

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

80th Legislative Day

November 7, 1991

PRESIDENT ROCK:

The hour of ten having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by the Reverend Victor Kaltenbach, St. Patrick's Catholic Church, Springfield, Illinois. Father.

THE REVEREND VICTOR KALTENBACH:

(Prayer by the Reverend Victor Kaltenbach)

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senate Journal of Thursday, October 24, 1991.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there 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. Senator Hall.

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Wednesday, November the 6th, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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

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ordered. 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 adoption of the following joint resolution, to wit:

Senate Joint Resolution 46, together with House Amendment No. 1.

I have a like Message on Senate Joint Resolution 81, together with House Amendment No. 1.

Both passed the House, as amended, November 6th, 1991.

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 980, together with House Amendment No. 2.

Passed the House, as amended, November 6th, 1991.

PRESIDENT ROCK:

Secretary's Desk. Resolutions.

SECRETARY HAWKER:

Senate Resolution 852 offered by Senator Ralph Dunn.

Senate Resolution 853 offered by Senator Ralph Dunn.

Senate Resolution 854 offered by Senator Butler.

Senate Resolution 855 offered by President Rock.

Senate Resolution 856 offered by Senator Madigan.

Senate Resolution 857 offered by Senator Kelly.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. With leave of the Body, WAND-TV, WLS-TV, WICS-TV and WCIA-TV have requested permission to shoot some video film. Without objection, leave is granted. I

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would ask the attention of the Membership. We have a special guest with us this morning, and I would ask Senator Judy Baar Topinka to make the proper introduction.

SENATOR TOPINKA:

Thank you, President Rock and Ladies and Gentlemen of the Senate. We do, indeed, have a special guest with us today. We welcome Dr. Chou-Seng Tou, who is the -- Director General for the Coordination Council for North American Affairs from the Chicago office. Dr. Tou has a BA degree in law from the National University in Taipei in Taiwan, in the Republic of China. He has been a fellow for the Center for International Affairs at Harvard University. He was the assistant professor at Soochow University in Taipei, Taiwan; professor of the Institute of European Studies at Tamking University in Taipei. He's had a number of previous positions that have taken him around the world, including section chief for the Department of European Affairs, the deputy director general of Taipei economic and cultural office in Brussels, Belgium. He was the senior specialist of the Department of European Affairs at the ROC. He's also been the deputy director general Department of Treaty and Legal Affairs at the ROC, and most recently he was the director general from -- in the Taipei Economic and Cultural Office in Athens, Greece. Again, he is the current Director General for the Coordination Council for North American Affairs in Chicago. He certainly represents a country which is one of our major trading partners, a country which would obviously like to do more trading with us, and really represents a fine challenge out in the East, in terms of Illinois and the United States. So would you join me in very, very pleasantly and enthusiastically welcoming Dr. Chou-Seng Tou. Dr. Tou.

DR. CHOU-SENG TOU:

(Remarks by Dr. Chou-Seng Tou)

SENATOR TOPINKA:

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And if we may at this time -- if President Rock would come back to the podium, the Director General does, indeed, have a gift for you, representative of the Illinois Senate. So, President Rock, you have something good coming your way.

PRESIDENT ROCK:

Thanks. Thanks so much. Nice to see you, sir. All right. Ladies and Gentlemen, we'll begin, with leave of the Body, on Page 12 on the Calendar. If I can turn your attention to the bottom of Page 12. We will begin with Motions in Writing to Accept the Governor's Specific Recommendations for Change; that is Senators Joyce, Luft, Jones, Marovitz, Leverenz, Hall, Marovitz, Davidson and Cullerton. Bottom of Page 12 and on top of Page 13. Then we will move back to the Order of Motions in Writing to Override Total Vetoes, and go right through the Calendar. Madam Secretary, the bottom of Page 12, on the Order of Motions in Writing, there's a motion to accept the specific recommendations for change on House Bill 70. Read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 70, in manner and form as follows:

Amendment to House Bill 70

in Acceptance of Governor's Recommendations

Filed by Senator Jerome J. Joyce.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This House Bill 70 -- as the Governor changed it, it amends the boat safety certificate requirement saying that they are unnecessary because current law already provides for this. I'd ask for the acceptance of the specific recommendations of the Governor.

PRESIDENT ROCK:

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The Gentleman has moved the acceptance of the specific recommendations of the Governor as to House Bill 70. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 70, in the manner and form just stated by Senator Joyce. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 70, having received the required constitutional majority vote of Senators elected, are declared accepted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

House Bill 298. Senator Luft. Senator Luft on the Floor? Top of Page 12. 1365. Senator Jones. Madam Secretary, House Bill 1365. Read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1365, in manner and form as follows:

Amendment to House Bill 1365

in Acceptance of Governor's Recommendations

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate. In the Governor's amendatory veto language, the changes reflect suggestions made by the federal appraiser regulators to address concerns already raised by members of the Illinois Appraiser Committee, and what they do, in short, is revise the makeup the -- of the Illinois Appraiser Committee to reflect the suggestion of the federal regulators. And the bill also delete reference to oral appraisal, at the suggestion of the federal regulators. So I

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move that we do accept these recommended changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1365, in the manner and form as just stated by Senator Jones. All 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. The specific recommendations of the Governor as to House Bill 1365, having received the required majority vote of Senators elected, are declared passed -- I'm sorry, declared accepted. House Bill 1499. Senator Marovitz. 1533. Senator Leverenz. Madam Secretary, House Bill 1533. Read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1533, in manner and form as follows:

Amendment to House Bill 1533

in Acceptance of Governor's Recommendations

Filed by Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

I thank you, Mr. President. Essentially, the Governor, I believe then, did the right thing. It was an amendment that we had drafted in the Spring Session. The amendatory veto is in response to employers' concerns that the bill would prohibit them from reducing insurance costs based on employee health disability or life insurance policies. I would now move to accept the Governor's amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Hudson.

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SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in opposition to accepting the Governor's recommendations for change here. What we're finding is that the business community, organizations such as the Illinois Chamber, the AEI and others, are still opposed to this, basically because, for one reason anyway -- principle reason is that they feel that the acceptance of these changes would open the floodgates to litigation. It would make it much more difficult for companies - and I'm thinking of even public companies like the CTA and the RTA and school bus companies, say nothing about businesses - to institute programs that are designed to curtail the use of alcohol and drugs and so forth -- question employees. And if perchance an employee is released or fired, it lays the company open for possible litigation. The employee can always say, "Well, what you really did was to let me go because you thought I was abusing alcohol," or drugs or whatever it may be. So the business community is very, very, extremely wary of this provision, as the Governor has suggested, and I would urge that you would think seriously before you accept it. As a matter of fact, I would urge that you do not accept the Governor's specific recommendations for change here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Can we have some order, please? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. With all respect to the sponsor of this piece of legislation, I, too, cannot support it. I am a person who has to have high volumes of medicine monthly in order to sustain my health. And if this piece of legislation should pass, it will definitely affect my ability to function. Thank you.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Mr. President, I merely stand on a point of personal privilege. I would like to recognize at this time, because they may leave out, the Illinois State University Department of Specialized Educational Development and Dr. Jacqueline J. Knighten is the counselor, and they are here in the balcony here to my left. I'd like to recognize them, please. Chicago <sic> State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery will please rise to be recognized by the Senate. Thank you very much. Welcome to Springfield. Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Will the speaker -- or will the Gentleman yield, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Butler.

SENATOR BUTLER:

Senator Leverenz, I'd appreciate it if you would talk to us a little bit about the effect of this bill on such organizations as the CTA and RTA, who it's obvious would have a great deal of concern about whether or not their employees, particularly those who operate vehicles, would be users of -- of any substance to a degree that would inhibit their operations. What is your comment -- do -- do you believe the legislative intent on this would be concerning that kind of an organization?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

I understand your interest, and specifically in the cases that

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you cite with regard to CTA, you might want to incorporate bridge tenders into that, but I refer you to the first page of the Governor's remarks at the bottom in the final paragraph, on the first page that, "the opponents of House Bill -- 1533 have raised several concerns, and I have given them serious consideration. It has been argued that employers will not be able to discipline or discharge workers whose behavior on the job has been affected by consumption of a legal product. I disagree," And I highlight the Governor saying, "I disagree." "The same" -- it goes on to say, "The same standard which has traditionally served employers is unaffected by House Bill 1533." And if I can expand that one extra step with a previous speaker on this side of the aisle, any person that takes a legal drug and does not affect their ability to perform is cared for by this bill. The thing that it addresses is, if you have a couple of beers and steak and eggs and then go to work, if you're driving a truck or a CTA bus or you're a bridge tender or anything of that nature, the employer still, under this bill, can do the same thing they did before - take you off the job, and rightfully so. I would ask that you would concur with me and agree with the Governor by accepting this amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think what the Governor tried to do on this bill was commendatory, but it still seems to be badly flawed - so badly flawed that we have many of our fine organizations in the State of Illinois still in opposition to the bill: the American Cancer Society, the American Heart Association, the American Lung Association, the American -- or the Chicago Lung Association, the Illinois Primary Health Care Association, the Illinois Public Health Association, and the Illinois Thoracic Society. Why are they still opposed? Because

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it severely interferes with wellness programs that employers want to run for their employees. Rather than being of benefit to employees - at least from the point of view from which all these organizations come from - it would be more important to get the employees well. The other thing that is of real concern is the conflict with present federal law. The provisions of House Bill 1533 could conflict with present State and federal law, because you cannot discriminate against or disadvantage an individual for the use of lawful products. HB 1533 conflicts with federal and State transportation laws, which require employers to discipline employees based on test results -- places where we say you must test, and then their hands are tied about doing something about it. For these reasons, even though I think there's been a -- you know, a valid attempt on the part of the Governor to make the bill better, I still think it needs to go back to the drawing board, and I'd ask my colleagues in the Chamber to vote with me against this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In the Governor's veto message, I'd just like to read a paragraph for you. It says, "Although I have taken a strong position against drivers who operate a motor vehicle -- while under the influence of alcohol or other drugs, I do not believe that an employee should be fired for the mere fact that the person consumes alcohol. My stance on drunk drivers is based on the irresponsible conduct of threatening lives and the health of people. Employers should base discipline and discharge decisions on conduct in the workplace." I received a phone call day before yesterday at home from the American Lung Association, and they stated that -- I asked a simple question. I says, "If someone

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were going to be hired, in other words you could not hire them or you would not hire them because this person drank alcohol as a social drinker or smoked." And they says, "That's correct." Well, the only problem I have with that bill is there's a lot of good people out there. And if their vice is smoking or that they have a cocktail but they are good workers, that should not be the basis of someone not being employed. Senator Butler and I had a short discussion here and says -- I asked, "If you were in the General Assembly and someone said they -- they asked you a question about smoking or drinking, do you think someone should not be put in the General Assembly for that?" And he says, "Well, it would be our option." However, once you give someone -- and you're holding this over the head that that is the sole reason - not because they're qualified or they're not qualified - but because they smoke a cigarette or because they had a cocktail at home or they drink socially, that should never be a basis for employment. And I have to go along with Senator Leverenz on this piece of legislation. The Governor was absolutely right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you -- Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me. Excuse me, Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we break up the caucuses, please? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't know. I guess I -- I would have to concur with the previous speaker. You know, I guess every time we turn around,

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we're trying to take away another legal right of the people. You know, I just wonder how far we're going to carry this. Are we going to start saying that if -- if you have marital relations in your bedroom three times a week, you can't be -- hold a job or you're going to be discriminated against? How far does this thing go? And we talk about wellness programs. Let -- let me just tell you where my concern falls. You know, it -- it's difficult if you have high blood pressure, as an example, now, to get life insurance, unless you're going to pay through the nose. So, we're already discriminating against people. And why aren't we out crying for that human cry to make sure that, you know, if you have a minor problem, that you can get life insurance? We don't cry about that. But we're going to sit here and -- and try to take away legal rights from people who should be able to enjoy those in the privacy of their own home. And that's the bottom line with me. Now I agree with -- with Senator Holmberg that -- that the bill is a little bit flawed. I don't disagree with that. But I think that it's better than not passing it at all, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, it seems to me that -- too often around here, that we're -- we're passing laws that are designed to remedy problems that don't exist. I have yet to be convinced that there's anybody being discriminated on the grounds that they smoke or drink off the workplace in a way that should compel us to take what's really a drastic remedy of coming in and passing a law designed to correct some perceived problem. I asked one of the proponents of this law yesterday, "Can you cite to me instances where someone has been wronged in ways that this Statute would make right?" And a court case was mentioned where a woman was

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terminated, and the case is apparently out of Indiana and it's on its way up to the Supreme Court. I haven't gotten the cite. But apparently at the trial court level, the woman succeeded in -- in making a successful claim that the employer may now be appealing. So even without a law of this kind, a remedy in that case apparently existed. So I -- I think the burden of proof should be on those seeking to pass a law like this to clearly demonstrate that people are being unfairly treated, and that a Statute of this kind is necessary. But until such a case is made, I don't -- I don't think we should be putting this law into effect by concurring in the Governor's recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. I rise in support of this motion, and I would, in terms of one of the previous speakers on the other side of the aisle, I would draw your attention to the veto message...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Rea. Ladies and Gentlemen, can we have some order, please? Senator Rea.

SENATOR REA:

I would draw your attention to Page 2 on House Bill 1533, on the wellness programs, by one of the previous speakers. Let me just read to you briefly what -- in this one paragraph, what the Governor has said, and I think it says it right here. "Another concern is that this legislation could interfere with wellness programs established by businesses. I do not believe this concern is justified. House Bill 1533 neither interferes with nor in any way prohibits programs designed to promote good health among employees. These programs are beneficial and should be encouraged." And that's a direct quote from the Governor on House

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Bill 1533. I would certainly encourage your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and Members of the Senate. I -- I've gotten lots of calls, letters, as everybody else has, from -- from those concerned about the alcohol and those concerned about the Lung and Cancer Society. I was the sponsor of the Clean Indoor Air Act in this Body. And I don't think there's anybody in the State who has been more concerned about the excess use of alcohol in this State, particularly while driving, than the Governor of this State, Jim Edgar. And he's very concerned about that issue, and has been the leader on that issue. But what better example could there be - and I look particularly to my colleagues on the other side of the aisle - of government intrusion and government interference than really telling people what kind of conduct you can or cannot have in the privacy of your own home? I don't think there's anybody that would disagree that an employer ought to be able to say, "You abide by my rules while you're working here or get out." And that's the way it ought to be. But when you're home in the privacy of your own workplace -- for someone to tell you you can't take a drink or you can't smoke a cigarette, and you talk about government intrusion and let's limit the role of government, this is the embodiment of that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ALEXANDER:

Thank you, Mr. President. And to this honorable Body, I am going to vote with Senator Leverenz because he gave a positive explanation which I had been erroneously informed upon. Thank you.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Butler, for a second time.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, I received -- I didn't mention this before, but I received a call from a religious organization who operates several businesses, primarily in the publishing field. And it -- it is one of their tenets that one cannot smoke and one cannot drink if they are going to be employed by this organization. And as I read this bill, this religious organization would no longer be able to have that mandate on the people it hires, or in the case of -- in some cases, fire, after they learn that the individual indeed is a user. So my feeling is that this goes far beyond what we really would intend it to do, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor -- indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator, I, too, have a number of these organizations in my -- in my district. Is there anything in this bill that would prevent an organization such as, say, Scripture Press, to ask in advance if indeed - or ServiceMaster is another one - that -- that the person does drink or does smoke? They're particularly concerned, I think, about the drinking portion of it. They are born-again Christians. They are very sincere in their belief, and actually advertise in the newspapers that they would like to hire born-again Christians, and in that religion is that they cannot drink or smoke. Is there anything in this bill that would prevent them from asking that, or is there anything in this bill that

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would prevent them from advertising in such a way?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Well, to the question raised by this Senator and the one prior to that: I direct your attention to Amendment No. 1. That limitation or exclusion was eliminated from the bill preventing them to do that, but freedom of religion allows you to do whatever you want in the first place. But specifically, Amendment No. 1 to House Bill 1533 removed that issue from the bill. It makes it inapplicable or inapplicable to a non-for-profit employer that has one of its aims as discouraging the use of lawful products. And I -- I hope that answers the two questions there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

No, that does not. These are for-profit organizations, but are doing -- you know, Scripture Press prints Sunday School material, but it's a profit organization. Bibles for the World prints bibles; it is a profit organization. But that's what their commodity is, and what they want to do is hire people who do not drink or smoke or -- and who are born-again Christians. And -- and that's how they advertise in the newspaper, and that's the requirement for their employees. Now will this bill prevent them from doing so?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR FAWELL:

Is that the intent...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry.

SENATOR FAWELL:

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...of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

That is not my intent. I think, if I understand your question, that is not my intent. That is freedom of religion in the first place, and secondly, I believe you will find your answer on Page 2 of the Governor's statement, Section 17, Dismissal of Complaint. The Director or any court of competent jurisdiction shall summarily dismiss any complaint alleging a violation of this Act which states as sole cause of the complaint that the employer offered a health or disability or life insurance policy that makes a distinction between employees for this type of coverage or the price of coverage. But they can go on and promote and advertise that they want to hire born-again. Pretty soon, I might be born again in the Senate. I -- I'm trying my best. But I -- I hope I've answered your question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell.

SENATOR FAWELL:

All right. Then -- then the legislative intent of this bill is that organizations who have such requirements - that they want born-again Christians who do not smoke and do not drink, and that is part of their requirement for employment - is not going to be prohibited from doing that by this bill. Is that right? And I would like a yes or no for the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

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SENATOR SCHUNEMAN:

Thank you, Mr. President. Just a couple of quick points. I have opposed this bill each time it's been called, and I think point number one is that there may, in fact, be someone out there who has been asked a question about smoking or drinking to which they have taken some exception. But I don't think that's a widespread abuse that needs the attention of this General Assembly. Secondly, I think that one of the most important issues facing every employer in Illinois, and particularly small employers, is the issue of health care. We have -- we constantly talk about the issue here and try to find ways to encourage employers to provide health care coverage for employees. Now some of those plans are based on the premise that there is a reduction in cost if employees do not smoke. Now you're going to bar the employer from finding out if the prospective employee smokes? That doesn't make any sense. Some of the health care costs are due to the fact that alcoholism is rampant in this country, and alcohol is the main drug of choice in this country. Now you're going to bar an employee from -- an employer from asking a prospective employee if they drink? That doesn't make any sense. Let's not do this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? The Chair would like to recognize the State's top economist, who's on the Floor with us, the Comptroller Senator -- or former Senator Dawn Netsch. All right. Senator Leverenz may close.

SENATOR LEVERENZ:

Thank you very much, Mr. President. To the -- the last speaker, who raised the same questions during the Spring Session in the debate of this bill, his point, I believe, is well-covered, and the specific changes provided by the Governor address those questions that he has raised. That's exactly what the Governor

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did - took that problem out. Further, the Governor's own statements, which I am asking you to agree with -- it says in the second paragraph, "I agree with the intent of the bill." And in the next paragraph goes on to say, "I do not believe an employee should be fired for the mere fact a person consumes alcohol," which seems like common sense. It is law in nineteen other states. I ask for your Aye vote to accept the recommendations of the Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1533, in the manner and form as just stated by Senator Leverenz. 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 41, the Nays are 14, 3 voting Present. The specific recommendations of the Governor as to House Bill 1533, having received the required majority vote of Senators elected, are declared accepted. 1538. Senator Leverenz. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1538, in manner and form as follows:

Amendment to House Bill 1538

in Acceptance of Governor's Recommendations

Filed by Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. I have another easy one here for you all to agree with me on. I appreciate the past support. House Bill 1538 -- the Governor has amendatorily vetoed it to

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remove the fifteen locations in terms of monitoring points and also delayed the implementation for a year. There is no other changes than that, and I would answer any questions that you might have. Ask that you vote Aye with me to accept the recommendations of our Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Watson.

SENATOR WATSON:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Yes, thank you. I understand that there's a fiscal impact of this of around two million dollars, but that may not be triggered until next fiscal year. Can you tell me, Senator, where this two million dollars is going to come from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. To answer the Gentleman's question, the two million dollars was based on the fifteen monitoring points, I believe, that were in the bill. They have been removed by the Governor. I believe that there would be federal monies that we could apply for and get in line, and that was the intent of the Governor to delay this for a year. But I welcome the Gentleman's question. It is a good question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you. If -- if we don't receive the federal dollars, then will there be a cost to the State?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Leverenz.

SENATOR LEVERENZ:

I believe that with the -- eliminating of the fifteen monitoring stations, Senator Butler might be able to pick four points - north, south, east and west - that he might want to -- want to monitor at less cost. Obviously, there's a bill for everything we do. And you are correct in saying, "Who's going to pay?" I believe that the federal money dealing with airport problems will pay. If, in fact, we must pay, I would think that we would work that out prior, and it is an admirable cause that we are doing here, for those that live directly around the airport, like myself. I'm under one of the runways, so we want to know how noisy it is. But I think we will solve that problem, and we have the time to do it with what the Governor has given us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, just one other question, thank you. Has the Department of Transportation agreed to put this in their budget if, in fact, there is no federal dollars available? And would this money then come out of the Road Fund, or would it come out of General Revenue Fund?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

If the federal money would not be available, I would look for General Revenue to do the noise monitoring. We wouldn't want to take this -- the State's mineral money - asphalt - and put up a monitoring station. But we will work that out, and I have not communicated with DOT. Because of the additional year to implement the bill, their budget has not been prepared yet, but we'll look for your wisdom and assistance to craft it properly.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, thank you. Well, this is how we get ourselves in trouble. I mean, we obligate ourselves and -- for two million dollars in an -- in an out-year by which, of course, it isn't going to take effect until some other fiscal year. But this is how we've got ourselves in -- in the situation we find ourselves in now with the fiscal problems of this State. So I think that the proper vote at this particular time -- although it's a worthy cause and probably something certainly we'd like to do, I think the proper vote is No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I rise to support this, and also to -- to argue with what Senator Watson just said. There are some four hundred thousand people involved in this -- in this problem, and the State has not done one, single thing to alleviate that in any way. The idea of the -- of the changes that the Governor has proposed is to give us a year, first to truly understand what the -- the -- what is necessary to develop a usable monitoring system, and secondly, to come up with the money. That was the whole purpose. We strongly believe that the Department of Transportation - the Federal Department of Transportation - does indeed have the money. We first must develop the plan, then we can get the money. This is just the logical -- logical step in the whole process. So I would urge this Body to vote Yes, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Leverenz may close.

SENATOR LEVERENZ:

Thank you all. I believe we all understand what we're doing

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here. I ask for your Aye vote. I'll even beg. Give me a green vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1538, in the manner and form as just stated by Senator Leverenz. Those in favor will indicate -- those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 10, none voting Present. The specific recommendations of the Governor as to House Bill 1538, having received the required majority vote of Senators elected, are declared accepted. 1584. Senator Hall. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1584, in manner and form as follows:

Amendment to House Bill 1584

in Acceptance of Governor's Recommendations

Filed by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to accept the Governor's recommended changes in this. He amends the Civil Administration Code. It allows the trustees, subject to the Local Government Financial Planning and Supervision Act, to contract with the issue incentive to profit on non-for-profit entities to construct and operate a modular housing plan. The change is the revenue from the Local Government Financial Planning and Supervisors Act to the Financially Distressed Cities. This bill was technically incorrect, because

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East St. Louis is subject to the Distressed Cities Act, and not the Local Government Financial Planning and Supervising Act. I ask for your most favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1584, in the manner and form as just stated by Senator Hall. 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 specific recommendations of the Governor as to House Bill 1584, having received the required majority vote of Senators elected, are declared accepted. 1699. Madam Secretary, House Bill 1699. Read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 1699, in manner and form as follows:

Amendment to House Bill 1699

in Acceptance of Governor's Recommendations

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and Members of the Senate. I move to accept the Governor's recommendations for change, and what the Governor did in essence was that all interest rates on the subordinated surplus debentures can be amended to -- subject to notification of the Governor. The Governor's change was that -- not to notification but to the approval of the Director, and I support that change. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1699, in the manner and form as just stated by Senator Jones. 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 specific recommendations of the Governor as to House Bill 1699, having received the required majority vote of Senators elected, are declared accepted. 1700. House Bill. Senator Jones. On the Order of Motions to Accept is House Bill 1700, Madam Secretary. Please read the motion.

SECRETARY HAWKER:

I move -- pardon me. I move to accept the specific recommendations of the Governor as to House Bill 1700, in manner and form as follows:

Amendment to House Bill 1700

in Acceptance of Governor's Recommendations

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. -- Mr. President and Members of the Senate. I move that we accept the Governor's specific recommendations for change. What the Governor did is -- in the bill was delete the requirements that gross unearned premiums would be returned upon cancellation to the finance insurance contract, only when requested within sixty days from the end of that -- of the month. And also one other change he put in there, is requiring that return premiums to be mailed to the premium finance company within thirty days. And this is basically what the Governor did in his recommended changes, and I ask for a

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favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1700, in the manner and form as just stated by Senator Jones. 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 specific recommendations of the Governor as to House Bill -- House Bill 1700, having received the required majority vote of Senators elected, are declared accepted. 2085. Senator Marovitz. House Bill 2085. Read the motion, please.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2085, in manner and form as follows:

Amendment to House Bill 2085

in Acceptance of Governor's Recommendations

Filed by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 2085 was introduced because of the Persian Gulf War, and specified that any public employee called into military service after 1/1/90 who returns to public employment shall have all the rights and benefits as if they had not been called into active duty. The Governor made a change - and I concur with that change - specifying that the preservation of rights lasts only through the duration of the emergency for which the public employee was called to military service. And if the employee voluntarily chooses to remain in active duty, then he should not

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continue to enjoy those rights and benefits if he made that independent decision. I agree with that. The House accepted it 118 to nothing, and I would move that we accept the Governor's specific recommendations for change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2085, in the manner and form just stated by Senator Marovitz. 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? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 2085, having received the required majority vote of Senators elected, are declared accepted. 2181. Madam Secretary, House Bill 2181. Read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2181, in manner and form as follows:

Amendment to House Bill 2181

in Acceptance of Governor's Recommendations

Filed by Senator Davidson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, what this does is corrects a technical error that was made in the bill when it passed both the House and the Senate. The word should have been "communications" and the word "telecommunications" was used. This strikes only "tele." I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the

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Senate accept the specific recommendations of the Governor as to House Bill 2181, in the manner and form as just stated by Senator Davidson. 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 specific recommendations of the Governor as to House Bill 2181, having received the required majority vote of Senators elected, are declared accepted. House Bill 2378. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2378, in manner and form as follows:

Amendment to House Bill 2378

in Acceptance of Governor's Recommendations

Filed by Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I move to accept this -- the Governor's specific recommendations for change. This bill is the bill that you may recall prohibits exhibitions and fights between animals and humans, as well as between animals. It has to do with the practice of bear wrestling, which has cropped up in our State, and this is intended to prohibit that from happening. The -- the Governor -- was able to find a -- a technical change where a Section was repeated twice, and for that reason, I would move to accept his recommended changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Thomas Dunn.

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SENATOR T. DUNN:

Senator Cullerton, can you tell me how this will affect the Chicago Bears?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Right. The bill prohibits fights between animals and humans, and it prohibits fights between two animals, but it does not prohibit fights between two humans. So I don't think that the Bears will be in any way affected by the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? No further discussion, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2378, in the manner and form as just stated by Senator Cullerton. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. The specific recommendations of the Governor as to House Bill 2378, having received the required majority vote of Senators elected, are declared accepted. With leave of the Body, we'll go to Page 12, Restore Motions in Writing. The restorations -- House Bill 376, Madam Secretary. Read the motion.

SECRETARY HAWKER:

I move that the item on Page 19, line 18, of House Bill 376 be restored, the item reduction of the Governor to the contrary notwithstanding.

Filed by President Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, if we could break up the caucuses and ask the staff to please remove their conversations to the Floor. Senator Rock.

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SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, along with Senators Brookins and Berman, have filed a motion that really literally ought to have been filed by all of us. This motion would restore some six and a half million dollars that the Governor cut from a grant in favor of mass transit in the State of Illinois. You will recall that painful and contentious Session last year where the original budget proposal cut thirty-eight and a half million dollars for the RTA and the other mass transit agencies in our State - Champaign, Rock Island, Rockford, Danville, Bloomington, Loves Park, Peoria and Springfield, Metro East, South Beloit and Pekin. That grant was to reimburse these agencies for the program for reduced fares for students, the elderly and the disabled. The General Assembly, in the waning hours of the Session - as a matter of fact, in the middle of July - agreed to take a cut - a twenty-percent cut - and, in fact, voted to appropriate thirty million dollars for this program for mass transit agencies across the State. Having sat as we did in lengthy hours of negotiation on the budget, there was understandably and justifiably some concern about the level of funding of virtually every program. And the Governor arbitrarily - after we had agreed - the Governor arbitrarily cut this six and a half million dollars, saying essentially that the General Assembly exceeded the budget level that he wanted, because we, the General Assembly, had the audacity to insist that the Pharmaceutical Assistance Program --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

I ask for some order in the Chamber, and I'd like to have the staff off the Floor. Let's give the President the decorum that he deserves.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Thank you, Senator Lechowicz. We did argue, and I think justifiably, that the original proposal of the Governor with respect to the pharmaceutical cap for seniors -- he had it at four hundred dollars. This Chamber - this Chamber - said, "That is unacceptable. We will not agree to that." And so we argued about six hundred and we wound up at eight hundred. And after we had gone home, having spent nineteen additional days wrestling with the budget, the Governor cut six and a half million, suggesting -- saying that the Pharmaceutical Program exceeded his recommended level by six million dollars, so we'll take it out of the mass transit grant. I suggest to all that, one: this is an extremely important program; and two: in addition to the importance of the program itself, the action here goes to the very heart of this process. Some years ago I wound up as the chief sponsor, because there were -- there was a lack of sponsorship, I might say - a reluctance of sponsorship - with respect to a proposed motor fuel tax increase that would, over a five-year period, benefit this State and its highways to the extent of one billion five hundred million dollars. And literally, in exchange for my sponsorship and the support of this side of the aisle for the Governor's program, we were given the Mass Transit Grant Program - it was reinstated - to benefit seniors and students and the disabled. There was an agreement. As a matter of fact, there was a written agreement, which this Governor, in his budget proposal, chose to ignore. And I brought it to his attention, both privately and then publicly, that he ought not choose to ignore agreements that were entered into and signed in good faith by the Chief Executive of this State and the Secretary of Transportation. And so we argued, and we reduced --

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we agreed to reduce the level of funding. And then the Governor said, "However, I didn't agree with the pharmaceutical cap level, and so I've got to make up this money." And I say to him, as I said then, "That's your prerogative. You make it up, but do not - do not - breach an agreement that was made in good faith." And I suggest to any and all of you that if indeed we cannot, as your elected leaders, go down to the 2nd Floor and negotiate in good faith and come out with a good-faith result and rely on that result, then the whole process, in my judgment, is kaput. If we cannot rely on an agreement that was made by the Legislative Leadership and the Chief Executive, you might as well kiss it goodbye. We'll never get out of here. And we will tomorrow - as I met with Senator Philip this morning - we will tomorrow, I hope, have a schedule for next year. And in the Calendar that I will present to you, there is no month of July, and I hope there will never again be a month of July, in terms of Legislative Session. But one of the ways we avoid that is we are able to negotiate in good faith. And the Governor, literally, in this instance, made a mistake. And we, as the Assembly, ought to say to him loud and strong, "Governor, please, you cannot - you should not - renege on an agreement." And that's exactly what this Motion to Restore says. This is six million dollars. It is not a budget-buster. But more importantly, this goes to the heart of the process. If indeed we allow this kind of a breach of an agreement, kiss it all goodbye. I urge an Aye vote to restore this six million dollars for grants to mass transportation for reimbursement of reduced fares for the students, the disabled and the elderly. And I solicit your Aye vote, and I ask - equally as importantly - maintain the process. This is too important. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Keats.

SENATOR KEATS:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Pardon, as I take some observations on this bill -- that when we talk about this is "the process." This was an alleged deal, cut in private, behind closed doors, with only special interest groups being represented, and we're supposed to protect that process. If I might say - with a certain sense of humor - if this is the process, I'd like out. Just because four leaders sat down, and you say you agreed - and I would remind you that you don't have a consensus from the four leaders that that's your agreement - I don't know that you want to make the argument that that backroom deal is something that other people should live up to, when their account of the agreement is different than your account. Not only that, but as this bill drafted, as Speaker Madigan's staff was kind enough to send some of this out, this bill doesn't read the way other people thought it was supposed to read. Now I know in this Chamber we've never had trouble with Speaker Madigan's staff drafting bills differently than we thought had been agreed to. So maybe we should just accept this process - this backdoor, let's-have-a-little-secret deal and we'll work it out. But, you know, even with all that, those of us from Cook County, who are concerned about what happened in Cook County, said, "We're willing to maybe try and work with this." And we said, "You know, we've got some transportation tort reform issues we're interested in." Dealt with PACE and METRA, giving them some tort reform the equivalent to what the CTA and municipalities have. And all you had to do was give us a little help in Suburban Cook for the help we were giving you in Chicago Cook - all being Cook - and we probably could have had a few Cook County votes on this. We could have helped the old people, the school kids, the disabled, the poor people, African-Americans, Hispanics. We could have helped all those with Republican and Democrat votes. All we had to do was say to a few -- greedy personal injury lawyers, "You don't get

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to sue quite as much. We're going to treat PACE and METRA the same as we treat the CTA and municipalities." Had you said that, you had several Cook County Republicans willing to help you. But you had an option: the greedy personal injury lawyers or disabled people, old people, school kids. And you said, "I'm going to stick with the greedy personal injury lawyers, and stick with a bill that is not what other people think was agreed to." Hey, whatever -- whatever's fair, that's the program. But I think you'll discover many of us, who were very willing to be with you on a Cook County issue, are not on board because of the change -- the way Speaker Madigan's staff did it, and the fact that you're more worried about a few ambulance chasers than you are a few disabled people and school kids.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Joyce. Jerome Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I rise to make note that I have no mass transportation in my district, but a deal was made back several years ago, when we passed a gasoline tax. This was all part of a package, as Senator Rock pointed out. And I might point out to the previous speaker that I've been around here a long time, and I've never heard Senator Rock go back on his word, and I would doubt that anyone in this Chamber has heard that. And I would like to put that on the record. But what I -- what I'm saying is that we passed a gasoline tax that Senator Rock was the sponsor of, that put together a package that benefited all of us, and it benefited us even in districts like mine, with no mass transportation. The people there are enjoying better roads because of that gasoline tax. Some of us may not have voted for that gasoline tax, and they may say now, "Well, I didn't vote for the gas tax in the first place." However, we're asking for six million dollars here, and I'll bet everybody that didn't vote for

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that gasoline tax, at one time or another in the -- since the gasoline tax has passed, has stood out there at a ribbon-cutting or sent out a press release saying, "What a good job I did down here getting this road fixed for you." So I can tell you, for six million dollars here, you're going to maybe justify the fact that you put out a press release when you voted against the gasoline tax in the first place. So I'd say that probably that project that your press release or where you stood having your ribbon cut was worth the -- cost more than six million bucks; so you got a bargain. I'd vote for this bill, because it's part of the process. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. I guess, as one of the few legislators who represents the City of Chicago as well as suburban areas, I'm torn on this issue. And I've been debating this within myself quite extensively the last few days. But in these difficult times, we are asking the -- or the teachers in the City of Chicago are in a contract dispute with the Board of Education, and they are being asked to forgo a seven-percent raise, which they negotiated in good faith with the Board of Education. Employees of the various governmental and private agencies throughout Illinois are being asked to renegotiate their contracts, because their employers don't have the money because of the economy. And then, I guess what really is a sore point to me is best explained in a article -- or in an editorial by the Sun-Times, dated -- August 1st, and I'm just going to quote this few sentences and sit down, Mr. President. It says, "In the CTA's case, those ten-percent-plus pay raises for CTA executives may have cost it some of its State subsidy. Even though the transit agency is in a permanent budget crisis, it doled out double-digit

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pay raises to one hundred and eighty-three of three hundred and forty-three employees in the agency's top five categories in the last eight months. In tough economic times, not a wise political move." These, Mr. President, are -- are upper-tier employees. They include managers, lawyers, engineers and other professionals of the Chicago Transit Authority that are paid between forty-six thousand and a hundred thousand dollars a year. They give themselves a double-digit pay increase, and then everybody's coming to us and saying that we need the 6.5 million additional dollars. They're sending the wrong signal to Springfield, Mr. President. And I think that's poor management, and I'm going to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Ladies and Gentlemen, I rise today to talk about the art of reading the newspaper. That art consists of being able to take individual stories and paint yourself a big picture. I read a newspaper story about rising unemployment in the City and how there are jobs downtown and in the suburbs. And then I read that the State is cutting mass transportation funds, so that the people in the neighborhoods will no longer be able to travel to those jobs. I read in the newspaper in 1991 the hole in the ozone layer was worst in history. And then I read the State is cutting mass transit funds. So that only -- that those cars will be able to travel to work. I read in the newspapers how highways and roads are falling apart, and that the Federal Government and the local government do not have the money to repair all the roads and bridges that are -- needs repair. And then I read the State is cutting mass transit funds, so that the roads will be forced to handle more traffic. We have three major problems: the environment, the poor, roads. But by not seeing

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where mass transit funds fits into the big picture, the Governor has aggravated the three problems. Ladies and Gentlemen of the Senate, it is up to us to see that the big picture -- and to restore mass transit to fund the veto -- vetoed by the Governor. Tomorrow when I read the depressing news in the papers about the jobs and the roads and the environment, I also want to read the story that says the Illinois Senate took action to solve three of these problems. I know -- I know that as a freshman legislator, when I first came into this General Assembly, in the first class or orientation, they said to us that you live up to your word. They said a Senator or Representative without a word was useless and worthless. And I submit to you that I have - sometime through great pain - have lived to that word. I think that everyone in this system should be held to that same standard - the Governor included. Oh, we knew about the negotiations, and we knew about the deal, and we voted for it. Let's hold him to that promise. And to my friend, Senator Keats: when we talk about mass transportation and we talk about helping the poor, when we're talking about helping the blacks in the community to get to those jobs, let me also remind you that for the first time in history from the black community, this Governor - this very Governor that says that he stands for education that he has not proved to us, that says he stands to help the whole citizens of the State of Illinois - received fifteen percent of those votes. And I contend to you that it seems to me that those are the first fifteen people -- or first fifteen percent that he has let down. For the first time in history. And this will be mentioned and spoke of in years and times to come. Let's get a favorable vote on this motion. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If you have your pencils out, this is the lineup: Geo-Karis, Tom Dunn, Etheredge, Maitland,

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Jones, Watson, Barkhausen, Cullerton, Raica and whoever. Senator Geo-Karis.

END OF TAPE

TAPE 2

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I can well commiserate with some of the remarks made from my colleagues on the other side. However, the fact remains that the bus drivers of CTA are amongst the highest paid in the country. If they're so concerned about helping their fellow man, why don't they take a nice cut like they should? And why does the CTA raise -- give such big raises to people making over seventy-five thousand a year? And do -- does anyone in here have relatives working for the CTA? I don't. But I'll tell you right now, it's -- it's a travesty of justice when you have a CTA system that's run the way it is right now, when people can't even be safe riding the CTA buses, and yet we're asking for an appropriation when we know we don't have the money in the State Treasury. Now, if there were deals made, I'd like to know why those deals weren't told to us. I know of no such deal. Maybe there was. I don't doubt the Senator from the other side who said there was a deal made, but it would be nice if we knew something about it. But I still think that we have to see the CTA clean up its own act before we go spending valuable money of the State to help this matter. Let's not kid ourselves. If we don't have the money, we can't really spend it. And I might tell one of my colleagues on the other side - one of the reasons why we're in this financial mess today is because we've passed so many appropriations whether we had the

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money or not, and now we find we're stuck. I speak against the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is really not my fight, but, you know, I want to thank Senator Keats for helping me make up my mind, as he usually does. I listened to Senator Keats when he spoke about the hate crime, and he totally convinced me that my position ought to be different than his. And I think as I listened to him today speak about things that are irrelevant and immaterial, he's basically convinced me to side with the money going to the CTA. Probably the easiest thing for me to do politically would be to distinguish myself from Senator Jerry Joyce, who I find myself with in the same district. But I'm not going to do that. I'm not going to take advantage of that position, because I don't think it's the right thing to do. I think for Senator Keats to characterize this as a -- to the gallery as a behind-the-doors, closed deal that no one knew about, is a total misrepresentation. And it's a misrepresentation because IDOT distributed to each one of us the benefits if we voted for the gas tax, on what projects - what plums - would go to each one of our districts if we got on board with the gas tax. Well, I didn't get on board with the gas tax, but I'm going to get on board with this, 'cause it's the right thing to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this motion. I think that everyone on this Floor should be aware of the fact that there is absolutely no necessary linkage between reduced fares for senior

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citizens, this -- the disabled and school students and this six and a half million dollars that we're talking about. This amount of money is simply a part - a very small part, I might add - approximately three percent of a total flat grant that we distribute. The officials up there have the opportunity to spend that very large sum of money in any way they see fit, including providing the reduced fares. And I would suggest that that would be a far better way to spend that money than it would be to provide themselves the double-digit salary increases that they chose rather to spend the money on last July. So there is no linkage between reduced fares and this override. If we support this - and I sincerely hope we do not - but if we do, what it means is, that we're going to be taking six and a half million dollars out of other necessary services to the citizens of this State. I would suggest to you that we've got enough problems already without having to go back into the budget of the Department of Children and Family Services or the Department of Public Aid or some of these other departments and take still more money away from them. I would urge you to vote No on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland. Senator Netsch, you're on the wrong side of the street here. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senator Rock, I -- you command a lot of respect on the Floor of this Chamber, and I have that same strong respect for you, and I understand the strong feelings that you have on this issue. But I would -- would remind you, and I would remind other Members of this Body, that the agreement that was broken last Spring - the agreement that was broken last Spring - was on Senate Bill 45. The agreement was made on pharmaceuticals and the limit -- or the level, and that agreement was broken after they left the 2nd

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Floor. It is my understanding that the Governor made it very clear that that revenue would have to come from some other source. It truly would. This is a General Revenue issue. Has nothing to do with motor fuel tax, Senator Joyce. None whatsoever. Absolutely not. And our whole debate last Spring was on General Revenue. We had to fit the available dollars into all the programs in State Government that receive General Revenue money - and this was one of them. This was one of them. And we agree. This is but a three-percent cut in the total amount of General Revenue that goes to mass transit. Three percent. Look at all the other agencies in State Government that we cut substantially more than that. Look at the Energy Assistance Program. Senator D'Arco, you and I worked very hard on that. We feel strongly about that program, but it was cut - almost eliminated. How can you go back to your district in the City of Chicago and say you voted for this six and a half million dollars out of General Revenue Fund - out of General Revenue money - that could go to that program? Senator Brookins, some of these people don't ride even the subsidized mass transit in the City. They may not even have any heat, but we had to cut that program. How do you tell them that? If you represent Southern Illinois University, how do you go there and say you sent six and a half million dollars of General Revenue money to mass transit and didn't fund your school? Or remember the debate last week on the delay in State Aid payment - a hundred and seventy-six million dollars? Remember that issue? Schools would like to have that six and a half million dollars too. They took their share of the cut. This leaves the RTA held harmless, and that's wrong. That's absolutely wrong. Senator Rock, it's a tough issue, and I understand that. But we'll be back here after the first of the year paying for this mistake if we vote for this motion. I urge opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I, too, rise in support of the Motion to Restore these millions of dollars that have been cut from mass transportation. And what we have here in effect is a situation that we call taxation without representation. When you talk about agreements on a tax bill, I was one, as well as many others, who voted for that MFT Fund tax increase, recognizing that the bulk of the money from the motor fuel tax would go to downstate. We also recognized in the agreement that Chicago Transit Authority, as well as -- all our transit systems, would be funded from GRF funds. The only thing this does to me, and I hope my colleagues from the Chicago area will realize, that in the future that if we vote for something as relate to taxes, it's going to have to be etched in granite, because we have a situation here where those individuals on the other side of the aisle cannot keep their word. You talk about pay increases for CTA employees, but I heard you say nothing about all the new employees that the Governor is bringing in and giving them hefty pay increases. So let's tell the whole story. I voted for the MFT funds, as I stated this past Spring, about all the highways you have downstate, highways going from noplace to nowhere, but I voted for that some years ago, knowing that we would get money in the City of Chicago for mass transportation. The Chicago transit system not only serves Chicago, but you get out there in Oak Park or Evanston or the far south and western suburbs where the CTA services, those people ride the CTA transportation to get to town. But they don't want to pay for it. And that's wrong. But in the future, any tax measure - any - if there is not a formula in there that's going to take care of the urban areas, Emil Jones will not be on board, and I'd urge my colleagues from the metropolitan area - don't vote for anything unless we have it in granite in a

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formula that going to take care of mass transportation. And my good friend, Senator Roger Keats, who runs around the south side of the City of Chicago, talking about how you like black folks. Well, black folks need transportation. They don't need roads, Senator Keats. So don't jump on the Floor and talk about what you are doing and how this is hurting certain areas. Your constituents ride the CTA, because it stretches out to them. So let's stop playing these silly games, and we should vote for this motion and keep our word.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Yes, thank you. In your opening remarks, Senator, I thought I heard you say that the impact on this -- on downstate mass transit districts -- and there was, I think, some confusion when this issue was brought up in -- in June or July about the impact that this had downstate, and I want a clarification of that as to who really is truly impacted here. Do downstate mass transit systems receive any of this revenue?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

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Well, can you identify that? Because in the veto message, the Governor has taken out of the IDOT budget -- this appropriation was split twenty-eight one -- 28.1 million to the RTA, 1.9 million for downstate. In the Governor's veto message, he reduced the RTA appropriation by six and a half million, to 21.6. Now explain to me how this affects the downstate districts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I think the overall effect, Senator Watson, is what I alluded to in my opening statement. The grants for mass transportation cover all the mass transit districts in Illinois. And if indeed the Governor is not going to keep his word with respect to one, how are we in the future to -- to determine he's going to keep it with respect to any of them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, thank you for that clarification. Then this six and a half million dollars has no impact - immediate impact - on downstate mass transit districts. And I think that should be clarified, because I believe some of us might have been misled earlier that this is going to have an impact in our communities. And I want everybody to understand that Senator Rock is concerned about the future impact this may not -- they may have, certainly not the six and a half million we're talking about now. I've got a -- an article from the Sun-Times here that I'm sure most of you have read or have seen. It's dated July 22nd of this year. And I think we all ought to take a look at it, because it really -- it's truly disturbing. Out of the three hundred and forty-three nonunion employees in the upper management of the CTA, a hundred and eighty-three received double-digit raises. A hundred and

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eighty-three out of the three hundred and forty-three received double-digit raises. Some of them up to twenty percent. And many of these people are making upwards of seventy-five thousand dollars a year. And what galls me about this is the fact that on the 22nd of July - after we'd been here for nineteen extra days in July - they come out and do this - after we have adjourned. And, Senator Jones, you're talking about -- the State of Illinois and the Governor's Office has cut four thousand jobs trying to make a balanced budget. He cut his own budget by one million dollars. And we're not adding people to the payroll; we're taking them off. We've got a resolution that we've just introduced today - Senator Brookins and I - a resolution which is going to ask that the people of the CTA come in and talk to us about their concerns and some of the problems that they're having, and we're to come back to this General Assembly next Spring with the report from that resolution and from that task force. I think that that's -- that's the thing that should be -- should be done. We shouldn't be overriding and adding six and a half million dollars to a budget that's already burdensome with top payroll dollars. And why is this a partisan issue? It's an unfortunate situation, and I -- I come in here and I'm frustrated by the fact that invariably the green lights are over there and the red lights are over here. Why is that the case? Why should that be the issue? Why should it be the Democrats voting for overrides and the Republicans trying to hold the line? It shouldn't be that way. It shouldn't be that way. We should be here concerned about the future of this State and the economy of this State, and I don't see that concern when we're sitting here voting Yes to override all these vetoes. I want you to go back to your home and -- and get the phone calls from the pharmacists, from the hospitals, from the nursing homes, from the State employees that we're not paying their insurance benefits. I want you to get those phone calls. And I want you to

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understand what we're doing here when we're talking about raising -- taking six and a half more million dollars out of the General Revenue Fund that we can't afford to do. We don't have the money to do it. You can't do it in your own budget at home, and we can't do it here. So answer those people when they come to you, "Why aren't we being paid? Why isn't the State meeting its obligations to pay the people of this State, the providers - the Public Aid providers - who are providing services to the less fortunate of this State, whom many of you represent? Why isn't it happening?" Because we come in here and we vote for overrides such as this. This is totally irresponsible, and a proper vote is No. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, it's hard to follow an impassioned plea such as you just heard from my colleague from Greenville, Senator Watson, but I have some similar sentiments, perhaps not as strongly stated. And let me just suggest where this six and a half million dollars is really going to go. And I ride the CTA occasionally and -- and many of my constituents do as well. And I believe as strongly as anybody else in the importance of the CTA and mass transit for the economic viability of the Chicago metropolitan area. And -- but I think that there are a number of things that we should be doing here in the General Assembly that can match the six and a half million dollars and can do a lot better than that, and Senator Keats was onto one of them when he mentioned tort reform. Three weeks ago, Ladies and Gentlemen, there was a judgment - a verdict - in the Circuit Court of Cook County, wherein a -- unfortunately, a young individual was injured by a bus and he should be fairly compensated for those injuries. But you know what that award was, Ladies and Gentlemen? Twenty-seven

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million dollars. Twenty-seven million dollars in the Circuit Court of Cook County. Six and a half million dollars will pay one-quarter of that judgment. Now let's talk for a minute about tort reform. We -- we've tried to press this issue now for ten years, at least here in the General Assembly. If we had some slightly reasonable limitations on damages, especially on pain and suffering, victims of accidents in this State would be more than fairly compensated, but they would not be receiving judgments for twenty-seven million dollars. So I'm glad that we're having a -- going to have a task force in this Body that's going to look at things of a positive nature that we can do for the CTA. And I might suggest that the first alternative we ought to be looking at is tort reform. The second, that can at least match the dollars that we can save through tort reform, is looking at some constraints on increases in labor costs - such as we have tried to enact around here in prior years - that will considerably dwarf the six and a half million dollars that we're talking about here. So I'm totally sympathetic to the CTA. I do not -- do not entirely blame their management for the situation that they're in today, but I do -- I do blame this General Assembly, for not only have we been unwilling to impose certain limitations on civil liability, our friends on the other side of the aisle have, in fact, tried to expand that liability. They had a bill here two years ago that would have said where an individual is injured at a -- at a CTA site where a previous injury has occurred, where someone is assaulted in a criminal -- in a criminal assault, that the CTA should therefore have to pay civil damages. So they would have -- they would have not only -- not only stand in defense of our civil justice system that we have today, they would make the situation for the CTA that much worse. So I think the proper vote is -- is not to support the override, but to do what we can here in the very near future to make it easier for the CTA to operate

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and to make all of those who depend on the CTA for their daily livelihoods -- to give them a better shake as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank -- thank you, Mr. President and Members of the Senate. Unlike...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Cullerton.

SENATOR CULLERTON:

Unlike the previous speaker, I don't occasionally take the CTA; I take the CTA every working day, and I've got the tokens in my wallet to prove it. Those tokens, which now cost ninety cents, are going to go up. The CTA has told us that. They are not six million dollars short; they're twenty million dollars short. And they've been having hearings throughout the entire City of Chicago for the last few weeks, telling people that they're going to close el stations, they're going to cut off bus lines, they're cutting off owl service, and people have come forward and testified, just as I have testified. And I've told them at those hearings I am as outraged about those pay raises as Senator Watson and Senator -- I think Dudycz, mentioned. But why didn't the Governor reduce the appropriation by the amount of the pay raise? Because the amount of the pay raise is probably a couple of hundred thousand dollars. And symbolically, it's very important; but it wasn't six and a half million dollars' worth of pay raise. Six and a half million dollars. You know they're going to close el stations -- that -- they're going to save three and a half million dollars by closing el stations. Let me give you an idea about what these el stations are like. They're going to try to close the Wellington Avenue el station. It's a quarter block from the Illinois Masonic Hospital. The doctors use the el; the nurses use the el; the people that

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work in the hospital use the el. But the patients use the el. And sure, they can walk five blocks from the Belmont el station, but these people are going to a hospital. And we're going to close it, in part, because they don't have as much money as they used to. Is there certain mismanagement in the CTA? I'm sure there is. And we call upon them to clean up their act and do what they can. But this -- this -- the impression is left here that instead of giving them the six and a half million dollars, they should just make it up with efficiencies. There's going to be cuts. The only question is how much. The -- there's going to be el stations closed. There's going to be bus lines cut down. The cost of this token is going to go up. But certainly the six and a half million is going to help. Now as far as this so-called "deal" that was done in the back room, it seems to me that there were two deals. There was the one with the Governor and the Transportation Secretary and the leaders, when we voted on the gas tax increase. But just in July we just voted on an appropriation. We voted on a budget. We all agreed what the budget was going to be. Now if it was six million dollars too much then, why did we appropriate it? What happened was the Governor found out later on that there was a mistake - a miscalculation - and he needed six and a half million dollars. And he said, "Well, where am I going to get it? Can't take it from the State employees. I'm not going to take it from them. I'm not going to take it from the prison guards. I know. I know. I'll go after the CTA." You're giving us the impression that this is only a three-percent cut. Don't forget there was already an agreement that there'd be an eight-million-dollar cut when we started. So it's eight million plus the six. It's not a small percentage. And the money is going to go not to pay raises; it's going to go to keep people able to take the el to work, to a hospital, to their work downtown - not just poor people, but pretty-well-off people, people in my

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neighborhood that get on that el, who bring their briefcases down to their office, and people who, if they close the el station, are going to say, "Well, I'm going to just have to drive," and add to the pollution and the -- and the concerns that we have of traffic, which will be a further drain on our road system. So it just doesn't make sense. In addition to not being fair, as the President has indicated, it just doesn't make sense.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have attempted to stay out of this debate, but Senator Dudycz and I coming and representing portions of the City of Chicago, I felt, hearing everything that I've heard today, I just wanted to put things, at least I felt, in perspective. The -- House Bill 376, as I read the tote board - unless someone's reading a different tote board than I do - does not say Governor's -- or "Bill gone sour; deal with Governor gone bad." It says, "Transportation Restore Reduction Veto sponsored by Rock." And it has to do with senior citizens, students and -- and handicapped. Let me tell you about the service and about how they would have to make reductions if -- if this six and a half million dollars were not put into play. Let me tell you what my district gets now. My district's the southwest side of the City of Chicago, the furthest southwest point - Harlem Avenue. From Narragansett to -- to Nottingham - which is seven blocks - someone has to wait for a bus on 63rd Street for about twenty minutes. Twenty minutes. These are the students and the seniors and the handicapped we're talking about in this bill. To go to Cicero Avenue from Nottingham, they have to get off that bus, after they go those seven blocks, and get on another bus that goes from Narragansett to Cicero Avenue, to go to school out south. So they wait another twenty minutes on

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Narragansett and 63rd. Let's go to Archer Avenue, from Harlem to Cicero Avenue. If you're lucky enough - lucky enough - to get on the bus, or get a bus from Harlem Avenue to -- to Narragansett, that's maybe fifteen minutes, depending on what time - sometimes twenty minutes. Once you get to Narragansett when the school gets out at Kennedy, there's sometimes a hundred and fifty students that are waiting at Archer and Narragansett to get on the bus. If you're east of Narragansett and want to get on the bus on Archer, forget it. Forget it; you're not going to do it. Go to 65th Street from Cicero to Harlem, my district and Senator Savickas' district. Buses are every forty-five minutes, weather permitting, in most cases. My district. So when I vote on this bill, I'm not looking at everyone's area. I'm voting my district - my district. Southeast side, 69th Street, Halsted, Stony Island, buses every five minutes - every five minutes. Don't deny it, because I'm there. Buses two o'clock in the morning - buses are empty. I think the bus drivers are just bringing the buses back and forth to cause a route. They're empty. Talk about cutting services - I don't want to cut services in my area. I don't want them to be better than the services on the southeast side. I want -- or on the north -- or on the north side, where Senator Cullerton comes from. I just want them to be equal - equal. Not greater, not less - equal. My seniors, my students and my handicapped can't get on the bus now. And you want me to give six and -- and .5 million? That's going to help me out? It ain't going to help me out, because it hasn't helped out in the last five years. And the same people from the southwest side -- you know, the taxpayers - that always pay their taxes every time - complain. And where does it get them? Maybe a bus. So then it's thrown in where you got the southwest rapid transit. They can get downtown. How do they get to Cicero Avenue to get there? They're not getting it from Harlem Avenue, because they can't get to Cicero Avenue. This

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isn't -- the deal that gone sour. In my opinion, the six and a half million, at least from my district, I don't think it's a good -- it's a good...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...

SENATOR RAICA:

...a good benefit at this point in time. And to correct one of the other speakers: Senate Bill 45. When the Governor sat down and negotiated all this, everyone knew right off the bat that money was coming from somewhere - was coming from somewhere. No one knew where, but it was coming from somewhere. It's coming from here. The eight hundred dollars from the pharmaceutical is -- is where that shortcome -- came from on -- on this bill. That's the six and a half million. The Governor didn't renege on his deal. Senate Bill 45, when they went up with that eight hundred dollars, that's where that got hit. So I'm going to have to vote my district on this bill, and for my seniors, and say, "We don't get the attention now; we're not going to get it with another 6.5 million." I vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm not quite sure how to approach this topic, because a lot of extra issues have been brought in, and I think they all ought to be addressed. Of course, they have nothing to do with what's really at issue, and that is: was a deal made, in the right legislative sense, even this time in writing - twice in writing - and reneged on? You know, people say, "Well, sometimes you make a deal and people misunderstand." That it might not have been in writing. What do you do when it is in writing by people, by law we respect, and in practice we had respected, and suddenly

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their word and their writings are no good? That's wrong. That's something that this General Assembly or any General Assembly should not do and should not tolerate from others. There was a signing when the gas tax passed. We sat there, now. The leadership sat there. We, the budgeteers, chosen by our leaders, sat there, and we, a larger group - the conferees - sat there, and negotiated each and every item, not for nineteen days but probably thirty or forty days - the fifteen days or so leading up to the nineteen days - to resolve the budget impasse in a way that would pass a balanced budget. And we did so in writing. I was the one, coincidentally, at the budgeteer meetings and conferee meetings, most adamant on honoring the entire commitment. When I was advised by the Office of the Governor at the budgeteers' meeting - all others present - that the leaders and the Governor have now agreed that the full commitment need not be met, that eighty percent of it was acceptable, I personally didn't like that. I felt the deal that was committed to writing, memorialized by the parties for the full thirty-eight five, should have been honored, but that was the deal my leader and the other leaders made with the Governor. So be it. Governor's Office produced the writing. Thirty million dollars. Their figure - their figure - their figure. Senate Bill 45, drafted by the Bureau of the Budget, controlled at all times in its drafts by the Bureau of the Budget, is the alleged reason, in writing, for the cuts. If there was an error - if there was an error - if there was an error, the error emanates out of the Office of the Governor and the Bureau of the Budget, not the General Assembly in making a change. They drafted it. They knew the numbers. They gave us the numbers. To this day, the Department of Revenue -- still cannot tell us what, if any, is the fiscal impact of any of the copayments. The deal was made. The deal was solid. The deal was from the Governor's Office, correctly, and explained to all participants, and

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committed to writing. Then why the change? They claim, for example, it is because of the pay raises given - the salary increases given - to people at the CTA. Those increases are wrong. Every Member of this General Assembly, I think, feels that way. And it amounted to one percent. One percent of the people working at the CTA got a pay raise - double digits. Eleven percent of the Office of the Governor got pay raises in double digits. I'll repeat that. Eleven percent of the Office of this Governor, during that same time period, got double-digit raises. If it's wrong, it's wrong across the board. Not one percent at the CTA, and now you harm seniors, disableds and students. Eleven percent of the Office of the Governor. When we were done with our budget negotiations, there was a little bit of a dispute, I admit. We might have been off, we felt - in writing - about sixteen million dollars. And we, the budgeteers and conferees, suggested statutory legislation to take that money from contractual services - the pinstripe patronage and all that goes with contractual services. Office of the Governor said, "No, no, no, no, no. Trust us. We'll amendatorily veto it." Sixteen million out of a three-hundred-and-seventy-five-million-dollar pool of money spent every year on outside contractual services. Well, my God, if the Governor made another six-million-dollar mistake, that's where it should have come from, not from the backs of seniors, from disabled citizens, from students. The budget was negotiated in good faith. The written documents emanated from the Office of the Governor. And what have we seen since we adjourned? An unannounced million and a half dollars spent from the group insurance line for a contract to one of the pharmaceutical houses in this State to look at the pharmaceutical drug bills of State employees. We have an agency of thousands of people who review those bills. But someone decided it was smart just to waste a million and a half dollars on a contract to an outside company to

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do what State employees were supposed to be doing. That's where the money could have come from. Or the Director who just went off to the Soviet bloc countries to visit those countries. That's where the savings should have come from. But not to take the written documents of the Office of the Governor, and the bill drafted by the Governor, and say we're going to lie about what we told people; that's something the General Assembly should never accept. The CTA, RTA are entitled to these monies, based on the prior commitments. More importantly, I think the General Assembly has to say, "The word has to be good all year long."

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This, in my judgment, is an extremely important vote, and not important again so much because it is six million dollars and perhaps will forestall proposed cutbacks in service, whether on Archer Avenue, or Central Avenue, or Jefferson Park, or Oak Park, or anywhere else, or fare increases for all those people, Senator Raica, from your district who do, in fact, ride the CTA. There's a proposed fare increase. This six million, I hope, will alleviate some of those concerns. And I can only emphasize and underline what Senator Carroll said. I apparently am being blamed somehow for standing up for the eight-hundred-dollar cap - the raise from four to eight hundred dollars, and I admit that. And Senator Philip was sitting right at my elbow when we were both arguing, as a result of discussions in this Chamber from both sides of the aisle, that the four-hundred-dollar cap or the six-hundred-dollar cap simply was inadequate; we were not going to pass it. And so, yes, we did adamantly argue to have it go to eight, and that we would provide for some copay. And the calculation and the drafting and the conference committee report

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came from the 2nd Floor. Didn't come from the Speaker's office. Didn't come from my office. Didn't come from Senator Philip's office, or Lee Daniels' office. It came from the 2nd Floor. It was their language. It was their calculations. And all of a sudden they feel they're six million dollars short. Where to take it from? Well, obviously - let's pick an easy target. Pick the CTA. Nobody likes the CTA. I don't care where they got it from. The fact of the matter is, we made an agreement, and we labored over nineteen days, hour after hour down on the 2nd Floor and up here on the 3rd Floor, and we came out with a piece of paper that reflected our agreement, and the world knew what was in it. And all of a sudden, sixty days later, wham - no more agreement. This is bigger than the six million dollars. And yes, I think I am starting to take it personally, because I have too much respect for the people in this process and for the process itself. And if your word is not good around here, we might as well all go home. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the item on Page 19, line 18, of House Bill 376 be restored, the item reduction of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed, Nay. The voting is open. ...(machine cutoff)... 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 26, 2 voting Present. The item on Page 19, line 18, of House Bill 376, having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President. A verification of the affirmative roll call.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Secretary will read the names of the Members who voted in the affirmative. All Members will be in their seats. Madam Secretary, please.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch on the Floor? Senator Welch is in the middle of the -- middle of the aisle.

SENATOR MAITLAND:

Senator O'Daniel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel? Senator O'Daniel on the Floor? He is at the back of the Chamber.

SENATOR MAITLAND:

Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz on the Floor? He is in the back of the Chamber.

SENATOR MAITLAND:

Senator --

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. On the verified roll call, the -- on a verified roll call, the Ayes are 31, the Nays are 26, 2 voting Present. Roll call has been verified. Brookins. 376. House Bill 376. Right below there. Same motion. All right. House Bill 376. Madam Secretary, read the motion. That's what I -- that's what I was trying to get -- take it out of the record. Thank you. I thought maybe you knew something I didn't. House Bill 651. Senator Luft. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that the item on Page 2, line 14, of House Bill 651 be restored, the item reduction of the Governor to the contrary notwithstanding.

Filed by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The Governor reduced the amount for the Industrial Commission's Office in Peoria by the amount of thirty-six thousand one hundred dollars. This office was closed once back in 1987, and then the Industrial Commission discovered the errors of its ways and reopened the office. And now apparently someone wants to try to prohibit the use of the people's -- of this office that's so needed in the area. The State Chamber of Commerce has been very helpful in trying to get the money restored, as well as the labor unions in our area and Caterpillar. And I would just ask that we restore the thirty-six thousand one hundred dollars.

PRESIDENT ROCK:

Discussion on the Motion to Restore. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I rise in opposition to this motion. What we're doing once again here is adding back General

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Revenue Fund money into this budget and I -- we -- it's more than time for us to take a look at what it is that we're doing here. This is a closing which was recommended by the Commission, and I think that we ought to support them in this. If you look at the -- the service statistics, this is the office that serves the -- the fewest number of people. If we close this office on the 21st of December, as we should in order to save this money, there will still be a hearing site in Peoria. I think that we -- we should support the Governor in this action, and I urge everyone to vote No on this motion.

PRESIDENT ROCK:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Well, thank you, Mr. President. I wasn't going to speak, but the remarks of the last sponsor just don't ring true with my experience in the Peoria office. This is an extremely busy office. It serves all of central Illinois. The decision a couple of years ago to close the office was a dramatic mistake. Senator Luft and I were able to get it reopened a year or so ago. And to say that it does -- it is not a busy -- and doesn't serve folks is just -- is just wrong. It's a very busy office, and it's extremely necessary to both business and labor in Central Illinois.

PRESIDENT ROCK:

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

SENATOR ETHEREDGE:

Well thank you, Mr. President. And I do apologizing for -- do apologize for rising a second time, but I have the statistics in front of me here. In point of fact, the traffic in the Peoria office is only one-fifth - one-fifth - what it is in Rockford. It's -- it's less than one-half what it is in Springfield. And

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there are similar statistics in regard to correspondence and calls for -- for information. This, indeed, is the office that has the lightest traffic. I think that it is a very reasonable recommendation from the Commission to close this office, and we should support the Commission and the Governor in this -- by opposing this Motion to Override.

PRESIDENT ROCK:

Further discussion? Senator Luft, to close.

SENATOR LUFT:

Thank you, Mr. President. Senator Etheredge makes a very good argument that if this closes, there's still going to be an office in Peoria, and he's right. When it was closed, the State spent as much money renting other offices throughout the area on a monthly basis. What this does is make it permanent. The people know where they're going month to month, rather than being in Pekin one day, in Peoria one day, and Eureka the next day and all over the central part of the State. I think for everybody's betterment of our area, this office should remain open in a permanent place, and that's exactly what this does. I'd ask for a favorable roll call.

PRESIDENT ROCK:

Question is, shall the item on Page 2, line 14, of House Bill 651 be restored, the item reduction of the to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. All voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays, 1 voting Present. The item on Page 2, line 14, of House Bill 651, having received the required majority vote of Senators elected, is declared restored, the item reduction of the Governor to the contrary notwithstanding. All right. If I can turn your attention to Page 11. The Secretary will distribute, or has distributed, a Supplemental Calendar containing additional motions

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that have been filed. So we will continue now on Page 11, on the Order of Motions in Writing to Override Total Vetoes. Bottom of Page 11, on the Order of Motions in Writing to Override Total Vetoes, is a motion with respect to House Bill 50. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move that House Bill 50 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Severns.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. Family leave, I suspect, is an issue that most of us, if not all of us, wish would go away. It's an issue, I believe, that tugs at the heart of us, because we know, regardless what our position on the issue is, that it's an idea and a policy with profound merit. It's an issue that I believe will be with us - in fact, with all state legislatures and the U.S. Congress - until it is passed and until it is implemented, because families across this State - in fact, across the country - know that it is something that is right. Contrary to what some would suggest, family leave is not an issue that affects only one group in society - namely, the pregnant mother. It is an issue that affects us all, and support for the passage of family leave comes from many areas. It is an issue that affects all workers and families, senior citizens, the disabled, the terminally ill, men and women who care for aging parents or disabled family members. It affects the seventeen percent of the population who are affected by collective bargaining and the eighty-three percent of the population who are not. Groups and organizations came to Springfield on Tuesday - the day before we returned to Veto Session - to urge our override

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of this -- measure, and those groups included, among the many, were AARP, the Illinois Council of Senior Citizens, the Catholic Conference, the Illinois Conference of Churches, the Alzheimer's Disease and Related Disorders Association, the Coalition of Citizens with Disabilities, and many more. Newsweek just recently reported that -- something we all know, and that's that our population is aging. And according to the report, by the early 21st century, the percentage of Americans who are elderly will double. For the percentage of young people, the caregivers of the future will sharply decline. A growing number of families in Illinois are becoming part of that so-called "sandwich generation." They are caring for their children and for their parents. This is but one reason why we should pass family leave. Seniors have expressed their strongly held belief that they will be a burden to their children and be a drain on their financial future. Whether we like it or not, there are countless examples in our State and every state where family members have been forced to choose between taking care of their parents, spouse, child or sibling, or keeping their job. And I believe that we ought not be a society which forces that agonizing choice on its members. While some suggest that employers are already offering such a policy, I agree - some are. In fact, one of the largest, IBM, has had a policy in place for many years, but the fact of the matter is, the vast majority of Illinois employers do not offer this policy. Yet in the four states of the nation - Oregon, Rhode Island, Minnesota and Wisconsin - that have family leave on the books, many of the concerns that are raised - and will be raised, I suspect, in this debate - were raised in those states as well, and yet most of those concerns simply have not been realized. In a study that the Family and Work Institute released - an independent study only a few months ago - the study found that eighty-nine percent of the employers in those four states said

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there were either no increases or insignificant increases in the cost of implementing family leave. Ninety-one percent, the policy was easy to implement. Two percent said that they did, in fact, see increased costs in unemployment insurance. I know that that's been a concern that's been raised. Sometimes - and I know the issue of mandate has been one of the primary concerns that have been raised on the other side of the aisle. I share that concern. As a former city council member, I know that we must not casually force another mandate on anyone or anywhere. But sometimes an issue has enough importance that it should stand alone on its own merit, and I believe that family leave is such an issue. When a family member has stayed with a critically ill spouse, an elderly parent, a child or a sibling, the last thing they want to hear is some convictions on the subject of mandates. We not -- ought not force anyone to choose between taking care of an elderly parent or keeping their job. No one should be forced to make that agonizing decision. Family leave will relieve our Illinois families of that added agony. I would urge a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Will try to be brief. This is a bill that originally I had been on all sides of. I had been in favor of the family leave. I had been opposed to it in varying forms, because of the -- in some of the language early on to where we had the -- definitely they would receive unemployment. There were some areas where they thought that maybe they would have to be paid. And all of that now has really went by the wayside, and I share with the concern of Senator Severns that we don't like to mandate things. And these are issues that we shouldn't have to mandate. These are issues of the heart; issues that employers should be giving to their people. There was some comments made on

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the other side of the aisle on a previous debate that how come is everything on this side of the aisle green and everything on that side of the aisle red. This is one that I certainly would hope that you would vote the green light to override the Governor's veto. This is one, I think, that should not be a partisan political issue, and I'd just like to relate a -- a simple story that happened to me, if I could. I had a former chief of police that was my chief for a number of years, who passed away about three -- four months ago, and he was a friend as well as a good chief. His wife works for Deere and Company - good company that takes care of their employees very well. Even though they had no provision for this, she took a lot of time off, and she was taking care of her dying husband in the hospital. And during that period of time, she looked at me and she said, "You know, Denny, I'm glad I work for Deere and Company, but, you know, I'm -- even though I work for Deere, I'm starting to be concerned. I'm concerned about losing my job." This woman, who is worrying about her dying husband, had another burden added onto her which is to worry about whether she is going to have a job after her husband dies, who is part of her income. Now that's very personal, but I think this bill is personal. And I think we have to look beyond the issue of whether or not this is a mandate. We don't like mandates on this side of the aisle any more than you like them on the other side. But if -- if industry cannot do it in those cases, then I think we have to mandate, and I stand proudly to urge that we override the Governor's veto. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I think this is an issue that has been discussed and talked about a lot. Senator Severns said in her opening comments

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that this issue of family leave and family responsibility is being discussed in legislatures across the country, and it is. It's also being discussed in Washington, and I believe very strongly that if it happens, it should happen in Washington, so we don't put various businesses and our businesses in Illinois at an economic disadvantage, because it will. I also believe -- and another point that I will raise that has been -- but I think the -- the issue of the unemployment insurance and those costs is a factor. And I also believe that we should -- I don't like the mandate. Denny, you talk about you don't like mandates. I don't like mandates either. I think we ought to leave the discretion to the company to be able to deal with this, and I think, and I do believe very strongly, that many of our companies do do this. I would urge a No vote. And as we read in the press, there are Republicans that are wavering on this issue. I don't believe there really are. I hope we all stand tight and vote No.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Members of the Senate. In previous arguments, we have heard a great deal about mandates. This is another mandate. This is government's way of mandating to business decisions on things that should be the decisions of the employer and business itself. We decry mandates. We say that we don't want to casually mandate anything. Well, we don't - we continue to mandate, but we don't do it casually. It seems to me that we continue to mandate in this area and others with zeal and with vigor and with enthusiasm, really. In spite of our disavowment of mandates, we continue to mandate. Why, in heaven's name, don't we, for a change, say that this is a mandate, we're against mandates unless we have a way of funding them, and stick to it and don't mandate? Why don't we try that once in a while?

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Furthermore, I don't think that this bill is going to help, in the long run, those that it purports to help. We can help people in the State of Illinois that want to work and want jobs and are thinking about the working place, by making the State of Illinois a place where businesses want to continue to work and new businesses want to come in and start businesses here. But if we continue to place business at a comparative disadvantage, I will maintain that we are reducing the effectiveness of Illinois business, the business climate, and we are therefore, by creating perhaps fewer jobs in the State of Illinois than we might otherwise have, in that sense, hurting the very people that we purport to be so interested in. For those reasons and many others, I would urge a No vote on this override.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just for the record - so there's no doubt in anyone's mind once again - I was one of the lone votes on family leave when it went out of here before - not because of a commitment that I made here with anyone, but because of a commitment I made sixteen years ago with my wife. And I'm going to honor that commitment, and therefore, I am still green now.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This issue has been discussed in this Chamber for a good number of years, and it's an issue that should have been discussed in the past and probably signed into law long before today's Override Motion. I'm going to tell you why. All of us learn - either from a scholastic experience or schooling, or we learn from one

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another. We learn from the expertise of people that appear before us, and we learn through reading and understanding of what's going on in this great world. Family leave is available to every progressive European country in the world market. This is nothing new. And I want to point out to you that in today's Sun-Times, if you take a look at page 34, there is a little clip on the bottom of the page. It says, "E.C. OKAYS MATERNITY PAY. Brussels, Belgium - European Community nations agreed Wednesday to guarantee women fourteen weeks of maternity leave at wages at least equal to the sick pay that is offered in their countries. The compromise reached by E.C. social affairs ministers was designed to move the trade bloc toward common standards before it forms a single market at the end of next year." All of us are aware of the fact that the European Common Market is going to be in existence and in competition with all of us in 1992. But I want to point out to you that they are so far ahead of us, as far as the employer-employee relationships, and they understand the type of strife and trauma and stress that is caused when a member of one's family is seriously ill and there is no one there to take care of him, except maybe a son or daughter or combination of the two. I can personally attest to that. My mother has been in a cast for four and a half years. Four different operations, and the stress fracture would not heal. My brother took an early retirement from Blue Cross and Blue Shield, when he was in charge on the data processing department, to take care of my mother. That is a commitment he and I made. It's a commitment we will fulfill. Not too many other people have that opportunity. And what we're saying here is, give that individual eight weeks, non-paid - in Europe they do pay - to let them take care of that family member who needs help, when help is needed. I would hope you would give Penny Severns your help and give her an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. A few years ago I went to a -- a conference where women legislators and I were talking about this exact, same bill, as it was passed in Oregon. And I talked to some of the sponsors of that bill, and they told me if indeed they see this bill in Illinois, what they suggested that I do is gather every dollar I could and invest in every temporary employment agency I could possibly lay my hands on. Because what's happened in Oregon is, number one, the exact women that we are attempting to help - those single women, for instance, who are the sole responsibility of their children - are the ones that are not hired, because all an employer has to do is look at that woman and realize if that child gets sick, she's the one that's going to be taking care of it. And they don't want to take a chance. If that woman is the one who has the elderly parents, they don't want to take a chance on her. And every company in Oregon that possibly could, got underneath that magic number of fifty, by firing the women that we are attempting to protect, and went to temporaries. I -- I understand what you're trying to do. Your heart's in the right place, Senator, but in the real world, it doesn't work. If this is to be done, it must be done with the agreement of both the employer and the employee. It can't be done down here in Springfield, and I urge a No vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This has been a tough two weeks for me. My daughter gave birth to a grandson after a very difficult delivery, followed several days later by the death of my very active, ninety-year-old father-in-law, leaving my eighty-five-year-old mother-in-law, who is recovering from hip

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surgery, without any care, in addition to the illness of my eighty-three-year-old mother. As a State employee, I have the privilege of taking some days to care for people in situations like these, and this is something that is happening to people all over the country. The fastest growing age group in America is those over eighty-five years of age. By the year 2000, one million people will be one hundred years of age or older. We accept, with no questions asked, the fact that we gave six months off to those who went in Desert Storm to fight a battle for another country, knowing that when they came back, their job would be there. Those were mostly men, and some women. Is it too much to ask that under a family leave bill, that would apply to mostly women and some men, that we give them eight weeks to fight a battle for their own family - eight weeks to bring forth a life, or eight weeks to save the life of those who gave birth to each of us?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very much. Ladies and Gentlemen of the -- of the Senate, I haven't been here very long, as you know. I'm the second freshest Senator in the -- in the kindest way of putting it, the second freshest Senator on the Floor. But I must tell you, one of the -- one of the disappointments I've had is the feeling that there is absolutely - I shouldn't say absolutely - there is too little concept of what it takes to run a business and what it takes to provide the means by which people are employed. At times I get the feeling we -- we imagine business is like a centipede. You keep pulling off a leg, and it -- somehow it keeps being viable. In all of the discussions, except for, I believe, Senator Hudson and Senator Fawell, there's no -- there were -- there was no mention of what impact this might have on the small-business

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man. It's almost as if manna comes down from heaven and provides all these things at absolutely no cost, and that is simply not true. Now keep in mind -- we are talking about small-business men -- of -- there's a minimum of fifty, and I can appreciate being generous with other people's money. I mean, that's the nicest thing in the world we can do. But picture the little guy -- picture the little guy with -- with fifty employees trying to make this thing go and finding employees -- he has to give employees leave for one reason or another. For example, there's a cutie in this bill. It's really cute. It says that if you're a small-business man and you employ fifty people, those fifty people can -- must be counted in a range of two hundred miles. So if you had stores, or if you had any kind of a small distribution company, and you had five employees here and ten there, you have to treat this the same way as if you were General Motors. We forget we're not talking about General Motors. We're talking about a little guy trying to keep a business going, and he's the guy that's providing most of the jobs in this -- in the State. It's nice to be generous, but what we're doing -- we're being -- we're practicing terminal generosity. We're -- we're generous with other people's money. We can, you know, puff up our chests and say, "Look at all we did for humanity," but somebody's got to pay for this. I think maybe we ought to -- have an omnibus bill to figure out ways we can totally take out the small-business man and put him out of his misery. Let's not do it one leg at a time. Let's really get them out of the picture entirely. This bill will hurt the small-business man. And face it -- that's the backbone of this State. I would urge you to vote NO, simply because this bill will destroy jobs, not promote better working conditions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further -- discussion? Senator Kelly.

SENATOR KELLY:

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Thank you, Mr. President and Members of the Senate. I -- my remarks would be to Senator Donahue - who I respect very much - who said that Republicans may be wavering on this issue. I'd rather look to it as Republicans who are taking a leadership role on this issue. One such leader, I might say, is a close friend of mine, and that's Congressman Henry Hyde in Washington, who voted for this -- concept at the congressional level. What I'm asking for is everyone in this Body to search their own conscience. And regardless of your party affiliation, just think about how this concept might be helpful to your family or to your friends, and I would ask for your support of this motion for House Bill 50.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think the bill is very commendable, but there's just one thing we must keep in mind. I believe in keeping business in Illinois and bringing more business to Illinois. The small businesses, as Senator Butler said, carry the brunt of the tax rate in this country, and there's several things we have to consider. First of all, the unemployment insurance will increase. The tax will increase. There's staffing and training problems that the employer has to go through - additional ones. He has to have specially trained personnel for the replacements. And then there's employees without children, without living spouses, or those who are single; they would receive no benefits whatsoever, and all of the -- the packages - the medical packages, dental packages and so forth - everything would have to be reduced to offset family costs. I'm not against people taking time off to take care of a loved one - absolutely not. I've had a secretary in my office. I gave her seven weeks off, and I gave it to her with pay when she was ill. But I'm telling you right now, I think

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it's up to the independent employer to do what they think is right. If we're going to discourage business, this is not the time. We are now short of assets coming in - money coming in - to the State Treasury. If we're going to encourage business to leave the State of Illinois, and take jobs away from the State of Illinois, we're doing something wrong. This is not the time for this bill at all. We first better get on a more stable footing financially in the State of Illinois before we consider any bill like -- of this nature, and then we should encourage employers to do the best they can by their employees, like some of us have done as employers, to help any employee that needs time off. I honestly feel that we're going beyond the realm of realism. I'm the one who is for controlled growth. I'm the one who is for open space, but it's got to be in common sense balance. But I'm also the one who believes in keeping jobs in Illinois and bringing more jobs in Illinois, and not increasing contractual services. You know what's happening in my county? I'll tell you. Some of the big plants aren't bothering hiring full-time employees. They're just putting them on a temporary basis where they don't have to pay unemployment insurance; they don't have to pay medicals or anything for them. I don't want that kind of -- business going on. I would rather have people steadily employed. Therefore, I urge a No vote for the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm going to be brief because it's been a lengthy debate. You know, someone said on the other side of the aisle this morning something about partisan issues with respect to the CTA. This is not a partisan issue either. This issue demonstrates why people are fed up with politics. They're fed up with politics is --

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because this issue has been around long enough that they want a remedy to this problem. Eighty percent of the people who are polled on this issue indicate their support for family leave. The voters want this problem solved. They don't want women in the workforce to be penalized or punished simply because they are having to bear children and then having to go into the workplace. They want family leave in some form, and they don't want this punishment to continue. This is an opportunity for us today to provide some remedy to this problem. The remedy needs to be at the level of the State Government, not at the level of the Federal Government. We're talking about local control. Voters don't want anymore polarization on this issue. They want this problem solved. And I think today they deserve to have it solved, and I believe today, if we're ever going to do it -- since this issue has been around, I think today affords us the opportunity -- a better time in history of this Legislature to do it today than any other time that this issue has been before the General Assembly. I would urge support. I would urge that we remedy this problem and that we move on to other pressing issues in the State of Illinois and afford those individuals the opportunity for family leave as a matter of public policy for the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and my friends of the Senate. I have supported this legislation for a number of years, and I believe in it. There's a saying that for forms of government, let fools contest. What's best administered is best. And this piece of legislation - family leave - is intimately close to every person in this room, because you never know the day or the hour when you will be plagued with this situation. Family leave. You've had

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people in your service for a number of years. They have been loyal and they have turned over a job, which would have taken ten people possibly to perform. One person has been able to do the job for you, and you've made record progress in your place of business. But this happens, and they have to go home to tend to their family. You hire a new person, and it will take you ten weeks to try to train them to what this person could have done in a matter of days. And I think you would be losing money. And so when I say -- I urge you to think twice; you're wasting money by talking about letting this person go and getting a new employee. When a person works for you, it's like a family. They grow and they get better and better on their jobs. And so I say to you this afternoon, to all of my legislative friends, don't think cold. Don't be just so -- about the money and this, that and -- you think in terms of the person and the value that that person means to you and to your business. And I guarantee you that you'll always win out. So please, I'm asking you, think in terms of this legislation - family leave - to help their own people so that they can come back and help their employers to do a yeoman job for them in their job and for the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Topinka.

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TAPE 3

SENATOR TOPINKA:

Well, Mr. -- Mr. President, I wasn't going to speak on this. I had spoken on the issue when it first came up originally, and I

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thought was kind of vehement on it at that time. But in listening to the discussion, especially as to the last speaker, where somehow or other we always get into the money issue, I think we've seen, after our regular Session that ended eighteen days late and where we made horrendous cuts in the State, especially in social services, which really and truly get into the humane aspects of how this State operates. And it could get worse if the Federal Government does not cooperate with us and we wind up with, you know, millions of dollars' worth of holes in an economy that is just not picking up. I think the bottom line to all of this is, is if we're not going to look and see if our businesses are going to remain viable and they're going to be able to generate jobs and the tax dollars that we have, we're not going to be able to employ people - period. Least of all, we're going to be getting tax dollars back to the State that we can redirect toward the same social services that I think we would like to bolster rather than cut. Now when we talk about family leave -- and I think many of us have been in the situation of having elderly relatives that have put pressures on us -- young children on the other end. I, for one, am an only child and I get it at both ends, and I get it regularly. And it -- it does impact on a lot of the decisions I've had to make in life - one very strong political decision recently made. But at the same time, I don't know that I want to expect favors and gratuities on the backs of other people. And that's exactly what I think we're doing with this. Let me just cite some of the problems with family leave. First of all, why should I, as an employee, have to pick up the slack and do extra work at no extra pay for someone who has left? Why should that occur? Second of all, why should I, as an employer, have to pay unemployment compensation benefits to the person I let go, whom I hired to take the place of someone who is on family leave? Also a question: why do I, as an employer, have -- have the problem of

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not knowing when and for how long in this -- this period of family leave is going to be, in that there is nothing in the legislation which states it's going to be a lump sum? It can be a day here, a day there, two days here, skip a week, two weeks. How do you run a business or anything else on that kind of a schedule? Where is the continuity that you have to have to run a business? I, as an employer: where do I get the continuity of people coming and going? Who keeps the filing in continuity? Who keeps the -- the clients that are calling up in continuity? Who keeps the historical continuity of where these business deals are? I think we put a terrible impact on business to do this, especially small business, which generates probably the most jobs for this State over -- you know, more than any of the large businesses because they're here, there and everywhere, and they are the ones that are most severely impacted by the recession we have ongoing. Personally speaking, I think it impacts very adversely on the people who would be hurt the most - women. Women, because if they look like they're going to be of childbearing age, they're just not going to be hired and people are going to get around that, and they are going to be the ones who are going to need these jobs the most. This is not a good concept. I think we see it being pared back in foreign countries, especially in Scandinavia, which has not been able to handle this because nobody showed up for work. It's been abused and abused wholesale. It effects the viability of this State at a very, very rough time. I really think this is not the time for this legislation.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. I, as well as others, probably weren't going to get up to speak, but I guess it's the only way to explain your vote over here in the Senate versus the House. The

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Senator on the other side says, "Wait till the economy gets better." I don't know exactly when that might be. It hasn't been better for a long time. And it's already in the toilet. And what you have to ask yourself is, you don't have to give this to unemployed workers. The economy has already got millions of people unemployed. So those people are excluded from the bill. The employer has the best protection in the world already in the bill, and that is the employers cannot access -- or the employee cannot access this unless they've been there for twelve months. If you don't want to give this to an employee, I suggest the person wouldn't be there on the payroll for twelve months. The replacement costs for employees - good ones - are very high. Good employers are doing this already - big business and small business. This simply extends to those companies those same benefits that are not granted to employees of good companies. That's the bottom line. I'd really encourage your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Seaverns, to close.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I know we've had this debate go on long today, and long in the years past, and I expect that the debate across the United States will continue until we see a policy that -- that is implemented not only in Illinois, but in every state across this nation. It would be nice if we had a federal policy, but we don't. And I think any of us would admit that there's no real prospect in the near future that we're going to have a federal policy. We've had a lot of talk here today on the Floor about what it takes to run a business. I think we probably need to have more talk about what it takes to run a family. We constantly tell our families, our constituents, our own families and more, that we want to do all that we can do

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to keep families intact. And yet, under our current law, we permit individuals to lose their job, simply because they've done what we've asked them to do, and that's to take care of a critically ill family member. I think, quite honestly, we do a disservice by constantly saying, as some of the speakers before me have said, that it's limited to -- to the pregnant mother. My colleague and friend that stands behind me, Representative Kulas, the House sponsor, has his own story to tell to suggest otherwise. And I think for any family - be it families in this Chamber and families beyond - to suggest for a moment that all of the responsibility of taking care of a spouse, an elderly parent, a child or a sibling, rests with just one member or one sex -- I think that's an insult to us all. The fact of the matter is, the family leave policy applies to every family in this State. And all too rarely do we have an opportunity - out of the thousands of bills that we discuss in this Chamber - to discuss and debate a policy that has the potential to affect every family in the State of Illinois. Family leave is such a policy. I believe - with conversations that I've had with my colleagues on the other side of the aisle - contrary to what my respected friend and colleague, Senator Donahue, has suggested - that there are Members on that side who are struggling with this issue, and I believe struggling because you know, as we all know, that this policy has merit. This policy is long overdue. The fact of the matter is, we have an opportunity today to finally put it behind us. And if we pass it - and I hope that we do - we should put it behind us and get on, as Senator Demuzio has said, with the other issues and challenges that faces us as a state. We have an opportunity to do that today, but most importantly we have an opportunity to make life just a little bit better for the families out there, throughout every corner of this State, who are forced with that agonizing decision to stay home and take care of an elderly

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parent, child, spouse or sibling, or lose their job. Family leave diminishes that agony, and I hope that, for those of you who are wavering, that you can reach down in your heart today and -- and press the green light. I think in doing so, we'll have made a difference for all of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall House Bill 50 pass, the veto of the Governor to the contrary notwithstanding. 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 31, the Nays are 27, those voting Present are none. House Bill 50, having not received the required three-fifths vote, is declared lost. Senator Donahue. Do have...

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

State -- state your point.

SENATOR DONAHUE:

I realize that in the last -- the vote's been taken, but since my name was mentioned in debate, I'd like to respond just briefly, if I can. When I mentioned the fact that Members on this side of the aisle were wavering -- excuse me a second -- Jennifer, can you move -- were wavering -- it is a difficult issue, Penny -- Senator Severns. And it is difficult for us, but we've been thinking very strong and hard about the economic climate in this State and business in this State, and that's what it's all about in how difficult it is for us. And that's the difference on this issue, and I just want to clarify - it's not wavering because some of us are so staunch on being against family leave. We understand the issue and it's difficult, but it isn't as simple as you're making

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it. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Next case. House Bill 179. Senator Jones. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move that House Bill 179 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. I move that we override the Governor's total veto of this very important piece of legislation. What it does is make prevailing wage law applicable to tax increment districts, as well as projects financed with loans -- available under the Illinois Enterprise Zone Act. It also impose a fine of up to five thousand dollars for any person who intimidates an employee on a public works projects -- project, and to give them back part of the compensation to which they are entitled. It creates the thirteen-membership Apprenticeship Training Council to formulate policies that will address the problems of bringing and retaining minorities into the apprenticeship and skilled construction industry in the Chicago and Cook County area. This bill is a bill that is sorely needed. As we know, our labor personnel throughout the State of Illinois are in dire need of employment. At the same time they deserve to be paid a decent wage. The Governor, in his amendatory veto, say while he -- while he supports prevailing wage for public employees, he's concerned about the cost. But we do not want those persons who work in enterprise zones or who -- or those persons who work in those tax increment districts who receive public dollars to be paid a low scab wage. So therefore,

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this is a very good piece of legislation, and I solicit your support in this Override Motion.

PRESIDENT ROCK:

All right. The Gentleman has moved that House Bill 179 pass, the veto of the Governor to the contrary notwithstanding. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is this bill intended to expand the Prevailing Wage Act to include private business projects?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

If you're talking about those private projects that are paid for in part -- in part or wholly by public dollars, then this will cover that.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Members of the Senate, I would -- I would point out to you that our staff analysis indicates that this bill would expand the Prevailing Wage Act to include some privately owned projects, and I suggest to you that that's not what the Prevailing Wage Act has applied to in the past. Furthermore, I note that the Governor, in his message, indicates that it would extend the Act to some private projects. And I think that's a very dangerous thing to do. We have a lot of enterprise districts and zones around this State, and if we're going to extend the Prevailing

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Wage Act to cover all those expansions and remodeling projects that are carried on by private business owners in enterprise zones, then I think we better be careful about -- about doing that. I have not been aware of this bill until just recently, but it appears to me that there's some honest, genuine concern about what we're doing. And for those of you who are not inclined to expand this Prevailing Wage Act into the private sector, I would suggest caution on this vote.

PRESIDENT ROCK:

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

SENATOR JONES:

Yes. Thank -- thank you, Mr. President. And sometime I -- with all due respect of what comes from the Governor's Office, sometime the Governor, I believe, intentionally tries to confuse the individuals on the Senate Floor. The local units of government who create a TIF district or enterprise zone is a governmental initiative, so therefore they will fall within that context. If it were not for that local government initiative, then the benefits derived therein as it relate to the tax break would not be there. And so this is what this bill really addresses. It addresses that if government is going to create something that's going to be beneficial to the private sector, as far as businesses are concerned, then those employees should not be paid substandard wages. And that -- that is what is addressed in this bill, as well as the issue of the council for minorities in the skilled workforce. So therefore, it is confusing to you, but they would not have the jobs if it were not for the government. If government's going to be involved, then they should pay those persons a decent wage. And I ask for an override vote on this issue.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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The question is, shall House Bill 179 pass, the veto of the Governor to the contrary notwithstanding. 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? Please take the record. On this question, there are 35 Ayes, 21 Nays, 1 recorded as Present, and the bill -- and the motion fails. House Bill 274. Senator D'Arco. Senator Jones asks leave to handle the bill. Hearing no objections, 274. Senator Jones.

SECRETARY HAWKER:

I move that House Bill 274 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I move that we override the Governor's veto of this -- of this very important piece of legislation. In essence, this legislation will save the State of Illinois approximately two million dollars. And what it does is allow pregnant women and infants to qualify for medical assistance if their family incomes are up to one hundred and sixty percent of the federal poverty level for a family of three. The working-poor mother who labors for wages or near minimum wage are oftentimes without medical assistance coverage. This piece of legislation had two other components, but the other components are not necessary. This is the key part of -- of the legislation. And by providing prenatal care to pregnant women of Illinois whose families are between a hundred and thirty-three and a hundred and sixty percent of the poverty level, the State will save approximately 2.1 million dollars. And this cost is something, as the Governor pointed out in his veto message -- is

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in error; the cost of neonatal intensive care for low birth weight babies is about thirty thousand dollars. So if we gave them the prenatal care, we would not be paying out on the other end, and we would thus save approximately two million dollars a year. And I ask for an override vote of the Governor's veto.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, the sponsor obviously has good intentions on this, and I think the State would like to do whatever it could to help those that need help. I think, though, we have all lived through the last Session where we made over eight hundred million dollars' worth of cuts, right out of the box, that impacted very severely on social services. It's quite obvious to all of us here -- I mean, I don't think any of us have -- have been hiding out where we haven't heard the numbers that have been coming in as far as our recessive economy. We are not even the -- funding the Medicaid programs we have out there now to any kind of a semblance of decency. And we all know that, and we all feel terrible about that. This now would further expand programs that we can't even fund in -- fund in their basic forms. And I think that is the -- the ultimate problem with this, and that we now promise people who have nothing, whom we have given to so little, and taken from even more, that we're not going to deliver on. To get this money -- from the Federal Government, we've got to outlay, right out of the box, 11.4 million dollars. Yes, we will get some money back, but that will still leave us at 5.7 million dollars in the hole. We don't have it. We don't see it on the horizon. If our assessment program for hospitals, nursing homes, the pharmacists, all of the providers, does not come to pass or hold together, or we cannot come up with an adequate plan, we are going to be over three

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hundred million dollars in the hole. And there's no way that we are going to be able to fund this. So, Ladies and Gentlemen, it is a fine idea, but we honestly cannot sustain this. And I think we have to sustain the Governor's veto.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Jones, to close.

SENATOR JONES:

Yeah. Thank you, Mr. President. You know, sometime it kind of confuses me when -- when Senators get on the Floor and pull these figures out of the clear, blue sky. Eleven million here, eleven -- ten million there. I don't know where they get those figures from, 'cause we don't have such figures. But one thing I do know is this - what this legislation does is this: it is preventive legislation. If we do not take care of prenatal care now, you're going to pay later, and the cost is much higher. This is a preventive piece of legislation that the Governor should not have vetoed. Illinois has one of the highest infant mortality rates in the country. It's too high. The Governor indicated in his message that he wanted to do something about the high infant mortality rate. This bill addresses that problem. At the same time, while addressing the problem, it solves the problem for care for those infants who are born of low birth weight who need additional dollars, which come from the Department of Public Aid. So you, in turn, should be supporting this bill, because in this fiscal year alone, you will save approximately two million dollars. And I -- I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 274 pass, the veto of the Governor to the contrary notwithstanding. 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? Please take the record. On this question, there are 25

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Ayes, 25 Nays, and 3 recorded as Present. And this bill, having failed to received the three-fifths vote, is declared lost. House Bill 318. Senator Marovitz. Read the -- read the bill, Madam Secretary.

SECRETARY HAWKER:

I move that House Bill 318 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Marovitz.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I think first it's important to give a little history, but to state that the intent of this bill is simply to keep families together, period. At -- there's no cost to the State of Illinois - no cost to the State of Illinois - and this bill is intended to keep families together. The bill was first introduced in 1990. It was opposed by the Department of Children and Family Services at that time, because they said it cost too much money at that time. And DCFS said that because of the cost, they couldn't get into the housing business. So then there was a case filed in the federal court, Norman versus Suter - and that's Sue Suter, not our Supreme Court Justice. It was settled the following winter, and DCFS saw the light. To preserve the housing of intact families by paying back rent, utilities and getting homeless families back together, would save the State millions of dollars later in shelter care costs. And pursuant to the Norman decree, the DCFS in the State of Illinois signed on. Plus it was just plain good public policy to keep families together when the only issue was their - and I repeat this - the only issue was their living circumstance, such as housing, and not the care that those families gave their children. Only the living circumstance, not

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the care that they gave their children. In 1991 this bill was again introduced, but it was amended in cooperation with the Department of Children and Family Services. The 1991 amendment took the Department of Children and Family Services out of the bill. It took them out of the bill, because DCFS was already covered in -- by the Norman consent decree. The bill, as it sits before you, now only affects the Juvenile Court Act, and specifically restricts the juvenile court from ordering DCFS to do anything that it's not already obligated to do. It basically says the juvenile court must follow the Norman consent decree also, and keep families intact where only their living arrangements are at issue. Because of the amendment taking DCF <sic> out of the bill, there's no fiscal impact whatsoever. Public Aid agrees, and there's no fiscal impact to DCFS. The money - the 1.8 million dollars - was already set aside because of the Norman consent decree. So there's no fiscal impact, and again, all we're asking the juvenile court to do is what DCFS is now bound to do - keep families intact. I want to emphasize that in the bill - and I will read from the bill - "Where the continuing need for wardship or custody by an agency or person who is not the parent or former guardian or custodian could be cured or obviated by providing adequate living circumstances for the child and his family, then the court shall immediately order such relief." So it's only the adequate living circumstances for the child. Not sexual abuse. Not child abuse. Not substance abuse. Nothing like that. All we're trying to do is keep families together. That's what this bill does. There's no cost to the State of Illinois whatsoever, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Lake, Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR BARKHAUSEN:

Senator Marovitz, I want to make sure that I understand this. And I appreciate the fact that you explained it just now at some length. But we've been getting conflicting -- conflicting advice as to what to do on this bill, and conflicting reasons as to why to do it. Does the Norman decree entered into by the State -- does it require the State - DCFS or otherwise - to -- to facilitate adequate living circumstances? Are we -- are we talking about identical language in this bill on the one hand and the Norman decree on the other?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, we are.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Second question. Does this -- does this legislation require the State to do anything that the Norman decree doesn't otherwise require?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

No, this does not require the State to do -- to do anything that the Norman decree does not require.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, I'm not saying that that's not necessarily -- or that's necessarily a reason not to be passing this legislation,

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but -- but why, in your judgment then, do we need the legislation?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Well, that's a very good and fair question, Senator Barkhausen. Because this says that -- this directs juvenile court, which is not covered by the consent decree, to also do the exact same thing that the consent decree says, and says where the living arrangement only can be cured, then and only then, the juvenile court must - must - keep these families intact. Because now that DCFS is covered by the consent decree, but juvenile court isn't, this puts a mandate on juvenile court to do the same thing that DCFS has to do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It may be my last question. Is there some reason why the - what I understand is apparently an eight-hundred-dollar limit as to what the State has to -- is ordered to spend in this type of circumstance per case or per child under the Norman decree. Is -- was there some reason why -- why there isn't a similar limit in this particular -- in this legislation?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

The -- the -- the limit that is on the State, pursuant to the Norman decree, is exactly the same as it would be on the juvenile court. There's no additional expense required.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Not having been a part of any of these discussions until

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yesterday after the Session, was there some discussion amongst all of you who have been interested in this legislation as to the advisability of putting a dollar limit on the -- on the State's requirement, pursuant to this statutory language, such as exists, I am told, under the Norman decree? And -- and if so, why -- why is there not some similar dollar limit in this language that is before us now?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

I'm not sure I understand your question, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Want to repeat your question, Senator Barkhausen?

SENATOR BARKHAUSEN:

You -- you have stated, and I otherwise understand that the intent of this legislation is basically to codify the Norman decree. Secondly, I'm told that the Norman decree embodies an eight-hundred-dollar per case or per child limit as to what the -- as to what it mandates the State to spend in order to provide more adequate living arrangements so that a child can stay with its family. And I'm -- and I'm wondering, was there some discussion of a similar dollar limit in this legislation? And you know, since it doesn't exist, why doesn't it exist, and does that arguably make the State's obligation under this legislation greater than they might -- that obligation might otherwise be under the -- under the Norman decree?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

This is the language that the State wrote -- the Department wrote. It's consistent with the Norman decree, and the juvenile court mandate would only be consistent with what the Norman decree

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is and what's in the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

When you say it's consistent, would it also be consistent with -- even though a dollar limit is not specified in the bill, would you see any argument that the State would have to spend more than the Norman decree would otherwise mandate?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Would you repeat that, David?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm wondering if this legislation would mandate that the State spend more to facilitate adequate living circumstances than would otherwise be the case, pursuant to the Norman decree.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

That's a fair question. The answer is absolutely and unequivocally no. The State would not have to spend any more money. And I have both a fiscal note from Public Aid and a fiscal note from the Department of Children and Family Services that says that. No additional fiscal impact on the State.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from LaSalle, Senator Welch.

SENATOR WELCH:

Thank you. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

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SENATOR WELCH:

Senator Marovitz, yesterday on TV there was a story about a twelve-year-old boy who was reported to the local authorities, who was suffering from malnutrition, and his parents had kept him in a trailer home and hadn't fed him. And the emergency services came and they took him away in an ambulance. Under your bill, if those parents said, "Well, if we didn't have to live in a trailer -- if we had a normal house, we would have been able to take care of our son," -- now, under your bill, it would seem that the Department of Children and Family Services could not take that child away from those parents, because if they raise a defense that it could be cured by the provision of secure, suitable and permanent housing, there could be no removal of those children. Now, is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

No. That's -- that's not correct. And first of all, the bill is -- is not a mandate on the Department of Children and Family Services to remove that child, because that has already -- DCFS is already covered by the consent decree in the Norman federal case. So they are already bound - DCFS is - whether this bill passes or not. This bill now deals only with the juvenile court. But in -- in that case, this would not allow a family who starves their children to use the excuse, "Well, if my living conditions weren't such, I wouldn't have to starve my children." That is a clear case of -- of abuse -- child abuse - very clear case - and would not be covered under this legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Senator, subsequent to them thinking that this child was

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malnourished, they found that he had been chained to his bed. So it will probably end up in some type of a court proceeding. You're saying that if -- if the parents raise, in effect, a defense that - which would have to be rebutted, apparently, in court - that, "Well we just had this trailer. If we had a normal home, if the State had given us housing, then we would have been able to take care of this child." That defense by the parents now has to be rebutted in court by DCFS, in addition to them showing that there was abuse or neglect? It just seems to me that we're giving parents who neglect children some additional rights here. I don't care if it was the Norman decree or this bill, it doesn't make a lot of sense to me. I don't see why we're raising -- why we're giving parents an extra means to keep children they're abusing or neglecting or whatever. This idea of keeping families together is real nice, except it doesn't exactly do a lot for the children in many instances. I -- I think that we've gone a bit too far here in the theory that keeping the -- keeping the family together is always the best thing, and by raising these additional defenses on behalf of parents who may be abusing their children. This doesn't make sense.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Well, Senator, I agree with you on one point. Keeping a family together in abuse -- abusive situations is not a good idea. I agree with you. But if the only reason to separate them -- or the only problem is, well they didn't have the money to pay their utility bills, for example, which is the case in many, many situations. And there's -- the place is cold, and then they have to send -- they have to take the kids out and send them to a shelter, which costs the State thousands and thousands and thousands or dollars - far more than it would, and the State could

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step in and pay that utility bill. Now, this is pursuant to the Norman decree. It doesn't come out of the State funds here. Okay? Then, under that limited -- and that's the only reason that the -- that the kids and the family were separated, then, under that set of circumstances, that family should be reunited by the payment of that utility bill - not because somebody was chained to a bed or not because they didn't have a big enough house, or they had to live in a trailer or, "Well, Mom and Dad can eat, but we didn't have the money to feed our kids." That's clearly abuse. We're talking about where the kids have to be separated only because the utility bills couldn't be -- couldn't be paid, and -- and, "We couldn't afford to heat the house," for an example.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Senator Marovitz, I can understand that specific instance, but what happens where the parents say, "Well, since we didn't have enough heat in the house and we couldn't pay the utility bill to pay the heat, the kids became overactive, they became hyperactive and they were running around the house, so we had to chain them up. Now if we could have paid that utility bill, we never had -- had to do that. We never..." You can see how the extenuating circumstances allow for a defense to any neglect charge can be premised on, "Well, if we had the money to pay that bill, therefore the child wouldn't have reacted in a certain manner," or, "We wouldn't have become abusive to the child, if we had the money to pay that utility bill." It just seems -- it just seems to me that we're throwing in a -- a lot of protection for parents who probably shouldn't be protected.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FAWELL:

Senator Marovitz, I happen to be on the advisory board of the Aurora Region DCFS. Now DCFS is charged with -- with helping abused and neglected children. If, in juvenile court, a child is -- is found as abused and neglected and falls under the Norman decree right now, then that child would be entitled to housing. Am I -- am I right?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

If it falls under the jurisdictional purview as -- as limited -- as defined in Norman, then you're right.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

There are others that come to juvenile court who are frankly delinquent. I mean, they rob tires. They slash cars. They sometimes even shoot each other. If that child comes in and says, "Well, I've -- I'm stealing hubcaps because I -- I don't have a proper home," then you're in effect expanding this to that kind of a child, because you're saying the court could find that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Senator Fawell, I want to make this real clear so if -- if you happen to vote No, you don't vote No for the wrong reason. Okay? And I want to make it real clear. This bill has nothing whatsoever to do with the hypothetical example that you just gave me. It has nothing to do with delinquency or crimes where

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somebody can come in and use this or the Norman decree as a defense - nothing whatsoever. Okay? It has to do with the fact when families and children are separated because of environmental conditions -- living conditions. Okay? Say it's too cold or whatever. Okay? And we want to reunite those families because they have been separated, and there has been an action in court strictly for that reason. What your example is - you've got a criminal case here. You've got somebody committing a -- that has nothing to do with this whatsoever. Nothing. And it doesn't offer a defense. I want to make it clear. This bill does not offer a defense for that juvenile who comes in and is charged with any of the crimes, or any crime - period - that he may commit.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

All right. Then -- then the example you are using, those children would fall under the DCFS obligation to take care of, which is already covered by this decree. So you're not talking about delinquents. You are talking about neglected and abused children who happen to be abused and neglected because of the fact that there's no home for them. And that would fall under the decree. That's already in the law by federal court. If you are going to expand this so that you don't include DCFS, where do you think the juvenile court is going to get the money? Are they supposed to get it from the county? Are they supposed to get it from the State? Or are you just codifying exactly what the federal court is saying is necessary?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you asked the question, because some -- it is somewhat confusing. This is not expanding anything. This is not

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costing anybody one additional dollar. All it is saying is we have a consent decree that applies to DCFS to keep families together. But that consent decree does not cover the juvenile court. Okay? So if -- it doesn't. It -- it covers the State. It doesn't cover the juvenile court. So when a -- if a juvenile court judge wants to keep families apart who have been separated strictly because of the living condition problem, this -- they will also be covered. And we're telling the juvenile court that they cannot keep families separated when the only problem is the living conditions which necessitated the separation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Well, unless your juvenile courts are a lot different from the DuPage County juvenile courts, we have a DCFS worker in our juvenile courts, and those children can be remanded to that DCFS worker - are remanded to that DCFS worker - and are covered. What you do in Cook County, I have no idea. But if you don't have that system, I would strongly suggest you put it in instead of putting this bill in.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Cullerton.

SENATOR CULLERTON:

Well, thank you, Mr. President. To further explain and give an answer to the question that was just raised: the problem, Senator Fawell, is not that there's a consent decree or that there's not a DCFS worker in juvenile court. The problem is that there are some juvenile court judges, even in DuPage County - just like in Cook County - that say, "I'm not covered by any consent decree. And I am not going to order -- I am..." This is -- you can shake your head. This is why we have the bill. This has happened. Okay? This has happened. The judge has said, "I'm

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not going to comply with any consent decree that wasn't binding on me. And I am going to take these kids away from their family and give them to some foster family." That's why we want the bill. Now, there's -- there's another thing. I think some of us have realized that the Governor -- this is really his first year at amendatory vetoes and vetoes. And we all have seen some inadvertent mistakes that he's made in his veto message. So in this particular one, and I -- and I know, because we were in late, he was rushed on some of these. In this one he talks about the legislation costing a lot of money. The fiscal note that was filed -- the fiscal note that was filed by the Department -- and it's in our Digest on page 737 -- after the House Amendment No. 2 was adopted, says, "There is no fiscal impact from House Bill 318, as amended." So there is -- there's a mistake in his veto message. This does not cost any money. As a matter of fact, if you understand what the principle is, it saves money. It -- we spend a little bit of money -- in fact, I think we've even appropriated 1.8 million dollars to pay the heat bill -- so that we're not taking the kids out, putting them in a foster home and having to pay millions more, or hundreds of thousands more, for those -- foster care. So the purpose -- the reason why they agreed to the consent decree is because it's going to save money for the State. They admitted that. That's why they did it. They said, "You know, we're -- we're much better off paying the heat bill, keeping them with their family, and then we don't have to worry about having us have a foster family have to pay for them." Now, a very good question was raised by Senator Welch about, well, maybe this is just really some way to get around or allow abusive parents to -- to keep their children. Well, I think Senator Marovitz answered that very well. That -- that's not the case. We're only talking about situations where a judge finds that the only issue is whether or not there's an environmental problem,

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such as not having enough money to pay the heating bill. As a matter of fact, we have more examples of foster families who abuse the children after they get the -- the children from homes who can't afford to pay the rent -- pay the heat. So I -- I think there's a lot of people who are really trying to find out what this bill is all about. I can assure you that the Governor's message is confusing, and it's certainly wrong as regards to the cost -- the fiscal note. That's clear. I -- I even read a Tribune editorial that, except for its conclusion, all the logic flows that you should be for the override, and they appear to also be confused about this. It -- it is technical, because you're talking about a federal consent decree and how that affects a State court. But the fact of the matter is, we have to give direction to the -- the juvenile court judges throughout the entire State to tell them, "This is okay to do this. This is okay for you to let this money be used to pay -- to keep families together, rather than have them put into foster families."

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Jones, what purpose you seek recognition? Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I apologize for breaking in during debate, but while they're here, I would like for you to give a warm welcome to the students from the Maranatha Christian Academy. They are accompanied by their principal and his wife, Mr. and Mrs. Millsap, Mrs. Irving and Mrs. Gates. They are here to witness democracy in the State of Illinois. Let's give them a warm welcome.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Welcome to Springfield. The Gentleman from Knox, Senator Hawkinson.

SENATOR HAWKINSON:

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Thank you, Mr. President. I think Senator Welch put his finger on the crux of the problem here. We have Norman. We shouldn't be debating the Norman decree. That's the law. DCFS has to follow the law. What this bill wants to do is to do more than give direction or tell judges that it's okay to do this. This wants to mandate our juvenile court judges to take a certain course of action when Norman arguably comes into play. We all know from following another story in the Tribune - the story of Sarah, in the Bob Greene columns and many others - that these are very tough cases that juvenile judges are called upon to make in neglect and abuse cases. And we're not going to find very many where you have only the factor of the absence of utility payments or adequate housing. Most often you're going to have a mix of factors. You're going to have some abuse, some neglect, some inability to pay bills, some unfavorable environmental situations. These are very tough calls that we're asking our juvenile judges to make. The theory of the juvenile court system is to leave those judges unfettered, other than by the best interests of the child. To put into law a mandate that says, "You will act in such and such a way if a particular factor comes into play," I think would distort the balance in these cases and might cause a court to err in one of these mixed cases on the side of leaving a child in a dangerous situation when that child ought not remain in that dangerous situation. So while we support Norman - and Norman is not the issue here; it is the law of the land - I think to bind the juvenile judges, as the Tribune indicated, to tie their hands in this way, might tilt the balance in the wrong way, and we ought to vote No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any further discussion? Gentleman from Cook, Senator Marovitz, to close.

SENATOR MAROVITZ:

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I -- I concur with one thing that my friend and colleague, Senator Hawkinson, said about cases that go beyond the strict limitation in this bill. And I don't want any parent that could be an abuser to be protected by this legislation, and that is why in this bill, it specifically and narrowly - specifically and narrowly - applies only to cases where the abuse can be "cured or obviated by the provision of adequate living circumstances" for the minor child. I'll read that one more time: This bill only applies to cases where the abuse can be "cured or obviated by the provision of adequate living circumstances." Where there are other extraneous circumstances beyond that, such as the housing situation, the payment of rent, the payment of back utilities, there is no mandate on the judge, and this bill doesn't apply. We're saving the State a lot of money from sending these kids to foster homes - actually millions of dollars we're saving - and keeping families intact, at no cost to the State of Illinois. You've heard all the arguments. This bill is truly limited to cases where the problem is only the living circumstances - the environmental problem. And that is the only case that this is involved. Senator Hawkinson correctly says the Norman case is the law. We shouldn't be debating it. It is the law. All this bill says is we want -- and that's a federal consent decree. All this bill says is we want the juvenile court of the State of Illinois to do the same that the federal court mandate has placed on DCFS. And I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 318 pass, the veto of the Governor to the contrary notwithstanding. 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? Please take the record. On this question, there are 26 Ayes, 22 Nays, 7 recorded as Present. And the Senate does not

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concur with the Motion to Override the Governor's veto, and this bill is lost. 542. Senator Holmberg. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 542 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Holmberg.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Winnebago, Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. House Bill 542, as you may remember, states that when municipalities and counties, including those which are home rule, are self-insurers for the purpose of providing health insurance coverage for their employees, the coverage shall include screening by low-dose mammography. Currently State Government and private employers are mandated to offer this coverage. In the general Session we expanded this to self-insurers, because women need this coverage, regardless of who is insuring them. It passed this Chamber by a vote of 54 to 3, and the House by 104 to 2. And the override has come back to us from the House at 115 to 0. I think the Members of the House, and certainly the Members of this Chamber, realize that prevention is a great deal less expensive than prolonged cancer treatment, and for that reason -- you've given me support before, and I would ask for that support again.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Gentleman from Logan, Senator Madigan.

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

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SENATOR MADIGAN:

Senator Holmberg, you mentioned that municipalities or counties or units of local government that -- or self-insure, as far as health insurance. My question to you: Does this bill -- even if a unit of local government does not self-insure or provide -- otherwise provide medical coverage for their employees -- does this bill still mandate that these units of local government provide mammograms?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

If I understand you right, Senator Madigan, it's only if they provide insurance.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Madigan.

SENATOR MADIGAN:

Says on Page 3, lines -- beginning on line 15 or 147, "A municipality, including a home rule municipality that does not provide insurance coverage of mammograms under Section 10-4, shall itself provide or cause to be provided to its employees mammograms that meet the requirements set forth in that Section." I'm not clear when you mention self-insurance, and I -- and I think that I disagree with you as far as that interpretation. So rather than dwell on that, let me just point out that this is another mandate upon local governments. Reluctantly I must rise in opposition to this and support the Governor in his veto, and would ask the Senate concur with the Governor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Indicates she'll yield.

SENATOR SCHUNEMAN:

Senator, since this in a mandate on local governments, is there an exclusion from the State Mandates Act?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

We do -- no, there does not appear to be one in the Act.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, doesn't it appear likely to you then that the State's going to have to pick up the cost for this additional coverage? We're mandating that the coverage be provided. The mandate applies to local governments. And under the State Mandates Act, if this Legislature passes a mandate, we got to pay for it, unless we attach an amendment to the bill specifically excluding that mandate from the State Mandates Act. It seems to me that the State's going to get stuck with this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg. Response? Senator Berman. Question of the sponsor?

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

SENATOR BERMAN:

What is the effective date if this veto is overridden?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

It would be immediate. Effective immediately, if -- if we

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override.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Well, I recognize the -- the comment that was raised by -- a previous speaker, but I -- I would suggest - and I -- I think it's a valid point - that we ought to look at -- at the question of the State Mandates Act. But I think that the principal sponsor - and she can shake her head - would be willing to introduce a bill to -- to address this in the spring to exempt that cost, and we pass it in the spring and with the time line of the costs, we'd be -- we wouldn't incur any expense. To the merits of the bill -- and I presume that she would be willing to do that. She indicates yes. On the merits of the bill, we have -- we have required this coverage in the private sector and we've required this coverage in the State sector. If there's been any insurance coverage that my women constituents have applauded us for, it's the recognition that mammography coverage is provided in insurance. They appreciate that response by this General Assembly. There's been no question that that's been one of the best efforts that we've made. This was included even in the -- I think it was the State Chamber that had a -- a no-frills bill, and we included this low-dose mammography coverage in the no-frills bill, because it is one of the most powerful penny -- an-ounce-of-prevention kind of coverages. It costs us thousands and thousands and thousands of dollars for breast cancer patients, and this provides the kind of preventive awareness to prevent those kinds of enormous costs. The question of the Mandates Act I think we can address when we get back here in the spring. I think it's important for us to reassert our commitment in this health -- critical health issue to women, as well as to the men who are concerned about women's health, by voting Aye to override the Governor's veto.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I, too, rise in support of this motion. And I rise in support because while I think the questions that have been raised are -- are quite legitimate, what we haven't talked about is the simple fact - and the National Cancer Institute has released it time and again - that early detection makes all the difference between the chances of -- of the woman being able to survive cancer, or not survive it. The fact is we have forty-five thousand women who are supposed to die this year. One in nine women will be affected by -- or victimized by breast cancer. When I arrived in the Senate only a few years ago, it was one in twelve. And then it got worse to one in eleven, one in ten, and now one in nine. I think we have to do all that we can do to try to reverse this trend, and all that we can do to assure and ensure early detection.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg, to close.

SENATOR HOLMBERG:

Thank you, Mr. President. In addressing the issue, which at least two of you have mentioned, on exclusion from the Mandates Act, evidently that was a drafting error, not the intent of the House sponsor. And this afternoon I will introduce legislation to correct that error. I think the important thing is the intent of the Legislature in the number of votes by which this legislation passed in the spring - both here in the Senate, in the House, with the unanimous override in the House - that it is an idea that every Member of this Legislature thinks needs to come to pass. The insignificant amount for a routine x-ray versus the horrendous amount of money needed to be paid by insurance for advanced cancer and the eventual - in many cases - loss of a life, is

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incomparable. And it is something that we, as responsible Members of the Legislature, need to make sure is happening throughout the State of Illinois. I ask for the passage of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 542 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 51 Ayes, 6 Nays, 1 recorded as Present. And this bill, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 1432. Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 1432 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House Bill 1432, which passed this Body and was vetoed by the Governor, requires that a person using the title of Licensed Marriage -- and Marriage Family Therapist meet certain basic qualifications, such as a master or doctoral degree, and it will license those persons into an agency -- into an area called Marriage and Family Therapists. Currently there are no qualifications that a person must meet in order to practice -- to practice as a marriage and family therapist in Illinois. What it does is protect the public from fraudulent and unqualified persons practicing, such as we had out there by the name -- one named Philip Welch out in Rockford. Also, for those who need specialized services of marriage and family therapists, that they

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are being treated by a competent profession. This is one of the other -- one of the bills that go along with the other licensed professions that deal with counseling and social services for those persons who we want to be well-qualified. In the Governor's amendatory veto, he spoke of all the costs related, but the costs that he's alluding to in that veto is for the other licensure. This bill will, in itself, pay for itself over a period of -- over a period of a short number of years, and then they will proceed to make money for the State of Illinois. This bill deserves your affirmative vote, and I ask for a Aye vote on this override.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The Gentleman from Logan, Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Reluctantly, I must stand in opposition to Senator Jones' Motion to Override the Governor. This is a new licensure. It has a substantial start-up cost. The Governor has vetoed it for fiscal reasons. I supported the bill earlier this spring, but the fiscal situation has become so critical that I must stand with the Governor on this issue and stand in opposition to this override.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Jones, to close.

SENATOR JONES:

Thank you, Mr. President. As I indicated, this bill in itself would pay for the cost for administering this Act, and in turn, over a period of a few short years it would begin to make money for the State of Illinois. The Governor used in his amendatory veto several other bills that will not be considered by this Body. This is only one of two bills, and the cost is very minimal, and I ask for a favorable vote on this override.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Question is, shall House Bill 1432 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 45 Ayes, 10 Nays, 1 recorded as Present. And the Senate does -- having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. 2339 <sic> (2329). Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 2329 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of -- of the Senate. This is the last of the series of bills, and this is only three of the total number of bills that the Governor talked about. And in his veto message he talked about the excess amount of money associated with this bill. This is not so. I solicit your support in -- in the -- to override the Governor's veto, because this bill creates the Dietetic and Nutrition Service Practice Act. It provide for the licensure of dieticians and nutrition consultants by the Department of Professional Regulations. Establishes a dietetic and nutrition board. This bill, in itself, is a very important bill as we talk about the health care of the citizens of the State of Illinois. This bill will prevent those persons who are unqualified in the area of dietetic -- I mean, dietician, as well as nutrition, from giving out counseling and advice. And those of -- those Members of this Body should be keenly aware of that, because when you seek proper consultation as

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relate to dietetic foods or nutrition, you want someone who's qualified to do it. The cost is very minimum; as I indicated in the previous bill, it will pay for itself over a very short period of time, and I solicit your vote on this Override Motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Logan, Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. And if it would be in order, I would like my comments on the previous bill to be incorporated into the comments on this bill as well.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That's in order. Think the vote's going to be the same. I don't know. Any further discussion? Senator Jones, to close.

SENATOR JONES:

Yes. And I'd like to amend my distinguished colleague's remark to include not only his comments, but also the vote equally as well. I do solicit your Aye vote on this very important piece of legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 2329 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 46 Ayes, 9 Nays, 2 recorded as Present. And this bill, having received the three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. 2476. Senator Holmberg. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 2476 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Holmberg.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Winnebago, Senator Holmberg.

SENATOR HOLMBERG:

Thank you very much, Mr. President. This bill is very simple and very straightforward, as it originally passed here with all of your votes, and it addresses the problem that people have when they post bond for other people. In many cases they never see that entire amount again, and they don't realize that the amount of money that they pay for bail for their brother or their sister could be used to pay fines, costs, attorney fees, et cetera. And rather than just turning one sentence around, as the Governor has said in his veto, it's a very straightforward correction, so that people are informed of this before they post the money, and that they are not surprised when occasionally their money does not come back to them. I would recommend that we override the Governor's veto.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 2476 pass, the veto of the Governor to the contrary notwithstanding. 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? Please take the record. On this question, there are 31 Ayes, 26 Nays, 1 recorded as Present. And this bill, having failed to receive the required three-fifths vote, is declared lost. 2633. Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 2633 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Rock.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, President Rock.

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SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2633 would establish by law a Discovery of America Quincentenary Commission to organize and oversee State activities celebrating and commemorating the five-hundredth anniversary of the discovery of America by Christopher Columbus. The Governor indicated in his message that he supported the concept of the bill, but he thinks there's too many members, and the fact that it doesn't have an expiration date caused him, he says, to veto this. The fact is, this is a legislatively created commission to celebrate the five-hundredth anniversary of the discovery by Christopher Columbus. The House and the Senate decided that fifty members would be appropriate; ten each appointed by the four legislative leaders and ten by the Governor. The House overrode this veto with 80 affirmative votes, and I would seek your affirmative vote to establish this legislative commission to properly celebrate the five-hundredth anniversary of the discovery of America.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Adams, Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I rise just to inform our Membership that the Governor has issued a proclamation regarding this commission -- or Executive Order, excuse me -- regarding this issue, and I think the members and the numbers, I think he -- exactly what he said in his -- in his veto message, we should look at. And I hope that we could defeat this attempt.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator DeAngelis. You -- Senator DeAngelis.

SENATOR DeANGELIS:

I -- I --

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Mixed emotions.

SENATOR DeANGELIS:

I just want to point out one thing. This bill does have one other serious flaw, and I might advise my -- the Native American groups and those groups who find the celebration of this event probably with some disdain, that that ought to be reworded. We have all agreed - and I serve on the international commission - that we will not use the word "discovery," in that it is not a discovery, 'cause there were people there before Columbus got there. Well, I just -- I just...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Save the chief.

SENATOR DeANGELIS:

Well, one of the Swedish members of our -- on our group said to me -- he said to me that a Swedish explorer had been there previously. And I said, "If he was, why was he not met by a bunch of Swedes -- Columbus when he landed, rather than the Indians?" So the point is this - this is definitely flawed. I'm being serious. We have had considerable discussions with the Native American community and minority groups. They want the terminology changed. Do what you may with this, but I think if this does get overridden, somewhere down the line we may choose to rename this commission so that we do not destroy the progress we have made with our Native American brothers, and that we recognize that this event brought the Old World with the New World, and it was -- it was not a discovery. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? President Rock, to close.

SENATOR ROCK:

Thank you, Mr. President. I agree, Columbus found America. Certainly somebody did. The fact is, what we're after is -- is a

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legislative commission to properly celebrate this five-hundredth anniversary of the discovery, or the founding, or the advent of, and the question is -- the Governor can do whatever he wants by Executive Order. This is a legislative initiative, and I think one that ought to be followed through. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 2633 pass, the veto of the Governor to the contrary notwithstanding. 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? Please take the record. On this question, there are 32 Ayes, 24 Nays, none recorded as Present. And House Bill 2633, having failed to receive the three-fifths vote, is declared lost. Please turn to Page 13 on your Calendar, appears House Bill 1499, Motions in Writing to Accept the Specific Recommendations of Change. Senator Marovitz. Read the bill. 1499. It's you, Billy.

ACTING SECRETARY: (MR. HARRY)

I move to accept the specific recommendations of the Governor as to House Bill 1499, in manner and form as follows:

Amendment to House Bill 1499

in Acceptance of the Governor's Recommendations

Filed by Senator Marovitz.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. I'm going to move to accept the Governor's recommendations for change. There have been discussions in the Governor's Office, and in fact, there was a mistake made in the -- in the veto message, in that the Governor's staff thought this covered -- and we're talking about the closed-circuit televising of child witness

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testimony in what used to be called rape, but we're calling aggravated criminal sexual assault and those type of cases. The Governor amendatorily vetoed it to take that language out, because he thought it was covered in another bill. In fact, only part was covered in another bill and not the protections for the witness of this aggravated criminal sexual assault, so that if a four-year-old child was being raped and her three-year-old brother watched, the -- the four-year-old child would have protection to be able to have closed-circuit, but not the witness - the three-year-old child. And I think erroneously that was taken out. It will be corrected next Session. I would move to accept the Governor's change, because there are several things in this bill that are very important, most notably allowing the court to impose a fee on individuals who are on electronic surveillance and home supervision to pay for themselves, increasing the number of theft offenses which can be joined in one offense, and allowing out-of-state convictions to be used in requesting extended term. So I would move to accept the Governor's specific recommendations for change.

PRESIDENT ROCK:

All right. The Gentleman has moved the acceptance of the Governor's specific recommendations for change with respect to House Bill 1499. Discussion? Senator Geo-Karis.

END OF TAPE

TAPE 4

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT ROCK:

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He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Marovitz, I understand that part of this bill is the management -- the testimony of a child -- the victim of a sexual offense to be taken outside the courtroom and transmitted to the jury via closed-circuit television. Am I correct?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is the portion of the bill, Senator Geo-Karis, that the Governor vetoed out of the bill.

PRESIDENT ROCK:

Senator Geo-Karis. All right. Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 1499, in the manner and form just stated by Senator Marovitz. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House -- the specific recommendations of the Governor as to House Bill 1499, having received the required constitutional majority vote of Senators elected, are declared accepted. All right. Ladies and Gentlemen, just so we -- we're all on the same wavelength. The Secretary has passed out - or will shortly be passing out - a Recall List. So it's the intent of the Chair to go back to the beginning of the Calendar, and work through the Calendar, according to the desires of the Members and the sponsors, and then we'll do the Recall List and then we'll do the Supplemental. And that should conclude our business. We should be finished certainly by five o'clock. Now we have a special guest and a special presentation. I would ask the Members' attention. I will yield the Chair to Senator Demuzio

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on behalf of all of us.

SENATOR DEMUZIO:

Yeah, these are the retirees. Well, Ladies and Gentlemen, if I could have your attention for a moment. It came to our attention, after we, I guess, left Springfield, that there was a person whom we respect and a person whom many of us have had a long-term relationship - some years good, some years bad - who had served in -- as a governmental lobbyist for the Illinois Farm Bureau, who had retired. And many of us were quite taken aback by the fact that we really didn't know that he was going to retire, and there were a number of us that felt that he ought to receive some type of recognition of the Members of this Body for the tremendous job that he has done on behalf of agriculture throughout the State of Illinois. So we caused to have introduced and passed by the Senate, on October the 9th of this year, a resolution on behalf of Dean Sears, who recently retired. And since I have the resolution in front of me, I will take the prerogative of -- of reading it. It's Senate Resolution 742.

(Senator Demuzio reads Senate Resolution 742)

Dean, on behalf of myself, and the Chairman of the Ag Committee, of Senator O'Daniel, and the Minority Spokesman, of -- and all the Members, I guess, of the Ag Committee and the Members of the Senate, we welcome you back here this afternoon, and we take privilege in the opportunity today to present you with something that we really feel is an expression of the Members of the Senate, and to say to you, you are sadly missed. Congratulations.

SENATOR O'DANIEL:

You know, it's -- it's really been a pleasure for me to work with Dean, as I know it has all of you, and I -- I think that Dean, if there's a true hayseed, he is it. You know, he's a true farmer. And I've been keeping kind of a tab on him since he retired, and they said he has a new four-wheel-drive pickup --

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jacked-up pickup that he -- either carries a off-road vehicle around in it -- now he's getting ready to carry a snowmobile. And so he fits in pretty good. Before I got into this, I kind of enjoyed that life also. But Dean has been really a super individual to work with, with myself - and I know everyone in the General Assembly - and as he retires and goes back to the farm, we wish him well. Dean.

SENATOR MAITLAND:

My relationship with Dean Sears goes back many, many years. We were former classmates together and both -- both residents of McLean County. Lobbyists, as all of you know, sometimes are given a bad name by -- by some people, and that's too bad. It really truly is. Lobbyists, as you all know, play a very critical role in our work down here, and Dean Sears over the years has established himself as one of the leading and outstanding lobbyists in this State. And, Dean, we are eternally grateful to you for all you've done for us.

DEAN SEARS:

(Remarks by Dean Sears)

SENATOR DEMUZIO:

Dean, we were going to give you this. Jerry Joyce and I were wondering where our clocks are.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, if I can turn your attention to Page 2. Pages 2 and 3 on the Regular Calendar. If any Member has a bill on the Order of House Bills 3rd Reading that he or she wishes to address, this is the opportune time. The Secretary has, in fact, distributed a Recall List, and three of the bills on that Order are subject to recall. We can do that quickly in -- or put the amendments on and -- Senator Jones, do you have -- you want to move 969? Okay. Top of Page 3, on the Order of House Bills 3rd Reading is House Bill 2016. Senators Friedland and Jacobs seek

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leave of the Body to remove -- take that bill back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2016. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jacobs.

PRESIDENT ROCK:

Senator Jacobs, on Amendment No. 1.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment relates to a -- the credit card -- credit cards and some -- some interest rates -- that we feel needs to be discussed a little bit. We'd like to get this amendment put on the bill, and then we'll hold it and have some hearings this spring. And that's our intent with this amendment, and I think it's pretty much agreed with the minority spokesperson to do so.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of Amendment No. 1 to House Bill 2016. Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Yeah, this has been discussed in the committee. This is an issue that really just does need some hearings from people to take a look at it before we go forward. We'd like to put it on this bill, and the chairman of the committee will hold hearings. I think a bipartisan agreement that that's how it should be done.

PRESIDENT ROCK:

All right. The Gentleman's moved the adoption of Amendment No. 1 to House Bill 2016. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

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No further amendments.

PRESIDENT ROCK:

3rd Reading. 2292. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2292, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Collins.

PRESIDENT ROCK:

Senator Collins on the Floor? Senator Collins on the Floor? All right. Take it out of the record. 2589. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2589, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment does - it amends the Environmental Protection Act. There is a bill that requires fees for sewer hookups, and at the time the bill was passed, it was intended that schools have an exemption. We exempted other governmental units but not schools. So what this amendment does is put in the exemption from the hookup fees for elementary and secondary schools. I would move for adoption of the amendment.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 2 to House Bill 2589. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted.

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Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. How about 2643? Senator Welch, do you wish to call that? All right. Ladies and Gentlemen, on the Calendar, on Page 3, on the Order of House Bills 3rd Reading, is House Bill 2643. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2643.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is the extension of the Telephone Act - the rewrite - until May 15th of 1992. The leadership of each party and the Governor met together. They agreed that an extension to the 15th of May would be a good idea. In the interim, what we hope to do is have some hearings on the proposed legislation, none of which has been introduced in any committee to date. So with that, I would move for an Aye vote on 2643.

PRESIDENT ROCK:

All right. The Gentleman has moved passage of House Bill 2643. Is there any discussion? If not, the question is, shall House Bill 2643 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. House Bill 2643, having received the required constitutional majority, is declared passed. All right. Senator Jones has

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requested that we again take up House Bill 2292, leave having been granted to return that bill to the Order of 2nd Reading for purposes of an amendment. Madam Secretary, on the Order of House Bills 2nd Reading is House Bill 2292.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Collins.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes, thank you. The amendment simply requires DCFS to establish a system to ensure that those persons are given first priority for child care who are, in fact, working or in job training, and it is to bring the bill in line with the federal Act so that it would not conflict, as a matter of fact, with the federal Act under Title 20, as it relates to child care payments. And I would move for its adoption.

PRESIDENT ROCK:

Senator Collins has moved the adoption of Amendment No. 2 to House Bill 2292. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 3.

SENATOR JONES:

Yeah, thank you, Mr. President. Amendment No. 3 -- Amendment No. 3 allows the Illinois Development Finance Authority to -- to make loans to noninstitutional providers. It's a recommendation coming from the Department of Public Aid, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 3 to

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House Bill 2292. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, if you'd just bear with me. We're going to go right through the Calendar. I would hope that the Members who have things on the Calendar are ready to proceed here. ...(machine cutoff)... we'll move right along through the Calendar. On Page 5 on the Calendar, on the Order of Secretary's Desk, Resolutions, there are three Members who have indicated they wish to pursue their resolutions. Senator Weaver, are you ready on HJR 81? Madam Secretary, on the Order of Secretary's Desk, Resolutions, is House Joint Resolution 81.

SECRETARY HAWKER:

House Joint Resolution 81.

No committee amendments.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is a resolution which would designate the Illinois Water Survey as the Center for the Scientific Research and Information Relating to Global Climate Changes. Many states are into this activity now, and it was decided that under the Department of ENR, the State Water Survey would be the lead agency in -- inasmuch as they have more than thirty years of records already and can correlate any new activities in the studies without undue cost. So, if anyone has any particular questions, I'll be happy to answer.

PRESIDENT ROCK:

All right. The Gentleman's moved the adoption of House Joint

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Resolution 81. Discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDENT ROCK:

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Is this committee going to investigate the Clean Air Act and the coal bill we passed a couple months ago, to see its effect on the climate -- on the ozone? I said, is this bill going to create a commission that will investigate the coal bill that we passed a couple months ago and its effect on the Clean Air Act in the ozone? Because it talks about a Task Force on Global Climate Change.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

I -- I presume, Senator Welch, that all of those studies will be inculcated in whatever the commission decides to -- to investigate. There's membership appointed by the leaders of the House, along with the Department heads in the State ENR, Agriculture. It's pretty much all-inclusive. Now, I can't give you all the background of where this may lead, but there seems to be some concern that we ought to be tracking this in the State of Illinois. And inasmuch as the Water Survey has thirty years of records, they were thought to be the lead agency within ENR.

PRESIDENT ROCK:

Further discussion? If not, Senator Weaver has moved the adoption of House Joint Resolution 81. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present.

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House Joint Resolution 81, having received the required constitutional vote, is declared adopted. House Joint Resolution 79, Madam Secretary, please.

SECRETARY HAWKER:

House Joint Resolution 79.

No committee amendments.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. House Joint Resolution 79, which was unanimously passed out of the House, urges the Illinois Congressional Delegation to convince the Federal Health Care Financing Administration to withdraw its final order, which would effectively terminate the Illinois Mandatory Provider Fee Program. That determination was made on September 12th, only a week or so ago. There is -- there's new hope that perhaps they would permit our fee assessment program to continue through the end of the fiscal year. But Congress is only going to be in a short while, and it's up -- it's up to us, I believe, to give them every ounce of encouragement that we can to use their influence and power to make certain that this fee assessment program that we debated and discussed and worked on for -- for so many weeks last spring, at least be given the opportunity to work through the end of the fiscal year. I've had the opportunity to discuss this both with the Chairman of the Executive Committee, Senator Marovitz, and the Minority Spokeswoman, Senator Donahue, and neither one of them have difficulty with it. And I -- I don't know of anyone who would. I would urge a favorable vote.

PRESIDENT ROCK:

All right. The Lady has moved the adoption of House Joint Resolution 79. Further discussion? Any discussion? If not, all in favor of the adoption will vote Aye. Opposed, vote Nay. And

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the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Joint Resolution 79, having received the required constitutional majority, is declared adopted. SJR 104. Senator Joyce. Madam Secretary, on the Order of Secretary's Desk, Resolutions, SJR 104.

SECRETARY HAWKER:

Senate Joint Resolution 104.

No committee amendments.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This deals with the problem we're having with deer in the State of Illinois. It encourages the Department of Conservation, Agriculture, Public Health and Corrections to work collectively to resolve this problem in the processing and distribution of surplus deer meat for charitable organizations and the like.

PRESIDENT ROCK:

Senator Joyce has moved the adoption of Senate Joint Resolution 104. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. Ladies and Gentlemen, if I can turn your attention to Pages 6 and 7 on the Calendar. Pages 6 and 7. There are some Members who have indicated they wish to pursue conference committee reports that have been filed and distributed. Senator Berman, do you wish to proceed on 1078? Senator Brookins, on 1960? Madam Secretary, on the Order of Conference Committee Reports, in the middle of Page 6, Conference Committee Report on House Bill 1960. Madam Secretary.

SECRETARY HAWKER:

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Second Conference Committee Report on House Bill 1960.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Senate Bill 1960 I think that we're all familiar with. It has now been cleaned up. It is an administrative bill. It has certain things in it for IDOT which adds a definition for the agricultural movement to the Illinois motor carrier safety regulations, which mirrors the recently adopted federal definition. It increases from two hundred and fifty to five hundred the threshold at which you have to fill out an accident report for -- for complying with the Illinois Safety Responsibility Law. It designates the Department of Transportation as the State agency which would be responsible for high-speed rail in Illinois, as they are responsible for rail passenger and rail freight. It also has in it for the State Police -- allows the truck drivers - correction - allows the truck weight inspectors to operate Illinois truck weigh stations along the highway to issue tickets to trucks that are carrying loads which exceeds the following weight by license plates. And it makes a technical change in the Commercial Drivers' License Act to comply with federal standards. All Member bills have been removed, and this is strictly administration bills.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on House Bill 1960. Discussion?
Senator Watson.

SENATOR WATSON:

Yes, thank you. I would just like to rise in support of the -- of the Senator, and ask our Members on this side, certainly, to support this particular measure, and most of it's all administrative bills. And it's noncontroversial, and urge your

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adoption.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1960. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, 1 voting Present. House -- the Senate does adopt the Conference Committee Report on House Bill 1960. And the bill, having received the required constitutional majority, is declared passed. Senator Woodyard, do you wish to pursue 326? All right. Ladies and Gentlemen, at the bottom of Page 6, on the Order of Conference Committee Reports, there's a Conference Committee Report on Senate Bill 326. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 326.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This bill started out as a -- as a bill dealing with Department of Mines and Minerals, and we didn't need the bill for -- for that purpose, and thus it -- it is now being used by the Joint Committee on Administrative Rules for some rather technical language. We had -- have pretty much determined that there is a need to some way correct a technical error in any rules that are promulgated by -- by a specific agency, and there was no provision to allow those corrections to be made by the Secretary of State's Office or the --or the agency. This bill will allow those technical changes to be made without having to go through a complete rule cycle promulgation again. And that's all the bill does.

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PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 326. Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 326. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 326. And the bill, having received the required constitutional majority, is declared passed. Top of Page 7. Senator Welch, on 972? On the Order of Conference Committee Reports, at the top of Page 7, there's a report with respect to Senate Bill 972, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on Senate Bill 972.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill creates the Government Buildings Energy Cost Reduction Act of 1991. The reason for introducing this bill is so that our State agency buildings can start to conserve energy instead of having to continue to spend more and more money on energy costs. A letter I received from John Moore, the Director of the Department of Energy and Natural Resources, in June of 1991, stated that State energy expenses, after declining for three consecutive years, increased by more than nine million dollars in the last two years and are projected to continue on an upward trend due to the increasing fuel prices. The best way to combat this escalation is through energy conservation. What we're asking for with this bill is to create -- to require the Department of Energy and Natural Resources to

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assist and cooperate with and provide the necessary staff for the Interagency Energy Conservation Committee. What this Committee will consist of is various State agencies that will get together and discuss what is best for conserving energy in the State of Illinois and reducing costs to the State. The bill also requires the Governor's budget to include specifications of energy cost reductions from each State agency's annual capital plan. Provides also that amounts approved under the General Obligation Bond Act for capital facilities may be used to reduce energy consumption in those facilities. What we hope to do is to encourage each agency to look into the possibility of fixing up their buildings and to conserve energy and save the State money. Today we've heard time and time again how the State doesn't have enough money to pay for various programs, pay for overrides, pay for the bills we've already committed to pay for. This bill will allow us to start saving some money in the State by being energy-smart, by conserving that energy and reducing our utility bills. This is something that the private sector is doing. It's something that State Government should learn from and start doing themselves. I would be glad to answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 972. Is there any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 972. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 972. And the bill, having received the required constitutional majority, is declared passed. Senator Dunn, did you wish to proceed on 1303? All

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right. On the Order of Conference Committee Reports, top of Page 7, there's a report with respect to Senate Bill 1303, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1303.

PRESIDENT ROCK:

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. Conference Committee Report on 1303 consists of two parts. One has to do with the Illinois Farm Development Authority, and I'd like to ask Senator Woodyard to explain it, after I tell you a little bit about the second part, that I was concerned with. This Conference Committee Report amends the Illinois Explosive Act, eliminating the exemption that had been granted for Olin's explosive storage facilities. Makes some technical and clarifying changes in the rewrite of the Act. I'd like to defer now to Senator Woodyard for the part about the Illinois Farm Development Authority. Thank you.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Yes, it's -- it's exactly as Senator Dunn indicated. The part of the Conference Committee Report dealing with the Illinois Farm Development Authority is the result of, I guess, two things that have occurred. Number one, in many areas of the State there was a tremendous yield reduction. In many cases, farmers did not even harvest any -- any of their crops this year. And as a result of that, a long series of negotiations and discussions with the Governor's Office, and Bureau of the Budget and the Illinois Farm Development Authority have occurred, and the Governor's Office

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does, and Bureau of the Budget does, agree with the language contained in Conference Committee Report 1303. It basically increases the bond authorization on -- under the Loan Guarantee Program, by twenty million dollars, and takes that to a hundred and sixty million dollars, at the same time increasing the full faith in credit, with no money added to it, from forty million dollar reserve up to forty-five million dollar reserve. What this will do is allow the State of Illinois to respond quickly to those farmers who are not going to be able to pay off their loans this fall, and will allow us to restructure, under a -- a loan guarantee, their line of credit for a period of up to ten years, and thus, that farmer will be able to get a line of credit to put his crops in next year. And the reason for having to do this now: those financial credit decisions have to be made sometime this winter or early spring, so it was imperative that we address this issue before -- before next spring's Session. I don't know of any opposition to this. As I say, this is a loan guarantee fund. The State actually will guarantee the bank loans to these farmers that can't repay their indebtedness, and they will also capture the collateral. We will -- have the control of the collateral. So that's what this portion of the Conference Committee Report does, and I would solicit your Aye votes on the passage of this.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 1303. Discussion?
Senator Brookins.

SENATOR BROOKINS:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

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How does this affect my district in Chicago?

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Well I doubt that you have too many farmers that are -- are going to be seeking a loan guarantee, but I can certainly tell you that if the number of farmers go out of business in downstate Illinois as a result of -- of not being able to repay loans, it's going to increase the food costs in your district.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

So then, by that reasoning, what was said to me earlier by some of the Members on that side of the aisle, concerning the CTA - that I should not be concerned with the farmers because we just can import farm items from somewhere -- overseas somewhere or something, because it don't affect my area and I should be concerned primarily with what happens in the City of Chicago and in my district. Is that the logic that I should follow?

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Well, I -- I guess you could say that. Certainly the food that people buy in your district doesn't just come from the IGA. It is grown all over the State of Illinois and put in your stores.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you. To the bill, Mr. President: Some time ago, we had discussed what is good for Illinois -- what is good for the farmers in Illinois is also good for the city dwellers in Illinois. So by that logic, I should support this bill, because I

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know that we're independent <sic> upon each other. By the same token, in that bill before, what was good for the City of Chicago was also good for downstaters and farmers, and they chose to vote against us. Being a Illinois State Senator, representing Illinois as a Senator, then I am obligated to help my brethren in downstate and the farmers. That's what we're talking about, and that's what this General Assembly and this Senate should be about, not just what is for me, mine and no more. And that is the point I want to make.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Senator Brookins, for your knowledge -- Senator Brookins? I just think you ought to know that the largest Farm Bureau in the State of Illinois is in Cook County and the second largest is in DuPage County. We do actually have a number of constituents in both of our districts, although perhaps not their farms - the farm owners.

PRESIDENT ROCK:

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I rise in support of this. All this does is increase the bonding authority and -- so they restructure the loans. And it's not giving anyone anything and there's nothing wrong with this. And I think it should be passed.

PRESIDENT ROCK:

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

SENATOR DEMUZIO:

Well, thank you, Mr. President. I was really confused about this until Senator Brookins got up and explained it, and I intend to follow his lead and support this bill now.

PRESIDENT ROCK:

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Further discussion? Senator Dunn, you wish to close? Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1303. 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 57 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on Senate Bill 1303, and the bill, having received the required constitutional majority, is declared passed. Continuing on Page 7, bottom of Page -- middle of Page 8, on the Recall -- I'm sorry. 1421, Senator Luft? All right. I'm sorry. If any Member has something they wish to call, I wish they'd let the Chair know. On the Order of Conference Committee Reports is a report with respect to Senate Bill 1421. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1421.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The conference committee deals mainly with the City of East St. Louis. The Conference Committee Report allows the City of East St. Louis to extend its redevelopment projects, the retirement and debt and obligations, from twenty-three to thirty-five years. This was done last year, I think, for the Cities of Bartonville and Peoria. It adds provisions allowing the Illinois Development Finance Authority to issue bonds to provide financial assistance to units of local governments that have received a determination of fiscal emergency under the Local Government Finance Planning and Supervision Act, and it revises the composition of the current -- eleven-member board, the Financial Planning and Supervisory Commission, which overlooks the City of East St. Louis. Mr. President, I'd like to

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yield to Senator DeAngelis to explain his part of the Conference Committee Report. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President, and thank you, Senator Luft. Also included in this report is a provision that would permit IDFA to issue two million dollars in non-full faith in credit bonds to the Village of Ford Heights, which has been unable to pay its contributions to the pension fund. This is to be done only after there's a determination that they are capable of repaying these amounts. And it also puts in place a commission which will run the finances of that community. I urge the adoption of Conference Committee Report No. 1 on Senate Bill 1421.

PRESIDENT ROCK:

Further discussion? Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1421. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on Senate Bill 1421, and the bill, having received the required constitutional majority, is declared passed. All right. If you'll refer again to the Recall List. On the -- middle of Page 8, on the Order of Consideration Postponed, is Senate Bill 1440. Senator Dunn seeks leave of the Body to return that bill to the Order of 3rd Reading -- 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills -- Senate Bills 2nd Reading is Senate Bill 1440, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn.

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SENATOR T. DUNN:

Thank you, Mr. President. This bill deals with the shifting of the source of revenue from real estate tax bills to an income tax. But in response to many of your requests for a shorter implementation period, I have shortened it in the amendment from ten years to five years, and I have Senator DeAngelis' support with that. He is the co-sponsor. I urge an Aye vote in the adoption of the amendment.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 1 to Senate Bill 1440. Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, there were several reasons why this piece of legislation wound up on Postponed Consideration. I think probably chief among them was the fact that we were going to raise the tax on every taxpayer, both individual and corporate, and yet rather selectively hand back any type of tax relief on property. Now, specifically about your amendment: does it only shorten the -- the phase-in time from ten years down to five years?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

As I stated, that's all the amendment does.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

In other words, the flaws in the bill, that many of us felt were there last year, are still going to be in there. What -- let me ask you about your future plans for this bill. I guess it goes back on Postponed Consideration. Is that right, President Rock?

PRESIDENT ROCK:

That is correct.

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SENATOR RIGNEY:

Goes back on Postponed Consideration. Are you going to attempt to move it in this form at some time later in the Session?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Well, Senator, it depends on whether or not I can get a consensus on the bill. As you know, this bill received 21 votes, and I think that there has been a substantial change in the public's view of the funding of education, and -- and really -- based on what I can work out with people like you -- I know you have some ideas, and I'm open to those ideas, to sitting down and discussing with you, and I think Senator DeAngelis is, as well. So no, this is not probably the final version of this bill, but it's a fundamental change. It seemed to come from your side of the aisle that you wanted it, so I acceded to it.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

I believe there's also one other new provision in the bill -- something about a seven-and-a-half-percent -- tax credit. Is that a new part of the legislation?

PRESIDENT ROCK:

Further discussion? Senator DeAngelis. Oh, I'm sorry. A question was posed to you, Senator Dunn. Senator Dunn.

SENATOR T. DUNN:

It's -- it's a credit, because there was a change in the law, Senator -- I'm being told by my handlers.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, they say a journey of a thousand miles starts

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with the first step. I've been here for twelve years. Twelve years -- each year -- and, Senator Rigney, you've been part of that process. Senator Maitland has. Senator Woodyard. We've been trying to find a system of flipping the cost of education from a property tax base to an income tax base. But each time we make an attempt, somebody finds something wrong with it. And you're right - we can find something wrong with it. But you know what? If you don't start from someplace, you're not going to go anywhere. This bill is a start. It's the start in moving, in a rather dramatic way, the burden of educational funding from a property tax base to an income tax base. Now I intend to offer some amendments - I've talked to Senator Dunn - on the distribution of some of these monies, because I realize that this does not deal with the issue Senator Palmer's involved in: the issue of equity and adequacy. But there is a commission proceeding in place, under the tutelage of Senator Berman, that is dealing with those issues. But let's at least send out one signal in this General Assembly: that we finally have recognized that the property tax is not the manner in which to fund education. And if we do nothing else, we will have started on that journey, and ultimately we will reach that one-thousand-mile mark. Please support this.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well -- Mr. President, would the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

My understanding, then, is that what you're providing in this bill is an income tax increase over a five-year period. Is that right?

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PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Correct.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

In view of the fact that our people all over Illinois are not very -- very happy about paying any taxes right now, do you feel this is the right time to try and push this bill across?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Senator, there isn't any question that this bill's time has come in the State of Illinois, and that elderly people and handicapped people would have their residential real estate tax bill cut in half by the passage of this bill today. There's no smoke and mirrors involved in this bill, like there was in the Lottery. This bill creates the Property Tax Relief Fund, whereby every dollar that's raised by the -- income tax is guaranteed to go back into education.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is this a local income tax?

PRESIDENT ROCK:

Senator...

SENATOR GEO-KARIS:

Is this a State income tax?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

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State.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And do I understand correctly that by pushing forth with this income tax possibility, you're saying there's going to be some property -- property tax relief? Is that what you're saying to me?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

It's not probably, Senator. It's guaranteed there will be.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

What's to stop this Assembly from coming back and just increasing property tax -- not doing much about property tax in the future?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Senator, I don't know one -- one person in the General Assembly that wants to increase real estate taxes.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I don't want to increase real -- real estate taxes either, because I pay a pretty big tax myself, and I have -- and I'm alone to do it. However, I'm just wondering if the time has come for this bill at this time.

PRESIDENT ROCK:

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Further discussion? Senator Palmer. Palmer.

SENATOR PALMER:

Okay. Sorry. Thank you, Mr. President. Will the sponsor yield for questions?

PRESIDENT ROCK:

He indicates he will yield, Senator Palmer.

SENATOR PALMER:

When you indicate that this is a dollar-for-dollar exchange, does this include corporate property taxes?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Yes, but, you know - just to point out - this is only on the amendment, not on the bill. We're only dealing with the question of the vote today on whether we're going to shorten it from ten years to five. It has nothing to do with the main body of the bill.

PRESIDENT ROCK:

Senator Palmer.

SENATOR PALMER:

In the main body of the bill, though, are we talking about corporate -- corporate property taxes? And if so, isn't it so that the majority -- that fifty-two percent of all property taxes are from corporate property taxes?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

It -- it does not change the corporate, I'm being told -- by my handlers. But there is excess, and that's what I had talked to Senator Rigney about, as -- as to where we would put that excess. And we, at one point, discussed putting in the corporate, but we haven't gotten to that point yet.

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PRESIDENT ROCK:

Senator Palmer.

SENATOR PALMER:

Just one last comment, then: I would urge us to be very careful about a dollar-for-dollar exchange. Given that the corporates received quite a break in the 1980s, I think that we might want to look at a mixed income and corporate tax to fund schools. So with all due respect - and I'm very glad to see some -- some movement on thinking about a different way to support the schools and to fund them - I would urge us to look at this very carefully. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Some of the questions I was going to ask, I think have been rather cleared up. But, Senator Dunn, I think someone asked you this, and I'm not quite sure of your response. If we put this amendment on, or if we don't put the amendment on, what is your -- what are you planning on doing with the bill?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Well, I -- I hope to, at some point, come up with a consensus from your side and this side, and call the bill for a vote when we have the amendments -- all the amendments completed. What -- this amendment that we're speaking to today comes from your side.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Do you mean this Session - like tomorrow yet? Or -- you don't mean that.

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PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

No, I do not reach -- think we'll reach a consensus by tomorrow at all.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Well, to the bill, or to the amendment, Mr. President: I'm supportive of the amendment, and I am supportive of the concept of the bill; however, the Task Force on School Financing is meeting now and working toward coming up with a new way of funding education in this State. This is one -- or this type, or this concept is one of the ideas that we are discussing at this time. And I certainly think that a bill like this, as Senator Palmer said, really should be taken look -- a good look at. It did fail when it was called before. I think with amendments on, and perhaps reintroduced in the next Session, we should have hearings on -- regular committee hearings on this, and also see what the Task Force proposes, and perhaps we'll be able to come up with some kind of a compromised, joint type of solution. I think we're going in the right direction with it, however, and I would support your amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 1? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I rise in support of the amendment, if nothing else, to keep going. Fifteen years ago, when I was a freshman of the House, my seatmate, who was from Central Illinois, introduced a bill similar - not anywhere near identical, but similar - to this, and the kid's name was Jim Edgar. At the time, he was pilloried for the idea. And now I look at it - I thought

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it was a good idea then; I don't think it's a bad idea now. Let's move the thing forward. It doesn't do any harm to put the amendment on and keep moving. I have an amendment I'd love to add later, too. I'm not real convinced we'll have time to get to it today, but I'm going to run my staff to get it. But I'd just keep going with it. What do we have to lose? This has been a bipartisan idea for years.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Dunn and Senator DeAngelis, I, for one, like your first step, and you are to be commended for taking it. Let me ask a few questions. If and when your legislation passes, and it is -- or is put in the form that you wish to have it, when do you expect to, you know, have it passed on 3rd Reading and signed by the Governor?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Well, I think that timetable will be determined by many of the events that Senator Karpziel mentioned. We want to take the input of that organization that she spoke of. Senator DeAngelis has a couple of ideas that I think he wants to put forward, and there have been other -- other ideas that have been mentioned to me as they saw this on the Calendar. So I don't look to foreclose those ideas. I think we ought to sit and talk with them. And I would really expect -- to be honest with you, I expect in the spring that we could do something really positive on this and have it on the Governor's Desk.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

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Well, I agree with you that the public is changing their view on the funding of education, and we must do something about it. And I think that we have to seriously stop pontificating - all of us - and sit down and work on changing that funding process. But, you know, the public is also having a reawakening on their views on the burden on the property owners - not just for the Educational Purposes Fund, but the property owners are being taxed by other units of local government. It's my understanding that -- that this amendment does not affect other units -- other local units of government, such as the fire protection districts, the cities, the counties, the libraries and the mosquito abatement district. Is that correct?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

That is correct, but you must remember that the education portion of your tax bill makes up, on average, fifty-six to fifty-eight percent of your tax bill.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Well, I understand that, Senator, but, you know, the -- these other taxing units -- one, a local school district in -- in my Legislative District, recently raised their levy by fourteen percent, and...

PRESIDENT ROCK:

Senator Jacobs, for what purpose do you arise?

SENATOR JACOBS:

Excuse me. I think Senator Dunn has expressed that the amendment is -- is one issue, and we're getting into the bill. I move the previous question.

PRESIDENT ROCK:

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You are correct. Senator Dunn's moved the adoption of Amendment No. 1 to Senate Bill 1440. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. It'll be returned to the Order of Consideration Postponed, Madam Secretary. All right. We're on the Order of Consideration Postponed. Top of Page 7. Senator Rea has requested House Bill 1776. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1776.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I think all of us are acquainted with House Bill 1776. This is a bill that we had a rather extensive hearing right here in the Senate Chambers. We had many people that came from throughout the State to testify on this bill in favor of it - the strikebreakers' bill. And the legislation -- this legislation would prohibit public and educational employers from permanently hiring strikebreakers. When a worker considers going out on strike, he has many factors to weigh - the largest being the loss of his or her job. However, the employer does not face the same ultimatum. Although the employer will lose a valued, experienced worker if he or she hires a strikebreaker permanently, the employer will not risk a major portion of the family income, insurance benefits and job security. House Bill 1776 is designed to protect the fundamental right of the working

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person to strike. And over the past years, that right has been eroded by employers who fire strikers and replace them with strikebreakers. Workers go to the bargaining table in good faith. And yes, they strike, as a last resort. The bottom line is that the right to strike - that fundamental right of the bargaining process - should not cost the worker - any worker - their job. But it has, and it does. House Bill 1776 protects that right by providing workers with a level playing field, by making them an equal at the bargaining table, by protecting their livelihood. The bill would apply to private sector employers as well as public sector employers. It would prohibit the State units of local government and school districts from having various financial dealings, such as contracts, loans, grants, issuance of bonds, the purchase of securities and making deposits with employers who permanently hire strikebreakers or who give preferential treatment to employees who don't strike. House Bill 1776 will bring equity back to the bargaining table. The rights gained by workers throughout the years are thrown away every time employers permanently replace a striking employee with a strikebreaker. This bill would safeguard those rights. This is a good bill. This is a bill that we have needed for some time. And I would ask for your support here today.

PRESIDENT ROCK:

All right. The Gentleman has moved passage of House Bill 1776. Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Members of the Senate. It is true that we have debated this bill before. But I think we are obligated to go over the ground, or at least some of the ground, once again. My good friend, Senator Rea, has characterized this as a strikebreakers' bill, and I will characterize it as a strike-makers' bill. Let me just spend a minute or two going over

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again what the bill does. This bill would severely penalize employers utilizing permanent replacement employees in response to an economic strike. This measure denies State and/or local bonds, grants, contracts, purchase of securities, investments of or into, deposits into and tax exemptions, deductions or credits be available to employers which permanently replace economic strikers. Also, it prohibits any unit of government, State or local, from hiring - prohibits them from hiring - permanent replacements. Ladies and Gentlemen, this bill is opposed by the AEI, the Associated General Contractors of Illinois, Illinois Association of School Boards, the Illinois Manufacturers' Association, the Illinois Retail Merchants' Association, the Illinois State Chamber of Commerce, National Federation of Independent Business, Caterpillar Incorporated, Deere and Company, Motorola Inc. Now why are all these entities opposed to this bill? Well, I'm going to suggest, as briefly as I can, that it's because, under the provisions of this bill, it abandons government's neutrality in labor disputes, which we have essentially had. It punishes Illinois employers that exercise a longstanding right to continue operating during a strike. No recourse but to accede -- under the provisions of the bill, they have no recourse but to accede to the union demands to reduce or to halt operations completely. Now, that's hardly a level playing field. Even nonunion employers would be adversely affected. A small number of key workers in a nonunion plant could walk -- walk off the job and shut down the entire operation, and the employer would have no recourse. He could not hire any permanent employers. I will suggest to you, in getting toward my closing here, that strikers are already protected against permanent replacements. That is to say that if a company locks out workers, if it is guilty of unfair labor practices and other -- other provisions that have been deemed to be unfair to the striking

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worker, then he is protected under law that already exists. Only when - and I emphasize this - employers freely elect -- employees freely elect to strike and shut down a business, can they be permanently replaced. That's the way it is now. Even then, unfair or corrosive actions on behalf of employers are safeguarded to ensure that strikers have enforceable claims for their old jobs when they are available. Now in closing: this bill, as I've suggested before, will encourage strikes, rather than discourage them. I have called it a strike-maker bill. It destroys the delicate balance that has existed between the worker's right to strike and the employer's right to remain in business. Now these are commensurate rights, and this is not -- nobody here is arguing that workers should not have the right to strike. They certainly should have that. But also those that employ them should have some kind of right to remain in business if -- their company is struck. That's the way it's been. That's been the balance. This would tilt the tables. This would not lead to a level playing field, but would seriously tip the tables. And I say if we keep -- and I've said this before in the last time we were in this debate, that if we keep leveling the playing field in this way - so-called - by passing bills of this kind, we will have a playing field by -- by -- by December anyway, that is so sloped we can use it for a ski slope. There's no question about it. So I'm -- I'm simply going to close by -- by saying that as well-intended as this may be, and with all due respects to my good friend, Senator Rea, that House Bill -- 1776 may have been a great year - and was a great year in the history of our country - but House Bill 1776 is a bad, bad bill for business in the State of Illinois and in this country. And I would urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Hudson, the other side of the aisle -- I guess I'd like to direct my -- my comments to that side of the aisle, because all comments appear to be that this will again be a green light on one side, a red light on the other. We hope that's not the case. You indicated and you discussed all of the entities that are opposed to this: Deere, Cat and a number of others. I happen to have Deere in my area. I understand that they're concerned with this. But, you know, I guess with all the highfalutin attorneys that all these people have - to borrow a line from Senator Keats - I can't understand how they haven't read this bill. This bill, for a private employee -- employer, does not prohibit anything, as far as hiring replacements. The private industry still, under this law, can hire replacements. What they can't do - what they can't do - is to be encouraged by the State of Illinois or a municipality in giving them State or local dollars. We have that right. We can withhold that. That I'm not sure -- is that big of a deal. Where we do have a little more authority - and I think it's important to point out in this bill - is whenever you deal with the -- the schools and the municipalities and the State. Under that jurisdiction, we have some jurisdiction as to the replacement. But as far as the private industry - and I just want to set the record straight on that - as far as private industry is concerned, this bill, other than to get loans, grants, et cetera from the State of Illinois, is not affected by 1776. And I urge a Aye vote.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. We should be in favor of keeping plants and businesses in Illinois and attracting plants and business in Illinois for jobs and more jobs.

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This bill would prohibit companies from doing business with the State of Illinois and with all the local governments if the companies would hire strike replacements. House Bill 1776 would -- would make it possible for two nonunion workers to walk off the job, giving little or no reason except to say that they are protesting terms of conditions of employment. This could lead to the shutting down of an entire operation through their actions, which would cause people to be out of work and out of salary. Existing federal law places certain restrictions on an employer's rights to permanently replace striking employees. Strikers may not be permanently replaced when their employer locks them out or when the employer commits unfair labor practices prompting or extending their strike action. I do not want to see jobs lost in Illinois. I well remember the early eighties when we were having a recession - and we're beginning to have one now - and some of my constituents could not pay their mortgages or pay their children's college bills because either they were laid off or the plants were closing and moving away. I do not want to encourage unemployment in Illinois in any way. And speaking of Deere Company, I do have a letter from Deere Company, and I'm going to quote a paragraph them -- from them which says, quote, "Deere and Company feels that to eliminate the ability of employers to continue operation improperly reverses established legislative and judicial history." And I might point out something else. This bill would utterly abandon Illinois Government's neutrality in labor disputes, and I think we're going too far. I think we should try and keep our jobs here and bring them in, instead of chasing good employers out. And I speak against this bill.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I'd like to -- I'd like to mention

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two matters about this bill, and I certainly urge your Aye vote to support it. If I'm not mistaken, in Business Week or Forbes - I apologize, I can't remember which magazine - this summer, there was, in fact, support for such a bill. It said that it was giving both the employer and the employee benefits in the sense that each was taking risks. And with all due respect to the comment that was made a few moments ago, under the present law strikers are not protected. And I would like to remind the Body of the PATCO strike in 1980, and some of the consequences of that when those skilled workers were removed and there was a rush willy-nilly to replace them with people who had not been adequately trained. We are still paying for the consequences of that, in that we do not have properly trained air traffic controllers, and that is a serious business and a serious matter for us all. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Question of the sponsor, and then I have a comment.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Butler.

SENATOR BUTLER:

I'm sorry. I don't have the bill in front of me. When does this become effective?

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

July 1st of '92.

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

Thank you. My comment is to the many comments that have made

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about the playing field being more level should this bill pass. I submit the playing field is pretty level right now. The workers, as they should have, have a right to strike, and the employers, as they should have, have a right to respond. What we want to do is take away the ability of the -- of the employers to respond. And as I said before, on the previous bill, I think this bill is definitely anti-small business. A small-business man has no alternative but either submit or go out of business. And that certainly is not a level playing field by any stretch of the imagination. The other thing about this - you know, we're really mandating, in a -- in a real sense, an increase in costs to local governments, because if they don't have a -- if they don't have an ability to -- to control their costs in one way or another, we, in effect, have increased their -- increased their expenses. Finally, we are all cognizant of the fact that -- that we're in the midst of some kind of economic condition. I don't know what to call it - recession, I guess, is a good word as any. But what we have to recognize here, I think, is that we should be doing all we can to encourage business. If this bill passes, Illinois will be a lousy place to own a business. Let's face it. I won't open a business in Illinois faced with this. So I would submit that in -- rather than people being too grateful for this, we're going to hear a lot of goodbyes from good businesses as a result of this. I urge a -- a No vote.

PRESIDENT ROCK:

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. As we all know, the most recent strike that has affected this State is with Caterpillar. One of the two national sites for the selective strike is in my city of Decatur, where we have two thousand UAW workers on strike. This issue to them is, and should be, an issue

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of most importance, for the rights of employees should not so easily be taken for granted by an employer - that as soon as they use one right, that another right should be so readily eliminated. I think all of us are interested in making our economy as strong as possible, and making our companies and employees as strong as possible, to be able to compete in a changing and global marketplace. But that does not give us the right to diminish the rights that employees have worked so long and hard for. I think this is something that we ought to support. And I can tell you, at least to the two thousand UAW workers in Decatur and to workers throughout this State, this is a bill of critical importance. I urge a favorable vote.

PRESIDENT ROCK:

Further discussion? Senator Rea, to close.

SENATOR REA:

Thank you, Mr. President. This is both a good bill for the employer as well as the employee, and it's certainly not an anti-small business bill. We all know that replacement workers prolong painful work stoppages and assure that workers, either long-term or newly-hired, in most instances lose their livelihoods. Hiring replacements guarantees that the community will be left with deep scars. And I'd like to also point out that our top competitors, including Japan and West Germany, do prohibit those types of practices. The right to strike is one of the most basic freedoms afforded workers under the laws of this country. And the right to strike helps promote equality between the employer and the employee at the bargaining table. When employers replace striking employees with permanent replacements, equity and labor relations is undermined. So I say to you today - we must promote equality between employers and employees, and that is what this bill is all about. I would ask for your vote.

PRESIDENT ROCK:

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Question is, shall House Bill 1776 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 27 Nays, 2 voting Present. House Bill 1776, having failed to receive the required constitutional majority, is declared lost. All right. There's been a request to go to the Order of Motions in Writing. I would point out that -- Senators Collins, Dudycz and Ralph Dunn. Bottom of page 8 on the Calendar. Page 8. Senator Collins, on 1573? Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to discharge the Committee on Higher Education from further consideration of House Bill 1573, and that the bill be placed on the Order of 2nd Reading, and that it be read a second time.

Filed by Senator Collins.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. Yes. Thank you, Mr. President and Members of the Senate. The motion is to discharge the Committee on Higher Education from further consideration of House Bill 1573, to have the bill placed on the Order of 2nd Reading. I'm sure that many of you know that we are working very hard on trying to come up with some kind of meaningful solution to the current financial crisis with the Chicago School System without having to rely on the State for any new revenue, or on the taxpayers for any new revenue. We would like to place this bill on the Order of 2nd Reading for the purpose of amending, and to try and -- and address that situation tomorrow. And I would appreciate your favorable

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vote for this motion.

PRESIDENT ROCK:

All right. The Lady has moved to discharge the Committee on Higher Ed from further consideration of House Bill 1573, and asks that the bill be placed on the Order of 2nd Reading, and read a second time. All in favor of that motion will vote Aye. Opposed, vote Nay. And the voting is 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 32 Ayes, 17 Nays, 4 voting Present, and the motion prevails. Madam Secretary, on the Order of House Bills 2nd Reading is House Bill 1573. Read the bill, please.

SECRETARY HAWKER:

House Bill 1573.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Collins offers Amendment No. 1.

PRESIDENT ROCK:

Senator Collins, on Amendment No. 1. Senator Collins, Amendment No. 1.

SENATOR COLLINS:

Thank you. What this amendment does is -- it requires the Financial Authority in the City of Chicago -- and maybe I should start by giving you some little history or background on this. Currently the Chicago School Board is having a serious financial crisis. The Financial Authority, in its policy - or its wisdom, I guess - came up with the policy which requires the Chicago Board to take off the top of its budget this year's -- it's approximately a hundred and fifty million dollars, to hold in cash

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reserve. This money cannot be touched, and it is imposing a very serious problem on the Board's ability to find adequate funds to fund its operation this year and to avoid a strike in the City of Chicago. And I'm sure that we have come to this Body time and time again and asked for money to bail out this system, only to find that the system itself really has enough money to operate if it is allowed to operate as many other entities are. And let me give you an example. The State of Illinois has a budget of approximately 26.5 billion dollars, and we only usually have in reserve somewhere from between a hundred and fifty to two hundred million dollars as an ending balance. And this year it's a real question as to whether or not we will even have that much money. It is inconceivable and very unfair for the Chicago Financial Authority to require that the Chicago Board have in reserve, off the top of their operation budget, a hundred and fifty million dollars when their -- whole budget is not equal to -- except two and a half billion dollars. That is inconceivable and is most certainly unwarranted. It is unfair, and especially at a time when they don't have enough money to keep the school doors open. And we're simply asking that this Authority would reduce -- this amendment is asking that it -- would free up at least thirty-five million dollars of that money to be used for general operation by the School Financial Authority. It also restores back to the Authority - we did eliminate some of the powers of the Authority - the authority to approve of the Chicago Board's three-year financial plan. We think this is a reasonable amendment. It most certainly will give the Chicago School Board enough money to -- to operate without the stress of a strike or closing the doors or compromising on the educational -- the quality of education to the children there. And we would ask for a favorable roll call. I would be happy to answer any questions.

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END OF TAPE

TAPE 5

PRESIDENT ROCK:

The Lady has moved the adoption of Amendment No. 1 to House Bill 1573. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 8. 1474. Pass. Top of Page 9. Senator Ralph Dunn. 1477. Do you wish to pursue that motion? Okay. All right. Ladies and Gentlemen, we have been through now the Regular Calendar. I would turn your attention to the Supplemental Calendar No. 1. There is also a Supplemental No. 2 which has been distributed. We'll start with Supplemental 1 and go right through it and move right onto Supplemental 2, and that will conclude our business. Supplemental Calendar No. 2, on the Order of Secretary's Desk, Concurrence, Senate Bill 980. Senator Luft. Madam Secretary, please. Senate Bill 980.

SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 980.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The concurrence on the House Amendment to Senate Bill 980 is a result -- or the text of which is a result of weeks of hearings between the banking groups and other members of the banking community, and also there were

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hearings that were held -- and Senator Jacobs. There is an agreement reached which permits customers of a bank or banks which are part of a multi-bank holding company to cash checks, -- make deposits or loan payments into their accounts, and at a bank which is an affiliate bank owned by the same holding company. We also remove the home office protection for banks and their branches if they are conducting affiliated banks. It's a reciprocity agreement. And we require banks to notify the Commissioner of Banks thirty days prior to conducting an affiliate banking system. I would attempt to answer any questions; otherwise, I would move to concur in House Amendment No. 2 to Senate Bill 980.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate concur in House Amendment No. 2 to Senate Bill 980. Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. As Minority Spokesman of the Finance Committee, and I believe Senator Jacobs is up as Chairman, this has been an amendment. We did hold a hearing on it last time we were here to discuss it. This does appear to be an agreed amendment, and we would appreciate your support.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

I withdraw the question. I was just going to state the same thing. This and then a companion bill, 1911, are both agreed-upon bills, and I ask for its approval.

PRESIDENT ROCK:

All right. The question is, shall the Senate concur -- I'm sorry. Senator Maitland.

SENATOR MAITLAND:

I'm sorry, Mr. President. Just to -- to declare a possible

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conflict of interest, and I will be voting Aye.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 980. 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? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate does concur in House Amendment No. 2 to Senate Bill 980. And the bill, having received the required constitutional majority, is declared passed. SJR 46. Senator Topinka. SJR 81. Senator Holmberg. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Joint Resolution 81.

PRESIDENT ROCK:

Senator Holmberg. Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This is just a technical change to this Senate joint resolution, by replacing the term "Joint Committee" with "Advisory Board to the Board of Higher Education." And the intent of this resolution is to extend the reporting deadline for the Joint Committee on College Tuition. This committee, because of the illness of its president, failed to meet the reporting deadline. And we've just -- we just need to extend it so that they can submit their report. And I would ask for its adoption.

PRESIDENT ROCK:

All right. Senator Holmberg has moved that the Senate concur in House Amendment No. 1 to Senate Joint Resolution 81. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

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PRESIDENT ROCK:

Indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Holmberg, all you're asking is for an extension of time? Is that correct?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

That's correct.

PRESIDENT ROCK:

Question is the adoption -- or the concurrence in House Amendment No. 1 on Senate Joint Resolution 81. All 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? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Joint Resolution 81, and the resolution, having received the required constitutional majority, declared adopted. Senator Topinka is back with us, on Senate Joint Resolution 46, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Joint Resolution 46.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution, with House Amendment No. 1, I would concur in that. This -- this changes the -- the dates for appointments that had to be done because appointments had not been made on time. This has now gone around innumerable times, and I think now it is in final form, and no one objects. So if we could just move it along, it would be outstanding.

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PRESIDENT ROCK:

Senator Topinka has moved the adoption -- or concurrence in House Amendment No. 1 to Senate Joint Resolution 46. All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Joint Resolution 46. All in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Joint Resolution 46, and the resolution, having received the required constitutional majority, is declared adopted.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senate Joint Resolution 81. Did we do that one? I'm sorry. All right. Next item will be the Conference Committee Report on Senate Bill 1455. Senator Rock. Want to read the Conference Committee Report?

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1455.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, President Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The First Conference Committee Report on Senate Bill 1455 deals solely with the division of legislative districts, and it is a technical amendment to the current law. As I'm sure everyone here is aware, by this law, for the past twenty years, the Senate has been divided into three groups. Each of those three groups then, by -- by action of the Secretary of State, is assigned a certain terms of office; either two, four, four; four, two, four; or four, four, two. That is done by the Office of the Secretary of State by lottery. And all this bill does is change the dates so that the election years in question will be 1992, 1996 and the year

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2000. This is at the request of the Secretary of State who, by law, after due notice to the Majority and Minority Leadership, shall, as soon as practicable after each redistricting finalized according to law, draw one card at random from three cards bearing numbers one, two and three, to set up these terms of office. So the Secretary of State has to have this. Once the remap is finalized, he will then make this draw and we will all find out what our terms of office will be. We had discussed obviously the possibility of perhaps setting the district terms by law. Frankly, it is very difficult in this Body to get the agreement of twenty and/or forty as to who wanted a two and who wanted a four year. This seems to me to be the fairest way. It has worked for the past two -- two decennial elections, back in '70 and in '80, and I suggest this is something that has to be done, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Lady from DuPage, Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I just want to ask a question -- question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR KARPIEL:

Senator Rock, when you say the Secretary of State, then, arranges the terms of office, et cetera, is that done by lottery? Is that what you're saying?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

SENATOR ROCK:

Yes, the law reads that he will draw one card from three cards bearing numbers one, two and three, and he draws one at random and then draws a second one to set up which group is which.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock, to close.

SENATOR ROCK:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1455. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present, and the Senate does adopt the Conference Committee Report on Senate Bill 1455. And the bill, having received the required constitutional majority, is hereby declared passed. On Motions in Writing on the Calendar is Senate Resolution 549. Senator Savickas. Okay. Senate Resolution 861. Senator Brookins. What? Okay. Out of the record. Motions in Writing to Override Total Vetoes is House Bill 827. Senator Demuzio. Demuzio? 827. House Bill 883. Senator -- you want to call it, Vince? Please read the bill. House Bill 827.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 827 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 827 is the special education bill that has been here on a number of occasions over the last two Sessions now, and it would reimburse local school districts eight thousand dollars for each special education teacher and for important support personnel and -- such as the school psychologist, social

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worker, school nurses, et cetera, and so forth. The bill would tie the personnel reimbursement to a percentage of the statewide average teachers' salary. The Governor has vetoed this bill, indicating that this could have a potential impact in fiscal years '93 henceforth. I will point out, however, that it may have a fiscal impact in those outlying years, but it -- would have no fiscal impact in '92 or '93 if we do not appropriate money for this particular House Bill. And therefore, we have come so far with respect to changing the formula by which we -- for special education -- and therefore, I feel today compelled at least to call this bill, to afford everyone the opportunity to decide whether or not this is the kind of reform that we need to take place in special education. I know there will be arguments that will be made with respect to the outlying costs. And again, I would simply suggest that outlying costs are those that are subject to the appropriations process, and if you have it, you have it, and if you don't, you don't. But at least this bill would be in place as major reform for special education, and I just simply say, vote your conscience, and I would ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Lady from DuPage, Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I rise in opposition to House Bill 827. What we are doing in this bill is giving this one program - this one grant program - it's the only one in education, of all the elementary and secondary education grant programs - a guaranteed statutory increase each year. This bill will cost nine million dollars annually, beginning in FY '93, increasing at five percent annually thereafter. I don't know how many times some of us have to say it, but the money isn't there, it isn't there, and it isn't there. And we can't be sure it's going to be there in

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1993 and five percent increasing every year. This does not give -- does nothing to increase special ed teachers' salaries. So I think this is a bill that is not necessary at this time. It's not going to increase anyone's salary at this time. All it's going to do is cost the State money that it doesn't have. I urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. This is an issue that's been around a number of years, as all of you know, and -- and I guess no one is going to argue the fact that -- that the reimbursement ought not be increased. And keep in mind this money is paid a year after the fact. But -- but Senator Karpel has made some very valid points with respect to the cost. But, Senator Demuzio, I -- I would remind you -- and I -- I, quite frankly, wish you hadn't have filed this motion. You sit on the Task Force for School Finance, and we are about the task of attempting to deal with issues just like this. And it seems to me premature that we would make any kind of a change or adjustment at that -- this time -- in the law. So I think based on the cost, based on the fact that the task force is meeting, the appropriate vote here is a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I think we know the issues involved, and I would simply ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 827 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 30 Ayes, 25 Nays, 3 Present, and the bill does not receive the required three-fifths vote and is declared lost. House Bill 883. Senator Collins. Collins. Next page. 883. Senator Collins. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move that House Bill 883 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Collins.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. This is the enterprise high school bill that Wyvetter Younge has worked so hard on over the years. And this bill passed once before, under Governor Thompson, and they didn't fund it. And then they agreed to fund the bill and somehow the money was hung up there, only to find out when the new Governor came in, the State could not afford to fund the bill. So Wyvetter Younge went out and found some private sources, and the job -- got a commitment from the Job Training and Partnership Program in her area to provide the necessary resources to -- to run this school without charging the district or the State any money for it. And she's really worked hard on this. She has a lot of letters that she's given me of people that have made the commitment that they will be, from private industry and from the Job Partnership Training Act and the school -- the school board, in support of this bill. And we would just ask for your favorable consideration to override the Governor's veto. It's very clear that it is not any money this bill is requiring from the State.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Is there any discussion? The Lady from Adams, Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. And I -- I have read Representative Younge's letters as well, but I think for the record, the Governor has said in his amendatory veto there is a GRF cost of one to two million dollars. And that's just for the record.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Collins, to close.

SENATOR COLLINS:

There is no appropriation being requested. It is no harm to the State at all, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 883 pass, the veto of the Governor to the contrary notwithstanding. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 26 Ayes, 26 Nays, 2 recorded as Present. And the Senate does not adopt this bill, and it is declared lost. Let's turn the page. Appears House Bill 673. Motions in Writing. Senator Luft. 673. Out of the record, request of the sponsor. Please turn to Supplemental Calendar No. 2. On the Secretary's Desk, on the Order of Concurrence, appears Senate Bill 998. Senator Daley. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 998.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 to Senate Bill 998 has six items. Four of the items we have already adopted previously in Conference Committee Report on 1960.

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The other two are the following: the Comptroller -- the Comptroller personnel director is removed from the State office payroll. Under the salary schedule set by the Compensation Review Board, the comptroller's personnel director is the only personnel director on the State office payroll. Funds will be transferred within the budget to balance this appropriation reclassification. The other item that we have not acted on would also make a technical change in the Not For Profit Corporation Act of 1986, relating to the limited liability of officers who serve without compensation. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The Gentleman from Knox, Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HAWKINSON:

Senator, you mentioned that four of the items were contained in 1960. Can you tell us which four items those were?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Daley.

SENATOR DALEY:

Thank you, Senator. The other ones are from the Secretary of State's Office. Commercial driver's license program revisions mandated by the Federal Government and the compliances required by April 1, 1992, for highway funding sanctions. The other one would be a cleanup language to authorize the Secretary of State to crack down on scam commercial driving training schools. Another item would define persons in Section 2-124 of the Vehicle Code to allow the Secretary of State to collect monies owed to the State by certain dissolved businesses. And the last item would authorize

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issuance of official license plates to federal-appointed cabinet members, similar to plates offered to State and federal elected officials.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Daley, to close.

SENATOR DALEY:

Favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 998. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 44 Ayes, 7 Nays, none recorded as Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 998. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Joint Resolution 96. Senator Carroll. Read the resolution.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Joint Resolution 96.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

I thank you, Mr. President, Ladies and Gentlemen of the Senate. The House, in its infinite wisdom, sought to change the word "task force" to an "advisory panel." This is the one that we are creating to deal with the problem in the Circuit Breaker, dealing with the pharmaceutical drugs. What I guess happened over in the House is they've got so many official task forces, some of which get stipend, that they were afraid that this might cause another paycheck to go out, so they asked us if we would change it to "advisory panel," and I move we concur in House Amendment No. 1.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is, shall the Senate concur in House Amendment No. 1 to Senate Joint Resolution 96. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. And the Senate does concur with House Amendment No. 1 to Senate Joint Resolution 96. And this resolution, having received the constitutional requirement, is hereby declared passed. Also on the Calendar appears Conference Committee Reports. Appears House Bill 1545. Senator Marovitz. Read the report, sir.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1545.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is a very important Conference Committee Report. The Legislature has determined that certain facilities which provide for the permanent residence of people with AIDS and other forms of HIV disease should be allowed to function outside of licensing requirements in the Nursing Home Care Act, since we passed a bill in 1990 - several bills as a matter of fact - to place these Statutes into exemptions so that these facilities could operate without licensing requirements. The exemption to the licensing rules is intended to encourage reputable community-based organizations to create home-like facilities which provide comprehensive, residential and supportive services to those with the debilitating HIV disease and get the kind of care that they couldn't get anywhere else. There are many facilities that provide this service, several of which are in my district. This

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Conference Committee has been crafted in conjunction with the State, with the Department of Public Health, so that these facilities will be able to continue to operate. This Conference Committee Report amends the Nursing Home Care Act and specifically exempts supportive residential facilities from the Nursing Home Care Act. And secondly, it puts into place a separate licensure category for such residential facilities as I have just been talking about. There's no known opposition to this bill. It's supported by the Catholic Conference of Illinois, Chicago House -- Bonaventure House, the Jewish Federation, and I would solicit your unanimous support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The Gentleman from Bond, Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR WATSON:

What impact does this have on Fair Oaks Nursing Home located in Greenville, Illinois?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

None.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

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Is this -- I couldn't quite follow your statement. What -- are you doing -- are you -- exempting zoning from your bill, is that it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

This bill in no way affects zoning regulations anywhere in the State of Illinois.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

One more question. Would you just summarize in one sentence what your bill really does? Because I'm not quite clear on it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Marovitz, to close.

SENATOR MAROVITZ:

Okay. I'll summarize it in my closing, Senator Geo-Karis. I'll summarize it in my closing. This Conference Committee Report amends the Nursing Home Care Act and -- specifically exempts supportive residential facilities which treat patients with AIDS and HIV infection who could not get treatment anywhere else, and puts into place a separate licensing category for such residential facilities. It's supported by the Department.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 1545. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, 1 Nay, none recorded as Present. And the Senate does adopt the Conference Committee Report on House Bill 1545. And this bill, having received the three-fifths required majority, is hereby declared passed. House Bill 1911.

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Senator Luft. Read the Conference Committee Report, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 1911.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Tazewell, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The Conference Committee Report on House Bill 1911, the subject matter of which is the Banking Act. It's very technical. I will try to get through it as fast as I can and attempt to answer any questions. This request comes from the Commissioner of Banks, and it has to do with the takeover, by other groups, of a troubled bank. Presently, a bank dividend may not be issued until the -- after -- until the losses and bad debts are deducted from the income of the bank. The Commissioner believes that this acts as a deterrent for taking over a troubled bank, because after the influx of cash is put in by the new owners, they can never -- or for a long period of time, not receive a dividend. So the Commissioner has asked that if a troubled bank is -- at least fifty percent is taken over by new owners, a dividend may be issued prior to the deducting of the losses and debts. In other words, if you're paying out a hundred percent for loss and debts, in a case scenario, you could be paying eighty percent and then twenty percent dividends. The second is also a request from the Commissioner of Banks, and it extends from sixty to a hundred days the time period in which the Commissioner may permit a bank to correct capital impairment violations prior to taking possession and control of the bank. The Commissioner believes the sixty-day time period is not sufficient enough to satisfy the problems with the -- the violations. Thirdly, bank directors - we removed the requirement that one-third of the bank's board of directors must live in

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Illinois. It also removes -- one-half of the directors must be domiciled in Illinois or two-thirds either domiciled in Illinois or within a hundred miles of the main banking premise. We just simply, it's my understanding, put the State and federal -- national banks on equal footing. Fourth provision is electronic fund transfers, and this proposal just simply permits retailers to conduct point of sale, or POS, transactions through more than one network. The fifth provision is a late payment fee. Now the late payment fee on installments is five percent or five dollars, whichever is less. This allows it to be five percent or five dollars, which is higher. I'll try to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Cook, Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. As Minority Spokesman of the Committee, the Chairman, who's up, and I have been working with Senator Luft on this - it's a lot of mecht nichts stuff. It sounds like more than it is, and there are a couple powers that the Commissioner does need. Frankly, we wish we could do this stuff in April, May and June, but this is nothing of great significance.

PRESIDENT ROCK:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Berman.

SENATOR BERMAN:

Senator Luft, this is the First Conference Committee Report, correct?

PRESIDENT ROCK:

Senator Luft.

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SENATOR LUFT:

That's correct.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

I'm -- call your attention to the one part that really bothers me in the bill. And I hope we have some people that are paying attention, because it's your voters that are going to be hit by this. Senator Luft, at the present time, if I am late with an installment payment, the charge that can be assessed against me for late payment is five percent of the payment. Is that correct?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

This proposal, on a late installment payment, will be subject to a minimum five-dollar fee if under one hundred dollars, and five percent of the payment if over one hundred dollars.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

All right. Ladies and Gentlemen of the Senate, the reason I asked if this is a First Conference Committee Report is because I would just suggest that everything else in here is just between the bankers, and if they agree, that's fine with me. But this paragraph hits the consumer. And let me tell you what it does, Ladies and Gentlemen. And if we reject this, it can come back and you can give a break to the people that would otherwise be ripped off by this bill. If I am late today with an installment payment, the maximum that can be charged is five dollars or five percent, whichever is less - whichever is less. Now if you look at your -- most of your installment payments - your Visa card, your bank cards, your charge accounts - many times your monthly bill might

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be ten bucks. Monthly installment is ten bucks, twenty bucks, maybe thirty. Never - unless you're a very big spender and got a very big charge account - it's never a hundred bucks. So under existing law, if I'm supposed to pay twenty bucks and I'm late, they charge me a dollar. Under this bill, they reverse it. The charge for a hundred-dollar late payment is five -- is -- cannot be more than five percent, and the charge for anything less is a minimum of five dollars. So if I'm late, for whatever reason, in making my payment on my installment - let's say I'm supposed to pay ten bucks - I'm going to be charged with a five-dollar late fee. That's unconscionable. I suggest that you take it out, come on back with something that doesn't hurt the little guy. I'm going to urge a No vote, as long as this paragraph is in this bill.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Just -- Senator Berman, if you remember, I think it was last year we passed legislation which changed it to five percent. It currently is five percent. All this does is on the low end, instead of charging five percent of, say, a forty-five dollar late payment, which would be, according to my -- what? - two dollars and twenty-five cents? - it will be a minimum of five dollars. And by -- I think in the argument you made a -- a -- at least you -- you seemed to state that -- on the high end, we're making a change. There is no change, except on the low end.

PRESIDENT ROCK:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Sponsor yield?

PRESIDENT ROCK:

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Senator Luft indicates he will yield.

SENATOR MAROVITZ:

Thank you. I just want to find out if something is still in the bill, because it was -- in one of the early drafts, and I don't know if it's in this report or not. Is the portion of -- is there anything in there about switching the obligation to the borrower instead of the lender if there -- if you have a credit card and you're getting charged twelve percent on your credit card? And nowadays, it's up to eighteen percent or maybe even higher. They want to switch it. The obligation was on the lender to -- to find out from the borrower if it was okay. Now the borrower would have to -- would notify the lender that such a change was not acceptable, or it would automatically go into effect. Has that been removed from the conference committee?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

That is not in the bill.

PRESIDENT ROCK:

Any further discussion? Further discussion? Senator Luft, to close.

SENATOR LUFT:

I would like to respond to Senator Berman, and I'm going to explain the way that I believe this bill to read. Public Act 87-483 that this Legislature passed, imposed a fee of five percent. What this bill is imposing a fee -- is maintaining the fee of five percent, unless the amount is one -- under one hundred dollars, at which point it's a five-dollar fee. And I could add, you're only -- the only time this takes effect is if you've been in default at least ten days past the grace period. So these aren't people that are normal bill payers that I think that we would be dealing with. So I would just ask that we adopt the

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Conference Committee Report No. 1 on House Bill 1911.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on House Bill 1911. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 5 Nays, 6 voting Present. The Senate does adopt the Conference Committee Report on House Bill 1911, and the bill, having received the required constitutional majority, is declared passed. 1042. Senator Daley. Mr. Secretary, please. Senate Bill 1042.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 1042.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you -- Mr. President and Members of the Senate. The First Conference Committee Report on Senate Bill 1042 grants quick-take powers of eminent domain for a period of twenty-four months to Wheeling and Prospect Heights, owners of Palwaukee Municipal Airport, to acquire a right-of-way to complete the realignment of Hintz Road and Wolf Road. I'd be happy to answer any questions.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the First Conference Committee Report on Senate Bill 1042. Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I very much appreciate Senator Daley's using Senate Bill 1042 to put the language that was so controversial last spring on, which was the quick-take for

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Palwaukee Airport. All of the opposition has been resolved at this time. There are no homes that are being taken, and the -- the nearby homeowners have been -- have removed their objections. So I would recommend your approval of this particular Conference Committee Report.

PRESIDENT ROCK:

Any further discussion? Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1042. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, 4 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1042, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we've had one request to go to House Bills 3rd Reading for the purpose of amending a bill on the Calendar. I'd turn your attention to Page 2. With leave of the Body, we'll move to the Order of House Bills 3rd Reading, bottom of Page 2. And on the Order of House Bills 3rd Reading is House Bill 969. Okay. Take it out of the record. All right. Any further business to come before the Senate? Senator del Valle. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I have a Senate joint resolution. Has it been read into the record?

PRESIDENT ROCK:

Has it been read in yet? All right. We'll get to resolutions. We'll be right with you. All right. We do have some resolutions. Senator del Valle wishes to move one out onto the Calendar. All right. If you'll bear with us. Bear with us. We've got a number of resolutions to be read in, and there are two

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or three Members who wish to have immediate consideration. So we'll just do the best we can here. We should conclude in about ten minutes, and then the Republicans are going to want to caucus in Senator Philip's office. So we'll -- we'll get to that, too. We've -- we've got about five more minutes of work here, if you'll just bear with us. Resolutions, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 858 offered by Senator DeAngelis.

Senate Resolution 859, by Senator Keats.

860, by Senator Rock and all Members.

Senate Resolution 863, by Senator Brookins.

Senate Resolution 864, by Senator Topinka.

Senate Resolution 865, by Senator Topinka, as is Resolutions 866, 867.

Senate Resolution 868 offered by Senator Brookins.

Senate Resolution 869, by Senator Rigney.

Senate Resolution 870, by Senator Butler.

871, by Senator Marovitz.

872, by Senators Demuzio, Rock and all Members.

They're all congratulatory and death resolutions.

PRESIDENT ROCK:

Consent Calendar. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 861 offered by Senator Brookins.

Senate Resolution 862 offered by Senators Welch and Luft.

Senate Resolution 873 -- Senate Resolution 874 offered by Senator Severns.

Senate Resolution 875 offered by Senators Rock and Philip and all Members.

And Senate Joint Resolution 105 offered by Senators del Valle and Severns.

They're all substantive.

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PRESIDENT ROCK:

All right. Ladies and Gentlemen, there's a motion -- Senator Brookins, you had 861. You want to move that out to the Calendar, too? All right. There's a Motion to Discharge the Committee on Executive from further consideration of Senate Resolutions 861 and 875, and Senate Joint Resolution 105, and asks that they be placed on the Calendar on the Order of Secretary's Desk. They'll be taken up tomorrow. We'll give everybody a chance to read it. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. 861, 875 and SJR 105 to the Order of Secretary's Desk, Resolutions. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 873 offered by Senator Barkhausen.

It's a death resolution.

PRESIDENT ROCK:

Consent Calendar. 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 86.

It's a death resolution.

PRESIDENT ROCK:

Consent Calendar. All right. Any further business? Announcements? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. At the request of several Members, because of the lateness of the hour and the fact of the Republican Caucus, the Appropriations I Committee meeting that had been scheduled for one

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o'clock today will be canceled. It will be set at a time, date and place yet to be announced sometime in the future.

PRESIDENT ROCK:

All right. Further business? Further discussion? Further announcements? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, again I request a Republican Caucus immediately after this Session. In Senator Philip's room.

PRESIDENT ROCK:

All right. Republican Caucus immediately in Senator Philip's office. The Chair is informed it won't go beyond ten o'clock. No further business coming before the Senate, Senator Vadalabene moves that the Senate stand adjourned until Friday. Tomorrow morning, Ladies and Gentlemen, at the hour of nine-thirty. With a little luck, we'll be out of here by noon. But nine-thirty tomorrow morning. I am told that the Democrats will gather outside Senator Philip's front door to await the outcome of the caucus. Nine-thirty tomorrow morning, Ladies and Gentlemen. Have a good evening.

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