

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

71st Legislative Day

July 16, 1991

PRESIDENT ROCK:

The hour of ten-thirty having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by Pastor Michael Koschmann, Immanuel Lutheran Church, Riverton, Illinois. Reverend.

THE REVEREND MICHAEL KOSCHMANN:

(Prayer by the Reverend Michael Koschmann)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. 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 Sunday, June 30th; Monday, July the 1st; Tuesday, July the 2nd; Wednesday, July the 3rd; Thursday, July the 4th; Friday, July the 5th; Saturday, July the 6th; Sunday, July the 7th; Monday, July the 8th; Tuesday, July the 9th; Wednesday, July the 10th, Thursday, July the 11th; Friday, July the 12th; Saturday, July the 13th; Sunday, July the 14th and Monday, July the 15th, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senate Resolution 688 offered by Senator Vadalabene. It's a congratulatory resolution.

And Senate Resolution 689 offered by Senators Smith and all Members.

It is a death resolution.

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PRESIDENT ROCK:

Consent Calendar. Senator Vadalabene for what purpose do you arise, sir?

SENATOR VADALABENE:

Yes, thank you, Mr. President and Members of the Senate. There will be a Democratic Caucus in Room 212 immediately. Right now. Yes.

PRESIDENT ROCK:

That request is in order. Democratic Caucus immediately in Room 212. Senate will stand in recess until two o'clock. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

I'd like the record to indicate that Senator Keats is not here today. He is convalescing from an automobile accident.

PRESIDENT ROCK:

The record will so reflect. We'll stand in recess till two o'clock. Democratic Caucus immediately in 212.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

Senate will please come to order. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 690 offered by Senator Topinka, Senators Dudycz, Raica and all Members.

It is commemorative.

And Senate Resolution 691 offered by Senator Geo-Karis and all Members.

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It is a death resolution.

PRESIDENT ROCK:

Executive. I mean, Consent Calendar, I'm sorry. Ladies and Gentlemen, we will begin on Page 11 on the Calendar on the Order of Conference Committee Reports. That is Senators Joyce, Cullerton, Rea, Dunn, Carroll. There are, I think, twenty-eight reports. Senator Maitland, for what purpose do you arise, sir?

SENATOR MAITLAND:

Thank you, Mr. President. I was rising to make a motion to move and suspend the appropriate provisions of Senate Rule 5(c) with regard to House Bill 214, so we might consider that bill this evening.

PRESIDENT ROCK:

All right. That motion will -- will be put. I just wanted to get through the conference committee reports.

SENATOR MAITLAND:

Thank you.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, we will begin on the Order of Conference Committee Reports. Pages 11, 12 and 13. House Bill 56. House Bill 121. Senator Cullerton. 175. Senator Rea. 434. Senator Dunn. Bottom of Page 11. 738. Senator Carroll. Madam Secretary, on the bottom of Page 11, on the Order of Conference Committee Reports, is a report with respect to House Bill 738. Please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 7-3-8.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The content of the Conference Committee Report on House

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Bill 7-3-8 is the prompt payment bill that we have been talking about for so long and so hard and so fast, woe these many months. And what it will do - as unlike what we passed initially in the Senate, which was to make it effective fifteen days ago - this would delay the effective date one year and say starting July 1, of 1992, any bills not paid within sixty days - there was some people who wanted thirty - but this was said sixty days, then interest at the statutory rate would apply. That -- the hope is, obviously, that the State would never have to send out an interest check, but what it would do is, it would say - and I have a resolution to implement in the interim - that people like CMS, DOT, the Comptroller, the Governor's Office, the Bureau of the Budget would sit down and promulgate rules as to what are goods and services and say that from July 1, 1992 on, anybody not paid within sixty days would no longer have to jump through hoops, but would, in fact, automatically, receive interest on that unpaid amount. I think it is quite clear to the Members of General Assembly that when we, in fact, ask others - like hospitals, pharmacies, nursing homes and other caregivers - to give service to the people of the State of Illinois at our behalf, that we have an obligation to pay them in a fairly timely manner. Sixty days is a reasonable amount of time for the State to get its paper work done and pay these people. If we do not, we should bear the brunt of paying interest. It is again the hope of at least me, as one of the proponents, and I think everyone else who's ever proposed this, that never should a dime be paid. Hopefully, the people will be paid within the sixty days, and I would urge adoption of Conference Committee Report No. 1 on House Bill 738.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on House Bill 7-3-8. Is there any discussion? Any discussion? If not, the question is, shall the

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Senate adopt the Conference Committee Report on House Bill 7-3-8. Those in favor vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 11 Nays, 14 voting Present. The Senate does not adopt the Conference Committee Report on House Bill 738. Senator Carroll.

SENATOR CARROLL:

Just a parliamentary inquiry. Since the effective date was July 1, 1992, would it not be passed?

PRESIDENT ROCK:

My understanding from the parliamentarian is that anything to be effective before July 1, '92, requires an extraordinary vote. Senator Carroll.

SENATOR CARROLL:

And this one is effective July 1, '92. There's nothing in there that's effective before. The rest of it we are doing by resolution - the other implementations.

PRESIDENT ROCK:

Well, we'll check.

SENATOR CARROLL:

Thank you.

PRESIDENT ROCK:

Senator Carroll, it appears from the text that you are correct, that the effective date is indeed July 1, 1992 and so the Chair was in error. And on that question the Ayes are 32, the Nays are 11, 14 voting Present. The Senate does adopt the Conference Committee Report on House Bill 7-3-8, and the bill, having received the required constitutional majority, is declared passed. Senator Dunn on House Bill 434. Madam Secretary -- I'm sorry, Senator Weaver, for what purpose do you arise, sir?

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SENATOR WEAVER:

Mr. President, I was asking for a verification of the roll call.

PRESIDENT ROCK:

That request is in order. Gentleman has requested a verification of that roll call. Will the Members please be in their seats. Madam Secretary, please read the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, O'Daniel, Palmer, Rea, Severns, Smith, Topinka, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

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

SENATOR WEAVER:

Senator Lechowicz.

PRESIDENT ROCK:

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

SENATOR WEAVER:

Jeremiah Joyce.

PRESIDENT ROCK:

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

SENATOR WEAVER:

Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz on the Floor? He is on the Floor.

SENATOR WEAVER:

Senator Rea.

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PRESIDENT ROCK:

Senator Rea? In the phone booth, just coming out.

SENATOR WEAVER:

Jerome Joyce.

PRESIDENT ROCK:

Senator Jerome Joyce is in the aisle. All right. The roll has been verified. On that question, there are 30 Ayes, 11 Nays, 14 voting Present. The Senate does adopt the Conference Committee Report on House Bill 738, and the bill, having received the constitutional majority, is declared passed. 434, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 4-3-4.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill addresses several issues, at the request of the Department of Corrections, namely; that the -- permit the use of potassium chloride in the carrying out of an execution, and to provide for confidentiality as to the executioner, and would allow DOC to pay that executioner in cash to preserve the confidentiality, and would also -- has a provision in it dealing with prohibition of tinted plates or plastic license plate covers, also has a provision in it for the administrator of an approved student assistance program to obtain juvenile court records. I urge a favorable vote.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on House Bill 434. Discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 4-3-4. Those in favor, vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 1 Nay, 7 voting Present. The Senate does adopt the Conference Committee Report on House Bill 4-3-4, and the bill, having received the required constitutional majority, is declared passed. Top of Page 12. 9-6-8. Senator Jones. 1007. Senator Marovitz. 1073. Senator Cullerton. Madam Secretary, top of Page 12, there is a Conference Committee Report with respect to House Bill 1073.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1073.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This Conference Committee Report is supported by the Illinois Department of Mental Health and Developmental Disabilities. It -- it does follow some of the recommendations made by the Governor's Task Force to Rewrite the Mental Health Code, and I will simply go through the changes, and be happy to answer any questions. It establishes new procedures for the involuntary administration of psychotropic medication and provides for due process procedures involved in that involuntary administration. It adds a requirement that when a recipient is both restrained and secluded, that a qualified person must observe the recipient no less than every fifteen minutes - current law requires continuous observations. Also excludes momentary person-to-person contact, or that is restraint, from the definition of restraint. Specifies that authorized disclosures of patient records and communications will only be required by court-ordered subpoena. It extends the repealer of the Inspector General Office in the Department of Mental Health until January of '93. We tried to do that with Senator Kelly's bill, Senate Bill 706, but it was not signed prior

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to July 1st, the date of the original repealer. So it -- we need to do it in this bill. The rest of the provisions are just various changes that were discussed by Members of this commission to revise the Mental Health and Developmental Disabilities Code, and be happy to answer any questions, and indicate once again that the Department is supportive of the Conference Committee.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on House Bill 1073. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is the reference to subparagraph (9) in paragraph (a) in the confidentiality provisions and the new restrictions as to homicides investigation, is that still in this Conference Committee Report?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes, it is.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, to the Conference Committee Report then, Mr. President: I would urge opposition and urge that this Conference Committee Report be dumped, and that a second one be adopted that would be identical, except for the inclusion of the part that I am talking about - and let me explain why. This provision says that in order for a subpoena to be honored, you will have to go and get a court

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order before the subpoena for records can be honored. That's fine as to every provision in the Mental Health Code that we're talking about except, I would suggest, as to subparagraph (a)(9). That says that for ongoing homicide investigations and prosecutions, the state's attorney would not be able - or a police department would not be able - to secure vital information about an escapee or -- or other person who may be a suspect in a homicide, without first going to a court and getting a court-ordered subpoena. I would suggest that the current law in subparagraph (b) already provides adequate protection to the facility or anyone wishing to challenge a subpoena issued by a state's attorney, because it allows the person who's the subject of the subpoena, or the subject matter of the subpoena, to go to court and have an in camera inspection. I think this proceeding would unduly hamper law enforcement in homicide investigations. I have no problem with the rest of the Report, but I had suggested earlier that this particular subparagraph be omitted and it has not been, and I don't think we want to be doing this to law enforcement. I would urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

May -- will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Geo-Karis. I'm sorry.

SENATOR GEO-KARIS:

Senator, is this the one and only Report on this bill? I have in my hands First Conference Committee Report.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Right. First Conference Committee Report.

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PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

As to -- relative to the subpoena powers, I think it's covered on this report in -- on Page 15, if you'll look at your Page 15. And it said that -- it says a -- no person with the effect "shall serve a subpoena seeking to obtain access to records or communications under this Act, unless the subpoena is accompanied by a written order issued by a judge, authorizing the disclosure of the records or the issuance of the subpoena." Can you tell me why you've included that in this Report?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Cullerton.

SENATOR CULLERTON:

Yes, it was done at the request of this commission, as I indicated, and the reason for it is that the -- it's -- it's basically what the current practice is. When they receive a subpoena, they immediately go to court and they tell the judge that they will not honor the subpoena until the judge orders them to do so. And that is the reason why they have put this in, and that's why, when we discussed this with members of the Department, I understand they -- I believe they discussed it with Senator Hawkinson. There perhaps is still a difference of opinion, but that's why they put it in there. They said that they go to the court now and ask for a court order before they issue the records that are subpoenaed. And so to simply require that they go to the court first is -- is all that this Conference Committee Report does.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

At the present time, a subpoena can be issued without a court

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order, and what you're doing is making it necessary to go to a court first to obtain a subpoena. Is the Department of Mental Health in favor of this provision in the Conference Report, or not?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Cullerton.

SENATOR CULLERTON:

No, they are in favor of this provision and asked that this provision remain in the Report, and asked me to call the bill with the provision in it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Any -- any further discussion? All right. The question is, shall the Senate adopt Conference Committee Report on House Bill 1073. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 27, the Nays are 19, and 9 voting Present. House Bill 1073, failing -- failing to receive the -- the required vote, is not adopted, and the Secretary shall so inform the House. Senator Cullerton, what purpose do you arise?

SENATOR CULLERTON:

Yes, I would ask that a Second Conference Committee be formed, and we can accommodate Senator Hawkinson.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The Secretary shall so inform the House. House Bill 1123. Senator Davidson. House Bill 1228. Senator Maitland. House Bill 1352. Senator Hawkinson. House Bill -- House Bill 1415. Senator Hawkinson. House Bill 1960. Senator Brookins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1960.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President and Members of the Senate. House Bill 1960 is a bill that we sent to the House, and the Members there added quite a few bills into one and sent it back to us. It contains twenty-five bills that we have considered by one House or both Houses. Additionally, adds various other provisions as follows: allows the county board to enact a hundred dollar fee for a second and subsequent violations of DUI laws; defines a person for the purpose of provisions governing the Secretary of State's authority to audit and determine the interest and penalties; allows special license plates for Federal Cabinet Members, and specifies that out-of-state dealers licensed under the Vehicle Code must keep records of scrap processors. Now various Member's bills have been added to this, and it's twenty-five of them covering different Senators that's here in this Chamber and House Members. And I'd ask that you give a favorable vote on this. There is no bill in here that is controversy -- controversial, so I'll ask for an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I'm not sure where to begin. Senator Brookins, we were told there's twenty-nine different issues that are now in this bill. I haven't found it yet in my pile, but I'm sure it's no doubt one of the thickest ones that we've got. It is true that some of these bills have passed both the Senate and the House. Some of them have just passed the Senate, and some of them have never gotten out of the committee. The problem that I have with this bill, and I think the problem that a lot of my colleagues have had, is that this is a complete -- this -- this is

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not done in the Senate. You know -- you may -- they may do it over in the House, but for them to take twenty-nine bills - some of which are good, some of which are terrible, and some of which frankly never got out of committee -- it's -- it's just a bad way to go. Some of them our own county superintendents of highways oppose. House Bill 271 amends the Illinois Highway Code, provides that highway authorities shall plant only vegetation that is native to Illinois along the rights-of-way passing through forest preserves, state parks and other natural areas. Our commentary is county superintendents of highways oppose this and say that it's a silly idea. How will these local highway authorities know if a plant is native to Illinois or not? They're not botanists. Senate Bill 426, exempts Cook County. Senate Bill 503 was a good bill in the Senate, but all of a sudden we had to throw it on this omnibus bill, come back with twenty-nine bills. This is a bad idea. We have told the House, all they have to do is send us some kind of a bill that we can handle - lots of little bills, as I told them. I think this is a bad idea, and I think we ought to vote No.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, to paraphrase, and perhaps shorten, what Senator Fawell just said, this is a miserable concept. We should not allow it to be shoved down our throat. And to the Members on this side, you'll recall that Senator Watson brought this up at some length in our Caucus and I think this bill ought to be shot down at this point. I think we shouldn't let the House take all our bills and do this to us. This is a bicameral Legislature, not a unicameral Legislature and let's send our friends over there a message.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

If we're at war, I hear the bombs. They're incoming. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he will yield.

SENATOR LEVERENZ:

Here's your first incoming Scud - is there any difference between this and Senate Bill 844, which I had?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR LEVERENZ:

Yes, I did sign it.

SENATOR BROOKINS:

Yes -- yes, we've added four more provisions to your bill. Let me also, while I have the mike on and answer a question that was asked by one of the Senators - how would they know what kind of weeds to plant according to the road. Well all they have to do is go across the street and look at that weed patch over there that we're paying ten thousand dollars a year for and they'll know what weeds to plant beside the road.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz, did you have some more questions?

SENATOR LEVERENZ:

You say there are four other provisions that were not embodied in 844? And someone on the side of me asked if I signed the Conference Committee Report - yes indeed, I did. I signed it upside down. What new four provisions do you have in that before we put this thing in the sewer?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

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Senator Leverenz, they're as follows: allow county boards to enact a hundred dollar fee for a second and subsequent violations of DUI laws; define a person for purpose of provisions governing the Secretary of State's authority to audit and determine interest and penalties; allows special license plates for Federal Cabinet members, and specify that out-of-state dealers licensed under the Vehicle Code must keep records for scrap processors.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz, do you have any further Scuds?

SENATOR LEVERENZ:

Yes. I don't know -- I would suggest to the Gentleman that he has a good idea much before its time. The pride of authorship is not gone from this Body nor the Body across the hall, and this is bad concept when you are trying to hide tax increases in this bill and the other increases in fees that you are trying to hide in this bill, let alone worry about the county highway superintendents because they have no botany background. Therefore, you ought to bury this baby.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. There's one more issue in this very fine bill that I think we ought to be -- you ought to be aware of and that is that a bill that was introduced apparently in the House would increase from two hundred and fifty dollars to five hundred dollars the minimum amount of property damages incurred before a person is required to and become subject to the Financial Responsibility Law of this State. What that means is there will be fewer people required to file notice with the State that they have been involved in an accident and -- and prove that they are insured for that accident. We have a Mandatory Insurance Law in Illinois and it seems to me that this bill may, in fact, cut down

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on the paperwork of the State of Illinois, but it also may be a way out for some people who are not insured and now do not have to file a report of that accident. So, we ought to be aware of that.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, a question of the sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR TOPINKA:

Yes. It's my understanding that there was an agreement between you and the minority spokesman, Senator Watson, that he would co-sponsor this bill with you provided he had signed off on all provisions of this massive bill here - this very good 29th bill -- bill that you have here that's rather weighty. Did he do that? Because it's my understanding he did not. Would you want to correct me, if that's the case?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Senator Watson's on the Floor now, but he has five bills within here. Five of Senator Watson's bills is within this one bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Any further discussion? Senator Topinka.

SENATOR TOPINKA:

Well, Senator Watson may have five bills in here, but my question still remains. In order to co-sponsor this bill, did Senator Watson agree to all of the twenty-nine provisions which are now being carried by this very weighty bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

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SENATOR BROOKINS:

The answer to that specific question is no, and Senator Watson is opposed to this, as you know.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Senator -- Senator Watson.

SENATOR WATSON:

Well, unfortunately I was off the Floor with other matters that we're all interested in. But we have -- I have five bills in here, you say, Senator? I have five of them. Let them go down. Vote No.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins, do you wish to close?

SENATOR BROOKINS:

I just ask for a vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall the Senate adopt Conference Committee Report on House Bill 1960. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, the Ayes are 4, the Nays are 48, and 4 voting Present. This Conference Committee Report is not adopted, and the Secretary shall so inform the House. Senator Brookins.

SENATOR BROOKINS:

Second Conference, please.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Madam Secretary. Secretary shall so inform the House. House Bill 2010. Senator Luft. House Bill 2510. Senator Smith. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2510.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

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SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The First Conference Committee Report on House Bill 2510 merely allows the Department of Public Aid to make child care payments from its appropriations for any fiscal year without consideration of when those child care services were rendered. Enactment of the Conference Committee Report would remedy the calendar year versus fiscal year tangles, which require recipients to seek reimbursement from the Court of Claims. The Department of Public Aid initiated Conference Committee Report No. 1 and the Comptroller supports it, and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President. I think Senator Smith deserves to be commended for working with the Department of Public Aid. They are thrilled by her proposal, and I think we should move this out of here.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall the Senate adopt the Conference Committee Report on House Bill 2510. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, and 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 2510, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 10. Senator Berman. Senate Bill 11. Senator Berman. Senate Bill 37. Senator Dunn. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Pardon me. Second Conference Committee Report on Senate Bill

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37.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This was the amendment that generally updated the laws affecting veterans and extended State programs to Persian Gulf veterans, as well as veterans of future conflicts. We concurred with the House amendment that allowed recipients of Purple Hearts to be eligible for a ten-point employment preference of disabled veterans. We changed language in -- in the bill to "indigent veterans" and "war veterans" to "military veterans," and we deleted the requirement that a veteran has served in a time of conflict to receive assistance. We also changed the Military Veterans Assistance Act so that it shall not infringe upon the DVAs mandated powers and authorities. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, the question is, shall the Senate adopt Conference Committee Report on Senate Bill 37. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there -- the are Ayes are 58, the Nays are none, and none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 37, and the bill, having received the constitutional majority, is declared passed. Senate Bill 45. Senate Bill 151. Senate Bill 249. Senate Bill 299. Read the bill, -- or Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 299.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

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Thank you, Mr. President and Members of the Senate. The First Conference Committee Report on Senate Bill 299 would create the Illinois Engineering Scholarship Program, which would be administered by the Illinois Student Assistance Commission. As agreed on the Floor and in committee, the effective date has been delayed by one year, thereby having no fiscal impact in Fiscal Year '92. The remainder of this Report contains the rate language for the State's community colleges as contained in Senate Bill 309, which has been held in the House. The change from Senate Bill 309 is the increase in rates for five of the six types of credit hours -- hours grants. This proposal represents a compromise funding proposal, which was developed with the cooperation of staff from both Chambers and sides -- and sides of the aisle. In comparison with the only viable alternative at this point, which is to pass no rate bill, which would utilize the Fiscal Year '91 rates. The distribution of the funds under this proposal represents increases for more than two-thirds of all community college districts. In addition, the Report contains a provision which districts the ICCB and BHE to review and revise the existing formula for Fiscal Year '93. The ICCB and BHE will begin meetings and solicit input from community colleges statewide in the development of a revised formula. This proposal is not the very best scenario for each and every district in this State. Under the current formula that is not possible. It does, however, offer the only existing, viable and fair compromise proposal for community college rates for Fiscal Year '92. It is supported by both the Community College Boards and the Board of Higher Ed, and I urge its strong support. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

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

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR ETHEREDGE:

Senator, I would like to address my question to the second part of this bill - the part that sets the rates for reimbursement for the community colleges. It is my understanding that what you are presenting here is a system or a set of rates that has been worked out through negotiations and that these rates are supported by the State Community College Board. Is that correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Well then, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill, and I must say that I do so somewhat reluctantly, because what we have before us is a rate system that frankly is not as good as the one which we passed out of the -- out of the Senate last May. However, having said that, I will also go on to say that the rates before us are far better for the community colleges of this State than we would have if we passed no -- no reimbursement rates at all. So I would request support for this piece of legislation.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR SCHUNEMAN:

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Senator, you indicated that this -- what is the effective date of this bill, please?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

7/1/91 for the community colleges, Senator.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

I'm sorry, I didn't hear, Senator. 7/1/91?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

Fiscal Year '92, Senator.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

My concern, Senator, is this - that I think we're probably all on board in wanting to give rates for community colleges and we all have colleges in our district and we all want to help them. I'm wondering to what extent we may be boxing ourselves now for expenditures in the next fiscal year, when we have no idea what our financial condition is going to be in that next fiscal year. Could you address that concern, Senator? And I guess as you do that, I'd be interested in knowing what -- how much of an increased hit this is going to be on the State Treasurer -- Treasury in that next fiscal year.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

Senator, my understanding the -- the bill will be pro-rated, if -- your concern does arise. I mean, I do have that concern

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too. And if that concern does arise in a year or so, I believe we could address it at that time.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. I rise in strong opposition to this report. If you don't have the numbers in front of you for your community college districts, I suggest that you take a good look at them, especially any downstater. In the Peoria area, for example, Illinois Central College will lose some four-hundred-thousand dollars - four-hundred-thousand dollars if this new rate structure is passed. At a time when in the downstate area we're still losing assessed value and our community colleges are struggling to make ends meet and have tried referenda and otherwise, this new rate will cost Illinois Central some four-hundred-thousand dollars, and likewise, it will cost Blackhawk, it will cost Carl Sandburg, it will cost most of the downstate community colleges. I would strongly urge a No vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

If the sponsor would yield. It's my understanding, and of course the Senate passed a structured rate bill, and this compromise that comes back to us, or -- or whatever you want to call this -- I've just been reviewing the numbers, but it appears to me that the Chicago system wins under what came back, and every other college -- community college in the State loses as compared with what we sent the House. Now that's not my definition of a compromise. I understand the argument is that if we do nothing, theoretically, they get less, but I would suggest to you that we defeat this and -- and get to work on a real compromise. And again, I'd repeat, as opposed to the bill that we passed and sent

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to the House, this Conference Committee has one winner, and everybody else loses.

PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in strong support of this compromise proposal for the community college funding. This, unfortunately, got hung up in the House. The formula that we would have preferred, the rates that we would have preferred are -- are not possible. What is before us is this particular bill or no rate formula whatsoever. Under this the majority of you will do better than without a rate formula. Two-thirds of you, if you take a look, do better under this particular rate formula. This particular piece of legislation sailed out of the House about a 105 to 15, because people realized that this was the best game in town. We will be revising the formula next year. We will have chance to work on it further. Let's put this in place now. It's needed. Most of your community colleges will benefit.

PRESIDENT ROCK:

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, I just want to rise in opposition. To say that our community colleges benefit from this is simply not true. Every one of my community colleges lose money under this proposition, and I would urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I, too, have a lot of concern about this bill. I didn't sign the Conference Committee Report, but if you consider the alternative, I'm not sure but what we're better off with this bill. If we don't have any bill at all, we're going

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to get hurt worse than we will under this bill. I think most of us, two-thirds or more of us, come out better than we did last year. We don't do as good as we would under have the formula we sent out of here to the House. And while I didn't vote for the Conference Committee Report, I am going to vote for this Conference Committee -- I didn't sign it. I'm going to vote for the Conference Committee Report, because most of our downstate schools fare better. I'd urge that we look at it and see -- do whatever you want to do. I'm going to vote Aye.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President, Members of the Senate, I also happen to be one of the Members of the Conference Committee that didn't sign this Report, and I urge all of you - you better take a second look. They can talk about who gained and who lost, but I didn't see any downstate districts with any reasonable amount that gained. All of us lost. Every one of the three districts that touch parts of mine lost. Now you can say, "Well, we can work on it next year." Well we can work on it this year. There's other vehicles around. This may be a Second Conference Committee Report. This needs to be given the same death that was given to House Bill 1960 a while ago, and I urge all of you to vote No in spite of what other people have said. There's still plenty of time. There's plenty of vehicles, and don't let everyone think that this is all or nothing. I haven't -- been here nineteen years, and I've haven't found any all-or-nothing situation yet. I urge everybody to vote No.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I would just like to ask the

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sponsor a question, if I might, please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Demuzio.

SENATOR DEMUZIO:

Senator Daley, I'm -- I'm looking at this chart and let me go directly to Lewis and Clark Community College, which is on page two, number 4. Is it my understanding that Fiscal Year '92, with the rate bill as it is right now, it is three million and forty-seven thousand proposed, and then to your compromise proposal it is thirty-five twenty-six one fourteen?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Senator, were you referring to the last number. Three -- three...

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

On Page two, Lewis and Clark, number four, the Fiscal '92 rate bill as it is now, I assume is three million forty-seven thousand, and this would move it to 3.5 million, is that correct?

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Senator, I believe your -- your district would do better under the Conference Committee Report which is the number right before that, second to the last column. That is the number.

PRESIDENT ROCK:

All right. Any further discussion? Further discussion? Senator Daley, to close.

SENATOR DALEY:

Mr. President and Members of the Senate, I would just ask for

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a favorable vote.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 299. Those in favor will vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record? On that question, there are 35 Ayes, 15 Nays, 7 voting Present. The Senate -- the Conference Committee is not adopted and the Secretary shall so inform the House and Senator Daley requests the appointment of a Second Committee of Conference. 659. Senator Marovitz. 908. Senator Lechowicz. 930. Senator Marovitz. 972 -- I'm sorry. Bottom of Page 13, there's a Conference Committee Report on Senate Bill 930, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on Senate Bill 930.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Conference Committee Report on 930 has two things in it. One is the clarification for places like Great America, which redefines -- defines a redemption machine as it relates to carnival or arcade games, to allow merchandise prizes with a value of the lesser - the lesser - of five dollars or seven times the cost of play, which usually would be twenty-five cents times seven - at a dollar seventy-five. It also allows that a coupon worth the cost of a play of a game can be won and added to other coupons to receive a better prize. And the other portion of the bill is a codification of the -- in re Morse case, which is the law in the State of Illinois regarding -- applying to a situation where a -- the owner of non-marital estate is the person who makes

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contribution, in terms of personal effort, to that non-marital estate, and how the marital estate would be reimbursed, and this codifies the Morse case. I would ask for adoption of the Conference Committee Report.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 930. Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I rise in support of the Conference Committee Report, and have a couple of questions that I've been asked to ask of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, specifically does the amendatory language relating to the Marriage and Dissolution Act under consideration here -- does the amendatory language mean that in determining a reimbursement to the marital estate, the court should consider whether the salary paid to the contributing spouse who -- who, say, owns a business which is a non-marital asset, whether -- whether the contribution is reasonable compensation for those personal efforts by comparing that compensation to -- to compensation that would have been received by individuals in comparable positions in comparable businesses?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Yes, that is correct, Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

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And further - as you explained - I understand it's the purpose of this amendatory language to codify the holding of the Appellate Court in the case of in re: Marriage of Morse?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is absolutely correct, Senator Barkhausen.

PRESIDENT ROCK:

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

SENATOR MAROVITZ:

To seek a favorable roll call.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 930. Those in favor, vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 930, and the bill, having received the required constitutional majority, is declared passed. 972. Senator Welch. 1006. Senator Holmberg. Madam Secretary, bottom of Page 13, Conference Committee Report on Senate Bill 1006.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1006.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you very much, Mr. President. Senate Bill 1006, Conference Committee Report, the House has receded from House Amendment No. 3. It basically now abolishes the fire equipment distributor and employee board and creates the Fire Equipment

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Distributor and Employee Advisory Board; eliminates certain licensure requirements and reduces the annual licensure fee. As it has been worked out by the conference committee, to the best of our knowledge, there are no longer any objections to this bill, and I would recommend its passage.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. To my colleagues on this side, although there were no Republican signers of this bill, there is nothing wrong with the bill. We were really waiting for some advice from some people about whether this was an acceptable compromise. They came up with the agreement. They said, yes, it was fine. I would suggest all of us vote Aye on this bill.

PRESIDENT ROCK:

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

SENATOR HOLMBERG:

I would just ask for a favorable vote.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1006. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1006, and the bill, having received the required constitutional majority, is declared passed. 1393. Senator Marovitz. All right. Ladies and Gentlemen, there's been a request to return to Page 15. There's been a request to go to Consideration Postponed on Conference Committee Reports. Senator Jones has requested that we take up 1471 for the purpose of going

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to second committee. And there has been a request to go to the Order of Motions in Writing and then Senator Maitland's Motion will be in order. Page 15 on the Calendar, Madam Secretary. Senate Bill 1471.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1471.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I move the Senate not adopt the Conference Committee Report for the purpose of a Second Conference Committee.

PRESIDENT ROCK:

All right. Question is placed in the affirmative. Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1471. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there is 1 Aye, 47 Nays, and none voting Present. The Conference Committee Report is not adopted and the Secretary shall so inform the House. And Senator Jones requests the appointment of a Second Committee of Conference. On the Order of Motions in Writing, there's a Motion, Madam Secretary, with respect to House Joint Resolution 42. -- the motion, please.

SECRETARY HAWKER:

I move that the Committee on Executive be discharged from further consideration of House Joint Resolution 42 and that the resolution be placed on the Calendar on the Order of Secretary's Desk, Resolutions.

Filed by Senator Cullerton.

PRESIDENT ROCK:

Senator -- Senator Cullerton.

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SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. I would move to discharge the Committee on Executive with regard to this House Joint Resolution. I have asked for the support of Senator Donahue and Marovitz, who are Chairman and Minority Spokesman of the Committee. The resolution, as amended, establishes a fourteen-member Task Force on Childhood Lead Poisoning Prevention. They are to meet with the Department of Public Health's Strategic Planning Committee and conduct hearings on the problems caused by lead poisoning in children.

PRESIDENT ROCK:

All right. The Gentleman has moved to discharge the Committee on Executive from further consideration of House Joint Resolution 42 and asks that it be placed on the Calendar on the Order of Secretary's Desk, Resolutions. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. HJR 44. Senate Joint Resolution 81. Senator Holmberg. Madam Secretary, on Senate Joint Resolution 81.

SECRETARY HAWKER:

I move to discharge the Committee on Executive from further consideration of House <sic> Joint Resolution 81 and that the resolution be placed on the Calendar on the Order of Secretary's Desk, Resolutions.

Filed by Senator Holmberg.

PRESIDENT ROCK:

Senator -- Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I would, first of all, like to be placed as lead sponsor on Senate Joint Resolution No. 81 and then, secondly, move to discharge it from Executive Committee. I have talked to Senator Donahue and to Senator Marovitz about this.

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Basically, what the resolution says is -- extends the Tuition Study Task Force, primarily because of the illness of the Chairman. They have not been able to finish their business, and this gives them the opportunity to do that.

PRESIDENT ROCK:

All right. The Lady has moved to discharge the Executive Committee from further consideration of Senate Joint Resolution 81 and asks that it be placed on the Calendar on the Order of Secretary's Desk, Resolutions. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Senator Maitland, for what purpose do you arise, sir?

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I would move to suspend the appropriate provisions of Senate Bill -- Rule 5(c) with respect to House Bill 214 so that the bill might be considered. And obviously, this is the issue of the State employees' payroll, and we would like to attempt to amend that bill this evening, sir.

PRESIDENT ROCK:

All right. The Gentleman has moved to suspend the rules to go to the Order of House Bills 3rd Reading for the purpose of taking up Senate -- House Bill 214. Discussion on the motion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this motion. I think it is basically dilatory, though technically it may not be. This is almost identical to that motion and action that was taken last week, the only difference being some of the sloppy, typographical errors that were made in last week's amendment - some of those, though not all - have been corrected. I think the problem is,

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once again, there seems to be greater concern on the 2nd Floor with employees, though I personally feel we have an obligation to pay the employees. I think every Member of this Chamber feels we should resolve the budget impasse now and pay those employees. But what this does not do, as last time, is talk about those who truly depend upon the State for life-sustaining matters. For example, it does nothing to fund the Circuit Breaker and Pharmaceutical Assistance in any type of proposal we have yet seen. Many of you may have seen local television last night about a pharmacy here, in our immediate area, that's going to close in about eight days because Public Aid is not paying anything and there is nothing in the 2nd Floor's proposal to fund anything at all to seniors who need life-sustaining pharmaceuticals - zero has been axed -- asked for in any of these proposals. Nothing is going for the Energy Assistance Program - the back monies that are owed in the Energy Assistance Program that we've heard so much about. We face shutoffs at a critical time for people because there has been no payment nor none proposed. Nothing is going for displaced homemakers - about under a million dollars for these grants now for people in need of some type of housekeeping services. Nothing is going on the Senior Citizens' Real Estate Tax Deferral Program. And let's think about that a moment. We set up a program where the State will advance the funds on behalf of seniors to get it back later. Nothing in here will pay those payments as they come due, which means the seniors will be in default on their real estate taxes, could in fact lose their homes because the State has not made those payments. No concern about those type of items. Nothing going to the units of local government, who should be getting their share this month to meet their payrolls as well. These people are working for units of government who are entitled by law to the same type of distribution and, yet, nothing goes to any of these people.

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Nothing goes for home services to the severely disabled, who need some type -- type of chore homemaker or worker or personal assistant. Who's paying these people this month? No one. Disableds, crippled, handicapped - totally without any service unless those people are working, like too many others, without receiving any type of compensation till we get done here. Nothing is going for community care for the aged. Nothing is going for home-delivered meals, for our homebound seniors who cannot get out and who live on the meals that we deliver to them - but that's not important, according to these proposals. I could go on and on with those people we call upon like foster-care parents. Do we owe them for this month? Of course we do. Is it in here? Of course not. That's not of concern to the 2nd Floor. That's wrong, and I strongly object to this rehash and let us get down to the real business, Mr. President. I urge defeat of Senator Maitland's motion.

PRESIDENT ROCK:

Further discussion on the motion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we've made our mistakes - you've made them over there; we've made them over here - but I think it's high time to realize that the middle class, and those are the employees of the State, that pay taxes so we can support our homeless, so we can support the public aid and what-have-you, have to be considered. And I think the rhetoric, which is very beautiful on the other side, should find another place for it because the need is there right now. And you cannot deprive these people constantly, and they're the ones who are furnishing the services to help the senior citizens and to help the disabled and the -- and the children who have been abused and what-have-you. And I think it's high time that we forget our politics and join together and vote for this amendment. I think

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it's a needed amendment, and I think we should consider, as I said, the very workers that work for the State of Illinois. They're your middle class who are the ones that have been helping all along, and I don't think it's fair just to deprive them simply for political expedience. And I urge a favorable vote.

PRESIDENT ROCK:

Further discussion on the motion? Senator Schaffer.

SENATOR SCHAFFER:

A couple comments on the speaker from the other side. Frankly, the only way we could address all those concerns would be to pass the entire budget - a very commendable idea, but we will not be able to solve all of the problems without doing that. I would also, respectfully, disagree there is something very different between this proposal and the one we voted on almost a week ago, and that difference is a week. As we sit and stand here today, I wish I could tell you I thought we were on the verge of a final compromise that would get us out of here in the next twenty-four hours. I don't feel that way. I feel this could drag on and on, and I don't think, as I said a week ago, that the people that guarded the prisoners should go without pay; that the women and ladies that empty the bed pans and work in the mental hospitals should go without pay; that the State police that risk their lives every day should go without pay; that all the people we depend on to take care of the people of Illinois should go without pay because we and the Governor can't adopt a budget. One of the things I like about this proposal is that the two groups that do not get paid under this bill are us and the Governor, because clearly we are the groups that shouldn't get paid because clearly we're the groups that have to get this together. I would strongly suggest -- why don't we do this? The bill that we had on the last day of June was your bill. The bill we had last week was our bill. Why don't we make this bill everybody's bill and all

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vote for it.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And, Senator Schaffer, you make a pretty good point, you know, but here it is June 46th and -- and we've really got -- we've really got a problem to take care of this thing. You know, we tried to do this on June 30th, piecemeal a little action, and we couldn't even get enough votes on our side, let alone get any help from that side of the aisle. If I have my druthers, I would ask Senator Maitland to take this out of the record for twenty-four hours, and I would like to see us present a budget on this Floor. And if we have to, let's debate it on this Floor in open Session. If we have to have the Governor here, I don't give a damn. Let's get him here. Let's do the job. Let's take care of this thing in total, because what in the hell we're trying to do here today is ludicrous. It's silly. It's asinine. And we have got to take ourselves out of this mode and we've got to get ourselves onto a higher plane, settle the budget, settle this silly ideology of whether we have a permanent or a temporary surcharge, whether we have this distribution or that distribution. We're not that far apart on a budget. We can present one in twenty-four hours. In fact, I challenge the budgeteers on both sides of the aisle to bring one to us. Let's talk about it and let's pull it out of the record until we can do that, Senator. I think that makes more sense than anything else we can do today.

PRESIDENT ROCK:

Further discussion on the motion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, Members of the Senate. I rise to oppose this motion. I think that this is definitely a hoax of the

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State employees. Two weeks isn't going to solve the problem. We're going to come right back in August 1st and they and their families are going to be right back in the same hot water all over again. I propose that, if anything, we ought at least let this go until October when we come back and at least give everybody a chance to save some money and maybe look at it a little differently and have tempers cool down and -- but this -- this is not at all going to solve our problem. We're going to come back August 1st and we're probably going to be in worse shape than we are now.

PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. You know, this is beginning to look like a continuing resolution of the U.S. Congress. When they can't settle when to end their fiscal year, they keep everybody there for another month and pass a little piecemeal part of the budget. Are we going to get into the same kind of fix that we have gotten into at the national level? The one thing that has helped the states has been the fact that they have had a fiscal year, that they pass a budget on June 30th or July 1st or thereabouts and get the -- the people get back to their districts and they do not stay in Springfield year-round to debate piecemeal budgets. I believe, as Senator Jacobs does, that we should get about debating the whole budget and get it passed. It's time.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As probably everybody here knows, there's probably nobody that wants to get this thing over with more than myself and probably three-quarters of the Members on this Floor. Senator

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Jacobs, as you know, I probably have the utmost respect for you. We've talked on numerous hours over the last couple of days which seems like almost eternity. But I guess all this would be is -- if we voted House Bill 214 out, would it be so bad to show the State of Illinois that there's some movement; that one side and another side is willing to meet each other halfway? Would that be so bad? All we have are four or five people that have dug their heels in so deep that says there's no negotiation here. There's no negotiation here. So, where do we go? Here we are in July discussing whether someone who has worked and has a family and has mortgages, payments, probably medical expenses, whether they should receive a check that they earned. Is there something so wrong about that? But now these people are in the middle. They've come here today expecting the General Assembly - and I've got to compliment the President -- Rock for doing what we have today, probably the most that we've done in three weeks - but that, again, we show the people that we're reasonable, prudent people like I asked yesterday and we can move back and forth. But what's the problem with voting this bill out of here now - to show the people that, one, we care, that we're over twenty-one, that we could make a decision and not use anybody. I guess that would be too easy, wouldn't it? I just hope that we can be reasonable and prudent individuals and give these people who have families a paycheck so they can live and not wait till October, which is really stupid.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Carroll, for the second time.

SENATOR CARROLL:

Thank you, Mr. President. I really don't like rising a second time, but I think, again, we have to put this in perspective. There's no question that, as the Tribune said today, hundreds,

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thousands of vendors are going unpaid for months, upon months, upon months. We're very fortunate in this State to have banks here in Springfield, to have a major credit union, that has said to State employees, "We'll loan you the net amount of your paycheck interest free." It's a shame that we even have to do that, but thank God they're there to do it. It's a shame that we're standing here today and have not passed a budget, but it would be a greater shame - in fact, a crime - to say to those seniors who live on meals, to those seniors who need these life-sustaining drugs, "You, we don't care about." Oh, credit unions have taken care of the State employees, and thank God they have. Banks in Springfield have taken care of State employees, interest free. Thank God they have. But nobody cares about foster parents who can't afford to still take care of that kid. Nobody cares whether seniors eat or live. That's wrong. The only way to end it is to do the whole thing, and we should oppose this motion.

PRESIDENT ROCK:

All right. Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. For a dilatory motion, this certainly has drawn a lot of substantive debate this evening. Senator -- Senator Carroll, never before in my five years as a Member of the Budget Conference Committee have Republicans and Democrats worked better together than we did this year. We have come very close to balancing the budget. We are getting closer. One day soon, we'll pass that budget, but it's apples and oranges - you know that as well as I do. Apples and oranges - the discussion that you've had with this Body tonight. When I offered this amendment the other evening, I said, "Let's forget about petty politics." To be a State employee is a honorable profession. We have an obligation to them. We can

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do it tonight. We absolutely can. We can put the checks in their pocket. They can continue their work, servicing the people of the State of Illinois. Let us continue to resolve our differences here. All that's standing before us tonight and the issue of these people being paid is the support of this motion. Let's drop our petty politics. Let's do what's right. Let's move forward. Let's pass this motion.

PRESIDENT ROCK:

All right. The Gentleman has moved to suspend the rules for the purpose of moving to the Order of House Bills 3rd Reading for the purpose of addressing 214. The motion will require 30 affirmative votes. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 30 Nays, none voting Present. And the motion fails. Is there further business to come before the Senate? If not, Senator Demuzio moves that the Senate stand adjourned until Wednesday, July 17th - Wednesday the 17th day of July - at the hour of ten o'clock, a.m. Senate stands adjourned. Ten o'clock in the morning, Ladies and Gentlemen.

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