

85TH GENERAL ASSEMBLY

REGULAR SESSION

JANUARY 10, 1989

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of noon having arrived, the Senate will come to order. Members will be at their desks. Our guests in the gallery will please rise. Our prayer today by...Rabbi Barry Marks of the Temple Israel, Springfield. Rabbi Marks.

RABBI BARRY MARKS:

(Prayer given by Rabbi Marks)

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...of the Journal. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that reading and approval of the Journal of Monday, January 9th, in the year 1989, be postponed finding...pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion as presented by Senator Vadalabene. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The motion is carried. Resolutions.

SECRETARY:

Senate Resolution 1482 offered by Senator Davidson and all members. It is congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson is going to move to adopt that in a moment, it's a congratulatory resolution. All right. Senator Davidson has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 1482. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Davidson is now recognized on Senate Resolution 1482.

SENATOR DAVIDSON:

Mr. President, members of the Senate, it's my privilege to present to you the runner-up champions from the Illinois

Elementary School Association for State of Illinois Girl's Basketball for eighth graders for the State of Illinois from Taylorville, Illinois. And I present to you the eighth grade basketball team from Taylorville, their principal and their coach. Principal, you want to come up and introduce your members and say a few words.

PRINCIPAL ALLAN ROHRER:

(Remarks given by Principal Rohrer)

SENATOR DAVIDSON:

Now to introduce the coach, the principal doesn't know the girls' names. Mr. President, we may introduce the girls? Coach. Girls will wave your hand and knowledge, and...and...and...the gentleman over here sitting down looking is the alternate President of the Senate is a native of Pana, Illinois. This is Senator Vadalabene which, you know, down in Christian County.

COACH MORRIS ROBINSON:

(Introductions given by Coach Robinson)

SENATOR DAVIDSON:

Move the adoption of Senate Resolution 1482. All those in favor say Aye. Those opposed carry. Coach, on behalf of the Illinois Senate I want to present to you copies of the resolution for each one of the girls and managers, and also one suitable for framing to hang in your school corridors for posterity. On behalf of the Illinois Senate, I present to you these resolutions. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Message from the House.

SECRETARY:

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 229. It is congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Resolutions.

SECRETARY:

Senate Joint Resolution 185 offered by Senator Fawell. It is congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR FAWELL:

Thank...thank you, Mr. President. I'd like to have immediate consideration of...of Senate Joint Resolution 185. It's a congratulatory message to the College of DuPage president upon receiving...serving the college ten years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell has moved to suspend the rules so that Senate Joint Resolution 185, which has been assigned to the Resolutions Consent Calendar, can be considered immediately. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senator Fawell now moves the adoption of Senate Joint Resolution 185 which is congratulatory in nature. Senator Fawell.

SENATOR FAWELL:

I would like to add all DuPage Senators on to that resolution too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, why don't you come down and give the Secretary a list of those that you wish to have...

SENATOR FAWELL:

I mean on that resolution I would like to just add all the DuPage Senators.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Would you come down and give us a list?

SENATOR FAWELL:

Yes, I will.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Those in favor of the adoption of Senate Joint Resolution 185 will indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Joint Resolution 185 is adopted. I would like to recognize the presence on the Floor of Alderman Bernie Hanson from the great City of Chicago. Bernie, nice to have you here with us today.

PRESIDENT:

If I can have your attention. We have a number of house-keeping items. Then if you'll take a look at the Calendar, let me walk you through the Calendar to see what...what you can reasonably expect. We have some items on the Calendar, but they should not, in my judgment, take very long, we can probably break for lunch because we are awaiting House action on a couple of things. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Senator Rock and members of the Illinois Senate, before you start, I would like to have the privilege of introducing the president of the National District Attorney's Association, State's Attorney Fred Foreman, who is my state's attorney of Lake County, who is here with us today and represents us and Senator Barkhausen, Senator Keats.

PRESIDENT:

Fred, welcome to Springfield. Nice to see you again. All right. Again, if I could have your attention. If you'll turn to page 3 on the Calendar, there are two bills on the Order of 3rd Reading with which we will deal today. They are 4213, which will...to which will an amendment be offered for the pension bill. 4293 is the reference bureau revisory bill. Whenever Senator Welch says that one's ready to go,

it's ready to go. Then if you'll turn to page 5 on the Calendar. Senator Berman has a bill on the Order of Secretary's Desk Concurrence that I understand there's a desire to have that moved into a conference committee. If you'll look at page 6, there's Senate Bill 43 which is a Conference Committee Report dealing with the subject of asbestos removal. And if you turn to page 8, there's a motion in writing filed by Senator Zito with respect to a resolution. That's all that's on the Calendar at the moment. As I indicated there are some Conference Committee Reports that are in the...in the works, in process, but they have not yet been filed. When they are filed they will be put on a supplemental...supplemental Calendar. Additionally, the House is prepared, I am told, to probably send us a couple of items and we'll deal with that on a supplemental Calendar. Resolutions.

SECRETARY:

Senate Resolution 1483 offered by Senator Lechowicz and all members. It's a death resolution.

Senate Resolution 1484 offered by Senator Keats and all members. It's congratulatory.

Senate Joint Resolution 186 offered by Senator Holmberg. It is also congratulatory.

PRESIDENT:

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

SENATOR HOLMBERG:

Thank you, Mr. President. I would like to move for immediate consideration of Senate-House Joint Resolution No. 186...since this is the last day of this General Assembly.

PRESIDENT:

All right. Senator Holmberg has moved to suspend the rules for the immediate consideration of Senate Joint Resolution 106. The question has been asked, what does it do.

SENATOR HOLMBERG:

It's a congratulatory resolution.

PRESIDENT:

All right. Senator Holmberg has moved to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 186. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Holmberg now moves the adoption of Senate Joint Resolution 186. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 9 to a bill of the following title, to-wit:

Senate Bill 959

I am further directed to inform the Senate that the House of Representatives requests a first Committee of Conference. Action taken by the House January 9th. John F. O'Brien, Clerk of the House.

PRESIDENT:

All right. Senator Lechowicz has moved that we accede to the request of the House, that a conference committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Senate does accede to the request to appoint a conference committee. All right. If I can have your attention. Then we will proceed through the Calendar, and at the conclusion of our Calendar business we'll probably take a recess so that you can get some lunch. On page 3 on the Calendar. The Chair has been informed that 4213, sponsored by Senator

Jones, the amendment has not yet been distributed, so we will hold that until the amendment is distributed. 4293, Senator Welch. On the Order of House Bills 3rd Reading, Madam Secretary, is House Bill 4293. Read the bill, please.

SECRETARY:

House Bill 4293.

(Secretary reads HB 4293)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is the final Revisory Act for 1988 for the 85th General Assembly. I'd be...glad to answer any questions, but I'd rather that we proceed to a vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall House Bill 4293 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 4293 having received the required constitutional majority is declared passed. Senator Berman, in the middle of page 5, on the Order, Madam Secretary, of Secretary's Desk Concurrence...there is found Senate Bill 998. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 43 deals with...

PRESIDENT:

No...no...no...998, I'm sorry.

SENATOR BERMAN:

I'm sorry...my fault.

PRESIDENT:

Page 5. My understanding was it moved to nonconcur and put it in conference.

SENATOR BERMAN:

Okay. I move that we nonconcur with the House amendment and that...House Bill 998 go to a...Senate Bill 998 go to a conference committee.

PRESIDENT:

All right. Senator Berman moves to nonconcur in House Amendment No. 1 to Senate Bill 998. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Now on page 6, on the Order of Conference Committee Reports, Madam Secretary. There's a Conference Committee Report with respect to Senate Bill 43...4-3.

SECRETARY:

Second Conference Committee Report on Senate Bill 43.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 43 deals with the subject of asbestos in our schools, and the bill does four things. It allows local school districts to access the Response Action Contractor Indemnification Act which we passed in previous Sessions which would presently cover only state contracts but would allow the repair or removal or abatement of asbestos in local schools, those contracts to be covered under this provision. This will save those school districts money and will provide the liability insurance that many contractors have difficulty in obtaining in this type of work. Secondly, it codifies the opinion of the State Board of Education legal department that the life safety tax can be used for asbestos related projects. Third, bonds issued by school districts for asbes-

tos related projects will not affect their debt limitations. Fourth, provides that the Department of Public Health will promulgate rules to comply with the Federal Asbestos Hazard Emergency Response Act, known as AHERA, of 1986, and the federal regulations adopted which pertain to the act. I want to underline, this...this bill does not change existing interpretation of state law or State Board of Education rulings concerning bonding or taxing authority. This bill is supported by the Illinois Association of School Boards, and by ED-RED. Be glad to respond to any questions.

PRESIDENT:

Is there any discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I'd like to...question the sponsor.

PRESIDENT:

Sponsor indicates he will yield. Senator Severns.

SENATOR SEVERNS:

Once the life safety bonds...the limit has been met, my understanding, and I...I need to know if this is correct, is that the bonding authority beyond life safety is unlimited as it relates to asbestos abatement. Is that correct?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

This...let me explain to you what the situation is, and that's a very important question. That question was raised last night in the House, I listened to the debate and I have done research on that question overnight, and I want to give you what is my interpretation of that question. First of all, this bill does not change existing law, and as I understand it, there's two interpretations of existing law. The state board has issued a ruling that says that the five-cent limit on life safety levies cannot be exceeded even by asbes-

tos bonds. That's opinion number one. State board says this previous law, which is not changed by this act, does not allow asbestos to go beyond the five-cent life safety limitation; however, there have been school districts...the second opinion is that there have been school districts that have talked to bond houses who say that they disagree with the state board's ruling and that under the interpretation of existing law you can go beyond the five-cent limit for asbestos. I want to make it very clear, this bill does not change the language in the existing law. So that after we do this for the school districts there can still be those two opinions. My suggestion would probably be that we hold hearings on that particular question and clarify the law in the spring. But I did not think that it was fair either way to come down today either side of that issue. The state board says there is a limit, some bond houses say there is no limit, this bill does not change that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

I've been a supporter of Senate Bill 43, and I expect to be a supporter today, but I...I don't believe my question was answered. After you go beyond the limit allowed by life safety, beyond the limit of life safety, is the bonding authority unlimited? Beyond...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. Senator Berman indicates yes.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Are there any safeguards built into this bill that would, and I realize, at least as I understand it, that unlimited

authority is permissible only as it relates to asbestos abatement. My concern is simply this, while I don't recall the exact number, there are only a limited number of agencies throughout this country that deal in the business of asbestos abatement removal. And my concern, quite simply, is not so much the local people abusing the authority, my concern is some businesses abusing the power of unlimited bonding authority provided by this measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I think what we will see, and...and you are correct, technically this bill does not impose any...any of those limits, however, I think that there are practical limitations. For example, any contract must be submitted to the regional superintendent for his approval, and if you're talking about a big ticket item, in order to sell bonds you've got to go to a market. And that marketplace, depending upon the EAV of the school district, its operations in total, its financial condition is certainly going to determine the marketability of bonds when you're talking about a meaningful substantial dollar amount. So I think that...that may be one of the areas we may want to look at, but because nobody knows what's involved. We've...the front page of the Tribune had a story the other day about one school that had a...a twelve-million-dollar price tag, I think was quoted. I...I don't want to be arbitrary, I'm sure you don't want to be. I think at the moment the market forces are...are probably our best limitation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Berman I...I think I'm somewhat confused. What you're saying is that in this bill there is language to make sure that the language that...that was there previously is still the same. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Is this a legislative first?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

...in...in my explanation I wanted to state both what the bill does and what the bill does not do because there has been confusion, you know, that this bill gives a blank check to every school district to go out and repair any asbestos problem regardless of...of their...other...other limitations, and I'm saying to you that we don't address that problem in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, then if we would vote No everything would be the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

You'd be making a mistake and I will tell you why. Because this bill does several things that school boards

think are very important. One of the...one of the things that this bill does is to access for school districts the response action contractor provisions. They can't get contractors to do this work locally without some protection and access to liability coverage or liability indemnification, that's very important for them. The...this bill also codifies for whatever purposes that serves, the interpretation regarding...asbestos abatement being within life safety bonding purposes. And then the...it also regards the...the rules and regs. of the Illinois Department of Public Health, which endorses this bill, concerning its concurrence with federal regulations so we don't find greater requirements at the state level than there are at the federal level. Those are important things, that's why you ought to vote Yes and not just let status quo remain.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

This bill does not...well it can pass...if it passes then it will not require a referendum. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This bill does not touch the language dealing with life safety code. Whatever referendum requirements are there today will...will still exist, whatever...other requirements there are, we...we haven't touched that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The life safety...code, the life safety property tax is up to five cents without a referendum and up to ten cents...with a referendum in the present time, isn't that so?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This bill doesn't change that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But this bill does...exclude the City of Chicago, does it not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

See, the City of Chicago was in here originally for an additional new five-cent levy for asbestos. We've taken them out, the City of Chicago is...is not a beneficiary of the...of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, two things. Mr. President, Ladies and Gentlemen of the Senate. Before I finish...after I finish I would like to have a parliamentary ruling as to how many votes this bill takes. Second, I'm opposed to this bill because under the life safety...provisions of the School Code, for example, my high school was able to add about a million-dollar addition without a referendum. I think it's dangerous. I think if people know that their children have to be safe they would support a referendum, even up to...ten cents if it was properly brought to their attention for this asbestos cleanup. And second...third of all, it excludes the City of Chicago and puts the burden on all of our school dis-

tricts downstate, and our taxpayers downstate. And therefore, I don't think it's fair and I'm opposed to it. I feel there should be a referendum provision in it, they can even have the bonding authority, I understand, without limit. And...the school districts already have this authorization pursuant to the state board legal opinion. And, frankly, I think that's too much leeway, and...the taxpayers are getting tired of being taxed to death without referendums. And I think it's high time that this bill be sent back to committee and have...referendum provision put on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

I am now thoroughly confused, Senator Berman. We're not changing the existing language of the bill and yet we are, I...I understand, allowing unlimited bonding for asbestos removal. Now that...no...all right, could you clear that up for me, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

All right. I...I apologize, but let me try to take you through it. If I'm a school district and I have an asbestos problem, I look at the School Code and I...I see that if I'm going to repair that asbestos problem, I've got a life safety levy that I can use to issue bonds, take the proceeds, use that levy to pay off those bonds. What we've done in this bill is to merely say that asbestos is within the purview of that life safety levy. What I also explained with Senator Severns' question is that there's a split opinion out there.

If my school district...if the cost to repair my asbestos problem are greater than my five-cent levy will pay off, if I listen to the state board, I can't issue the bonds necessary. But what I also said was that some bond houses say that's just...an opinion of the state board, that's not the way we read the law, and you can issue bonds in excess of that. So, there's a split opinion, this bill doesn't touch that split opinion. That's something that perhaps we ought to resolve, but we're not resolving that today. What we have said, however, and I want to just go a little bit further, if my school district decides that it's a...a serious problem, they want a...they're elected, they want to stand the heat, they want to go out and...and sell bonds that exceed their life safety limit and they've got the bonding house that will do it for them, they can do it, and the only...exception that is built into this bill is that...not the life safety limitation, but there is an overall limitation that's imposed on all school districts. For elementary districts it's a 6.9 percent bonding limitation, for elementarys it's a...for elementarys it's 6.9, for high schools it's 6.9, for dual districts it...for unit districts it's 13.8. That is a limitation which says that in no way should your total bond indebtedness exceed those percentages of your assessed value. With asbestos, if you go the route I've just described, this bill allows those percentages to be exceeded.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Well, thank you. Well, it just seems to me that when we have the split decision between the state board and bonding houses and we're really not sure of...of what we...what this bill is actually going to do, perhaps...have we gotten an opinion from the Attorney General's office on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I have not...and...and that's why I think that we ought to perhaps, you know, resolve it, but I didn't think it was fair to present to us at this time, at this hour, a decision that I think is very important, and...and therefore, this bill does not resolve it. I think we ought to resolve it but do it in the proper hearing process and deliberative process and do that in the spring, and that's why this bill does not do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I think the point that Senator Berman just made about this exception that we're allowing for the bonding part of this program is the key here. You know it's kind of interesting that we can wrench our hands over this issue of this exception, not more than months after this state, when it was considering a tax increase, rejected that approach to balancing the budget, but instead, to solve our own emergency considerations, we let the Governor borrow dollars out of next year, we took it out of the providers' hides, we found every way we possibly could in an emergency or crisis situation, every way we possibly could, to avoid tax increases and to take something from somebody else, borrow from somebody else. And I was a part of that, and I say, hey, if that's the way to get the job done, fine. Now comes along our local school districts and they have a crisis, they have federal governments who are beating them over the head. Some of you think that if we ignore this today it'll go away and we'll send the feds a message, so they can back off of their asbestos legislation. That ain't gonna happen, and we ought to know that by now. We learned that with fuel emission testing, I

believe. So we need a solution. And what we're saying is, let's give local school districts some options, let's give them the same options we gave ourselves last year when we were finding every way possible to balance that budget without increasing taxes. And some of those options we gave ourselves, in a way, that's the same thing we're trying to do now for local school districts. I suggest an Aye vote on...Conference Committee Report No. 2 to Senate Bill 43.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Yeah. Senator Berman, I talked a little with our staff yesterday about this and I want to know if...if I have understood the information that's been given to me. I understand, first of all, you can use that five-cent levy to pay for the bonds, correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR RIGNEY:

Can?

SENATOR BERMAN:

Yeah.

SENATOR RIGNEY:

Yeah. Do I also...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Okay. Do I also understand then, that after one year you could lay that off on your bond and interest fund and in effect, free up your levy again. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I am advised that that relates to the split opinion. If

you follow the state board's interpretation, the answer is no. If you follow some of the bond houses' interpretation, the answer is yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well then, if the bond houses are correct then, in other words, you never run out of that five-cent levy, I mean it just goes on then in perpetuity, is that it, you can always lay those bonds off and...on to this other fund and then just keep that five cents pumping forever, is that it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

If the bond houses are correct, yes. And let me just say to you, this is important, but that's...the question you're raising is not addressed in this bill, and...and I think that that's important for you to note. Whether you agree with whether there should be one or two opinions, whether you agree with the state board that there's a limit, or you agree with some of the bond houses that there's no limit, that's not decided by this bill. And I'll be glad to introduce, next time we're here, tomorrow or Thursday, a...a bill that we can use for hearings to...to address that issue because I think that's an important issue. But I am not submitting this bill to resolve that issue. I'm...I'm suggesting this bill to address other issues that the school boards need to address asbestos.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Berman, with respect to life safety, is it...is it your understanding that everything a school district does with life safety bonds is identified in the Statutes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I...I don't think I'm able to answer that, because even this morning one of the lobbyists for one of the school groups talked to me about whether life safety would include alarm systems to prevent the shootings that took place in Wilmette, for example, is that life safety included? I don't...I don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

The...the purpose in asking the question, I think that the perimeters within which we use life safety bonds anyway is pretty loose. I've heard of all kinds of things that school districts have used life safety bonds for, the construction of additional bleachers to football fields, all kinds of marvelous and wonderful things, and I question whether or not that's a legitimate use. But, also, they use them for legitimate purposes, and the fact that asbestos abatement is not mentioned, I don't think means that they necessarily can't use them for that purpose. My point is, school districts have already been using life safety bonds for asbestos abatement. So, I question whether or not the change in the language is...is even that...even necessary. But...the...the thrust of my...my concern goes, I think, deeper than that. You and I and others have put a lot of work in on this issue, since 1983 you and I have been working on this, we've had all kinds of ways by which we fund it. I,

too, resent the federal mandate, and I'm not sure asbestos is that great an issue. But assuming that it is, what we are doing here in a period of time when school districts can't even find the money to educate kids, we are saying...we are saying, all of us, that this comes first, education comes second. And I think that if asbestos is a serious issue, we've got to deal with it. But we passed the original act in 1983, we have a reimbursement mechanism in the act, and no one today has discussed this issue. I personally believe this is an issue that ought to be funded in part by the state, I think it's that large an issue. We have school districts that never, Ladies and Gentlemen of the Senate, will never be able to abate or encapsulate their asbestos problem, and their school is going to hurt badly. I don't think we change anything here by passing Senate Bill 43. It seems to me that the school districts that are prepared to do this are going to do it anyway, they're going to do it with life safety bonds, it's going to be done that way. But I think if we hold off passing this bill, come back next spring and deal with the funding issue as well, make the formula work, help local school districts over a period of ten years address this problem, we will be serving local public elementary and...and secondary education in a better way. I don't think it's an...emergency issue today and I think we probably ought to defeat Senate Bill 43.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

...does this mean that we are going to place now on the backs of local taxpayers the...solving of the asbestos

removal problem now of our school districts? Is that the only resolve that we now have is...is to the local taxpayer?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No, sir. The provisions that Senator Maitland just referred to regarding state funding and a reimbursement program are not deleted by this bill. And if you and I and fifty-seven others of us here and those guys across the Rotunda find the resources to...for the state to play a...a meaningful purpose or meaningful role in funding asbestos abatement, I stand ready to support that, and that was what the bill was that I think you and I and others voted for back in '83.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you, Senator Berman. But I just want to follow up along a little bit of what Senator Maitland was talking about. I...I really don't believe that the asbestos problem is as big a problem as...as government has made it. When the state came in and we passed our provisions, and my local school district removed the asbestos under the state requirements. Now they have to come in and spend another twenty-six thousand dollars to do and...and come up with a...a plan to comply with the federal mandate. We've seen that the state, as you mentioned, Senator Berman, the state has had limited impact and limited resources available, so has the federal government. And I think...and in the ultimate end the responsibility for this is going to lay on the local property tax payer. And I just think that that's not right and I think that if we're going to pass these kind of mandates, both at the federal level and at the state level, we ought to live up to a little bit more of our obligation

and help fund these...the local school districts. So, I'm going to be voting No in regard to this. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, some speakers have indicated that this may be the solution to the asbestos removal problem...funding problem. You appear to indicate that this doesn't do much other than codify existing school board opinion. I was under the impression that the existing school board attorney's opinion dealt with the Life Safety Fund and with the Tort Immunity Fund. In...I just had a copy handed to me of...of your bill and I don't see anything in there that...that says Tort Immunity Fund but there are some numbers that might refer to it. And my question is this, does this Conference Committee Report allow school districts to access the Tort Immunity Fund for asbestos inspection or removal?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This bill doesn't touch that, and my understanding is that the state board's interpretation is that the inspection costs can come out of tort immunity levies because of their relationship, but we don't...we don't address that in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

There are a lot of words used. I was on the House Floor

last night when the explanations were given over there and I know a lot of the House members were confused as to this point even after the fact. And so, I guess I don't want an answer of whether we touch it or address it, I want to know whether this bill in any way allows that opinion to be codified. In other words, does this bill permit access to the Tort Immunity Fund for asbestos removal?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Just very briefly, I think if one were to take a poll in my district of school board members and ask them to put in priority their greatest needs, I think they would tell us that their greatest need is funds for education. Seems to me that we're doing the wrong thing by allowing school boards to increase the burden on property taxpayers, particularly in rural areas where farms are...paying an inordinate amount of that tax, to allow local school boards to put that burden on to people who are struggling with the questions of whether or not they can pay more for education. And I think if we're going to allow additional taxation we probably ought to do it in the education area rather than for this purpose. I think we should wait until next Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to refocus much of this debate. This bill

doesn't impose anything on local taxpayers. Decisions that are made, such as the points that were made by opponents of this bill, for example, that asbestos is not a big problem, that's going to be decided by your elected local school board. If it's not a big problem, it won't be addressed. If it is a big problem, it's their obligation as elected officials to address it. This bill will help them address it. The question as to whether we should put money into education as opposed to asbestos abatement, that's not the issue in this bill. Senator Maitland and you and I passed a bill in 1983 that provided a funding source for asbestos abatement from the State of Illinois. We have not been able, because of limited...revenues, to fund that. So, it's not a question of taking money away from education or not trying to help education, as opposed to helping asbestos abatement, that's not what this bill is about. Again, that decision will be made at the local level. If they want to use their resources for abatement, they have the right to do it. This bill merely makes it easier, it makes it more efficient, it makes it a sounder investment, such as through the...the...Response Action Contractor Indemnification Act. Somebody said that we are putting health first and education second. Ladies and gentlemen, that's a facetious argument. Every one of us expects a healthy environment for our children where they can learn, it's not either or, it's both. And the decision as to whether a...a school has a healthy condition or not is going to be decided at the local level by authorized inspectors, by authorized contractors. And this bill helps those school districts by requiring that the state's rules are not any more inhibiting than the federal regulations. I don't like the federal approach, I think that they are doing it irresponsibly, but they're doing it. And since this is not Congress and we don't have...that control, let's give our school boards...let's give our school boards as many tools as

possible that if there's a problem determined locally, they've got the tools to address it as local elected officials should. The School Board Association endorses this bill, the Department of Public Health endorses this bill, ED-RED endorses this bill, I ask for your endorsement by an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With respect to Senator Geo-Karis's question on how many votes it takes, it takes 30 votes. All right. The question is, shall the Senate adopt the first...Second Conference Committee Report on Senate Bill 43. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last time. Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 27, 2 voting Present. The Senate does not adopt the Second Conference Committee Report. Page 8, motions in writing on page 8. We'll move to that order specifically for Senate Resolution 1-4-2-7. Is leave granted? Leave is granted. Motions in writing, Senate Resolution 1-4-2-7. Is Senator Zito on the Floor? Senate Resolution 1427, Madam Secretary. Motion in writing.

SECRETARY:

I move that the Committee on Executive be discharged from further consideration of Senate Resolution 1427, and that the resolution be placed on the Calendar on the Order of...Secretary's Desk, Resolutions. Filed by Senator Zito.
PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce...Senator Jerome Joyce on the...on the motion.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I'd ask leave to handle it for Senator Zito, he had to go down to the Governor's

Office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted? Leave is granted. So ordered. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, I'd like to...I move to discharge the Committee on Executive, and...and that this resolution be heard right now. What this resolution does, it urges the Chicago Park District to suspend action which forces the Lincoln Park Gun Club to vacate the land the club occupies on park district land along the lake front, and calls upon the Department of Conservation to assist the...the club in meeting the environmental compliances. The park district has cited the club for violations of enviromental laws and has given the club a set time period to either eliminate the violations or relocate to another site. The alleged violation regards to refuge which results from the shells and shot discharged from the guns. It should be noted that the EPA has not formally filed a complaint against the club and the club has worked diligently with the park district, the EPA and DOT, water resources division, to meet any and all compliances and problems. The club has been a very good tenant and the park district...for the park district, and has contributed significantly to many charitable causes in the Chicago Metropolitan Area. This resolution merely asks the park district to give the Lincoln Park Gun Club the time necessary to alleviate the concerns of the park district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has moved to discharge the Committee on Executive from further consideration of Senate Resolution 1427, and that it be placed on the Calendar of Secretary's Desk. Is there discussion? Senator Davidson.

SENATOR DAVIDSON:

Before you call for the vote, I just want to join Sena-

tor...Joyce as cosponsor of this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is leave granted to have Senator Davidson added? Leave is granted. Further discussion? If not, Senator Joyce has moved to discharge the Committee on Executive...moved to discharge Senate Resolution 1427 and asks that it be heard immediately. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Executive Committee is discharged from Senate Resolution 1427. Senator Joyce is recognized.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. This resolution does what it just told you it did. It...it merely asks the park district to give the Lincoln Park Gun Club the time necessary to alleviate the concerns of the park district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, Senator Joyce has moved the adoption of Senate Resolution 1427. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Senate Resolution 1427 is adopted. Resolutions.

SECRETARY:

Senate Resolution 1486 offered by Senator Macdonald. It is congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar.

PRESIDENT:

Ladies and gentlemen, if I can have your attention. We...we are in the process of collecting and filing Conference Committee Reports, there are a couple of amendments that have been offered for House Bill 3542. In fairness, to afford everybody an opportunity, Senator Philip and I suggest the Senate stand in recess until the hour of three o'clock. And at three o'clock we'll come back, have a bite of lunch, I mean have a bite of lunch now. At three o'clock we'll come

back, we'll go right to the Calendar for the supplemental appropriation, the pension bill and the supplemental Calendar, which will contain a half a dozen, I suppose, Conference Committee Reports. So, we'll stand in recess with leave of the Body until three o'clock.

RECESS

PRESIDENT:

The Senate will reconvene at four o'clock. We...we have a number of lengthy amendments that have been filed, and we will proceed at four o'clock.

AFTER RECESS

PRESIDENT:

The Senate will please come to order. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

Senate Bill 998.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference. Filed by the Senate...filed by the House on January 10th, 1989. Filed by John F. O'Brien, Clerk of the House.

PRESIDENT:

Senator Berman has moved that the Senate shall accede to the request of the House that a conference committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate

does accede to the request of the House that a conference committee be appointed. Resolutions.

SECRETARY:

Senate Resolution 1487 offered by Senator Severns.

Senate Resolution 1488 offered by Senator Dudycz.

And Senate Resolution 1489 offered by Senator Dudycz, and they're all congratulatory.

PRESIDENT:

Consent Calendar. Ladies and gentlemen, we have three matters remaining on the main Calendar. If I can direct your attention to page 3 on the Calendar, so that everybody's on the same wave length. Page 3 on the Calendar. There is House Bill on 3rd reading, 3542, House Bill...3-8-7-0 and House Bill 4-2-1-3. And then we have four matters on the Order of Supplemental Calendar No. 1. With leave of the Body we'll move to the...regular Calendar. I'll direct your attention to page 3 on the Calendar, on the Order of House Bills 3rd Reading is House Bill 3542, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I believe I have a motion filed to bring that bill back to the Order of 2nd Reading for purpose of amendment, and then to waive the appropriate rules so that the bill can then be immediately considered and passed by the Senate.

PRESIDENT:

All right. Senator Carroll has moved that the appropriate rules be suspended, that House Bill 3542 be brought to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. Madam Secretary, on the Order of House Bills 3rd Reading is House Bill 3542.

SECRETARY:

Amendment No. 1 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the supplemental appropriation for this continued and...hopefully final Session of the General Assembly. This would total some two hundred ten million, of which seventy-three million dollars is general revenue spending. This is the result of the work product of what would have been a conference committee, having met on several occasions, and most recent last week in Chicago from both sides of the aisle and both sides of the Rotunda. Contained within it are things like the tuition that is...has been passed by the institutions of higher education, approximately 5.8 million dollars for the Comprehensive Health Insurance Plan, monies for the Court of Claims, Secretary of State, Department of Children and Family Services, et cetera, et cetera, et cetera. I would commend it to the consideration of the Body and answer any questions. I believe everybody has had a couple of hours to review the copies of the individual proposals that are within it, and I believe it is the best occasion that we can, with limited resources, live within our means and still provide for the necessary elements of state government. We have provided, for example, for the consolidation issue in elementary and secondary education, for orphanage tuition reimbursement at the hundred percent level and other such necessities. This is within available resources in terms of one-time expenditures by the state government consistent with the Bureau of the Budget's announcement last week as a result of the hearings on the foreign insurance tax and with the available resources as identified by the Bureau of the Budget for general operating expenses. I would ask for adoption of Amendment No. 1.

PRESIDENT:

All right. Senator Carroll has moved the adoption of Amendment No. 1 to House Bill 3542. Is there any discussion?

Any discussion? If not, all in favor indicate by saying Aye.
All opposed. The Ayes have it. The amendment is adopted.
Further amendments?

SECRETARY:

Amendment No. 2 offered by Senators Keats and Brookins.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment sponsored by myself and Senator Brookins deletes...deletes three hundred and fifty thousand dollars of general revenue funds that are at the moment going through the Attorney General to Central Management Services, not a partisan issue, that's why I mention it, somehow it's going through both of them. It deletes all of Section 100. This is a lawsuit that several members, actually some members of the General Assembly are actually involved with, and it deals with making sure that there is fair representation in the Cook County Judiciary. What it is, private people are having to raise their own money to be on one side, now we, the state, are stepping in on a civil rights discrimination suit, in a sense she's saying we're going to use the government's money to fight private people. I just don't know that that's fair, I think it ought to be treated the same way. This is a case that very consistently has come out on the side of the plaintiffs and I don't think the state should be wasting its money fighting this case. I would appreciate an affirmative vote to save the taxpayers this three hundred and fifty thousand dollars that otherwise will simply be thrown down the drain.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor. Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

Does this deal with the lawsuit dealing with the at large elections of judges in Cook County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

You are correct. Williams et al versus et cetera, and that is the case involved. It is presently in the federal courts, it's pending now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the proposed amendment. The defendants in this case are defendants because of their holding of public office. And I would point out to you that if this were in private industry and Senator Keats as the the chief operating officer of a company were sued in his capacity because of the role that he has played on behalf of the defendant company, any expenses that he would incur would be paid for by the company. I don't see any difference between that's...example that I've just given you and the posture that these judges are in, having to defend a law suit, not because of any action that they've taken, but because of the posture that they are in because of what we've put them in, government has put them in, the Legislature has put them in, and the electorate has put them in. So, I don't think that they should be denied the right to defend their case, and that's exactly what Senator Keats is doing here. I think this is an issue that the public has an interest in and the public should pay their rightful obligation towards. I rise in opposition to this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. Speaker...Mr. President. Will the...sponsor...not the sponsor, will the maker of the original bill yield...Senator Carroll, for a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll, will you yield? Senator Carroll. All right.

SENATOR CARROLL:

Senator Brookins, of course I would.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Brookins.

SENATOR BROOKINS:

Thank you. Senator Carroll, is...is...what is this money for?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...Senator Carroll.

SENATOR CARROLL:

I know it's highly irregular, and with leave of the Body, Mr. President, maybe I can help explain the situation. While Senator Keats is seeking to take something out of the appropriations that we had just adopted, Amendment No. 1, maybe clarification is in order. Central Management Services is the appropriate agency and that's who the monies would be appropriated to under Amendment No. 1. It is the same as the way in which the reapportionment monies were appropriated when the federal court said that the state had to pick up the legal bills for that case. In this case the federal court in docket 88C2377 indicated that there were three classes of judges. This was not done by the plaintiff, as I understand it, nor by the judges themselves, but rather by the federal court, who said you right now have three distinct classes of judges. You have those judges elected in the suburbs only, you have those judges elected in the city only, and you have

those judges elected countywide. Each of those being a class, there is a conflict between those classes, and the federal court had recommended, as I understand it, that the Attorney General therefore, who should normally defend these constitutional officers, would be in a conflict because of the differing interests of the suburban judges from the city judges from the countywide judges. Therefore, each of those classes chose their own counsel and determined that that's who should represent them. The federal court then says, as they always do, that is an appropriate expenditure of the state because, but for the class, the Attorney General's office would handle it. These are the funds for each of those three categories where they have hired by federal court, in effect, creation of class, the three separate counsel or groups of counsels, I'm not sure which, to represent each of those categories who have been sued. So that, for example, the suburban judges, I understand, have chosen Dan Webb, others have been chosen by other categories, and this would be the compensation, as it was when we appropriated the funds through Central Management and the reapportionment case to the attorneys who represented the various sides in that action.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

To the amendment, Mr. President. Members of this Legislative Body have bought this suit to correct a wrong, a wrong that has been perpetrated for years and years and years. They want to make the judicial an...an appointment and the election of judges more fairly and give all citizens an opportunity, an equal opportunity to become judges or...in all the areas of the judiciary, and that is what this suit is about. So here is a group of citizens that has bought this on...at their own expense, and here, what this Body is

attempting to do is to use the public monies to fight these citizens. I think it is wrong, it is wrong for us to intercede in that...on that behalf. Therefore, I am stand in support of this amendment and that this money should be removed, and if these people want to fight this action then they should do it with their own monies and their own funds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this amendment, and hopefully part of my explanation in response to Senator Brookins' questions will suffice in my comment. Let me merely add, these people are defendants, they didn't bring the lawsuit, they are constitutionally elected people. They would normally be represented by the Attorney General of the State of Illinois. The federal court has indicated, in my opinion, appropriately, that there is a conflict amongst the three categories of judges, each should have independent counsel. Nothing unusual in this at all. I think everyone has a right to their day in court, and if the plaintiffs are successful, if history is any guide, they will be before us for us to pay the bill for their suing the judiciary system. That's what happened last time and we paid that bill. I think it is only appropriate that we have to honor that which the Constitution created, and that's a third equal branch of government, the judges of this state. Right or wrong will be decided at some future date in the federal court. As I said, but for the classes, I would assume the Attorney General would have been in a position to handle it and this wouldn't be before us. But we've honored these types of actions before. There is no reason to presume that we have the right to deny the third equal branch of government the right to defend themselves. And I think this amendment is...is really

flying in the face of law and everything else. We have to allow them to have their counsel as the federal court has said, and this would provide for the three separate and distinct categories to have independent counsel. It's not something that goes to the Attorney General to hire people, each of the own groups...hire their own, they have to by law be designated as special assistants attorney general, and that's why they would even fall into this category...and it would go through Central Management. So I think this amendment is...is truly silly, it is something that we shouldn't even be considering and I would urge its defeat.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

END OF REEL

REEL #2

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in extreme strong opposition to this amendment, because I don't think it's fully understood. If a member of the Senate was sued in his official capacity, for any reason, he would be entitled to representation in his defense by the Attorney General, unless the court deemed otherwise, and in this case, these are duly elected Supreme, Appellate and Circuit Court judges and the Federal Court has said, no, the Attorney General cannot represent these folks. And so are we to say now that they are not entitled to representation? I think that's absolutely...as Senator Carroll so well put, silly, and I would urge overwhelming defeat of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr...Mr. President. I think the point that we are missing in this debate is, who's going to pay for the attorney fees of the plaintiffs and the defendants? That's the point. And what we're saying is that the...the defendants' attorneys should be paid by the state because the plaintiffs' attorneys, if they prevail, are going to be paid by the state also. If the plaintiffs win this lawsuit, their lawyers will get an appropriation from this Body for the amount that the federal judge determines is the appropriate amount for their fees. So, you know, what's good for the goose is good for the gander. This is a terrible amendment and it should go down.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and members of the Senate. I think we ought to look at the equities. The question just raised by my seatmate and colleague is that if the plaintiffs win, they will be reimbursed. If the plaintiffs lose, it comes out of pocket. That is not the equation we're being presented with here. The question that is before us now is how does one seek justice in a fair and equitable manner? What you have is some ordinary citizens who have, out of their pockets, instituted a lawsuit which they may very well lose, and if they lose, they will pull out of their pockets the dollars from their private resources to pay for that lawsuit. On the other hand, a lawsuit, incidently, I might add, that's brought against the whole government, look at those equities. Now, if that is a fair statement of the case, and I think it is, I think no lawyer on this Floor would disagree with that analysis, we're really talking about private citizens who are already at a disadvantage coming up with the resources to prosecute a lawsuit which they think is just. If then, the defendants lose, why then should the defendants be protected by the state resources? It doesn't make equitable sense. Now there may be some other arguments. I would suggest that this is not silly at all. This is a question of equities. It's a question of whether a citizen or a group of citizens can equitably contest a decision made by the whole people of the State of Illinois. That's the equation and when I balance out that equation, my response is that equity belongs with the citizen who stands alone against the power of the state and all its resources. I would submit to you that this is a perfectly reasonable approach to a sticky problem and that we ought not...ought not fund such a defense and rely upon the equitable principle that when the judiciary makes a decision, then that decision ought to go

into the pockets of those who have created the wrong. I would suggest this is a good amendment, and I would look at its overwhelming passage. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. With all due respect, Senator Newhouse, I think that misses the...the boat also. This really, at the moment, has nothing to do with whether the lawsuit is on the merits, going to prevail or not, whether it is just or unjust or whatever. The only point we are talking right about right now is the responsibility of those who have been sued, and bear in mind it was not their choice, the plaintiffs at least had a choice whether to bring the lawsuit or not, the defendants have no choice because they are being sued in their official capacity. They must defend...they must do something in response to this lawsuit. If they did not, my guess is that they would be derelict in their duty, and could be severely reprimanded if not more so. It doesn't mean that an individual judge who might not agree with the plaintiffs in terms of the ultimate resolution. Nevertheless, those judges have a obligation as defendants to...to respond to a lawsuit which challenges the constitutional legal status of the...the laws and constitution by which they are holding that office, and I think they really could be severely criticized if they did not defend the lawsuit. Given that...that prospective, and the fact that the Attorney General, under prodding from the court, is not in a position to defend them, I think they have no choice, and it is not them as individuals who are saying the lawsuit is either right or wrong, it is they as judges in their official capacity, who must raise these issues. So it seems to me that this is...it is not right to suggest that somehow they should personally pay for the defense of something which in...which

is challenging constitution and laws of the State of Illinois, which they are really in a position and obligation to have to defend. So it seems to me that it does make sense for the state to...to pay their fees, and I think the amendment is misplaced...badly misplaced.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins for a second time.

SENATOR BROOKINS:

Thank you, Mr. President. I just need to make a clarification. We're not...and this suit is not about suing individuals; in fact, the individuals was opted to come out of the...the...the suit in itself, Senator Netsch. It is not about suing individuals, and they do not have to be a part of the suit if they want to opt to come out of it. That has already been stated. What we're...what...the suit is about is about a system where there is a large segment of this State of Illinois locked out of the opportunity to become judges, and that is what the argument is about...and the suit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I just didn't want the...the statement made by Senator Newhouse to go unrebutted. He suggested that any lawyer on this Floor would...would see his way. Frankly, I am a lawyer, I am on this Floor, I do not agree at all, and I would urge defeat of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Keats may close.

SENATOR KEATS:

Thank you, Mr. President. First, I request a roll call. Secondly, there's a premise being put forth that is by the opponents of this amendment that is totally in error. They say without this amendment, the system...and remember, we're

not suing individual judges, we're suing the system. They say they wouldn't have defense attorneys without this amendment. That is inaccurate. It is the function of the Attorney General to defend them and the...the Attorney General...and I think we all know has a few lawyers on his staff...and the Attorney General could be handling this case. What we are saying is we now want to hire a bunch of outsiders to handle the business of the Attorney General. I don't think that's what we want. Without this amendment, the system will still be defended, but it will be defended by the Attorney General of the State of Illinois, the chief lawyer of the people of the State of Illinois. That is as strong a defense I think as we can ask, and I think Neil Hartigan's office...this is not a partisan comment at all...I think Neil Hartigan's office is very capable of doing a fine job defending that judicial system. I would ask for your affirmative roll call on this vote. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Keats has requested a roll call vote. Senator Keats moves the adoption of Amendment No. 2 to House Bill 3542. Those in favor will indicate...those in favor will vote Aye. Those opposed will vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 23, none voting Present. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 3870. Senator Lechowicz seeks leave of the Body to return...return House Bill 3870 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3870, Madam Secretary.

SECRETARY:

Amendment No. 2 to House Bill 3870.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 would remove all the TIF provisions in the bill which would be in...which would be in conflict if we passed it. There were...a bill that was passed by Senator Rock last spring on the TIF reform. It also would provide a...a current effective date, because the old bill asked for January 1, 1989. The new bill would be...when it's signed into law, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lechowicz has moved the adoption of Amendment No. 2 to House Bill 3870. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 4213, Senator Jones. On the Order of House Bills 3rd Reading is House Bill 4213. Senator Jones seeks leave of the Body to return House Bill 4213 to the Order of...of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 4213, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate.

Amendment No. 1 is essentially the bill. What Amendment No. 1 does is incorporate...incorporate those provisions that were in Senate bill...or House Bill 253 that the Governor amendatorily vetoed, plus there are a few other changes. One, it provides for a six thousand dollar annual stipend for all offices and chairmen and minority spokesmens of committees. Also included in here are provisions that lift the cap on the pension for constitutional officers. These are the constitutional...officers provision. It is prospective only. Also the minimum funding for state retirement system, Senate Bill 1470 which was...was Senator Dawn Netsch bill that got hung up in the House. It places the court reporting in the state police retirement formula and other provisions. The bill is...the amendment is essentially the...the bill. There are provisions in there for all systems, but no cost items basically are in the bill, and I move for the adoption of the amendment and would answer...answer any questions you may have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Jones has moved the adoption of Amendment No. 1 to House Bill 4213. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. All right. House bills 3rd reading, page 3, is House Bill 3542. Madam Secretary, House Bill 3542.

SECRETARY:

(Machine cutoff)...3542.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the supplemental appropriation for the remainder of Fiscal '89. As I identified before, it's approximately seventy-two million seven hundred and sixty-eight thousand dollars in general revenue, plus about a hundred and thirty-seven million in other funds. This would include all of those items we have already identified, the Dan Ryan monies that were necessary, the corrections monies to open the new prisons and keep prison guards on, and all else that we had talked about in Amendment No. 1 and 2. I would ask for a favorable roll call and be willing to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3542 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none voting Present. House Bill 3542 having received the required constitutional majority is declared passed. It is my understanding that there are two motions filed with respect to the next two bills. On House Bill 3870...Senator Lechowicz...on the motion. Senator Lechowicz has moved to suspend Rule 5C so that House Bill 3870 may be read a third time and acted upon by the Senate. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The...Rule 5 is suspended and it is so ordered. Madam Secretary, House Bill 3870. Read the bill.

SECRETARY:

House Bill 3870.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3870 as amended now would just permit two...two precincts in Norwood Park Township to incorporate. As you recall, we just amended this bill stating...taking out all the TIF provisions and that solved...that basically remains in this bill. I know of no opposition and seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Discussion? If not, the question is, shall House Bill 3870 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 3870 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 4213, Madam Secretary. Read the bill.

SECRETARY:

House Bill 4213.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. As I previously stated, this is the omnibus pension bill. It...it...it contains a six thousand dollar stipend in there for leadership and assistant majority leaders as well as committee and minority spokespersons. It contain many of the no...no cost provisions that was currently in House Bill 253. It...there is no brass in the bill. There was...much concern about the brass portion as it relate to Chicago fires. This

is a good bill. I'll answer any questions any member may have; if not, give me a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Some questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, just so we all know what we're doing on this bill, I think we understand about the stipend and that sort of thing, but for the benefit of our members, it's my understanding that this bill recreates the funding mechanism that passed out of here almost unanimously in Senate Bill 1470 and that the House then did not consider. So, we...we, in effect, are reenacting that funding provision. Secondly, that the...the brass bill is, as you said, out of this. There's one other issue that we'd been hearing a lot about and that's the military credit for service for teachers...served prior to the time they became members of the system. I can't find any evidence of that being in here. Do you agree that it's not in here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

You're correct, it's not in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

The other issue that we've been hearing a lot about is a...not a cost of living but a...a basic increase in the percentage retirement for downstate teachers, and we can't find that anywhere in the bill. Is that...is that true that that's...that's not included in this provision?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

You are correct, it's not included in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Most of the other provisions affect Chicago systems where the union and the city have apparently reached agreement. Now one of the things I mentioned to you was the...was some provision exempting the State Mandates Act on those Chicago pension systems. Is that exemption in the...in the amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, it...it is included in the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

One question of the sponsor. Do you know, is the House going to vote on a clean version of Senate Bill 1470? That is the long-range pension funding arrangement that the Senate has passed unanimously on numerous occasions.

PRESIDENT:

Senator Jones.

SENATOR JONES:

The House intends to vote on this legislation. I don't know about the Senate version that is over there, but they intend to vote on this legislation and concur in this amend-

ment. They were...to be taking a vote.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Well, what you're saying is that you don't know whether the pension funding arrangement will see the light of day exclusive of this bill. Is that what you are saying?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, I...I cannot speak for as to what the House might do on that separate bill that is currently over there. I...I can't say for sure on that..

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Did you say that there is...there's nothing been done for the teachers...Downstate Teachers' Retirement Fund?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Can you repeat that question again?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Did you say that we have done nothing for the Downstate Teachers' Retirement Fund as far as taking care of the increase for those who are trying to live on a couple of hundred dollars a month?

PRESIDENT:

Senator Jones.

SENATOR JONES:

As I indicated in the...and explained the...the amendment, there are no cost items of increase in the bill. There are some provisions in there for downstate teachers. One is the federal age...discrimination provision. It...it clarifies the provision for investment in real estate, allows credit for certain leaves of absence before...1963 and it goes on, but no cost items are in there, so the provision that Senator Schuneman alluded to, that's not in the bill.

PRESIDENT:

Any further discussion? Further discussion? I'm sorry, Senator Schuneman.

SENATOR SCHUNEMAN:

I...apologize, Mr. President, for rising a second time, but I think in response to Senator Fawell's question, it should be pointed out that most of the correspondence I've received in the last week has been asking me to approve Senate Bill 711, which is in the House, and that bill, in effect, reincarnates Senate Bill 1470, which is a part of this bill. So, I think this is the very issue that the teachers have...have been asking us in the last week to approve, although it does not go the...the extra step and provide any increase in...in their benefits.

PRESIDENT:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

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

PRESIDENT:

Sponsor indicates he will yield.

SENATOR ALEXANDER:

I am totally blank as to the item reading, "Allows investment obligations of the African Development Bank."

What is that? Just tell me what it is.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Geez, I'm surprised...that question coming from you, Senator. But actually what it...is...is a World Bank Economic Development Group put together for investment in African nations, not South Africa.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 4213 pass. Those in favor will vote Aye. 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, there are 40 Ayes, 18 Nays, none voting Present. House Bill 4213 having received the required constitutional majority is declared passed. Ladies and gentlemen, if I can direct your attention to Supplemental Calendar No. 1. Senator Jacobs. On the Order of Supplemental...I would ask our guests to please restrain themselves and any conferences that are being held, I'd request that they be taken off the Floor. On the Order of Supplemental Calendar No. 1, there's a Conference Committee Report with respect to House Bill 1072, Madam Secretary.

SECRETARY:

Second Conference Committee Report on House Bill 1072.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1072 is the State's Attorneys' pay raise. If you remember, this was brought up before, and at that particular time the pay raise was tied to the judges' pay. This Second Conference Committee Report removes any connection

with the judges' pay. Makes for a flat increase at that particular time. Also there was a concern in the First Committee...Conference Committee Report that the...the county would have to pick up part of the cost. This is totally picked up by the state. Be more than happy to answer any of your questions.

PRESIDENT:

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I had supported, as had Senator Jacobs, the earlier version of this Conference Committee Report, and am again signatory on this Conference Committee Report. It does involve some additional money, but I, frankly, think that the request is a reasonable one to peg the salaries of State's Attorneys, particularly in counties over thirty thousand people over this...as this bill does at the level of Circuit Court judges. I think that the burden of...that falls on State's Attorneys, particularly in the larger counties, is growing all the time. We look to them to be our front line in...in the ever challenging war against serious crimes that plague our citizens. I think this is a reasonable request and one that should be accommodated.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall the Senate adopt the Second Conference Committee Report on House Bill 1072. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 11 Nays, none voting Present. Senate does adopt the Conference Committee Report on House Bill 1072 and the bill having received the required constitutional majority is declared passed. On the Order of Conference Committee Reports, Supplemental Calendar No. 1, there's a report with respect to

House Bill 3024, Madam Secretary, please.

SECRETARY:

First Conference Committee Report on House Bill 3024.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the...of the Senate. The First Conference Committee Report allows an individual who inadvertently didn't apply for his alarm contractor's license to have thirty days to do so after this bill becomes law. I discussed it with the minority leader and the minority spokesman and the department there and the Governor's Office. They have no problem with it, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 3024. Those in favor vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3024 and the bill having received the required constitutional majority is declared passed. Senate Bill 959, Senator Lechowicz. On the Order of Supplemental Calendar No. 1 is Senate Bill 959, Madam Secretary.

SECRETARY:

First Conference Committee Report on Senate Bill 959.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate do concur with the Conference Committee Report on Senate Bill 959. It makes a technical

change in the IDA Act. It makes clear that the sale of taxable short-term commercial paper and the IDA Board may provide for the same variable terms as it provides for in the case of tax-exempt commercial paper. That's all this conference committee does, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee...Committee Report on Senate Bill 959. 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, 1 voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 959 and the bill having received the required constitutional majority is declared passed. Senate Bill 1377, Senator Marovitz. All right, Madam Secretary, Supplemental Calendar No. 1 is Senate Bill 1377.

SECRETARY:

First Conference Committee Report on Senate Bill 1377.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and members of the Senate. I would ask for adoption of Conference Committee Report No. 1 to Senate Bill 1377. This is a bill which increases the penalty for reproduction, exhibition, dissemination or possession with the intent to disseminate child pornography from a Class IV felony to a Class III felony. It creates the offense of patronizing a juvenile prostitute. Persons engaging in sexual penetration with a prostitute under seventeen years of age shall be guilty of a Class IV felony. It broadens the definition of the offense of ethnic intimidation to include persons who commit, by reasons of

race, color, religion and national origin of another individual, the offense of criminal trespass to residence. These provisions were originally incorporated into House Bill 3335 as amendatorily vetoed by the Governor, but the bill died because of a technicality, and so we've incorporated the same provisions into Senate Bill 1377. I would ask for adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? If not, Senator Marovitz has moved the adoption of the First Conference Committee Report on Senate Bill 1377. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1377 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No. 2 is being distributed. (Machine cutoff)...everyone have Supplemental Calendar No. 2? Senator Vadalabene, it got that far. Okay. With leave of the Body, we will go to the Supplemental Calendar No. 2. Leave is granted. Senate Bill 998, Senator Berman. Senator...Madam Secretary,...Supplemental Calendar No. 2, Senate Bill 998, please.

SECRETARY:

First Conference Committee Report on Senate Bill 998.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Ladies and Gentlemen of the...Mr. President and Ladies and Gentlemen of the Senate. This bill has nothing to do with what the synopsis of the bill says. There's a Conference Committee Report that's been adopted. This came from the...at the request of the department, and all that

this bill will do is to allow the dispensing of alcoholic beverages at the Illinois State Museum facilities with the approval of the director of the Illinois State Museum. Everything in the original bill has been deleted. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 998. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 5, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 998 and the bill having received the required constitutional majority is declared passed. Resolutions.

SECRETARY:

(Machine cutoff)...Resolution 1490 offered by Senator Carroll.

Senate Resolution 1491 offered by Senator Dudycz.

They're both congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Madam...Secretary, have there been any additions...have there been any objections to the Resolutions Consent Calendar?

SECRETARY:

No objections have been filed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, with leave of the Body, we have added...to the Consent Calendar House Joint Resolution 229, Senate Resolutions 1484, 1485, 1486, 1487, 1488, 1489, 1490 and 1491. Is there leave to add those to the Resolutions Consent Calendar? Leave is...Senator...leave is granted. It's so ordered. All right, Senator Rock has moved the adoption of the Resolutions

Consent Calendar. All those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it and the Resolutions Consent Calendar is adopted. Resolutions.

SECRETARY:

Senate Resolution 1492.

(Secretary reads SR 1492)

Offered...offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock on the resolutions on the Journal. Senator Rock has moved the...Senate Resolution 1492...have to move to suspend the rules to...for...for the consideration of Senate Resolution 1492. Those in favor of suspension of the rules indicate by saying Aye. Opposed Nay. The Ayes have it. The rules are suspended. Senate Resolution 1492, Senator Rock has moved the adoption. Discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The...Senate Resolution 1492 is adopted. (Machine cut-off)...Reports.

SECRETARY:

Pursuant to Senate Resolution 1492, the following members are appointed as a committee to approve the final Journals of the Senate of the 85th General Assembly: Senators Demuzio, Luft, Vadalabene, Davidson and Madigan. Filed by Senator Vadalabene, chairman of the Committee on Committees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Senator Demuzio and Ladies and Gentlemen of the Senate, it's my pleasure to introduce to you, on a point of personal privilege, the daughter and daughter-in-law of Senator Virginia Macdonald, Mrs...Mrs. Macdonald, Jr., up there, and Mrs. Von Bramer, her daughter, and her two little granddaughters, Michele and Rebecca, who are sitting with

their grandmother and their grandfather, the other half of Senator Virginia Macdonald's life, her husband, Alan Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests will please rise. Welcome.

PRESIDENT:

(Machine cutoff)...have the attention of the membership. I realize it's ten minutes after five. There are a couple of other items still pending that are on their way from the House, and in order to accommodate the membership, Senator Friedland has a matter which is of great interest to him. Senators Hall and Vadalabene have a matter of interest to them. We are attempting to accommodate all members' interest. We will be adjourning today sine die the 85th Assembly. So, we have, I think, only two matters remaining. The House has yet to deal with the supplemental and the pension provisions. So, I'd ask you just to be patient. My judgment is we can be out of here in thirty minutes. Ladies and Gentlemen, we have only one matter remaining, that was reflected on Supplemental Calendar No. 3, which is currently being distributed. So, I would ask the members within the sound of my voice to please join us on the Floor so that we can conclude the business of the 85th General Assembly. Messages from the House, Madam Secretary.

SECRETARY:

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

Mr. President - I'm directed to inform the Senate that the House of Representatives has concurred with the Senate, in the passage of a bill of the following title, to-wit:

Senate Bill 1978 with House Amendments 1, 2, 3, 5 and 7.

PRESIDENT:

That'll be shown on the Order of Secretary's Desk Concur-

SB 1978
concurrency

rence. Ladies and gentlemen, if I can direct your attention to Supplemental Calendar No. 3. On the Order of Secretary's Desk Concurrence is Senate Bill 1978, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 3, 5 and 7 to Senate Bill 1978.

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, for your patience, and Ladies and Gentlemen of the Senate. Senate Bill 1978 was originally DOT's land conveyance bill and it was tied up in the House and all those items were added into other bills. Now the bill before you...and I would urge that the Senate concur in House Amendments 1, 2, 3, 5 and 7, and if there is no objection, we could consider them on one roll call. The bill before you contains...releases some easements in certain counties throughout the states...throughout the state...everything has been agreed to by various...departments involved. It contains numerous items. It was worked out in conjunction with the Trucking Association, new and...car and truck dealers, the...the Department of Transportation, State Police, Secretary of State, Department of Conservation, Central Management Services, Department of Revenue and Historic Preservation Agency, and this wouldn't have been possible without the hard, hard work of staff on both sides of the aisle, and I'd urge your favorable consideration and concur in these amendments.

PRESIDENT:

All right, Senator Friedland has moved concurrence in House Amendments 1, 2, 3, 5 and 7 to Senate Bill 1978. Is there any discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2, 3, 5 and 7 to Senate Bill 1978. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who

wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 3 voting Present. The Senate does concur on House Amendments 1, 2, 3, 5 and 7 to Senate Bill 1978 and the bill having received the required constitutional majority is declared passed. Resolutions, Madam Secretary.

SECRETARY:

Senate Joint Resolution 187.

(Secretary reads SJR 187)

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 187 is the adjournment resolution today that upon the conclusion of both the business of the Senate and the House, when we concur, we will adjourn on Tuesday, January the 10th, that we would stand adjourned sine die at the proper time. So I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 187.

PRESIDENT:

All right, Senator Demuzio has moved for the suspension of the rules for the immediate consideration and adoption of Senate Joint Resolution 187. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Joint Resolution 187, which concludes the 85th General Assembly sine die. All in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. The Senate stands adjourned sine die. Thank you all very much, ladies and gentlemen.