

85TH GENERAL ASSEMBLY

REGULAR SESSION

November 29, 1988

PRESIDENT:

The hour of two having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery kindly rise. Our prayer this afternoon by the Reverend Charles Kyle, Ascension of Our Lord Church, Evanston, Illinois. Father.

REVEREND CHARLES KYLE:

(Prayer given by Reverend Kyle)

PRESIDENT:

(Machine cutoff)...Father. Reading of the Journal, Madam Secretary.

SECRETARY:

Senate Journals of Thursday, November 10; Tuesday, November 15th and Wednesday, November 16th, 1988.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that the Journals just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDENT:

You've heard the motion as placed by Senator Kelly. 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. Messages from the House, Madam Secretary.

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 passed a bill of the following title, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate to-wit:

House Bill 2930.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives. Passed the House November 16, 1988.

I have like Messages on House Bills 2981, 2986, 3286, 3752 and 4280.

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 passed the item which is attached in a bill of the following title, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate to-wit:

House Bill 3199.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached letter of his copy...pardon me, the attached copy of his letter to the House of Representatives. Passed the House November 15th, 1988. Jack O'Brien, Clerk of the House.

I have a like Message on House Bill 3543.

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 accepted the Governor's specific recommendations for change which are attached to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bill 2034.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached letter of his...copy of his letter to the House of Representatives. Adopted by the House November 16th, 1988.

I have like Messages on House Bills 3109, 3335, 3349, 3482, 3666, 3733, 3739, 3785, 3800 and...and 3968.

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 passed a bill of the following title, the Governor's specific recommendations notwithstanding, in the...passage of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bill 2918.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached letter...copy of his letter to the House of Representatives. Passed the House November 16th, 1988. John F. O'Brien, Clerk of the House.

I have a like Message on House Bills 3735, 4075 and 4116. (Machine cutoff)...Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the...passage of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bill 3519. Passed the House November 17th, 1988. John F. O'Brien, Clerk of the House.

PRESIDENT:

Ladies and gentlemen, if I can have your attention, the Chamber is graced by a very special guest and the Chair would yield to Senator John D'Arco for an introduction.

SENATOR D'ARCO:

Thank you, President Rock. It's my great privilege...also on the Podium with us we have Representative Ben Martinez and Representative Shirley Jones and we have also with us Senator del Valle. Senator del Valle here? He's coming up. The representatives and the senators are very proud of a lady who went to Seoul, Korea this summer and did us proud in the State of Illinois and...and particularly in the Hispanic community and everybody in the state is proud of her. Her name is Arlene Leamus and what she did, ladies and gentlemen, is no small feat, and I happened to see her on

television and I was...I was really taken with this young lady. She happened to win the Gold Medal in Taiquando in the Summer Olympics in Seoul, Korea. Her parents are with her on the Podium today, and I bring her to you to say a few words. Arlene.

MS. ARLENE LEAMUS:

(Remarks given by Arlene Leamus)

PRESIDENT:

Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1400 offered by Senators...Senator Demuzio, President Rock and all members.

Senate Resolution 1401 offered by Senator Hawkinson.

Senate Resolution 1402 offered by Senator Vadalabene, President Rock and all members.

Senate Resolution 1403 offered by President Rock and all members...pardon me, President Rock, Senator Vadalabene and all members.

Senate Resolution 1404 offered by Senator Lechowicz.

Senate Resolution 1405 offered by Senator Savickas.

Senate Resolution 1406 offered by Senator...J. E. Joyce.

Senate Resolution 1407 offered by Senator Watson.

Senate Resolution 1408 offered by Senator Macdonald.

Senate Resolution 1409 offered by Senator Brookins.

Senate Resolution 1410 offered by Senator Topinka.

Senate Resolution 1411 offered by Senator Topinka.

Senate Resolutions 1412, 1413 offered by Senator Topinka.

Senate Resolution 1414 offered by Senators Philip, Raica and all members.

Senate Resolution 1415 offered by Senator Ralph Dunn.

They're all congratulatory.

(Machine cutoff)...Joint Resolution 180 offered by Senator Woodyard, it is congratulatory.

Senate Joint Resolution 181 offered by Senator Etheredge,

it's nonsubstantive also.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you,...thank you, Mr. President, Ladies and Gentlemen of the Senate. The congratulatory resolutions that were just read in by the Senate Secretary, there is Senate Resolution 1400. It is a congratulatory resolution honoring the Jacksonville High School Crimson Girls' Volleyball Team. They are in the anteroom. I would like to move to suspend the rules for the immediate consideration and adoption of Senate Resolution 1400 so that it, in fact, can be presented in a few moments. I would move to suspend the rules.

PRESIDENT:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 1400. It is a congratulatory resolution and the recipients will be with us shortly. 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 Resolution 1400. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Madam Secretary, the balance of the resolutions then will go on the Resolutions Consent Calendar, with leave of the Body. Again, ladies and gentlemen, we have with us some special guests and the Chair will yield to Senator Demuzio.

SENATOR DEMUZIO:

(Machine cutoff)...very much, Mr. President and Ladies and Gentlemen of the Senate. Representative Ryder and I are very proud and privileged today to introduce to the members of the Senate the Jacksonville High School Crimson Girls' Volleyball Team which has accomplished what no other downstate Double AA volleyball team has ever done, and they

accomplished that feat on Saturday, November the 12th. And the accomplishment, obviously, was winning the Illinois High School Associations Double AA Volleyball Championship. They finished with a record of 39 and 2. They won their final eleven matches of the season and they finished third in the prestigious Pumpkin Tournament in Des Plaines. Coach Larry Sample is here with us today, and he indicated that this team has certainly had the spirit and the desire to win it all and, in fact, they did. The names of the Crimson...as a matter of fact, I'm going to introduce Coach Larry Sample and afford him the opportunity to introduce the members of the team. So, if I might, I would like to take this opportunity to introduce Coach Larry Sample who can, in fact, introduce the members of the...of the Crimson volleyball team. Larry...Coach.

COACH LARRY SAMPLE:

(Remarks given by Coach Larry Sample)

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

I rise to ask, Mr. President, that I be removed as the chief sponsor of House...sponsor of House Bill 1279 and put in place Senator Berman's name and add me as a hyphenated co-sponsor to that bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request of Senator Macdonald that Senator Berman be named as the hyphenated...principal lead sponsor of House Bill 1279 and that Senator Macdonald be the hyphenated cosponsor. Is leave granted? Leave is granted. So ordered.

PRESIDENT:

Senator Vadalabene, for what purpose do you arise, sir?

SENATOR VADALABENE:

Yes, thank you, Mr. President. For a...for a motion.

PRESIDENT:

You are in order.

SENATOR VADALABENE:

(Machine cutoff)...President and members of the Senate, I move to discharge the Executive Committee from further consideration of Senate Joint Resolution 177 and that the resolution be considered immediately by the Senate.

PRESIDENT:

All right. Senator Vadalabene has moved to discharge the Committee on Executive from further consideration of Senate Joint Resolution 177 and is asking leave for its immediate consideration and adoption. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. The resolution is discharged. On the Order of Senate Joint Resolution 177, Senator Vadalabene.

SENATOR VADALABENE:

(Machine cutoff)...Senate of the 85th General Assembly of the State of Illinois, the House of Representatives concurring herein that the U.S. Army Corps of Engineers is strongly encouraged to withhold consideration of any action to transfer funding designated by the Metro-East Sanitary District project pending an opportunity for the residents of said district to express their will with regard to said project in a referendum to be conducted no later than April 4th, 1989, and I've cleared both Houses...or both sides of the aisles in regard...

PRESIDENT:

All right. Senator Vadalabene has moved the adoption of Senate Joint Resolution 177. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Ladies and gentlemen, on your desk you have Supplemental Calendar No. 1 which reflects the House Messages that were just read in. There will be

shortly distributed Supplemental Calendar No. 2 which will reflect the motions filed by members of the Senate with respect to those Messages. In the meantime, I would direct your attention to the regular Calendar. On the bottom of page 2 and the bottom of page 3, on the Order of House Bills 3rd Reading. Senator Maitland. On the Order of House Bills 3rd Reading, Madam Secretary, bottom of page 2, is House Bill 1820. Senator Maitland seeks leave of the Body to recall that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1820, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Maitland.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, members of the Senate. Amendment No. 2 to House Bill 1820 is a further technical amendment to an already technical bill, and I would move for its adoption.

PRESIDENT:

All right. Senator Maitland has moved the adoption of Amendment No. 2 to House Bill 1820. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Ladies and gentlemen, we are again graced with some special guests and the Chair will yield to Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. It's my privilege today to

introduce to you the Zippers from Monmouth High School who are the 1988 Class A State Golf Champions. What's of interest I think is that they're also the State Golf Champions for 1987, 1986 and 1985. This is their fourth straight state championship and, furthermore, they only have one senior on the team. So I think there's a good chance that we'll have them back next year for their fifth state championship. It's my honor, along with Representative Hultgren, to introduce the coach of that team and the other teams, Coach Bill Piper, who will introduce the players.

COACH BILL PIPER:

(Remarks given by Coach Bill Piper)

PRESIDENT:

(Machine cutoff)...Hawkinson, I'm sorry, for what purpose do you arise, sir?

SENATOR HAWKINSON:

Thank you, Mr. President. I would ask leave of...of the Senate to have my name removed as the chief sponsor of Senate Bill 123 and to have Senator Degnan substituted as the sponsor and to have my name removed as a sponsor of the bill.

PRESIDENT:

All right. The gentleman seeks leave to have Senator Degnan assume the sponsorship of Senate Bill 123 and asked that his own name be removed. Any objection? Without objection, so ordered. Ladies and gentlemen, if I can have your attention, we're at the bottom of page 2 on the regular Calendar. We will go to...these bills have been previously subject to a motion to suspend the rules for their consideration, 2917; and then at the bottom of page 3 is 4180, Senator Zito and 4256, Senator Jacobs, and on the Order of House 2nd is 3355, Senator Kelly and 4213, Senator Jones, and from there then we will move to the supplemental Calendar. On the Order of House Bills 3rd Reading...on the Order of House Bills 3rd Reading is House Bill 2917. Read the bill, Madam

Secretary, please.

SECRETARY:

House Bill 2917.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. This was the amendment basically that we put on last week. It is noncontroversial. It...it amends the Hazardous Waste Crane and Hoisting Equipment Operators' Licensing Act and the Hazardous Waste Laborers' Licensing Act with respect to the fees. It would require certification fees and renewal fees for hazardous waste crane and hoisting equipment, the operators and laborers to be deposited in a hazardous waste occupational licensing fund. The Legislature when it passed the licensing requirement this past Session afforded the...the money to go into the General Revenue Fund. This amendment basically being the bill would provide that these fees that will be collected will be deposited into a special fund that will aid in administering this program and this is basically all that it does. It simply says that the fees that are collected can be established in a special fund rather than the General Revenue Fund for the operation of the program, and I know of no opposition.

PRESIDENT:

There any discussion? Any discussion? If not, the question is, shall House Bill 2917 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 57 Ayes, no Nays, none voting Present. House Bill 2917 having received the required con-

stitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...3...page 3 is House Bill 4180, Senator Zito. All right. Madam Secretary, House Bill 4180, please.

SECRETARY:

House Bill 4180.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members. House Bill 4180...in its original form permitted banks to own, possess and carry as assets shares of money market mutual funds. You'll remember, the last time we were in Session we added Amendment No. 1, I believe, which at the urging of Commissioner Harris and several others felt that in light of the fact that the federal government has passed a disclosure law, we, in fact, would postpone our enactment of our law, Senate...old Senate Bill 400, until September the 1st, 1989. I know of no opposition and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 4180 pass. 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 58, the Nays are none, none voting Present. House Bill 4180 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 4256, Madam Secretary.

SECRETARY:

House Bill 4256.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill as amended allows the Quad-City Regional Economic Development Authority to authorize an admission tax for NASCAR races to be used to help finance the facility. I know of...no known opposition and would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If...Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as amended, is that all this bill does?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Yes...then all it does is spell out the other provisions as is in the Horse Racing Act, as I see it, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

The...the original bill is gone, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

(Machine cutoff)...is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Netsch.

SENATOR NETSCH:

Senator Hawkinson, I was just going to add. Unfortunately, yes, the original bill is gone and it has nothing to do with taxation of pipelines or gas or anything else, unfortunately.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If...if not, the question is, shall House Bill 4256 pass. 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 58, the Nays are none, none voting Present. House Bill 4256 having received the required constitutional majority is declared passed. All right. Page 3, at the bottom, is House bills 2nd reading, House Bill 3355, Madam Secretary.

SECRETARY:

House Bill 3355.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Senator Fawell offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is basically a...a clean-up amendment. It makes two changes concerning the dissolution of township government. One, it requires that ten percent of the voters of the county sign the petition initiating a...referendum for dissolution. Current law makes a distinction that counties under seventy-five thousand in population must have signatures of five percent while other counties over seventy-five must have twenty. This makes everyone at

the same level at ten. Two, it requires that the signatures on the petitions for the dissolution...must be collected within ninety days of the filing deadline. This is the same as the candidates' petitions. If there's any questions, I'll be glad to answer them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell has moved adoption of Amendment No. 1 to House Bill 3355. Is there discussion? Senator Kelly.

SENATOR KELLY:

I join...or support Senator Fawell's amendment, and as far as I can see, this is what we agreed on earlier, and I ask the members this side of the aisle to support her.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Fawell has moved the adoption of Amendment No. 1 to House Bill 3355. Those in favor of the adoption of the amendment 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. Supplemental Calendar No. 2, it's on your desk, Supplemental Calendar No. 2. Supplemental Calendar No. 2 is House Bill 2930. House Bill 2981, Senator Berman. House Bill 2981, Madam Secretary.

SECRETARY:

(Machine cutoff)...move that House Bill 2981 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the

Senate. House Bill 2981 addresses an injustice that exists in the judiciary system. We have eliminated age requirements for virtually every type of office except one and that one is the judiciary, and this bill seeks to address in one small way that injustice regarding age discrimination. At the present time...at the present time, a judge who becomes age seventy-five must retire on December 1st following...reaching that birthday. What this bill does is to allow that judge to fill out the term to which he has been appointed or elected. Now, for example, we've just got done with an election in November; for a number of judges throughout the state, they've been elected to six-year terms for the circuit court. If I'm elected and I become seventy-five during the term to which I've been elected by the people, under this bill I can finish out that term that the people have elected me to. That...I cannot run again if I'm over seventy-five, but this brings a little justice and age fairness to the judiciary. I would solicit your Aye vote, and by the way, this bill passed in June 54 to nothing. Thank you, ladies and gentlemen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? The Senate will come to order. Senator Welch.

SENATOR WELCH:

Mr. Chairman, I just wanted to make a record that I'm voting Present because of a potential conflict of interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 2981 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. House Bill 2981 having received the required three-fifths vote is declared

HB 3752
Note override

passed, the veto of...of the Governor to the contrary notwithstanding. 2986, Senator Holmberg. 3752, Senator Smith. Senator Smith. House Bill 3752, Madam Secretary.

SECRETARY:

I move that House Bill 3752 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank...thank you, Mr. President, Ladies and Gentlemen of the Senate...House Bill 3552 had three...did three things which was to codify the powers and duties of the Department of Mental Health and...Developmental Disability and...in the annual plan and incoordinated a service to the mentally disabled, deaf and hearing impaired persons and it also...the procedures for discharge and after-care. Organizations representing mental health and handicapped disabled clients support the override of House Bill 3572 because...of the delivery of services to the mentally ill and hearing impaired would be greatly enhanced. The department never provided the House and the Senate sponsor...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me,...Senator Smith, pardon me. Ladies and gentlemen, the Senate will come...come to order. Break up our caucuses, please. We should afford Senator Smith the courtesy of being heard. I...the Chair can't even hear from where she is. Senator Smith.

SENATOR SMITH:

Thank you, sir. The Department of Mental Health and Developmental Disabilities never provided the House and the Senate sponsors with fiscal note to House Bill 3552 as it was amended, and it is unusual to enact a bill...and fund it later. The department never opposed the bill as amended;

instead, they never said anything derogatory about this legislation. However, the Governor indicates in his Message that he fully supports the increased services to our mentally disabled persons, the deaf and hard of hearing; but if this is true, the Governor should not have even vetoed this bill because, on other hand, he has made revenue and appropriations available and took this route with other bills. The House passed and overrode this...at...at a rate of...oh, God...overrode this veto at 109 to 1 and it passed out of the Senate 57 to nothing. I'm asking that you support me because this is dealing with the mentally retarded, deaf and hard of hearing if I can get an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 3752 pass, the veto of the Governor to the contrary notwithstanding. 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? (Machine cutoff)...all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 3752 having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 4280, Madam Secretary. Supplemental Calendar No. 2 is House Bill 4280, Madam Secretary.

SECRETARY:

I move that House Bill 4280 do pass, the veto of the Governor to the contrary notwithstanding. Filed by Senator Severns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and members of the Senate. House Bill 4280 would establish a Toxic...Waste Strike Force within the Department of State Police to investigate criminal

violations of the Environmental Protection Act. Illinois ranks second in the nation in the number of accidents in which hazardous materials or chemicals were spilled. There were four hundred and sixty-one hazardous material accidents in the state last year, an increase by forty-seven percent from the year before. We have the third...highest injury rate from toxic waste related accidents in the entire nation. We have excellent laws as it relates to...concerning criminal violations of the Environmental Protection Act but weak enforcement of those laws. I believe that this should be passed for...for the reason that the cost of doing it, an estimated 1.3 million, would be paid for and more than returned in the fines that would be collected. I'll be happy to answer any questions and would move for its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in opposition to this vote to override the veto. For all of you who already know, there already exists in the present Statutes all the powers that's necessary for the State Police, the Attorney General, Energy and Natural Resources, EPA and et cetera to already do this. This is just flower dressing for something that already exists as well as the possibility of the money. Sure, you can say the fines were over...1.3 million but I don't see that in the bill it says it's going to happen, and if you want to take 1.3 million away from some other necessary service such as education, you be my guest, but I urge everybody in the Senate to look at what this does 'cause all it does is window dressing to what already exists. The State Police already have this power that exists and all the other ones which I mentioned, and I would urge all of you to vote No or vote Present. This is an unnecessary item.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Severns may...may close.

SENATOR SEVERNS:

With all due respect, it might seem unnecessary to someone who lives in a county who is not affected, but it is absolutely essential to the thousands of individuals who have been affected, who have counties who produce one of the highest amounts of toxic waste of any counties in the state. We generated more toxic waste than any state in the entire nation with the exception of New Jersey last year. Our local or State EPA, the Attorney General's Office and...and the environmental groups have all said that this is essential because our current enforcement measures are not working. In terms of the cost, those states that already have this...powers in to effect have more than returned those costs in the fines that they have assessed. The most recent example is the City of Los Angeles. In terms of the cost, if it does cost, the 1.3 million dollars could easily be found in the long list of unnecessary supplemental appropriations that totals one hundred and eighty-six million dollars today. I would move for your support.

PRESIDENT:

The question is, shall House Bill 4280 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 24 Nays, none voting Present and the motion fails. 3199, Senator Carroll. We're on Supplemental Calendar No. 2, ladies and gentlemen. 3109, Senator Savickas. 3349, Senator Hall. All right. Ladies and gentlemen, on Supplemental Calendar No. 2, on the Order of Motions in Writing to Accept the Specific Recommendations for Change, there's a motion filed, Madam Secretary, with

respect to House Bill 3349. Read the motion, please.

SECRETARY:

I move...I move to accept the specific recommendations of the Governor as to House Bill 3349 in manner and form as follows. Amendment to House Bill 3349 in acceptance of Governor's recommendations. Filed by Senator Hall.

PRESIDENT:

(Machine cutoff)...Hall.

SENATOR HALL:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. This amends the Personnel Code and creates a new Act, Employees' Rights Violation Act. A policy making officer of a state agency shall be discharged from state employment when there's a judgment ridded against such officer for violation in employee's right guaranteed under the First and Fourteenth Amendment of the U.S. Constitution if an award of punitive damage has been made against the officer, if a finding of willful and wanton conduct by the officer has been made. Now, the Governor's recommendation...he recommends that House Bill 3349 be made technically correct by deleting reference to the obsolete term "superintendent of state troopers." He further recommends that the language in House Bill 3349 be attached to the Illinois State Police Merit Board so that state policemen will be covered by the provision of House Bill 3349. The Governor supports the intent of House Bill 3349 which is aimed at protecting victims of discrimination and particularly sexual discrimination, but he would like to see these changes made prior to signing the bill. The House voted to accept the amendatory veto 97 to 16, and I recommend that we accept the Governor's specific recommendation for change. I ask favorable support.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommenda-

tions of the Governor as to House Bill 3349 in the manner and form just stated by Senator Hall. 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 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 3349 having received the required constitutional majority vote of Senators elected are declared accepted. On the Order of Motions in Writing to Accept the Specific Recommendations For Change, 3482, Senator Berman. 3733, Senator Severns. On the Order of Motions in Writing to Accept the Specific Recommendations, there's a motion filed, Madam Secretary, with respect to House Bill 3733. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3733 in manner and form as follows. Amendment to House Bill 3733 in acceptance of Governor's recommendations. Filed by Senator Severns.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, members of the Senate. House Bill 3733 amends the Public Utilities Act regarding the time limits on consumer complaints. The Governor made a specific change to say that in the event that a case should take longer than the time period permitted that it can take longer if all parties agree. I have no problem with that language and would move for its adoption.

PRESIDENT:

Senator Severns has moved that the Senate accept the specific recommendations of the Governor. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill

3733 in the manner and form just stated by Senator Severns. 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 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 3733 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Degnan, 3739. Madam Secretary, on the Order of Motions in Writing to Accept the Specific Recommendations for Change, there's a motion filed with respect to House Bill 3739. Read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3739 in manner and form as follows. Amendment to House Bill 3739...in acceptance of Governor's recommendations. Filed by Senator Degnan.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 3739 was the Omnibus Criminal Law Bill of 1988, passed easily out of both Chambers earlier this Session. The Governor specifically recommended the following changes. He deleted the...the mandate that DOC establish a parent-child reunification program citing that that would cost three hundred and fifty thousand dollars which was not appropriated by the General Assembly. He also established an immediate effective date explaining that the State Police requested the immediate effective date to alleviate a technical problem with transmitting juveniles' fingerprints under Public Act 85-635. I move to accept the specific recommendations for change.

PRESIDENT:

All right. Senator Degnan has moved to accept the spe-

cific recommendations for change. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3739 in the manner and form just stated by Senator Degnan. 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 55 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 3739 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Netsch, 3785. On the Order of Motions in Writing to Accept the Specific Recommendations for Change, there's a motion filed with respect to House Bill 3785. Madam Secretary, read the motion, please.

SECRETARY:

I move to accept the specific recommendations of the Governor as to House Bill 3785 in manner and form as follows. Amendment to House Bill 3785 in acceptance of Governor's recommendations. Filed by Senator Netsch.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 3785 is the Local Debt Reform Act which was passed by overwhelming majorities in both Houses when we were here before. It modernizes the methods by which local governments can issue debt and effectively tracks earlier legislation that had extended the same benefits, if you will, to the municipalities. There is no argument on the part of the Governor with the substance of the bill. To the best of my knowledge the only substantive change in his amendatory veto was one that was requested by the Illinois Housing Development Authority to make it clear that they could issue their variable rate bonds. That was

not clear or actually prohibited by the language of the Act as it passed. That was requested by IHDA. I have no objection to that. I think all of the other changes are very technical. I would move that we accept the Governor's proposed changes which in no way denigrate the purpose of the Act. They are entirely an appropriate use of the amendatory veto.

PRESIDENT:

Senator Netsch has moved to accept the Governor's specific recommendations for change. Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 3785 in the manner and form just stated by Senator Netsch. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 3785 having received the required constitutional majority vote of Senators elected are declared accepted. Top of page 2 on Supplemental No. 2, Senator Netsch, you have 2918 and 3735. (Machine cutoff)...2918, Madam Secretary, 2-9-1-8. On the Order of Motions in Writing to Override the Specific Recommendations for Change, there's a motion with respect to House Bill 2918. Read the motion, Madam Secretary, please.

SECRETARY:

I move that House Bill 2918 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Netsch.

PRESIDENT:

(Machine cutoff)...when that group gets together, be careful, Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If they're not watch out...if

they don't watch out, they may not get...let me start this again. If they don't watch out, they may not get to vote on everybody's favorite bill this Session. This is the income tax refund bill. The Governor tried to delay the effective date a full year. So far, unanimously, we have agreed that we want it to begin on January...this coming January so that the program can be put in place. In all substantive respects, we have discussed the bill at length and previous encounters. I would move that we override the Governor's veto of House Bill 2918.

PRESIDENT:

All right. Senator Netsch has moved to override the Governor's specific recommendations for change with respect to House Bill 2918. Is there any discussion? If not, the question is, shall House Bill 2918 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed vote Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. House Bill 2918 having received the required three-fifths vote is declared passed, the specific recommendations of the Governor to the contrary notwithstanding. House bills 1st reading.

SECRETARY:

House Bill 3519.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDENT:

Rules Committee. Ladies and gentlemen, with leave of the Body, we'll move to the Order of Motions in Writing. There's a motion filed by Senator Philip. Motions in writing, Madam Secretary.

SECRETARY:

I move to suspend Senate Rule 5C and that the Committee on Judiciary be discharged from further consideration of House Bill 3498, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you're probably aware, Senator Barkhausen is not here today. This is his bill, House Bill 3498. I move that we discharge the Judiciary Committee and place it on the Order of 2nd Reading.

PRESIDENT:

All right. Senator Philip has moved to discharge the Committee on Judiciary from further consideration of House Bill 3498 and asked that it be placed on the Order of 2nd Reading. All in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. So ordered. (Machine cutoff)...Kustra, for what purpose do you arise, sir?

SENATOR KUSTRA:

Thank you, Mr. President. With permission of the chief sponsor, Senator Jones, I would ask leave to be added as a hyphenated cosponsor of Senate Bill 898.

PRESIDENT:

All right. The gentleman seeks leave to be added as the hyphenated cosponsor on Senate Bill 898. Without objection, leave is granted. Resolutions.

SECRETARY:

Senate Resolution 1416 offered by Senators Fawell and Etheredge.

Senate Resolution 1417 offered by Senator Karpiel.

Senate Resolution 1418 offered by Senator Severns.

They're all congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 1419 offered by President Rock, Senator Philip and all members, it's a death resolution.

PRESIDENT:

Consent Calendar. (Machine cutoff)...Karpiel, for what purpose do you arise, ma'am?

SENATOR KARPIEL:

Thank you, Mr. President. Just to ask leave of the Body to be added as a cosponsor on Senate Bill 898...with leave of the sponsor.

PRESIDENT:

All right. The...the lady seeks leave of the Body to be...added as a cosponsor on Senate Bill 898. Without objection, leave is granted. (Machine cutoff)...Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Mr. President, a point of inquiry with the Chair. The...House Bill 3159, the Farm Development Authority, came over from the House, I don't know if that's been read in and...

PRESIDENT:

It has been read in. It's been referred to the Rules Committee.

SENATOR DEMUZIO:

Good. That's a good place but it seems to me that there's an agreement I think from both sides that perhaps we could get that bill discharged from the Rules Committee and...and have it read the first time today and...

PRESIDENT:

Well, it's...it's been read a first time...your motion, I think, would be to discharge the Rules Committee and ask to be placed on the Order of 2nd Reading.

SENATOR DEMUZIO:

Well, I would move to discharge the Committee on Rules and ask that House Bill 3159 be...

PRESIDENT:

3519?

SENATOR DEMUZIO:

All right, 3519, I beg your pardon, 3519.

PRESIDENT:

All right. Ladies and gentlemen, Senator Demuzio has moved to discharge the Committee on Rules from further consideration of House Bill 3519 and asked that it be placed on the Calendar on the Order of 2nd Reading. Senator Weaver.

SENATOR WEAVER:

Can you explain what you're trying to do, Senator Demuzio? What...what is this...I haven't heard anything about it.

PRESIDENT:

Senator...Senator Demuzio.

SENATOR DEMUZIO:

Senator Weaver,...indicated to me that it had some urgent matters that dealt with the Illinois Farm Development...Authority with respect to financing. If there is some objection, I have no quarrel with withdrawing the motion. I thought that...judging from the conversation that I had with several members on the other side of the aisle that this was a...all right...why don't I just withdraw my motion, Mr...Mr. President, I withdraw my motion.

PRESIDENT:

All right. Motion has been withdrawn. Any further business to come before the Senate? Senator Geo-Karis, your leader is beckoning. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, there will be a Republican Caucus immediately in Senator

Philip's room.

PRESIDENT:

Republican Caucus immediately in Senator Philip's office. I've just been invited to it, it will be a nice meeting. All right. Any further business to come before the Senate? Senator Fawell.

SENATOR FAWELL:

A point of personal privilege.

PRESIDENT:

State your point, ma'am.

SENATOR FAWELL:

I would just like to introduce our new...one of our newer congressmen who has graced our...our halls over here, Congressman Hastert. Welcome back to the halls of Springfield.

PRESIDENT:

Congressman Hastert, Denny, welcome back. Nice to see you. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I merely want to announce that the Senate Select Committee on Medicaid HMO Abuse tomorrow will be held tomorrow, Wednesday, November the 30th, in Room 400 at 9:00 a.m. The purpose of this meeting is to finalize a report to the General Assembly, and I'm asking all members to please be present and on time. I promise we shall not be there too long. Thank you.

PRESIDENT:

Further announcements? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. The purpose of announcement. Executive Appointments, Veterans' Affairs, Administration will meet tomorrow morning at 10:00 a.m. in Room 212. It'll be very short and concise meeting. Thank you.

PRESIDENT:

All right. Ten o'clock tomorrow in Room 212 for the Committee on Executive Appointments. Further business to come before the Senate? If not, Senator Dunn moves that the Senate stand adjourned until noon...the hour of noon tomorrow, noon sharp, tomorrow, ladies and gentlemen. The Senate stands adjourned.

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