeAngelis requests the appointment of a Second Conference.

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SENATOR DeANGELIS:

No. No. Postpone.

PRESIDENT ROCK:

I'm sorry. The Gentleman has requested further consideration of this conference committee should be postponed. Without objection, so ordered. Ladies and Gentlemen, we're going to move along here, because Members have bills that they wish to be called. It appears, by anybody's reckoning, we will probably be here tomorrow, as the hour of midnight approaches. But if -- if Members have bills they wish to be heard tonight, this is the moment. House Bill 32. Senator Maitland. We are on Supplemental Calendar No. 12. 2520. Senator Luft. On the Order of Supplemental Senate Calendar No. 12 is the Conference Committee Report with respect to House Bill 2520. Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 2520.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The First Conference Committee Report ran into problems when we had a provision in here for the Southwest Industrial Corporation. That has been removed. The Conference Committee, now, just relates to the Rural Bond Bank that was asked for by the Lieutenant Governor's Office. I would attempt to answer any questions. If not, I'd ask for the adoption of House Bill -- the Conference Committee Report to House Bill 2520.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Question to the sponsor.

PRESIDENT ROCK:

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Indicates he will yield, Senator Keats.

SENATOR KEATS:

Senator Luft. Under this Rural Bond Bank, is the State still responsible should they fail and not meet their debts, et cetera? Is this like a FSLIC or FDIC that the State -- even though we're not committed to the bonds, but we would have to pick up the expenses? Is this a full faith, somewhere, we're going to pay this?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

These are State bonds. This is the Lieutenant Governor's program. It's my understanding they're GO Bonds, issued by the Governor, State of Illinois.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

So we are using full faith and credit of the State General Obligation Bonds for speculative investment in competition of the private sector. Folks, we beat the bill once. I would just suggest we defeat it a second time. It just is not a great idea to put the full faith and the credit of the State on loans that the private sector would not want to make.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Parliamentary inquiry, Mr. President. If these are General Obligation Bonds, doesn't it take 36 votes to pass?

PRESIDENT ROCK:

I'll have to ask the Parliamentarian, and take a look. If I can find one. Senator Luft are they GO Bonds.

SENATOR LUFT:

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It's my assumption that they are GO Bonds, but it's not - Senator Keats, you're talking about what was taken out of the bill. I just got through explaining that that was all taken out. We are back to the original bill. The Lieutenant Governor of the State of Illinois asked for fifty million dollars in bonds for rural development. They are State bonds, just as though we would issue any other bonds in the State of Illinois. To my knowledge, we're not competing with any private sector. The Home Mortgage Program that was requested by the Southwest Industrial Corporation is no longer in here. So what you and I are discussing right now, is moot.

PRESIDENT ROCK:

Senator Geo-Karis, on that basis, the answer to your question is yes. It will require 36 affirmative votes. Further discussion? Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. This got 59 votes, as it is right now, the last time it went out of here. It's the request of George Ryan, Lieutenant Governor. I was just trying to help him along by letting him amend his position and programs on my bill. I would ask for a favorable roll call.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference Committee Report on House Bill 2520. 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 wish? Take the record. On that question, there are 52 voting Aye, 4 voting Nay, 1 voting Present. Senate does adopt the Conference Committee Report on House Bill 2520, and the bill, having received the required constitutional majority, is declared passed. 2798. Senator Luft. Madam Secretary, please. Hold it. Take it out of the record. Senate Bill 125. Senator Hawkinson.

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Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 125.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 125 contains the initial provisions that passed out of the Senate, unanimously. It adds a provision, put on in the House at the suggestion of the Chicago Police Department, making it a Class 4 felony to unlawfully have in your possession and use a Food Stamp Card -- rather, a card issued by the Department of Public Aid. It has Senator Davidson's aggravating factor which we passed a while ago in House Bill 779, by Senator Daley. It has a proposal that originally lost in the Judiciary Committee, regarding the -- that was sponsored by the Retail Merchants Association, regarding the restriction on supervision on retail theft. However, this has been worked through with Senator Marovitz, who has added some language amending it. It has also stripped the provision in that bill that was objectionable to some members of the Committee regarding expungement. There's no change in the expungement of the records. I'd be happy to answer any questions. Otherwise ask for the adoption of First Conference Committee Report on Senate Bill No. 125.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 125. 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, the Ayes are 56, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on Senate



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Bill 125, and the bill, having received the required constitutional majority, is declared passed. 1164. Senator Carroll. 1391. Senator Netsch. Madam Secretary, please.

SECRETARY HAWKER:

Second Corrected Version of the First Conference Committee Report on Senate Bill 1391.

PRESIDENT ROCK:

Thank you. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The Conference Committee is not the same - well, it's the same subject matter, generally, but it is a slightly different thing. And I think it needs a little bit of explanation. This came to me rather suddenly from the State's Attorney's Office in Cook County and several other State's Attorneys who were concerned that the law that was passed last year, dealing with juveniles, was going to be impossible to implement in its pristine form immediately. They have been dutifully chewed out for not having gotten to us until the last minute. But they made a compelling case that there are a few provisions of that law that would be very difficult for them to comply with. One of which, for example, was the requirement that a minor could not be detained for more than six hours under any circumstances. And what they point out is that in cases of very serious crimes like a rape or a murder, that there is no way they can complete their investigation in six hours. What we did was - not with the concurrence, I hasten to add, of the Juvenile Justice Authority, but with their being in attendance and hearing, we tried to reach an accommodation. So that we have made a couple of revisions in that Act that make it more possible for the State's Attorneys, the prosecutors, to live with it. But we have put a self-destruct time in of May 1st of next year, so that these adjustments will automatically go out of existence on May 1st.

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That will give them time to come back to the Legislature and make their case fully, if they want any permanent changes. The concern of the Juvenile Justice Authority people is that they might lose their federal funding, because there are federal guidelines as well as the State Statute. We are hopeful that that is not true, and we recognize it. There is some risk. And so we have included a provision which says that this section is repealed upon receipt by the State of Illinois of any communication from the U. S. Department of Justice which states that this section is not in compliance with the federal requirements of the Juvenile Justice Delinquency Prevention Act. So that we think we are covered on every possible contingency. We would prefer not to have to do this, but I think the State's Attorneys made a very compelling case that they cannot fully comply immediately with this.

PRESIDENT ROCK:

Senator Netsch. Nine people have indicated they wish to be heard on this. Now I am making every attempt to accommodate those who wish to finish by midnight. Direct question. Does this one have to go before midnight?

SENATOR NETSCH:

It has an immediate effective date.

PRESIDENT ROCK:

You didn't answer my question.

SENATOR NETSCH:

Yeah. In the view of the State's Attorneys, yes, because the Act takes effect July 1.

PRESIDENT ROCK:

Okay. Then just understand, now, we may not get back to some of these other things that you -- one of which you're interested in. We'll just roll on here. Senator Topinka.

SENATOR TOPINKA:

Just a fast question. It was my understanding that originally

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I had a bill, which I Tabled in the House, under the impression that it would be in here. That's Senate Bill 694, which would kind of make a differentiation between the contracts that a school or a small municipality would have, where it required only on bids of contracts of ten thousand dollars or more, so that they wouldn't have to go through this whole process if they had a twenty-dollar window they needed to take care of. Is that in here?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

No.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Senator Netsch. What you were talking about was the Juvenile Detention Law or something, right? According to our analysis, it has nothing to do with juveniles. It's about bid-rigging.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

The original bill had to do with that. This is -- has to do with Juvenile Justice and the Criminal Code.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Sorry, they gave me the wrong analysis.

PRESIDENT ROCK:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much. Just one question, Senator Netsch. The question about repealer, having to do with the receipt -- of any

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communication from the U.S. Department of Justice. For legislative intent, Senator Netsch, regarding that repealer. Are we talking about formal notice from the U.S. Department of Justice, that, in fact, funds will be cut off for lack of compliance?

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Yes. We are talking only about a formal notice from the Department of Justice along the lines you have suggested.

PRESIDENT ROCK:

Further discussion? If not, Senator Netsch may close.

SENATOR NETSCH:

Roll it.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1391. 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, the Ayes are 54, the Nays are 2, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1391, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, I'd turn your attention to Supplemental Calendar Number 13. Senate Calendar Supplemental 13, on the Order of Conference Committee Reports, there's a Conference Committee Report on Senate Bill 572, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 572.

PRESIDENT ROCK:

Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We have an amendment to -- or I ask that we concur with Conference Committee -- First Conference Committee on Senate Bill 572, which is the River Boat Gambling Bill. This bill has been changed slightly, in order to allow four licenses on the Mississippi River and one license on the Illinois River for -- effective January of 1990. And then the other five licenses that were referred to earlier, to -- to phase in in 1991. There has been an added language in regards to -- to Arlington Park in regards to some -- some tax abatement, and with that, I'll be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Rigney.

SENATOR RIGNEY:

Will the sponsor yield?

PRESIDENT ROCK:

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

This Arlington language, what are you attempting do to with that? Do I understand you're going to try to roll back their assessed valuation to what it was a couple of years ago, when there wasn't even a track -- or a stadium there?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. As I understand it, Senator Rigney, the -- the purpose of this, as been agreed to, as I understand it, by -- by the City of Arlington and to the County, is to roll back the taxes and -- and to give a tax break for the next twenty years for the purpose of Arlington Park rebuilding in that area. And I think the factor has been considered that for the jobs that has

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been created - and we passed out legislation this year, here, in regards to -- to anything to where we have a -- a position to where -- to where someone is adding jobs and/or is maintaining a certain amount of interest in the community, that we have -- have paid attention to that. And I think that's what we're doing in this case.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Well, the thing I'd point out to you - those units of local government around there that are going to be affected have an abatement procedure. If they wanted to give this kind of a tax break, I assume they probably could have done that. Apparently, they have not elected to do so. And now we're going to tell them for the next twenty years that they're going to have to do this. What type of an assessed figure are we talking about holding them at?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Mr. President, thank you. Senator Rigney, I wish I could really respond to that. This is at the request of -- of the Governor that this was put on, and -- I really don't know what those numbers are. All I know is that the -- the issue has, as I understand it - and that's all I can tell you, is what has been attested to me - is that -- that the -- the agreement has been reached with the city and the county as to this being done, but there are some legal implications which does not give them the authority to -- to abate taxes beyond a particular - what shall I say - length of -- of office of one term to another. And this would do that.

PRESIDENT ROCK:

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Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, I have questions about that, also. It seemed to me we gave them some kind of tax breaks a couple of years ago. And so did the Village of Arlington. I haven't followed up on it, so I don't know where all that is, but, at any rate, my question doesn't have to do with that. I would like to just get a very clear, and on the record, about how -- how we prevent this from happening on other rivers in the State of Illinois? I do not want gambling boats on the Fox River. And I want to know how we go about, I mean, we have to ask for it, or can they just impose it on us?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Well, Senator. Under this particular legislation, as the draft is now, you have two protections. Number one, under the first -- the first licenses that -- that are to be given, four will be on the Mississippi; one, will be on the Illinois. So that excludes any other river, other than those. The second portion, which is the trigger-in, comes a little bit later, which is in January of 1991. So at that time, we would have an opportunity, as a Body, that if we felt that a particular river does not want to be in, we can come back and legislatively say that. Or number two, your -- your local unit of government, whether it be a municipality or whether it be the county, has that opportunity to then say no.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. In regards to the Arlington Park situation. When the legislation that passed out a couple of

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years ago gave them the opportunity to talk to the units of local government and request an abatement, the Village of Arlington Heights did do that. The rest of the bodies chose not to. Now what's happened since that time is that an edifice has been built that cost considerably more than what it was anticipated. And therefore, if that get -- property gets on the books, at the assessed valuation, the tax incurred on that would virtually make the race track unprofitable through infinity. And there would only be two ways of changing that. One is to go back and change the racing laws substantially, which I don't think anybody wants to do in this Body. And the other one, obviously, would be to close the track. And let me point out to you, the request they're making brings the assessed valuation at the highest level it ever was. That will then raise it thereafter, based on the average rate of increase for the surrounding area. I don't think it's an unreasonable request, but it's up to you.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I rise to support this bill, even though my area has been left out. I think it is a good bill, and I think it will bring -- economic development to areas that need it, such as Peoria and such as the area that Senator Jacobs is in.

PRESIDENT ROCK:

All right. Senator Jacobs, to close.

SENATOR JACOBS:

Ask for a favorable roll call.

PRESIDENT ROCK:

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 572. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the



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record. On that question, there are 39 voting Aye, 14 Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 572, and the bill, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we have exhausted the Calendars as they sit before us. There are others in the works. There are others at the printer. In the meantime, we have had two requests to go back to the Order of Consideration Postponed. Senator Netsch. We will go back, and I would ask the Members to keep their remarks brief, in fairness. We have about eleven minutes before the bewitching hour. Madam Secretary and I then turn into -- Cinderella and the Pumpkin. And I'm not going to tell you which is which. Senate Bill 292 and House Bill 760. On the Order of Secretary's Desk, Concurrence, Consideration Postponed, is Senate Bill 292, Madam Secretary.

SECRETARY HAWKER:

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

PRESIDENT ROCK:

(machine cutoff)...I've always wanted to move faster than the computer. The computer can't move that -- as fast as you, either, Aldo.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 292.

PRESIDENT ROCK:

All right. Senator Netsch. All right. Again, I'd ask the staff, please, give us your indulgence. There are only about eleven or twelve minutes before we can...

SENATOR NETSCH:

Thank you, Mr. President. Ladies and Gentlemen of the Senate. This is your last chance to vote pro-family. I urge an Aye vote on Senate Bill 292.

PRESIDENT ROCK:

Senator Netsch has moved concurrence on House Amendment No. 2

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to Senate Bill 292. Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This is our last opportunity to kill this bill. Let's do it again.

PRESIDENT ROCK:

Question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 292. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays, none voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 292, and the bill, having received the required constitutional majority, is declared passed. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Nothing.

PRESIDENT ROCK:

Thank you. I'm sorry. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. I request a verification of the Aye votes.

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Karpziel, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Welch, Zito and Mr. President.

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PRESIDENT ROCK:

Senator Kustra, you question the presence of any Member?

SENATOR KUSTRA:

Karpiel?

PRESIDENT ROCK:

Senator Karpiel on the Floor? Strike her name, Madam Secretary. All right. The roll has been verified. On that question, there are 30 voting Aye, 27 Nays, none voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 292, and the bill, having received the required constitutional majority, is declared passed. On the Order of Consideration Postponed, Conference Committee Reports, is a Conference Committee Report with respect to House Bill 760, Madam Secretary.

SECRETARY HAWKER:

Conference Committee Report No. 1 on House Bill 760.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 760 is the changing of the Metropolitan Fair and Exposition Authority to the Metropolitan Pier and Exposition Authority, that has the cigarette tax at ten cents per pack. The House just passed the bill, after having it on Consideration Postponed. I urge a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDENT ROCK:

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator DeAngelis, how does this money get transferred into the Build Illinois Fund for wastewater treatment projects that are

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referred to on the first page?

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

It's a sales tax transfer, Senator Welch.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.E. JOYCE:

Mr. President, inquiry of the Chair. Are there any other speakers?

PRESIDENT ROCK:

No, sir.

SENATOR J.E. JOYCE:

Move the previous question, please.

PRESIDENT ROCK:

Previous question has been moved. Senator DeAngelis may close.

SENATOR DeANGELIS:

This is a very integral part of our total tax package. Please vote Yes.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on House Bill 760. 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, 24 Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 760, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen. While we are awaiting -- while we are awaiting additional Supplemental Calendars, because the plan is, indeed, to finish this evening - or this morning. There's

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been a request to go to Motions in Writing on Page 21 of the Regular Calendar. Page 21 on the Regular Calendar. Motion in Writing with respect to Senate Bill 4-4-9. Senator -- Madam Secretary.

SECRETARY HAWKER:

Having voted on the prevailing side of Senate Bill 4-4-9, I move to reconsider the vote by which concurrence -- the concurrence motion on House Amendment No. 1 failed. Filed by Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I, in fact, filed this motion. I would move to reconsider the -- the vote by which the concurrence motion failed.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to reconsider the vote by which the Senate non-concurred in Senate Amendment No. 1 to House Bill 449. Discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor?

PRESIDENT ROCK:

Indicates he'll yield.

SENATOR BERMAN:

Senator Demuzio, what is going to be the cost of Senate Bill 449, this bill to raise the compulsory attendance age to age eighteen?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

I will yield to Senator Severns with respect to that, sir.

SENATOR SEVERNS:

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Thank you, Mr. President. I believe that the question is not debatable. It's a motion on the Floor, is it not?

PRESIDENT ROCK:

Motions to Reconsider, are in fact, debatable. And the Gentleman has the right to ask what we are reconsidering. Senator Severns.

SENATOR SEVERNS:

The answer to your question, at least based on this SBE estimate - which they admit may or may not be correct - is that eight thousand students could be affected by this bill at an estimated cost of twelve million dollars.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Once again today I rise in opposition to this -- this legislation. This is another one of those bills, where it - on the surface - appears to be difficult issue to oppose. But the fact of the matter is, we're talking about compulsory attendance here. And as we debated the other day, and Senator Berman and others so carefully articulated, we are attempting to keep in school some young men and women who simply, Ladies and Gentlemen, have no desire to stay in school. Could be our fault, could be their fault...

PRESIDENT ROCK:

I'm sorry -- I'm sorry, Senator Maitland. Senator Demuzio, your...

SENATOR DEMUZIO:

Well, I think the Gentleman is debating the bill. I - you know I've simply made a Motion to -- Reconsider, and I wish the Gentleman will confine his remarks to that.

PRESIDENT ROCK:

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Senator Maitland, if you please.

SENATOR MAITLAND:

Well, I guess, Mr. President, I was trying to make a case against the...

PRESIDENT ROCK:

Well, we're all trying to make cases just before midnight...

SENATOR MAITLAND:

...against the motion. I -- you know, I renew my point. I think this issue has been debated a great deal, a number of times, and I think -- I think we ought to put ourselves in a position of opposing it once again.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

I don't know how many others have recorded -- but I would like to move the previous question.

PRESIDENT ROCK:

Twenty-two.

SENATOR KELLY:

Twenty-two lights?

PRESIDENT ROCK:

Yes.

END OF TAPE

TAPE 10

PRESIDENT ROCK:

Senator Schaffer. Oh, he took his light off. All right.  
Senator Berman.

SENATOR BERMAN:

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Thank you. I was...

PRESIDENT ROCK:

I didn't mean to cut you off in midstream. I am sorry about that.

SENATOR BERMAN:

Let -- parliamentary inquiry.

PRESIDENT ROCK:

Yes.

SENATOR BERMAN:

Motion to Reconsider will be taken first, and then we will debate the bill. Is that the purpose of the point of parliamentary -- or the point of order raised by Senator Demuzio?

PRESIDENT ROCK:

That is correct.

SENATOR BERMAN:

Well, then, I would like to debate the bill when we get to it.

PRESIDENT ROCK:

Senator Jacobs. I don't know. Your light's on. What can I tell you? All right. Senator Demuzio, having voted on the prevailing side of Senate Bill 4-4-9, he moves -- has moved to reconsider the vote by which the concurrence motion on House Amendment No. 1 failed. Those in favor of that motion will vote Aye. Opposed, vote Nay. The voting is open. It will take thirty affirmative votes. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 32 voting Aye, 20 voting Nay, none voting Present, and the motion prevails. Main question -- question is concurrence in House Amendment No. 1 to Senate Bill 4-4-9. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that we recede -- that we accept House Amendment 1 to Senate Bill 449. Each of the bills introduced this Session



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dealing specifically with the growing dropout rate are dead, except for this bill. This bill asks us to consider whether or not we want to continue by law a State policy which permits children to drop out at the age of sixteen. This bill asks us to say no to such a policy. The Center for Educational Research at Stanford, in their report on the social costs of dropping out of school, says that the total cost of lifetime earnings was estimated to be 237.6 billion dollars for men, and about half again that for women, and that the annual cost of added welfare and unemployment services to dropping out were about three billion, and another three billion was estimated at the annual cost derived in a variety of ways from higher levels of criminal activity among dropouts. The Governor is for this bill, the State Board of Education is for this bill, the Illinois Education Association, the Chicago Teachers' Union are for this bill. I think all of us should be for this bill, and I would urge your favorable vote.

PRESIDENT ROCK:

Further discussion? There are twenty lights on, so truly, I know what time it is. You know, I am -- I am a big boy, and I have been here a long time. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. You know, I regret, because of the timing of this, that -- that you may feel that have been imposed upon, but I want you to understand, first of all, that this bill should not have been passed out of here the first time around. Right, Senator Watson? This bill received 31 votes, and there were 2 votes that were not intended to be voted green when this bill first passed out of here. So this is a -- the fact that we are back here is by an accident, as far as the vote was concerned, Senator Severns. I just want to put that on the record. Secondly, let me point out to those people from schools that have

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problem children. The dropout rate in the City of Chicago approached in many schools - not some, not a couple, but in many schools - almost seventy-five percent, and that is a statistic computed on a sixteen-year-old mandatory compulsory age. We are not addressing the obligations that we have to children up to sixteen years of age. We passed a bill with every vote in this Body except one, in 1985, for dramatic attention to dropouts and truant programs. We haven't funded that program, and this bill is going to cost us twelve million dollars more to take -- to address, not to -- not to really take care of, but to give some gesture towards programs of the sixteen - to eighteen-year-olds. It will cost us tens of millions of dollars to address the kids that we already have an obligation to keep in school. This sounds great on either the Governor's press release or somebody else's, but we are kidding ourselves. Let's be realistic. Let's do the job for the children that want to learn, and that we said must learn. The ones that are up to sixteen. If you pass a bill like this, you are going to have programs where the kids that are unmanageable up to sixteen are going to be quadrupled for the unmanageable kids up to eighteen, and your kids and my kids that want to learn will have a tougher time doing it. Let's give ourselves a chance to put the money to work that we passed earlier tonight. To put the programs that we voted for in '85 to work, and fund those adequately, to address the commitments that we previously made, before we undertake greater ones. I urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I guess I made most of my speech earlier, but I simply want to endorse what Senator Berman has just said. We introduced

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educational reform in 1985. Those of us who went around this State listening to young men and women who testified at our hearings, to find out the real reasons why they were dropping out of school, we found out that in many cases it really wasn't -- really wasn't their fault. It was more our fault. That's one side of the issue. The other side of the issue is the real -- the problem with the real troubled kids who cause problems for your children and mine in class, and we simply can't ignore that. Money really isn't the issue here. It's the money <sic> of educating men and women. We have to put in place a mechanism that we have now available to us to address this problem, and I would once again, Mr. President, urge opposition to Senate Bill 449.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I rose in support of this bill originally, and I again -- I guess I get frustrated by the education community creaming, wanting to teach the easy kids, but not the hard ones. I would point out, if I understand the situation correctly, if this bill gets over thirty, but under thirty-six, it will be delayed, and perhaps that's a reasonable compromise, that give our cowardly friends in education, who just got a rather large increase in State money, time to get their stuff together to handle the troubled kids. I would point out to the Members on this side of the aisle, that the State Board is for this and the Governor has this as part of his package, too. So those that are crying poor mouth about funding, I think, can depend on the Executive Branch for some help. I would also point out, again, this isn't going to do anything particularly for my district. My people -- my high school people say we have a very small number of kids - we are taking care of them. This is -- this is, frankly, something primarily the City of Chicago, and I am standing here

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from McHenry County telling you that I am willing to spend this money in the City of Chicago to keep these kids in school, rather than out on the streets selling drugs, selling their bodies, getting into crime. It's ridiculous for us. Society has changed. Sixteen years old - that requirement was when we were in an agricultural community. Well, I'll suggest to you that Cabrini Greens and Robert Taylor Village are not agricultural communities. I would suggest to you that none of these kids have any business being anywhere but in school until they are eighteen years old or have a high school diploma. This is one time when I think we have a program that benefits the City of Chicago that those of who care about the long-term stability and health of our State can vote for it. We are going to pay for these kids in high school or we're going to pay for them in prison. We are going to pay for them one way or the other, and I am a little disappointed again in the education community copping out. I think we should keep their feet to the fire. I think we ought to give this bill at least 30 votes or more, and I hope that all of you who have concerns beyond the borders of your own particular district and have a somewhat statewide perspective, will help us on this roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I, too, rise in very strong support of this bill. And shame on us, Senator Berman, if our rationale for not voting for this bill is because we do not have enough money to take care of the children that we have up to sixteen years old. I think that is the saddest excuse of all, because what we are saying, for the rest of those children up to eighteen, shame on them, they have to make it the best way they can. That's -- and if you look at what is happening in our inner cities, where the drug and the underworld is

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competing for those young men and women who drop out of school, and then we end up with them in prison, and pay up to nineteen thousand dollars a year to maintain them into the State institutions, I think this is a much, much better deal to give these students. Maybe we can't save all of them, but many of the other states have raised the compulsory age, and -- and you cannot say that if we save fifty percent of 'em, twenty-five percent of 'em, that we would not have saved money and saved lives by producing productive citizens, because three out of -- three out of five of those end up in some kind of illegal activity when they drop out of school. I think what we need to be concentrating on for those children with problem and discipline problems and hard to deal with, specialized programs within the school systems, and alternative programs -- those that cannot be -- cannot be taught without disrupting a normal classroom, and make special provisions for them, and not just give up and throw our hands up and say without any hope, "We don't care what happens to you," because that's what we are saying here when we vote against that bill. Having -- not having enough money is not an -- a good enough excuse, and most certainly not for those children who are crying out for help. I think we ought to pass this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. May I request you use a timer?

PRESIDING OFFICER: (SENATOR D'ARCO)

I am -- I am using it.

SENATOR LUFT:

All right. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Your time -- oh. You don't want to speak? Okay. Penny, I mean, Senator Severns may close.

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SENATOR SEVERNS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know the hour is late -- later than I would have liked, but the hour is late and this bill is important. We have addressed education all of this year, and yet the students still are permitted in Illinois to drop out, legally, at the age of sixteen. This is the very last bill of the many bills that have been introduced. I know Senator Keats at least introduced a bill earlier. Senator Kelly. Bills from the House. Another bill that I introduced. This is the very last bill in the General Assembly that attempts to address in a serious way the growing number of dropouts. Let us say that our current dropout rate is unacceptable, and let us say that we no longer sanction for a child to quit school at the age of sixteen. Let that not be the policy of this State, when the State Board of Education, the Governor, the Illinois Education Association, the Chicago Teachers' Union, and many concerned educators believe that we should do better. Please consider voting Aye on this important bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 4-4-9 -- the question is, shall the adopt the Conference Committee Report on Senate Bill 4-4-9. Those in favor -- oh, is this a Motion to Concur? The question is, shall the Senate concur in Senate Bill -- Amendment what? Amendment No. 2 to Senate Bill 4-4-9. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 29 Ayes, 24 Nays, none voting Present, and the Senate has failed to concur in Senate <sic> Amendment No. 2 to Senate Bill 4-4-9, and the Secretary shall so inform the House.

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