

85TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 5, 1987

PRESIDENT:

The hour of one having arrived, the Senate will please come to order. Members be at their desks and will our guests in the gallery please rise. Prayer this afternoon by the Reverend George G. Russell, Laurel United Methodist Church, Springfield, Illinois. Reverend.

REVEREND GEORGE G. RUSSELL:

(Prayer given by Reverend Russell)

PRESIDENT:

Thank you, Reverend. Reading of the Journal. Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. I move that the reading and approval of the Journals of Wednesday, April 29th; Thursday, April 30th; Friday, May 1st and Monday, May 4th, in the year 1987, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Dunn. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Leave has been requested to photograph from the balcony. We have a special guest. I am sure that...leave is granted. Senator Luft, for what purpose do you seek recognition?

SENATOR LUFT:

Thank you, Mr. President. I would ask leave to suspend the appropriate rules for the immediate consideration of Senate Resolution 223, which I think the Secretary has a copy of.

PRESIDENT:

All right, with leave of the Body, we'll move to that order of business. We have a special guest who is under something of a time constraint...a busy schedule. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 223 offered by Senator Luft and all Senators.

PRESIDENT:

All right, Senator Luft has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 223. It is a congratulatory resolution. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Luft now moves the adoption of Senate Resolution 223. All in favor indicate by saying Aye. Opposed. The Ayes have it. The resolution is adopted. The Chair will yield to Senator Luft for the purpose of explaining the resolution and introducing our special guest.

SENATOR LUFT:

Thank you, Mr. President. The guest we have with us today I have told that we're a much more mature body over here, so I would hope that you would grant us your attention for a few brief moments. Let me begin by introducing the two people that made this all possible, Mr. and Mrs. Denny Heussner of Pekin, Illinois, the parents of the lady standing next to me...standing behind me. Not too many exciting things happen in the City of Pekin, but over the course of history three exciting things have happened, we've had three Miss Illinois, and the lady standing next to me in 1986 was the elected Miss Illinois and represented us at the national level. Not only does she have the beauty required, but let me assure you, if you read her biography, that she is a very intelligent lady and has served not only the City of Pekin well but the State of Illinois. I would hope that we could get your attention for a few brief moments while she addresses you.

MISS ILLINOIS - LISA HEUSSNER:

(Remarks made by Miss Illinois - Lisa Heussner)

SENATOR LUFT:

Thank you, for your attention. Thanks a lot.

PRESIDENT:

Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 224 offered by Senate Dudycz. It's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 225 offered by Senator Thomas Dunn.

PRESIDENT:

Executive.

SECRETARY:

Senate Joint Resolution 48 offered by Senator Watson. It's congratulatory.

PRESIDENT:

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

SENATOR DEMUZIO:

Yes, Mr...Mr. President, on a point of personal privilege, if I might.

PRESIDENT:

State your point, sir.

SENATOR DEMUZIO:

Visiting today with the members of the Illinois Senate and here in the Chamber in the gallery seated behind me is the fourth grade class from Holy Ghost School in Jerseyville with Mary Trass, their teacher. I think that's the same school that my secretary, Joan Townser, graduated from many, many years ago and some of her relatives are also with her today, so I'd like the fourth grade class of Holy Ghost to stand and be recognized by the Senate, if you will.

PRESIDENT:

Will our guests please and be recognized. Welcome to Springfield. Senator Brookins, for what purpose do you seek recognition?

SENATOR BROOKINS:

Thank you, Mr. President. I like leave of the Body to add Senator Berman to Senate Bill 831 as a hyphenated cosponsor.

PRESIDENT:

All right, the gentleman seeks leave of the Body to add Senator Berman as the hyphenated cosponsor on Senate Bill 831. Without objection, leave is granted. Senator Raica, for what purpose do you arise, sir?

SENATOR RAICA:

Thank you, Mr. President. With the...I ask leave for permission of the chief sponsor to be added as a hyphenated cosponsor to Senate Bill 1314.

PRESIDENT:

All right, the gentleman seeks leave of the Body to be added as a hyphenated cosponsor on Senate Bill 1314. Without objection, leave is granted. Senator Madigan, for what purpose do you arise, sir?

SENATOR MADIGAN:

Thank you, Mr. Chairman. Just a point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR MADIGAN:

With me on the Floor today and this week will be Miss Amy Leach and Miss Jennifer West...two students from Lincoln High School will be spending and learning a little bit about the government process down here this week.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. Senator Kelly, for what purpose do you

arise, sir?

SENATOR KELLY:

No, never mind.

PRESIDENT:

Senator Luft, for what purpose do you arise?

SENATOR LUFT:

Thank you, Mr. President. I'd ask leave to add Senator Hawkinson as a hyphenated sponsor of Senate Bill 1051, 1-0-5-1.

PRESIDENT:

...gentleman seeks leave of the Body to be...to add Senator Hawkinson as a cosponsor on Senate Bill 1051. Without objection, leave is granted. Senator Macdonald, for what purpose do you seek recognition?

SENATOR MACDONALD:

Thank you, Mr. President. Through some mistake my name was not...added as a hyphenated cosponsor to Senate Bill 668 and I have spoken to the chief lead sponsor...like to have my name added as a hyphenated sponsor.

PRESIDENT:

All right, Senator Macdonald seeks leave of the Body to be added as a hyphenated cosponsor on Senate Bill 668. Without objection, leave is granted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

(Machine cutoff)...President and Ladies and Gentlemen of the Senate, for the purpose of announcing a Republican Caucus immediately after this Session.

PRESIDENT:

All right, there will be a Republican Caucus immediately after the Session...

SENATOR GEO-KARIS:

Senator Philip's Office.

PRESIDENT:

...in Senator Philip's Office. We have one bit of an emergency bill, I have been informed, and there has been a request...is Senator Berman on the Floor? Yeah. Who are the...Senator Topinka on the Floor? Senator Berman, the Chair is attempting to accommodate your request. We can't seem to find all the principals. Senators Topinka and Raica have an amendment filed, I am told. The principal pugilist has returned, Senator Berman, if you're ready. She says she's ready. As long as we're going to fight, you can't have a fight with one person, right, you got to have two at least. All right. With leave of the Body, then, we'll move to page 7 on the Calendar. If I can have everybody's attention so everybody knows where we are here, middle of page 7 on the Calendar. There is an appropriation bill which Senator...sponsored by Senator Berman. Senator Berman has indicated to the Chair it is of an emergency nature and wishes to proceed, with leave of this Body. The Chair then found out that there was an amendment filed, which Senator Berman will speak to. Senator Topinka, who was offering the amendment, is here. So, with leave of the Body, we will proceed. On the Order of Senate Bills 2nd Reading, middle of page 7, is Senate Bill 485. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 485.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Appropriations I offers two committee amendments.

PRESIDENT:

All right, Senator Berman on Committee Amendment No. 1. If I can have the attention of the Body,...Senator Carroll.

SENATOR BERMAN:

Thank you, Mr. President. The...we'll let the chairman of the Appropriations Committee explain...

PRESIDENT:

All right, Senator Berman yields to Senator Carroll. Senator Carroll for the purpose of Committee Amendment No. 1.
SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Committee Amendment No. 1 changes the receiving agency and appropriation to the Capital Development Board, requires that the districts return proportionate amounts based on the grant...if other funding becomes available whether it be Federal or court settlements and changes the language that such abatement projects can be started in the spring since the bill had asked for the summer and the summer didn't begin till June 21st. I'd be willing to answer any questions. Ask for adoption of Amendment No. 1...Committee Amendment No. 1.

PRESIDENT:

All right, Senator Carroll has moved the adoption of Committee Amendment No. 1 to Senate Bill 485. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

Committee Amendment No. 2.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

I'll yield to Senator Berman on Amendment No. 2.

PRESIDENT:

Yields to Senator Berman...found some guests then this afternoon, that's nice. Senator Berman on Committee Amendment No. 2.

SENATOR BERMAN:

Thank you, Mr. President and guests in here. Amendment No. 2 deletes one of the three school districts that were originally in the bill, and if I could have your attention

for just a minute, I think we're going to be...

PRESIDENT:

All right, I'm going to ask the members, please, Senator Netsch, can you take your caucus off the Floor. This is a matter of some importance. There isn't a single district represented by any one of us that doesn't have a school district in it, so I'd ask you to please pay attention.

SENATOR BERMAN:

Thank you, Mr. President. The debate that we're about to enter into...let me give you a little bit of background so that we're aware of what the issue is. In 1984, the General Assembly passed an Asbestos Abatement Act. We had testimony saying that in many school districts throughout the State, there was the presence of dangerous asbestos, and we passed a bill...

PRESIDENT:

All right, if need be, we're going to start clearing the Floor. We'll get the staff and everybody out of here if that's what it's going to take. I'd ask you please, this is a debate about a...a contested amendment...or it will be contested shortly, and so I'd ask you to please pay attention. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. The bill that we passed in 1984 charged the Illinois Department of Public Health with putting together teams of inspectors, regulating contractors and licensing them and setting forth a whole series of rules and regulations regarding the inspection and the abatement of asbestos in our schools. There are seven thousand school buildings in the State of Illinois. As of January there were about three hundred that had been inspected and of those three hundred, certain corrective orders have been issued to the extent of about a hundred and twenty of them. In the bill we provided two mechanisms for funding or assisting in

the funding of the...of the abatement of the asbestos. Now I use the word abatement because it doesn't necessarily mean that every school that had asbestos had to remove it. Sometimes you could treat it and protect the children and employees by a method other than removal. So, I'll use abatement as the generic term of addressing the asbestos problem. Now there were two ways to...that we provided in that bill to encourage the funding of the abatement process. One was that a number of school districts either had already done...their...their abatement work and had spent their money or there were going to be school districts that were in the process of abating their work and were going to let contracts...and for those school districts that either had done it and paid for it or had funds of their own to do it, we provided a reimbursement...provision in that bill, a reimbursement provision that we have not yet funded but it exists in the bill. The second approach was going to be a funding mechanism for current projects that the state would fund. There has been some discussions with the Governor's Office for a permanent funding mechanism that would include a bonding mechanism. The state would issue general revenue bonds or...certain types of bonds. That bond fund would be used to fund the state's share of any particular abatement contract and the schools would move forward. Now, that bill...and I think Senator DeAngelis has one of those bills, I have a shell bill that came over from the House and one that we've introduced here again, but let me say that as of today, there is no permanent mechanism for the state to fund its share. Let me tell you what I mean by "its share." In the bill that we passed in '84, we've provided for a schedule and depending upon the wealth of the district, there is a formulary where the state will participate. The...the minimum participation is fifty cents on the dollar, the maximum would be a hundred percent...hundred cents on the dollar and that's according to

some Capital Development Board formulary that's been in existence for a number of years. Now, a number of school districts relying upon the bill that we passed have gone out and have let contracts for the abatement of asbestos. Three of those school districts were included in Senate Bill 485 as I introduced them, and the rationale for their inclusion was purportedly that they didn't have any other funds available to them to meet the time line deadlines imposed upon them as a result of the inspections supervised by the Department of Public Health, that they had to let those contracts, that we had to give some mechanism for the state to pay its share of each of these three schools' contracts and the three schools are the Richland School District, which I think is in Senator Schaffer's District,...Richmond...Richmond School District and that was five hundred thousand dollars, the Central Community District, which is in Senator Jeremiah...Senator Jerome Joyce's District, for two hundred and ten thousand dollars and the Morton High School District, which is in Senator Topinka's District, which was included in there for six hundred thousand. Let me correct those figures...Richmond District was for two hundred and seventy thousand, Central Community District for a hundred and five thousand and the Morton School District for six hundred thousand, for a total of nine hundred and seventy-four thousand. For purpose of our discussion, let's call it a million dollars with three hundred thousand, one hundred thousand and six hundred thousand. In the debate in committee and investigation by my staff, the committee and I have determined that the Morton High School District has resources available to it to move forward on its own to enter into the contract and meet the time deadlines imposed upon it by the Department of Public Health. We've also concluded that the two other districts, Richmond and Central Community, don't have those resources. The decision that's going to have to

be made in the debate on Amendment No. 2 is whether we go to general revenue funds, and that's what's funding this, because we don't have a...any other mechanism at this point. Do we allow school districts to tap into the General Revenue Fund who may have other resources available to it? If we do, then you vote with Senator Topinka. If you think that we ought to keep it very tight and let the school districts or require the school districts to comply with the Department of Public Health's requirements, fix up and abate its asbestos problem from its own resources and only tap into general revenue funds if that's the only resource available, then you vote with me. I think that's pretty much the issue here. I am coming down on the side of a very strict approach because I think that until we have a permanent, sufficient mechanism to fund the state's portion, we ought to be very tight with determining what school districts are going to be able to tap into general revenue funds. It's an emergency matter. All three of these school districts have contracts that have to be let by May 10th in order for the work to be done this summer while the kids are out of school because it involves removal and...in order for safety sake, it has to be done when school is closed or when the kids are out of there. That pretty much are the issues. I...be glad to answer questions and enter into the debate on the bill. The Amendment No. 2 takes Morton out of the bill, leaves the other two school districts in and that's what the issue is before you today. Thank you, Mr. President.

PRESIDENT:

All right, Senator Berman has moved the adoption of Committee Amendment No. 2 to Senate Bill 485. Discussion? Senator DeAngelis yields to Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate,...I...I think that what Senator Berman promotes has

some problems in...in the discussion. He is a very erudite attorney and I appreciate that and it's always difficult following him up, not to mention that obviously we are disturbed because we have this...this school district which is not a rich district which has a number of senior citizens in the area so there's not a lot of tax monies coming in, it has been hit very strongly by industry leaving the area and a lot of unemployment. The district, I might note, covers Cicero, Berwyn, Lyons, Stickney and McCook. The students that attend there come from Senator Dagnan, Raica, Collins' and my district. So, it's not just...although it's physically located in my district, it covers the areas that are represented by these four Senators. When Morton got into this situation to begin with they were under the gun by the Federal EPA who felt that their asbestos crisis was so serious because the asbestos was shedding, I mean, it's fryable asbestos. It is such an old school and it is a very large school. It takes up almost one whole city block. It has the ability to accommodate five thousand students. It is very, very large; it is very, very old. And the asbestos and where it is located is...is not just insulated and it's not just sitting there, it is literally shredding and it is of immediate concern. The Feds gave it an immediate deadline date to have it removed. We got the state involved, we got an extension there. The state walked Morton through this process with the Department of Public Health and Central Management Services dutifully noting that the state would back up reimbursement at this time so as to alleviate this immediate concern. At the same time that this was going on, the state was also coming down with another mandate, a Life Safety Code mandate that said fix your roof for two reasons; one, it's falling in and, two, because there's asbestos under the roof, the more the rains keep hitting the asbestos, the more it will flake, the more of a health hazard it...it becomes. As it is

now,...auditoriums are now closed...some classrooms are closed. If we cannot get this relief, we are going to start closing more classrooms and kids will not be there next year for school. It is a troubled school district. We have been promised right along the line that that reimbursement would occur. As a result, Morton, on its own, went out and went out for its own bonding and bonded money. It does have money available, yes, it does, but that's all money that was bonded out for Life Safety Code work which is mandated, it is already committed to...to being done, so the money is there but it's not there. I think we can all understand in this General Assembly what it is to have monies appropriated and tied up. They're already earmarked. They're not there. And I think that is what is being confused here. The money doesn't exist and we do need these immediate provisions, and I would like to see Amendment No. 2 defeated and Morton left where it was in this three-school package, all of which are immediate, go forward as a package and not eliminating Morton.

PRESIDENT:

Further discussion on Amendment No. 2? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. Senator Berman, is the alternative to...question of the sponsor, I'm sorry.

PRESIDENT:

Sponsor indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Is the alternative to General Revenue Fund using bond funds? Is...is that what our primary mechanism is going to be to...to fund this?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's not the issue today. The issue is whether Morton moves forward, does its work and then comes...under the reimbursement section or do we fund them today under the general revenue provision. Bonds today is not the issue. They don't exist.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, then I want to make it the issue because...a week ago last Monday, a school in my district was closed by the Illinois Department of Public Health for a very serious asbestos problem and it was closed because it cannot, in fact, fund its own removal which is a cost of nine hundred and ten thousand dollars in a school that has less than three hundred students. Now, if we're going to go ahead and proceed, I would like to get in on the bandwagon because I would like to tell my school district that they can go ahead and repair this before next September, because right now there are about twenty-two students that may not graduate from elementary school because the Illinois Department of Public Health has shut that school down. I have not put in a request because I felt we would go ahead and do this through bonding, but if we're going to go ahead and do the general revenue route, I think Senator Topinka has as legitimate a request as the other two do.

PRESIDENT:

Further discussion on Amendment No. 2? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to Amendment No. 2 and let me describe for you the reason that I oppose the amendment. This has, indeed, been a long process of trying to establish the funding for the abatement process. Senator Berman and I have been involved in that and there

have been weeks when we've had two and three meetings with the Governor's staff and others trying to put together the mechanism to generate the revenue for abatement. We have not yet arrived at that final package. So, in one of our last meetings, recognizing that we had three schools that had already been approved for abatement procedure and those schools wanted to be able to do that work immediately after school adjourned this spring, we agreed that we would make an attempt through the General Revenue Fund to fund those three programs and get them well on their way. There may well be before we leave here July 1 some more schools that...will be approved and they, too, will have to be funded by general revenue money, because we don't think we're going to have the bonding process in place yet, at least be able to sell the bonds by then. So, there could be more schools that are before us. The fact of the matter is, Senator Berman and I agreed that we would go to the General Revenue Fund with these three schools and fund them early on. They did come to the appropriation meeting and did speak to the committee and, quite frankly, the Morton School District probably made a mistake by saying that, yes, they did have possible revenue that they could use. We don't know for sure that the other schools don't have that same kind of money or same kind of funding mechanism that they could use too, but we agreed that it would be general revenue money; nor do we know that those additional schools that may come to us before July 1 won't by then know that if they just don't say they've got money available, we'll access General Revenue Fund anyway. The point is, fair is fair is fair. They're going to be reimbursed with the mechanism anyway and I think we ought to stick to our original agreement, leave this money in for the Morton School District and be about our task.

PRESIDENT:

Further discussion on Amendment No. 2? Senator

Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, rise in opposition to this amendment. There is no question about the emergency need to have this work done as soon as possible at Morton. We've already...we've received testimony to that. What is at issue here is whether or not there is other money available to do this work. The answer to that question is, no, there is not. Unfortunately, there was some misunderstanding that followed some of the presentation at our Appropriations Committee hearing. The money...the Life Safety Code money which was mentioned in that testimony is available; however, it must be used to complete needed roof repairs which also must be done this summer and...and that project is...interrelated with the roof repair...with the asbestos removal work. These two projects must go hand in hand and they must go on this summer. I would urge that this amendment be defeated in order that we can proceed with this asbestos removal project at Morton.

PRESIDENT:

All right, any further discussion on Amendment No. 2? Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. I want to point out exactly why...what my fear is and why I'm urging the adoption of this amendment from Senator DeAngelis' comments and from Senator Maitland's comments. Senator DeAngelis says, well, if I would have known we can tap into general revenue, I would have told my school district to come in. Senator Maitland says, there's going to be other school districts that are going to run in here before July 1 and they're...they ought to be given a...a blank check to do the same thing. Ladies and gentlemen, I'm suggesting to you that if we put Morton in here, you won't have an end to the requests for us to help

those school districts out. The only way you're going to keep this under some reasonable control is by saying, if you've got the money, if you got the resources, you can't tap into general revenue. The only people we're going to help out is when we're the...the court of last resort. Now, you know, you're hearing this from a guy who usually votes more money than do you on that side of the aisle, and I'm just suggesting to you that both from a budgetary point of view,...from a point of view of lobbying and from a good, sound policy point of view, if they've got resources, let them do their own contract and get reimbursed when and if we...we fund that reimbursement schedule. That's the proper way; otherwise, we won't have the resources to take care of those school districts that really need it. I'm not against Morton. I'm certainly not against their kids. I'm trying to spread the little money that's available to as many schools as possible, keep it tight. Keeping it tight means voting Yes on Amendment 2. Thank you.

PRESIDENT:

Senator Topinka, Senator Berman was closing. Question is the adoption of Amendment No. 2 to Senate Bill 485. Those in favor of the amendment 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? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 29 Nays, none voting Present. Amendment No. 2 is adopted. Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Yes, I'd like them to verify that roll call, if I might, Mr. President.

PRESIDENT:

That is...that is within your right. All right, Senator Topinka has requested a verification. Will the members

please be in their seats. The...Madam Secretary, please read the affirmative votes.

SECRETARY:

Alexander. Berman. Brookins. Carroll.

PRESIDENT:

A little slower, if you please...someday...we may ask for one, you know. I can't write that fast.

SECRETARY:

Carroll. D'Arco. Degnan. del Valle. Demuzio. Thomas Dunn. Hall. Holmberg. Jacobs. Jones. Jeremiah Joyce. Jerome Joyce. Kelly. Lechowicz. Luft. Marovitz. Netsch. Newhouse. O'Daniel. Poshard. Savickas. Severns. Smith. Vadalabene. Welch. Zito. Mr. President.

PRESIDENT:

Here. Senator Topinka, do you question the presence of any member?

SENATOR TOPINKA:

Yes, is...let's see...Senator Zito here?

PRESIDENT:

Senator Zito is in his seat.

SENATOR TOPINKA:

Senator Degnan is here. Senator Kelly.

PRESIDENT:

Senator Kelly is right next to his chair.

SENATOR TOPINKA:

Yes, I think everyone's here, sir.

PRESIDENT:

All right, the roll has been verified. The Ayes are 30, the Nays are...all right, the roll has been verified. On that question, the question of the adoption of Amendment No. 2, there were 30 Ayes, 29 Nays, none voting Present. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senators Topinka and Raica offer committee...Floor Amendment No. 3.

PRESIDENT:

All right, Senator Topinka on Amendment No...

SENATOR TOPINKA:

You ready? Mr. President and Ladies and...

PRESIDENT:

No, I'm not...no,...we got to put three on the board. Amendment No. 3, Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. What Amendment No. 3 does is puts Morton back into the package. I would like to note again that the people representing the Morton High School district includes Senators Degnan, Raica, Collins and myself, and would also like to note that at this moment...well, at this moment in time, the Morton budget is now two million in the hole. What makes Morton different from all the other districts we've talked about is a Federal deadline for compliance. This school district has the Feds on their tail and they've got to live up to that deadline and I don't think we can get an extension for them. They have no place else to go and they have been promised by the State of Illinois, right along this process and told to bond for their roof so that it could be intricately tied to the asbestos removal, that this has to come to pass and it has to come to...pass now. This particular amendment, I think, allows the Senate to rethink its position on the Berman amendment that just passed and so give us one more chance to put them back into the system.

PRESIDENT:

All right, Senator Topinka has moved the adoption of

Amendment No. 3 to Senate Bill 485. Discussion? Senator Berman.

SENATOR BERMAN:

I raise a point of parliamentary procedure. I think this is identical to the amendment that was just adopted. It's dilatory and is out of order.

PRESIDENT:

All right, while the Parliamentarian is checking that, we will...any further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I hope the Body listens very carefully to what we're doing here and if you listened to the debate that both Senator Berman offered and that I offered on the previous amendment, the discussion was like this, there may well be some more schools that are going to come in here. Now because of some misunderstanding about the available revenue with one school district as they testified before our committee, there was the possible availability of some money to go ahead and do this in lieu of doing something else. And remember we talked about some more school districts coming in here? That's right, it's very possible. They're going to know now that for goodness sakes, when you to the Appropriations Committee, don't say you've got any money at all, just simply say that there is no available revenue and you'll get the money. That's the first point. Second point is this, here's one legislator that's going to have to then demand that we audit each school district to make sure that they have money available or not. It's as simple as that. We've got two standards here and it's going to create a problem for us, so let's recognize that today.

PRESIDENT:

Further discussion? Senator Berman on Amendment No. 3.

SENATOR BERMAN:

Waiting for the...while I'm waiting for the parliamentary

rule on the point of order,...I'm not sure why we're doing this. We just had the roll call and I'm not sure that there's been anything said that wasn't said before, but let me restate that if...Senator Maitland is suggesting that school districts are going to come in here and lie. Well, I don't think that's the case. I think we expect them to come in and be honest and I think we are honest in our response to them. If they have no other resource, then they ought to be helped through the General Revenue Fund. If they have other resources, they ought to use them, that's the only way we'll be able to allow this program to move forward; otherwise, you're going to have hundreds of millions of dollars that's going to be tapped out of general revenue funds, that's not the purpose of what we're doing this for. So, I would urge that everybody that voted green on the last roll call, vote red on this one, if it's in order, vote red, we'll have 29 Ayes and 30 Nays and we'll go about our business.

PRESIDENT:

Senator Karpziel, on...on Amendment No. 3?

SENATOR KARPIEL:

Yes, thank you, Mr. President.

PRESIDENT:

The Chair is prepared to rule, by the way, Senator Berman. This is not dilatory in terms of...I think the Senate member or a member of the Senate has a right to argue with committee disposition, and I'll just go with that and we'll get it over with here in a hurry. Senator Karpziel.

SENATOR KARPIEL:

Thank...thank you, Mr. President. As an alumnus of Morton High School as well as Morton Junior College, I feel I should...and as a member of the Appropriation Committee that this bill went through, I feel I should stand up and...and give a plug to my alma mater. From what I understand what happened was this, and for those of you that grew up...or if

any of you did grow up in the Cicero-Berwyn area, you know that those people out there are savers and they always have money stashed away somewhere. It is my understanding that when the...the Morton representative testified in committee and was asked do you have any money that you could do this yourself, that he testified yes, partially probably because, as I say, these people there would...would be loathe to admit at any time and at any place they had no money. But, in addition, it's my understanding that he testified that there was life...that there was money because he was figuring on the life and safety money, later to find out that could not be used for this. This...Morton High School was in this bill originally. We're not talking about any late comers coming...running to...to rob the treasury of the state along with Richmond and whatever the other school is...Morton was in the bill; but because this man said they had money, they were taken out, later to find they can't use the money they had planned on using for this and now they are odd man out of a bill that they were in originally. I don't understand the intransigence; I mean, I don't understand why we can't just put them back in where they were originally and tell all the other late comers, you know, we're not going to do this anymore. They were in it. They made a mistake, I think partially because if any of you know that area, you know these people, you know, always want to have money saved somewhere and can't stand saying they don't. I would appreciate that if anybody on this bill who voted Yes last time is an alumnus, as I am, or even a close by, like Oak Park High School for instance, or one of those good...good...

PRESIDENT:

We're getting...we're getting closer to dilatory, I can tell that.

SENATOR KARPIEL:

...I would appreciate a few No votes...I mean, a few No

votes that originally...I mean, we want a Yes vote, a green vote, from those that were whatever. Come on, just one or two votes, please.

PRESIDENT:

All right, question is the adoption of Amendment No. 3. Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think it's a little hard to follow Senator Karpel's discussion. It's hard to follow it in a lot of ways, but let me just say, what we're facing is twenty billion dollars, thirty billion dollars, forty billion dollars, those are with B's not M's, twenty billion, thirty billion, forty billion. We don't know. That's what the cost of the abatement program is most likely to be, billions and billions of dollars for schools and public buildings all across this state. How are we going to pay for it? How high do you want to increase taxes this year to pay for asbestos abatement if we, the state, are going to pay for it first out of general revenue funds? No one yet knows the answer. No one yet has conceived a plan that can possibly pay for the cure to this harm which we must cure. Is it going to be a bond issue? Who knows. What I think we do know is general revenue is the least likely source. What we have said is to those who have other sources available now...and Morton did testify it did, sure it has other problems, so do the schools in my district have other needs for that money. If they have it, however, I think we are forced, fortunately or unfortunately, forced to say to them, pay for it first and seek reimbursement when a fund is created and a formula to reimburse. To those few, and, hopefully, they are few, who have no other way to go, then I guess we have to bite the bullet and given them the precious few general revenue dollars we have to allow them to stay open and educate the children of Illinois.

Those dollars are precious few. We heard the Governor talk about it yesterday, there are none. And I think what we should be doing is to take a test case, a pure and pristine...test case where there is no question that there is no other source, no question whatsoever, the only choice is a limited general revenue available. Those other two school districts that are still in the bill are the test case. Maybe Morton muddied the water but sobeit. I think we have to have that pure test case to see if general revenue will ever be a source of any funding for any abatement program. To go any other way is folly when we know it cannot survive the system, we just don't have the billions available. So, I would urge defeat of the amendment.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the...the last speaker please yield for a question? Sam...you...Senator, could tell me did...do we have any money in the appropriation bill for this? And if so, how much?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

As of now, as the bill now stands, there is nothing in here for Morton.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

But isn't there a bill that has been introduced that was...that's being heard in...is it our Appropriation Committee that it's being heard in? I thought I saw one for two and a half million or some such thing.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

No, there is another bill that was in the Appropriations Committee to create a fund for the Attorney General to pursue asbestos litigation on behalf of public buildings, school districts or whomever who ask the Attorney General to step in as their attorney rather than to hire outside counsel, to seek a fund to fund the litigation to seek reimbursement for those districts of the funds they have to spend to abate and to go after the asbestos manufacturers to seek a pool of resources to reimburse the state, if it goes bond issue or whatever, and the school districts for the monies they put up.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

...can you tell me what...what that appropriation was?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

That now stands, as you indicated, at the two and a half million as introduced in order to go after the polluters...the creators of the asbestos to get the money to fund these thirty, forty billion dollars of corrective measures.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Why don't we pay the lawyers less and give the six hundred thousand dollars to Morton?

PRESIDENT:

Further discussion on Amendment No. 3? Senator Carroll, I don't think that was a question. Further discussion on Amendment No. 3? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I think we have to just look at fairness. Morton was one of the first schools that was...was picked by the Department of Public Health here in the State of Illinois to have their...their situation reviewed so as to bring them in compliance with the...with the Federal Government. I don't know how else we're going to get them into compliance with the Federal Government. There is no other way and the Feds are now breathing down their throats. There is no...I mean, personally, I'm never one to tap general revenue funds if it can be avoided, but...Morton has been led right along the line here as they were put into this package as a very critical top flight emergency in this state to be accommodated by the State of Illinois in whatever way possible we could get to them first and foremost...in probably the top five schools of the state having this difficulty. They have been promised, they have been up front right along the line. Their money is intricately tied up in Life Safety Code expenditures now. If...if the roof is not replaced...if...if the roof is replaced and you put a brand new roof on, then you're going to have to come in and take the whole darn roof off so as to remove the asbestos underneath it to be in compliance with Federal law. This is absurd. Let's put them back in where they started from. They haven't come late onto this bill, they belong in it, and I would ask your green vote.

PRESIDENT:

All right, Senator Topinka has moved the adoption of Amendment No. 3 to Senate Bill 485. Those in favor of the amendment 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 30 Ayes, 28 Nays, none voting Present. Amendment No. 3 has been adopted. Senator Berman, for what purpose do you arise, sir?

SENATOR BERMAN:

Verify the affirmative, please.

PRESIDENT:

All right. Been a request for the verification. Senator Berman has requested a verification. Will the members be in their seats. Madam Secretary, please read the affirmative...or the negative...no, affirmative votes, I guess. Affirmative he wishes. Please read the affirmative votes.

SECRETARY:

Barkhausen. Collins. Davidson. DeAngelis. Degnan. Donahue. Dudycz. Ralph Dunn. Etheredge. Fawell. Friedland. Geo-Karis. Hawkinson. Hudson. Karpel. Keats. Kustra. Macdonald. Madigan. Mahar. Maitland. Philip. Raica. Rigney. Schaffer. Schuneman. Topinka. Watson. Weaver and Woodyard.

PRESIDENT:

Senator Berman, do you question the presence of any member?

SENATOR BERMAN:

Senator Degnan.

PRESIDENT:

Senator Degnan is in his seat.

SENATOR BERMAN:

No other questions.

PRESIDENT:

Thank you. All right, the roll has been verified. On that question, there are 30 Ayes, 28 Nays, none voting Present. Amendment No. 3 has been adopted. Further amendments?

SECRETARY:

No further Floor amendments.

PRESIDENT:

3rd reading. All right, the committee schedule is extreme, to say the least, for this afternoon. Senator Philip has sought leave of the Body to have Senate Bill

802...to have the posting notice waived so that that bill can be heard in Local Government. Senator Holmberg, I'm told, agrees with that. With leave of the Body, that will be the order. Senator Geo-Karis has indicated there will be a Republican Caucus immediately upon adjournment. If there's no further business or announcements...Senator Marovitz.

SENATOR MAROVITZ:

Immediately after the Republican Caucus and maybe Senator Philip might give me some indication on how long...

PRESIDENT:

Senator...I'm sorry, Senator Philip indicated...should be no more than thirty minutes. He had indicated two-thirty when it was two o'clock, so I'm assuming that...you know.

SENATOR MAROVITZ:

Okay, we'll try and start Judiciary Committee as close to quarter to three as we can. The tort...tort revision medical malpractice product liability and dram shop which was set for three-thirty will be moved back somewhat till...somewhere around four o'clock, four-thirty. We do have a hundred and sixty bills posted for Judiciary today, so if everybody would be prompt and arrange their schedules, a sumptuous feast will be served in Room 212.

PRESIDENT:

All right, Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is just to request...waiver of the posting requirements for both Thursday and Friday. Thursday morning the Committee on Energy and Environment will meet to hear testimony only at eight-thirty or at nine o'clock or immediately after the Governor's Prayer Breakfast, whichever comes first, and we will be taking testimony, and Friday we'll be having...voting on those bills we hear on Thursday with a minimum amount of testimony taken on Friday morning, so everybody should be prepared to vote.

We would ask leave to waive the posting requirements for bills that were sent to our committee at the last moment last week.

PRESIDENT:

All right, gentleman seeks...I think that motion has already been made but just for the purpose of the record, the gentleman seeks leave to waive the six-day posting requirement with respect to the bills that have been assigned to his committee. Without objection, leave is granted. Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, the Agriculture and Conservation Committee meeting will be meeting in Room 400 as soon as possible after adjournment.

PRESIDENT:

All right. Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Senator Watson and I and other Cardinal fans in this body want to extend to you and all the other Cub fans our sincere best wishes and want you to bask in the glory of your realm in first place because we know that it's going to be short-lived, so make...make the most of it, please.

PRESIDENT:

Thank you, Senator. I know that was difficult for you to say. Senator Philip.

SENATOR PHILIP:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. With leave of the body and the sponsor of Senate Bill 802, I would like to assume the sponsorship.

PRESIDENT:

All right, the gentleman seeks leave to assume the...the role of chief sponsor of Senate Bill 802. Without objection, leave is granted. Senator Collins.

SENATOR COLLINS:

For the purpose of an announcement. The subcommittee on the...O'Hare Airport Authority bills will be tomorrow morning at ten o'clock in A-1. If you're interested in any of the seven bills that are posed pertaining to that subject matter, you can be there. The members of the subcommittee are Senator Savickas, Senator Watson and myself.

PRESIDENT:

All right, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I'd like to request leave of the Body to be added as the hyphenated cosponsor to Senate Bill 1314.

PRESIDENT:

All right, the lady seeks leave of the Body to be added as the hyphenated cosponsor on Senate Bill 1314. Without objection, leave is granted. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. I would ask leave to be added as a hyphenated cosponsor to Senate Bill 1260...checked with the sponsor.

PRESIDENT:

All right, gentleman seeks leave of the Body to be added as the hyphenated sponsor on Senate Bill 1260. Without objection, leave is granted. Further business? Further announcements? Republican Caucus immediately in Senator Philip's Office. Senate will stand adjourned...Senator...sure. Senator Marovitz, moves that the Senate stand adjourned until Wednesday, May 6, at the hour of one o'clock. Tomorrow at one o'clock again. Senate stands adjourned.

05/12/87
09:21

STATE OF ILLINOIS
85TH GENERAL ASSEMBLY
SENATE
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