

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

121st Legislative Day

January 8, 1991

PRESIDENT ROCK:

The hour of one having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this afternoon by Senator Kenneth Hall, East St. Louis, Illinois. Senator Hall.

SENATOR KENNETH HALL:

(Prayer by Senator Kenneth Hall)

PRESIDENT ROCK:

Thank you, Senator Hall. Reading of the Journal, Madam Secretary.

SECRETARY HAWKER:

Senate Journals of Wednesday, November 28th; Thursday, November 29th; and Friday, November 30, 1990.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

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 ROCK:

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

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. -- Amendments No. 1 and 2 to a bill of the following title, to wit:

Senate Bill 1310.

I am further directed to inform the Senate that the House

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of Representatives requests a First Committee of Conference to consist of five Members from each House to consider the differences of the two Houses in regards to amendments to the bill.

Action taken by the House November 30, 1990.

PRESIDENT ROCK:

All right. Senator Dunn moves to accede to the request of the House. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Senate does accede to the request of the House. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate, in the adoption of the following joint resolution, to wit:

Senate Joint Resolution 147 with House Amendment 3.  
Passed the House, as amended, November 30, 1990.

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

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

Senate Bill 1098 with House Amendments No. 1 and 2.  
Also passed the House, as amended, November 30, 1990.

PRESIDENT ROCK:

All right. Secretary's Desk. Those will appear on the next Supplemental Calendar. ....(machine cutoff)...Resolutions.

SECRETARY HAWKER:

Senate Resolution 1522 offered by Senator Daley.  
Senate Resolution 1523 offered by Senator Mahar.  
Senate Resolution 1524 offered by Senator Mahar.  
Senate Resolution 1525 offered by Senator Welch.

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Senate Resolution 1526 offered by Senator O'Daniel.

Senate Resolution 1527 offered by Senator Jerome Joyce.

Senate Resolution 1528 offered by President Rock and all Members.

Senate Resolution 1529 offered by Senator Demuzio and all Members.

Senate Resolution 1530 offered by Senator Demuzio and all Members.

Senate Resolution 1531 offered by Senator Woodyard.

Senate Resolution 1532 and 1533 offered by Senator Woodyard.

Senate Resolution 1534 offered by Senator Woodyard.

Senate Resolution 1535 offered by Senators Woodyard and Weaver.

Senate Resolution 1536 offered by Senator Geo-Karis.

Senate Resolutions 1537 through 1550 offered by Senator Topinka.

Senate Resolution 1551 offered by Senator Friedland and all Members.

Senate Resolution 1552 offered by Senator Friedland and all Members.

Senate Resolution 1553 offered by Senator Lechowicz.

Senate Resolution 1554 offered by Senator Thomas Dunn and all Members.

They're all congratulatory.

Senate Resolution 1555 offered by Senator Schaffer and all Members.

Senate Resolution 1556 offered by Senator Daley and all Members.

Senate Resolution 1557 offered by Senators Daley -- Senator Daley and all Members.

Senate Resolution 1558 offered by Senator Lechowicz.

Senate Resolution 1559 offered by Senator Lechowicz.

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Senate Resolution 1560 offered by Senator Jones.

Senate Resolution 1561 offered by Senator Topinka.

Senate Resolution 1562 offered by Senator Lechowicz.

They're all death resolutions.

PRESIDENT ROCK:

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

SENATOR VADALABENE:

Thank you, Mr. President and Members of the Senate. There'll be a Democratic Caucus immediately in Room 212.

PRESIDENT ROCK:

Senator Geo-Karis, I have spoken with Senator Philip. I think he wishes you to make a similar announcement. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there will be a Republican Caucus immediately thereafter in Senator Philip's Office.

PRESIDENT ROCK:

All right. Republican Caucus immediately in Senator Philip's office. Democratic Caucus immediately in Room 212. Ladies and Gentlemen, I'd ask you please to be prompt in attendance. We are going to try to conclude our business today for the 86th General Assembly. Caucus immediately in Room 212. Senate will stand in recess for approximately thirty minutes.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

The Senate will please come to order. Resolutions, Madam

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SECRETARY HAWKER:

Senate Resolution 1563 offered by Senators Philip, Weaver, Schaffer, Davidson, Geo-Karis and all Members.

Senate Resolution 1564 offered by President Rock and all Members.

And Senate Joint Resolution 230 offered by Senator MacDonald. They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 1565 offered by Senator J.E. Joyce. It is substantive.

PRESIDENT ROCK:

With leave of the Body, we'll take Senate Resolution 1565 and place it on a supplemental Calendar so we can deal with it. All right. Ladies and Gentlemen, if I can have your attention, we will go to the Order of the regular Calendar. You turn to Page 9 on the regular Calendar, on the Order of Secretary's Desk, Concurrence. Senate Bill 1086. Senator Joyce. Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I would move to concur in House Amendment No. 1 and to non-concur in House Amendment No. 3. No. 1 is -- states that the Underground Storage Tank Fund may be used by owners and operators of tanks over eleven hundred gallons to comply with the act. This is at the behest of the petroleum marketers. I know of no opposition to that. The amendment that I'm moving not to concur in -- it raises the cap on Coal Technology Assistance Fund from five million to six million. It is my understanding that the Governor would not sign the Coal Technology Assistance Fund raising that cap. So --

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All right. The Gentleman has moved to concur with House Amendment No. 1 to Senate Bill 1086. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1086. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55. The Nays are none. None voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1086. Senator Joyce now moves to non-concur with House Amendment No. 3 to Senate Bill 1086. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Page 10 on the Calendar, Ladies and Gentlemen. On the same order of business - Secretary's Desk, Concurrence. Senate Bill 2001, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 4, 8, 9, 18, 19, 20, 21, 22, 23 and 25 to Senate Bill 2001.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Yes, Mr. President. First, I'd like leave to add Senator Vadalabene as a co-sponsor of Senate Bill 2001.

PRESIDENT ROCK:

All right. The Gentleman has requested leave to add Senator Vadalabene as a co-sponsor. Without objection, leave is granted. Senator Welch.

SENATOR WELCH:

Mr. President, I'm moving to concur with House Amendment No. 18. I will non-concur with the other amendments. Let me first explain House Amendment No. 18. House Amendment 18 contains three pieces of legislation that we passed out of the House and out of

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the Senate. They went to the Governor; the Governor amendatorily vetoed all three bills. Then the House imposed their noncompliance rule on those three bills. The three bills have now been placed into Senate Bill 2001 with the understanding from the Governor's Office that this is the only portion of the bill that he will sign is those particular three bills now contained in House Amendment No. 18. What the three bills are are as follows: Bill No. 1 would amend the Township Law and create new Acts concerning the Alton Lake Heritage Parkway; secondly, Tri-County River Development Authority; and third, a Township Plan Commission Bill. These are bills sponsored by Senator DeAngelis, Senator -- Vadalabene and Senator Luft. The amendatory veto of the Governor came back to the Senate first, and on one -- on one bill it was 56 to nothing; we passed it back to the House. On another, 58 to nothing. I would ask that we continue that tradition of voting on these same bills and pass and concur with House Amendment No. 18 to Senate Bill 2001.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate concur with House Amendment No. 18 to Senate Bill 2001. Is there discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. As you can guess, we're having a hard time finding an analysis of this. And I apologize; I know you were trying to explain, but we're trying to find an analysis of what exactly is on this bill. Did you refuse to accept all that civic center stuff? None of that civic center stuff is on? That's what we thought.

PRESIDENT ROCK:

Senator Welch. Senator Welch.

SENATOR WELCH:

Senator Keats, the Governor said he won't sign any of that, so

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it seems like a useless act to pass it. So I'm going to non-concur in every other amendment other than No. 18.

PRESIDENT ROCK:

All right. The question is, shall the Senate concur in House Amendment No. 18 to Senate Bill 2001. I'm sorry. Senator Watson.

SENATOR WATSON:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Watson.

SENATOR WATSON:

Thank you. Is there anything in here that has to do with changing the policy by which local governments, counties and municipalities have the siting authority on landfills?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

I think that's a good idea to tighten those up, Senator. But we couldn't get it into this bill. There's nothing to do with the environment in this bill.

PRESIDENT ROCK:

All right. The question is, shall the Senate concur in House Amendment 18 to Senate Bill 2001. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment 18 to Senate Bill 2001. Senator Welch now moves to non-concur with House Amendments 1, 2, 3, 4, 8, 9, 19, 20, 21, 22, 23 and 25 to Senate Bill 2001. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. ...(machine cutoff)...Ladies and Gentlemen, WCIU-TV has ask permission to



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shoot some videotape, as has WICS. Without objection, leave is granted. We'll move now -- I'm told Senator Savickas wants to get back to 3386, which is on Page 7. I'm told there is an amendment being drafted; soon as it's available, we'll get right to it. If I can have your attention, Ladies and Gentlemen, direct your attention to Supplemental Calendar No. 1. Supplemental Calendar No. 1. Senator Newhouse. 3793. Senator Luft. That's a hold. 4061. Senator Weaver. On the Order of Conference Committee Reports, Supplemental Calendar No. 1, there's a Conference Committee Report with respect to House Bill 4-0-6-1, Madam Secretary. 4-0-6-1.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 4061.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Mr. President, this Conference Committee Report is a result of us trying to locate United Airlines Maintenance Facility at Chanute Air Force Base at Rantoul, Illinois. To accomplish this, we would be enacting legislation whereby we would exempt United Airlines from the six and a quarter percent sales tax on machinery and consumable purchases for the new facility. This facility will be bringing over a period of ten years - if we're successful - probably over a billion dollars to the East Central Illinois area, and into the State of Illinois. We have done this for other developments, such as United Parcel Service in Willow Springs. And this is part of the agreement or enticement to get United to locate here in Illinois for their major maintenance center. If there are any particular questions, I'll try to answer them for you.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the

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Conference Committee Report on House Bill 4061. Discussion?  
Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to strongly support this Conference Committee Report, and publicly state that the Governor of this State, Governor Thompson, has been working very hard in making sure that United does try to locate its maintenance facility in Chanute. I think it's one of the unsung battles that goes on, day in and day out, of trying to promote business in this State that's been not recognized by the media per se. I think it's important that the people should know that Governor Thompson and the Department of DCCA have -- trying to work with Mr. Wolf, and United and other legislative leaders in making sure that this is a reality. I strongly encourage an Aye vote.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 4061. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 4061, and the bill, having received the required constitutional majority, is declared passed. Senator Marovitz. 4-1-2-6. On the Order of Conference Committee Reports is a report with respect to House Bill 4126, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 4126.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

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Mr. President, I've been waiting for the updated Conference Committee Report, and they have not brought it.

PRESIDENT ROCK:

All right. Take it out of the record, Madam Secretary. 1842. Senator Demuzio. On the Order of Conference Committee Reports, Supplemental No. 1, is Senate Bill 1842, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1842.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. First Conference Committee on Senate Bill 1842 -- the Chicago Board of Education had requested and we had passed the opportunity for a member of the Chicago Board of Education to also serve on the Illinois Savings and Loan Board. And this change would, in fact, allow that to happen. The second provision of this Conference Committee Report is a -- a bill that was House Bill 3042 that passed the General Assembly, sponsored by Senator Rock. It was the immunization -- immunization exemption for private colleges, as -- as I recall. It doesn't say so in the report, but I think that's -- that's what it is. I would be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, and Ladies and Gentlemen of the Senate, the second provision of this Conference Committee Report -- we once again get into this immunization question that the Illinois Department of Public Health continues to oppose, and I think wisely so, because it weakens the College Immunization Law, and it does indeed place college students at risk for preventable, infectious diseases, such as measles and mumps. Now, I think

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we've also seen that as measles has reemerged as a major health care problem, we had three thousand two hundred and eighty-two confirmed measles cases in 1989 that resulted in fourteen deaths. With the college immunization requirement and an aggressive inoculation effort on the -- the part of the Department of Public Health, we have confirmed cases in 1990 to date. We're showing that its declined, and there's only been one death, but it's hardly eradicated. This really is not a wise course; it's opposed by numerous universities in the State who are in compliance. I don't see any reason to weaken this, and I would ask that we oppose this part of this particular Conference Committee Report.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank -- thank you very much, Mr. President. I have several small colleges in -- in my district now. And they have all made phone calls to me and asked me please to vote for this bill. Obviously, a lot of our small colleges have also got -- students that are commuting. To try and keep track of whether everybody has got a measles shot or not at the age of eighteen, nineteen, twenty, twenty-one - and in the junior colleges, the average age is twenty-six - I think is -- is asking our colleges to do above and beyond what is called for. I think that this is a good bill, and I would strongly suggest we vote for it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, and Ladies and Gentlemen of the Senate. I rise in support -- strong support of the Conference Committee Report on Senate Bill 1842, and in particular, with respect to the immunization exemption. That bill originally passed out of this Body with 38 -- 38 affirmative votes. And the

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reason it passed out was because we were attempting to put the private commuter colleges in the same situation as are the community colleges. The immunization program calls for proof of immunization or immunization prior to registration, and for commuter students, it simply is unworkable. The bill was proposed by DePaul University on the basis that -- one, when you are attending their school - and they have a similar student profile as Senator Fawell -- pointed out - their students are in their late twenties; these are not kids coming out of high school for the most part, particularly their night-school students - and to have someone at the age of twenty-eight, twenty-nine, try to prove, or come up with a certificate to prove, immunization, is virtually impossible. And what Father Richardson did - I might say - is he took, at one point, a bunch of registrants, put them on a bus, and took them to the Chicago Board of Public Health and said, "Here, they need flu shots, or vaccinations." They didn't have it, they didn't have the people available, didn't have the vaccine available. The program as instituted by the Department of Public Health is a good one. But it was aimed specifically at college campuses where the threat literally of an epidemic is -- somewhat real; does not apply to -- should not apply to commuter type colleges. For goodness sakes, these kids, or these young adults, get on mass transportation. You talk about the possibility of an infectious disease -- if you're riding on a bus with two hundred other people, it's not like being on a college campus. I argued with Doctor Turnock till I was blue in the face that this should not apply to these schools; I've continued to argue with the Governor. The Governor amendatorily vetoed it and sent it back to us, and the House found it in -- noncompliance. I just think we ought to think this one through, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Further discussion? Senator Demuzio, to close?

SENATOR DEMUZIO:

Well, Senator Rock said just exactly what I was going to say, so I would ask for your positive support.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1842. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record please, Madam Secretary. On that question, the Ayes are 46, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1842. The bill, having received the required constitutional majority, is declared passed. Conference Committee Reports. House Bill 3777. Senator Newhouse. Read the report, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3777.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, this Conference Committee Report amends several Acts concerning foster children, multi-purpose senior citizens centers, the Medical Center District, the Minority and Female Business Enterprise Program and State Employee Child Care Services. It no longer addresses the Chicago and Cook County Health Care Summit. What it does do is this - it adopted Conference Committee Report No. 1 to House Bill 377, which was adopted by a vote of 107 to 0. From foster care, the foster care provisions of Conference Committee Report 1 to House Bill 3777 or House Bill 3580, as amendatorily vetoed. The amendatory veto was ruled in noncompliance with House Rule No. 46.

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An override vote failed by a vote of 68-41-36 on a verified roll call. I'll proceed. Under the multi-purpose Senior Citizens Centers, the multi-purpose senior citizens centers' provisions are Senate Bills 784, with language that makes the bill's implementation subject to funds appropriated by the General Assembly for such purposes. Other minor technical changes are made in the bill. Senate Bill 784 was one of the major priorities of the senior citizens' organizations during the 1989 Session. Under the provisions for the Medical Center District, the provisions pertaining to the Medical Center District are the same as Senate Bill 2217, as amendatorily vetoed by the Governor. Being told that the amendatory veto would be ruled in noncompliance with House Rule 46.1(b), the Senate sponsor did not pursue a motion to accept the amendatory veto. Under the Business Corporation Section, the provisions of the bill pertaining to changes in the content of the business corporation application, is the recommendation of the Secretary of State-elect and the House Minority Leader. Under the State employees' child care provision, these -- this section of the bill addressing State child care is House Bill 3771 as originally introduced, with some minor substantive changes, agreed to by the sponsors and by the Governor's Office. The House had overridden the Governor's amendatory veto by a vote of 87-27. Ladies and Gentlemen, those are the changes that are made - I would solicit your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3777. 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, please, Madam Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 3777 -- and the Senate does adopt the

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Conference Committee Report on House Bill 3777. The bill, having received the required constitutional majority, is declared passed. ... (machine cutoff) ... Marovitz. Senator Marovitz. ... (machine cutoff) ...

PRESIDENT ROCK:

A Message from the Governor.

SECRETARY HAWKER:

A Message from the Governor by Stephen F. Selcke, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To The Honorable Members of the Senate, Eighty-sixth General Assembly, I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDENT ROCK:

With leave of the Body, we will move to the Order of Executive Committee Reports, and this message from the Governor, which I presume will be his final message, will be taken up by Senator Kelly at that time. Committee Reports. He held it... (machine cutoff) ... All right. Ladies and Gentlemen, we have two nominees for the Board of Regents. Senator Kelly. Senator Kelly has moved to waive the appropriate rules, so that these two nominees can be considered. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Now that we have moved for that consideration, I would now move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his messages of January 4, 1991, and November 28, 1990.

PRESIDENT ROCK:



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All right. You've heard the motion as placed by Senator Kelly. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The Senate is now in Executive Session. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. With respect to the Governor's Message of January 4, 1991, I will read the unsalaried appointment to which the Senate Committee on Executive Appointments, Veterans Affairs and Administration recommend that the Senate do advise and consent.

To be a member of the Board of Regents for a term expiring January 20, 1997, Carl E. Kasten of Carlinville.

Mr. President, having read the unsalaried appointment, I now seek leave to consider this appointment on one roll call, unless some Senator has objection to this specific appointment. Will you put the question as required by our rules.

PRESIDENT ROCK:

All right. Senator Kelly has sought leave to consider both these nominees on one roll call. Discussion? Senator Friedland.

SENATOR FRIEDLAND:

Thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd urge that my colleagues support Senator Kelly's motion. Thank you.

PRESIDENT ROCK:

All right. Further discussion? If not, the question is, does -- I'm sorry. Senator Kelly.

SENATOR KELLY:

Okay. Since we are going on one roll call, I'd also like to include Joseph B. Ebbesen of DeKalb to be a member of the Board of Regents for a term expiring January 15, 1996, and would ask for your approval on one roll call.

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All right. The Gentleman seeks leave to consider these two nominees on one roll call. Without objection, leave is granted. The question is, does the Senate advise and consent to the nominations just made. 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 58 Ayes, no Nays, none voting Present. The majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Kelly.

SENATOR KELLY:

Thank you. Mr. President, I now move that the Senate resolve itself -- I'm sorry. Yeah, move out of Executive Session.

PRESIDENT ROCK:

All right. The Gentleman moves the Senate do arise from Executive Session. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The Senate does now arise. All right. Ladies and Gentlemen, the Secretary is passing out Supplemental Calendar No. 2. I would just call your attention; we'll get to that order very shortly. That's Senators Demuzio, Topinka, Tom Dunn and J. E. Joyce. ... (machine cutoff)... Supplemental Calendar No. 2, Ladies and Gentlemen. Senator Demuzio. That's a hold on 1098. Senate Joint Resolution 1-4-7, Madam Secretary. On the Order of Secretary's Desk, Concurrence.

SECRETARY HAWKER:

House Amendment No. 3 to Senate Joint Resolution 147.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 3 came to us from the House, and it changes the name

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of the commission that we were creating to the Illinois Local Government Law Enforcement Officers Training Board and Advisory Panel. It increases the number of members to thirteen from eleven, and it changes the report date to April 1st, 1991. In its original form, this particular Joint Study Commission addresses the questions on all fronts for auxiliary and part-time police, all law enforcement organizations in the State of Illinois, and others who are involved in this are in agreement. It has no opposition; I would appreciate your favorable roll call.

PRESIDENT ROCK:

All right. The Lady has moved concurrence with House Amendment No. 3 to Senate Joint Resolution 147. Discussion? If not, the question is, shall the Senate concur in House Amendment No. 3 to Senate Joint Resolution 147. 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 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 3 to Senate Joint Resolution 147; and the resolution, having received the required constitutional majority, is declared adopted. Senator Dunn, on 1310. Ladies and Gentlemen, on the Order of Conference Committee Reports, Supplemental Calendar No. 2, there is a Conference Committee Report with respect to Senate Bill 1310, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1310.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This report has two major portions to it. Number one, it allows a commercial tenant of property owned by the University of Illinois to be allowed to sell

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alcoholic beverages in the form of original packaged goods. Secondly, the beer industry's Fair Dealing Act is and was intended to govern the relationship between Illinois Beer Wholesalers and their brewers and suppliers, to ensure that Illinois business persons are protected from possible dominance by brewers and suppliers. The beer industry's Fair Dealing Act currently prohibits a brewer's cancellation and nonrenewal of its agreement with an Illinois wholesaler, unless for good cause. The amendment adds the definition of good cause and extends the good faith requirements of the commercial code to distribution agreements. The method for determining the value of a wholesaler's business is modified to clarify - to clearly provide for fair market valuations, which in effect, in the use of accepted appraisal standards, are in the industry. The other major issues address mandatory arbitration. The amendment is intended to ensure that arbitration is optional and voluntary and no party can be forced to surrender judicial remedies. Clarifies that in determination of cases of nonrenewal of agreements between brewers and wholesalers, good cause must be shown, fair market value paid, and reasons given. Wholesalers may take court action or settle -- settle for arbitration if it's mutually agreed upon. The reasonable compensation cannot be -- if the reasonable compensation cannot be mutually agreed upon, either party may maintain a civil suit or may mutually agree to arbitration. The brewer or wholesaler may bring action for any controversy arising out of the act or out of the relationship. Punitive damages are not included in the arbitration, but they are not prohibited either by court action. I urge a favorable vote.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 1310. Discussion? Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President. Would the Senator yield for a couple of questions?

PRESIDENT ROCK:

All right. Ladies and Gentlemen, if we can keep the noise down to a roar, we'd appreciate it. Senator Dunn indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

The Conference Committee Report deletes punitive damages as an element of compensation in the event of an improper cancellation. What is the effect of this deletion?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

The -- the effect, Senator, will -- will -- to be that punitive damages will be left to the court's discretion, and it in effect does not change the current law.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you. Just one last question. Do the arbitration provisions apply to existing distributorship agreements?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Since the amendment is intended primarily to clarify arbitration rights, a court could apply these provisions to existing distribution agreements.

PRESIDENT ROCK:

Further discussion? Senator Etheredge, on this question?  
Senator Etheredge.

SENATOR ETHEREDGE:

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Thank you, Mr. President, and Ladies and Gentlemen of the Senate. I think the sponsor has done an excellent job of summarizing the -- the provisions that are contained within this Conference Committee Report, and I would like to speak specifically to those portions which deal with the contractual relationship that exists between the breweries and the beer manufacturers. One of the reasons we have this bill before us is because of a very unfortunate situation which developed between a beer distributor, up in my district, and the brewery that he represented. And it was based upon that experience that there were discussions that were held. There was a bill which passed out of the House 117 to nothing which contained -- the provisions that we have before us this afternoon, but also included punitive damages. It is the feeling of the -- my constituent that is it absolutely essential that punitive damages be included in this Conference Committee Report; and it's for that reason that I will be voting against this Conference Committee Report, and I would ask that you do the same.

PRESIDENT ROCK:

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

SENATOR T. DUNN:

Thank you, Mr. President. Well, I would just say to Senator Etheredge that if punitive damages were in this report, it wouldn't help your -- your constituent anyway, because he is bound by the agreement that he entered into. But I think this will give tremendous help to those individual franchises in the future. And I urge a favorable vote.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1310. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. All voted who wish?

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All voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 7 Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1310, and the bill, having the required constitutional majority, is declared passed. Senator Joyce, are you ready on your Motion in Writing? Supplemental Calendar No. 2, Ladies and Gentlemen, there's a Motion in Writing with respect to House Joint Resolution 1-5-9. Madam Secretary, the motion, please.

SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which the motion to adopt House Joint Resolution 159 lost. Filed by Senator Jeremiah Joyce.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.E. JOYCE:

I move the adoption.

PRESIDENT ROCK:

Discussion on the motion? If not, the question is, having voted on the prevailing side, Senator Joyce has moved to reconsider the vote by which House Joint Resolution 159 was declared lost. Those in favor of the Motion to Reconsider will vote Aye. Opposed will vote Nay, and 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 51 Ayes, 3 Nays, none voting Present, and the motion prevails. Do you wish to go right to the main question, Senator Welch? The question then is the adoption, Madam Secretary, of House Joint Resolution 1-5-9.

SECRETARY HAWKER:

House Joint Resolution 1-5-9.

PRESIDENT ROCK:

Senator Welch.

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SENATOR WELCH:

Thank you, Mr. President. House Joint Resolution 1-5-9 will create a Joint House and Senate Committee on Telecommunications Policy. December 31, 1991, is the deadline for the repeal of Article 13 of the Public Utilities Act, which deals with telephones. We have to do something this year; otherwise, there'll be no law regulating the telephone industry itself. What this joint committee will have is a -- three Members from the House appointed by the Speaker, two Members appointed by the House Minority Leader, three Members appointed by the Senate President, and two Members appointed by the Senate Minority Leader; and also the public counsel who will be a exofficio nonvoting member. The co-chairmen of the committee will be myself and Representative Levin, who is Chairman of the Public Utilities Committee in the House. The committee will make findings, hold hearings throughout the State of Illinois, and make a recommendation as to telecommunication policy in the State by April 1, 1991. From that point forward, each House will then take up legislation concerning telecommunication policy, and the legislation will proceed in the normal fashion. I would move the adoption of this resolution.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of House Joint Resolution 159. Discussion? If not, those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Joint Resolution 159, having received the required constitutional majority vote, is declared adopted. ...(Machine cutoff)...Etheredge.

SENATOR ETHEREDGE:



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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last spring the Senate passed SR 8-8-1. This is a resolution which established a Geological Mapping Task Force with a reporting date of January 1, 1991. And Mr. President, I would like at this time to change that reporting date to April 1, 1991.

PRESIDENT ROCK:

All right. The Gentleman seeks leave of the Body to extend the reporting date to April 1. That can be done with -- unanimous consent of this Body. Any objection? Given unanimous consent, leave is granted. It's so ordered. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1566 offered by Senators Keats and Barkhausen.

And Senate Resolution 1567 offered by Senator -- Dudycz. They're both congratulatory.

PRESIDENT ROCK:

All right. Consent Calendar. Ladies and Gentlemen, I'd ask you just to kind of stand at ease. We are awaiting an additional Supplemental Calendar, and obviously, copies of conference committee reports, as they become available.

(AT EASE)

(SENATE RECONVENES)

PRESIDENT ROCK:

Ladies and Gentlemen, will the Senate please be in order. We will continue on the Calendar; and I would ask those Members who are in their office to please join us. There has been a request to go to Page 7 on the Calendar for House Bill 3386. I understand an amendment or amendments have been filed and distributed; that's the middle of Page 7, on the Order of House Bills 3rd Reading.

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3-3-8-6. The Secretary informs the Chair that Supplemental Calendar No. 4 has been -- is being distributed, so we have Supplemental Calendars 3 and 4, and I hope by the time that we conclude with the Regular Calendar and 3 and 4, Supplemental 5 will be before us. As always happens at this time of the year and in June, we are prisoner to the printer. And so there are Conference Committee Reports that the Members -- a number of Members are interested in that are at the printer, and as soon as they are printed, they will be distributed. But the printer only works so fast. Senator Keats, for what purpose do you arise, sir?  
SENATOR KEATS:

A request of the Chair. Knowing the size of these conference committee reports, if we're not going to get an analysis, you might as well get one printed for every one of us right now. Just so you're aware.

PRESIDENT ROCK:

Is that an admonition to the Chair, or to the staff?

SENATOR KEATS:

It's just a helpful hint to your friends, saying we probably want an analysis of what's in these bills.

PRESIDENT ROCK:

The admonition is well-received, as always. All right. The Chair is aware that the hour of six has arrived. And again, there are a couple of conference committee reports that are still at the printer, and will be here shortly, I hope. In the meantime, there's been a request to go -- move to the Order of House Bills 3rd Reading, Madam Secretary. On the Order of House Bills 3rd Reading, Page 7 on the Calendar, the middle of Page 7, is House Bill 3386. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3386, Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 4 offered by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, Amendment No. 4 deletes the whole bill as it originally dealt with -- with the appraisal changes of being an appraiser in the Real Estate License Act, and has put in its place items that were agreed upon by our leadership meeting this morning. There are about twelve items. One is the RTA continual appropriation and expanded bonding; Pearl Harbor license plates for those veterans that had served in Pearl Harbor; the change in the torrens system; a fund for LIS; DOC property tax abatement; an increase in the term of the Compensation Review Board members; an assessment of landmark property, which was formerly House Bill 2872; and general assessments replace quadrennial assessment, which was in the same bill; certificate of rehabilitation; the International Fuel Tax collection; House Bill 2872 without the Misericordia or East St. Louis amendments in it; a change in the MFT filing date from 7-1 to 1-1; a reallocation of local sales tax revenues resulting from filing errors; and implementation of tax sales, Constitutional Amendment. These were items that were on the board between the four leaders in our respective Houses, and I am sure that they were - or hope that they were - discussed with the Members in the caucuses, and they have put this amendment together, and I put it before you for its adoption.

PRESIDENT ROCK:

All right. Senator Savickas has moved the adoption of Amendment No. 4 to House Bill 3386. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Savickas, after intervening business, we'll get right back to that. Supplemental Calendar No. 3. Senator Joyce, you have a resolution? On Supplemental No. 3, on the Order of Secretary's Desk, Resolutions, is Senate Resolution 1565, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1565 offered by Senator J.E. Joyce.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.E. JOYCE:

Well, thank you, Mr. President and Members of the Senate. This resolution would provide that the new Sox Park be made available, when it is not otherwise needed or being used, in -- at a time convenient, for the baseball teams in the Illinois High School Athletic Association. I ask for its adoption at this time.

PRESIDENT ROCK:

All right. Senator Joyce has moved the adoption of Senate Resolution 1565. Discussion? If not, all in favor, indicate by voting Aye. Opposed, No. The Ayes -- the voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, no Nays, none voting Present. Senate Resolution 1565, having received the required constitutional majority vote, is declared adopted. All right. Supplemental No. 4. Senator Maitland, are you ready? We'll start at the bottom and move up. Madam Secretary, on the Order of Supplemental Calendar No. 4, on the Order of Conference Committee Reports, there's a Conference Committee Report with respect to Senate Bill 1556. 1-5-5-6.

SECRETARY HAWKER:

Conference Committee Report on Senate Bill 1556.

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PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. Members of the Senate, this Conference Committee Report addresses some very critical concerns that a number of -- of taxing districts are facing right now. It adds language which would allow special education cooperatives, joint agreement programs, and educational service centers and regional superintendents to borrow funds when State categorical or grant payments are more than thirty days late. Due to the GRF cash flow problems right now, many of these districts are in -- in critical need of revenue, and this simply allows them to borrow up to eighty-five percent of that anticipated revenue. I believe it's a worthwhile cause - something we ought to do - and I seek your support.

PRESIDENT ROCK:

All right. The Senator -- Senator Maitland has moved the adoption of the Conference Committee Report on Senate Bill 1556. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1556. Those in favor will vote Aye. Opposed will vote Nay, and the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on Senate Bill 1556, and the bill, having received the required constitutional majority, is declared passed. Senator Marovitz. 4149. On the Order of Supplemental Calendar No. 4, Conference Committee Report with respect to House Bill 4-1-4-9, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 4149.

PRESIDENT ROCK:

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Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. All -- the only thing that's in this bill now is some clarification regarding LSD penalties. That's all that's in this bill now. The General Assembly passed conflicting provisions regarding possession and sale of LSD, and this report would bring these enactments into conformity and achieve the legislative intent of both enactments by incorporating both graduated penalties based on the doses of LSD that the individual was arrested for distributing. I would recommend this. Everything else that was in 4149 has been eliminated, and this is all that's in it.

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of the First Conference Committee Report on House Bill 4149. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 4-1-4-9. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee Report on House Bill 4149, and the bill, having received the required constitutional majority, is declared passed. On the same Order of Conference Committee Reports, Supplemental 4, there's a Conference Committee Report, Madam Secretary, with respect to House Bill 3310.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 3310.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

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Thank you, Mr. President. This Conference Committee Report contains four elements. The effect is that downstate no person will be eligible to bid or receive a certificate of purchase who did not register with the county collector at least ten days prior to the first day of the tax sale. Secondly, it requires ten percent of the legal voters of any county as determined by the -- on the date a petition is filed, to sign a petition for submission to the voters of the question, should township government be discontinued, prior to the question being placed on the ballot. Thirdly, it provides that no action on a time transfer of general assistance funds shall be taken by the board of town trustees except at a town board meeting, rather than the annual or special town meeting. Lastly, it permits townships from five hundred to twelve thousand population, in all counties except Cook and DuPage, to create township plan commissions.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the First <sic> Conference Committee Report on House Bill 3310. Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3310. Those in favor will vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3310, and the bill, having received the required constitutional majority, is declared passed. Senator Savickas, are you ready to go back to Page 7? With leave of the Body, we'll revert, then, to the main Calendar. Intervening business having been accomplished, we will turn to Page 7. House Bills 3rd Reading is House Bill 3386, Madam Secretary. Read the bill, please.

SECRETARY HAWKER:

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House Bill 3386.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, Members of the Senate. As amended, House Bill 3386 contains those items that I had enumerated before. I do have an analysis just recently in my hand. The items on revenue or torrens, I think revenue, if there are questions, I would like to refer them to Senator Netsch, our Chairman of our Revenue Committee, that could probably handle that. And the others I will try to answer as I can, if there are any questions.

PRESIDENT ROCK:

Question is passage of House Bill 3386. Discussion? If not, the question is, shall House Bill 3386 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3386, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we'll now revert to Supplemental Calendar No. 3. Senator Jones, are you ready? Supplemental Calendar No. 3. There's a Conference Committee Report with respect to Senate Bill 1951, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on Senate Bill 1951.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I move that the Senate adopt the Second Conference Committee Report



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on Senate Bill 1951. This is the omnibus pension bill, which most of the provisions passed this Body last June by a vote of 57 to 0. It is the provisions that mostly deal with the City of Chicago. It provides for the Chicago police a minimum survivor benefit of fifty percent of the earned retirement benefit for all widows of policemen. It also allows the surviving spouse of members killed in the line of duty to remarry before -- who remarry before age sixty without loss of benefits. For Chicago firemen, it raises the widow's annuity from three twenty-five to four hundred dollars per month. And many other small benefits that have been agreed to by the administration, as well as -- as the various systems. For the Chicago laborers and other municipal employees, it changes their retirement annuity formula to a 2.2 of final average salary, and also eliminate -- eliminate annuity reduction for those between the age of fifty-five and age sixty. And also it raises the -- the widow's annuity minimum from two hundred dollars to three hundred dollars per month. For the county employees it increased the max retirement annuity for deputy sheriffs from seventy-five to eighty percent. This is for downstate deputy sheriffs. There are some administrative provisions in there for the Chicago Park District, and some other administrative changes, such as the three-percent increase in the survivor's annuity. This come from the -- the -- the system that we should have done in Senate Bill 95. But this is more or less a cleanup provision. For the downstate teachers it provides an increase from fifty to seventy-five percent for the payment of health care insurance. The downstate teachers have been really pushing for that. There are some added provisions in the bill that allows the -- Senate Bill 1591, which we passed, is included in this bill to put in an immediate effective date for the use of those pension funds, as well as those -- as well as the building -- the building funds. What this does is give an immediate effective date so they can use

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those funds. Also, it adds in there the -- the Chicago aldermen, and there is also a provision in here as relate to the Chicago fire- and policemen about buying back time earned paid for and withdrawn, but is not really meant to confer any such benefits to those persons. This is the omnibus pension bill. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A couple of questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, on Page 243, I note that they refer to the contract between the Chicago Teachers' Union and the Board of Education. It seems to me that we passed this bill earlier - that this General Assembly, on a very partisan roll call, passed this provision once before. What -- what's it doing in here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The reason why we have this in, Senator Schuneman, because there is confusion as it relate to the effective date. By including it in this bill, which has an immediate effective date, this will clear up all those concerns as relate to the intent and the purpose of the legislation that we passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We have some order, please? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, is it true that the Chicago Finance Authority has indicated that the previous bill was not

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actually legal, and therefore in order to successfully collect this tax, that this bill has to pass?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I believe what you're referring to that the Chicago Finance Authority did not say such. What they said, in essence, there was concern about the immediate effective date. So this is the reason why we put it in here - to clear up any confusion as -- as relate to the intent of 1591, and the intent was for it to become effective immediately. This would clear up all that ambiguity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. So apparently this -- this bill is necessary in order to collect the first installment of the taxes and divert that money from the pension system to other purposes. One other question, Senator: I remember when this -- this provision was passed before that there was, right along with it, a provision that was to allow fifty million dollars for downstate schools. Now is that somewhere in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

As I recall, when I voted for 1591 there was no provisions as relate to fifty million dollars for downstate schools. And to clear up one other point that you brought out, this bill will take effect upon becoming a law. So therefore we are not talking about anything retroactive at this point. So the fifty million dollars was not part of 1591, to my knowledge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

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SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, it -- it -- I think we all remember that this provision earlier got a number of downstate votes because there was the promise that there would be fifty-one million dollars -- or fifty million dollars -- for downstate schools, but apparently that's all been dropped out of the picture now and there no longer is a promise about anything. So we ought to be aware of that. The other thing I want to say about this bill: there was an ongoing -- there has been an ongoing meeting -- and Senator Jones certainly has contributed to that, and I've tried to contribute to it, and the Governor's Office has been involved -- and basically what we've been doing all along is that if there is any provision to which everybody doesn't agree, it's taken off the table. But rather typical of the way the House does business, once all those agreed measures are in there, now the bill that we see has not only those agreed provisions, but also this one, which obviously was -- never had a great deal of agreement in the Senate. So with that having been said, I think that if you look at the analysis you'll see that basically most of the provisions that are in this bill are Chicago pension sweeteners, and there really isn't very much in this bill for downstate interest. The total accrued liability for the pension systems that are affected here -- there will be an increase of two hundred and eighty-three million dollars for all the systems, and there is a total annual cost of almost thirty-two million for all the issues that are being voted upon in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will -- he will yield. Senator Hall.

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SENATOR HALL:

Senator Jones, all that I heard is Chicago. Tell me why I should vote for this as a downstater, and what would I be getting? And furthermore, what happened to the fifty million that -- what Senator Schuneman's talking about? I'm very concerned about that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, you know, Senator Hall, you've been here longer than I have, and you know better than to listen to what comes from the other side of the aisle. But -- but Senator Hall, as relate to the downstate IMRF system, we met on that equally as well, and Senator Schuneman is aware of that. When the downstaters get together - the -- the municipalities and the -- the -- the police and fire downstate - when they come together on an agreement, then we would do that bill, but that was no agreement. These provisions incorporated within this bill have been agreed to by the administration and the pension system and the laborers. You follow me? So as -- as a result, this is why I focus on the City of Chicago. As you know, we've done it this way for a number of years. It take care of your downstate teachers. It raises the payout for the health care insurance from fifty percent to seventy-five percent. This is something that the IEA wanted for downstate. It's included herein. The fifty million dollars that he -- he pulled out of the sky somewhere, you know, that was never part of 1591. Never part of the bill. So what I'm saying to you, this take care of Chicago and the downstate teachers, because these provisions have been agreed upon. When the downstate police, the downstate fire -- fire and also the other local units of government downstate come together in an agreement, then we would deal with that bill too. But it doesn't take anything away from the State of Illinois. Not one dime. Not one dime comes

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from State revenue. This is all local.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Well, I don't know who you think you're talking to. Now I want to tell you one thing about it. We definitely had that - now you come and tell me that when we get together -- I'm not -- I've been around here a long time, too. Why is it that at this time Chicago always is together. In other words, you're telling us that we were not together on this? Is that what you're saying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

What I'm saying to you, Senator Hall, and you're a person who vote very wisely, this bill has in there the same provisions that you voted for twice last year. And there has been no substantive change as a result. So we have not taken anything from downstate. The people in the City of Chicago came together and agreed. We have no -- I have no problems in taking care of downstate fire, downstate police and other local units of government, when they come together on an agreement. So for you to raise those questions, we taking care of downstate teachers. That's what they want. It's in here. And there's many things dealing with the downstate teachers' retirement system that they wanted that's in here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Well, I don't want to belabor the point. But what you're telling me is that -- when you say I vote very wisely -- I don't think I'd be very -- voting very wisely for this. What you're doing is you're taking care. But you are a State Senator - not

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just a Chicago Senator. And you ought to be taking care of the entire State. And so that's the problem that I got with this. I'm going to tell you that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Well, in relation to the question answered and the language that's on page 243 considering about the transfer of funds, unless the county board of Cook County does different than other county boards, that money's already irretrievable, 'cause that was tax money that was due by September. And unless your county board is doing different than other county boards, that money's already been distributed by the formula. Therefore, it's gone. How can whatever we do today affect that pension money being used in the operating budget? 'Cause you can't retrieve it after it's already gone to that fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, in response to -- this is to my earlier remarks, Senator Davidson. This is prospective only -- prospective only. It is not retroactive. So when this becomes law, it would take effect from this date on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

I -- I understand that, Senator Jones. The question I'm asking is -- I know it's prospective, but what are you going to

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do? Unless your county board is running different than any other county board, that tax money that was -- that pension fund, that you now use for operating, has already been distributed into the pension fund. And you can't go back and retrieve it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Maybe that's a normal process. But currently the funds are being held in expectation of the passage of this piece of legislation. It has not been distributed.

PRESIDING OFFICER (SENATOR DEMUZIO)

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

SENATOR JONES:

Yeah, thank you, Mr. President. As I indicated previously, most of the provisions in this piece of legislation passed this Body by a vote of 57 to zip last June. And the only inclusions in there is that portion as it relate to the immediate effective date for the Chicago Teachers' Union Pension Funds. So what I'm asking this Body to do - especially the Members on this side of the aisle - when we deal with matters of education, we have always been there up front. And my colleague downstate there, Senator Hall, who had raised some concerns, your concerns have been taken care of in the past, because your downstate teachers have what they want in here, and that is the increase from fifty to seventy-five percent for the health care. So I ask a favorable vote on Senate Bill 1591 - the Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is -- question is, shall the Senate adopt the First Conference -- I'm sorry -- the Second Conference Committee Report on Senate Bill 1951. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who



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wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Take the record. On that question, the Ayes are 37, the Nays are 10, 11 voting Present. The Senate does adopt the Second Conference Committee Report on Senate Bill 1951, and the bill, having received the required constitutional majority, is declared passed. Well, Ladies and Gentlemen, we'll just stand at ease momentarily. The additional conference committee reports that are being printed will be distributed. So, we will just stand at ease for just a little while.

(AT EASE)

(SENATE RECONVENES)

PRESIDENT ROCK:

Ladies and Gentleman, I would ask again your indulgence. The hour is now eight-thirty. Unfortunately, the Printing Unit suffered a blown fuse. Can you believe it? We send the -- yeah. We send men to the moon, and we blew a fuse. The fact is, I -- I want to commend the Printing Unit. They worked long and hard on our behalf. And Senator Philip and I have discussed the possibility of perhaps more equipment or more people or both, because we truly do work them overtime. But the fact is, all the pieces of paper have now been distributed. And so we will move through the Calendars. And we have, I think, about four or five items and then we will have an adjournment resolution that will adjourn the Eighty-sixth General Assembly sine die. So I would -- I would ask you to take a look at the Calendars on your desks. I understand on Supplemental No. 1 there is a Conference Committee

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Report, Madam Secretary, on House Bill 4-1-2-6. Before we get to that, there's a message from the House. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their amendments -- Amendment No. 2 to a bill of the following title, to wit:

Senate Bill 1635.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

Action taken by the House, January 8, 1991.

PRESIDENT ROCK:

All right. And Senator Etheredge will accede to the request of the House. On the Order of Supplemental Calendar No. 1 is House Bill -- Conference Committee Report on House Bill 4-1-2-6, Madam Secretary.

SECRETARY HAWKER:

Second Corrected Conference Committee Report on House Bill 4126.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. The Second Corrected Conference Committee Report on House Bill 4-1-2-6 does several things. Last Session, we -- the time period for filing a post-conviction petition in capital cases was reduced from ten years to three years, through the good work of Senator Hawkinson. That provision would become effective 7/1/91. And all parties have agreed to delay the effective date an additional six months to allow efforts at compromise. Also last year, the jurisdiction of the State Appellate Defender was limited to felony

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cases. This proposal was recommended by the State Appellate Defender. Counties and judges now oppose that limitation, because it would place a greater burden on county public defenders. And this proposal embodied in this Conference Committee Report represents a compromise. Also we have legislation here dealing with expungement - the arresting authority having custody of arrest information - must transmit a copy of the order of expungement obtained from the clerk of the circuit court to the Department of State Police. Failure to transmit this information would be cause of action against the arresting agency or authority from which the injured party may recover. And expungement in arrests with no conviction would be permissible. Expungement orders are not final for purposes of appeal until thirty days after notice is received by the Department of State Police. And upon approval of the Gaming Board, it would allow, in community colleges that were teaching courses to be used for riverboat gambling, it would allow the possession of gaming devices on that community college property for the purpose of teaching vocational training for the riverboat gambling. And I would solicit your Aye vote.

END OF TAPE

TAPE 2

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of the Conference Committee Report on House Bill 4126. Discussion?  
Senator Watson.

SENATOR WATSON:

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

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please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Watson.

SENATOR WATSON:

Senator, I understand -- or I was over in the House when this bill was being debated, and I understand this bill failed over there. Has that changed now, at this particular point?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Yes. That's not totally true. The bill did not fail. I think it got 58 or 59 votes, and there were three or four fellows out to dinner. They're going to vote on it again. It had 58 or 59 votes. I do expect it to pass. It did not go down. It was on postponed consideration. They're going to bring it up right away, and I am told by the Speaker that the bill will pass.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Well I -- that's reassuring. Well, let me just ask a question about -- about the bill then, if you would, please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Watson.

SENATOR WATSON:

Now, do I understand that in the junior colleges now, we're going to be teaching how to -- how to deal blackjack, how to play craps, how to run a roulette wheel - is that what we're going -- doing at junior colleges now? For riverboat gambling?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, you could do that now, without this bill -- without this

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bill. All this does is permit -- if there's going to be a device used for teaching, that it wouldn't be a -- it'd be an exemption to the violation of criminal law that they could use a device. For instance -- we have legalized it -- for instance, a shoe for dealing blackjack. Okay? That would be illegal unless they were exempted so that these courses could be taught for the purpose of riverboat gambling for people who are going to come and work on the riverboats.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you. I'm not quite sure I understood that. You said we could do this now without this bill, but because of the equipment we're going to use, we have to pass legislation such as this?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The possession of the -- those devices used to teach the course would be a violation. Merely teaching the course would be all right. But in order to teach the course, you may have to use a - let's say a shoe for dealing blackjack.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

My analysis shows that you're amending the Gambling Statute at -- so that the community colleges can possess gambling equipment. We still -- if they have playing cards, they possess them. I don't see the necessity for this bill the way it's drafted,

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because if they want to teach them how to repair gambling equipment for the riverboats, they can do that in any vocational school, or even -- I don't -- I don't see what the purpose of -- of it is at all. You delete an entire bill and replace it with the gambling equipment. What are we going into right now?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I'm told by the law enforcement authorities that merely having these gambling devices on the property would be a criminal violation, and so that these can be taught - the repair of these things and the use of these things can be taught - an exemption is needed so that there would not be a criminal violation. That's all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Two quick questions. According to our analysis, there's something about delaying the effective date of the bill or changing the length of time in which a post-conviction petition's pursued. I'm sorry. I just don't understand what that is. Would you please explain to me what it is we're delaying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I would -- I would defer to Senator Hawkinson, whose idea it was to reduce the time from ten years to three years for post-conviction appeals, and delaying the implementation of that. Senator Hawkinson I think could better explain it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

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SENATOR HAWKINSON:

Last spring I introduced an amendment, and we passed a bill which reduced the time in which a defendant can appeal his conviction in a post-conviction relief petition from a ten-year period to a three-year period. My purpose, and the purpose of the House sponsor, was to reduce the ridiculous length of time that, particularly some of the death penalty appeals and others, drag out. When we passed that, however, we -- we've run into a situation where the appellate defenders are finding that in some cases, if this were to go into effect as soon as we had originally intended, that they would be forced to file post-conviction appeals prior to the time that the original appeal was decided. And that would - in my opinion, and -- and in -- certainly in many others - would encourage unnecessary appeals in some cases, because to meet the deadline they would have to start a post-conviction appeal at the same time their ordinary appeal was still pending and not yet decided by the Illinois Supreme Court. To give us time to work that out, we've agreed to extend the effective delay of this Act another six months. I don't think it's a major concern.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

How did you get such a reasonable amendment on such a bad bill? Reading our analysis, it's really a pretty good amendment. Talking about the major changes - our guys say there's a major change - have any of these had committee hearings or public hearings?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, we certainly -- on the provision that you asked about,

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we certainly had a full committee hearing on that very provision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Actually the part I asked about looked like the one good part. I was trying to find some way to defend the bill. I'm asking about the rest of the bill, that I don't recognize from anything else, and seems to be brand new out of nowhere.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The part of the bill that makes escaping on home detention the same as escaping from jail was a request that came in from Department of Corrections and the State Police. The portion of the bill dealing with the State Appellate Defender and the cases that they would -- that would be under their jurisdiction, did go through a full committee hearing and full discussion with witnesses in the Judiciary Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

So we do have parts of the bill that the public has not had a chance to see. Let me ask the President a question. Don't we have some rule about twenty-four hours on conference committees?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The President's not here at the moment.

SENATOR KEATS:

Mr. Acting President, would you like to check your rules a minute on twenty-four hours?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'll -- I'll check it over. Further discussion? Senator Fawell.



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SENATOR FAWELL:

Will the sponsor yield for a question? On the -- on -- the part that everybody seems to be concerned about is when we talk about the gambling devices. Are you talking about the gambling devices that were brought down here to Springfield that the -- the -- the machines? Are those -- is that the kind of equipment that you're talking about? The machines where they had blackjack and they had...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

We're not talking -- we're talking about things like a shoe used to deal blackjack, a -- a wheel used for roulette.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

According to our analysis, what this says is that the reason the community colleges wanted to allow this gambling equipment for vocational training was not to have them become dealers, but so that they could repair and maintain gambling equipment. I think that's the question over here. Now, you know, if we're talking about repairing a wheel or repairing a deck of cards or a shoe, there's not that much -- what I'm asking is, are we talking about those -- those gaming machines that they had over at Baur's that had blackjack and so on and so forth? That I could see you might need somebody to be trained to maintain those. I don't understand otherwise what you're talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Not the video games, but the slot machines that are fairly complicated and would -- you'd need some instruction -- vocational

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instruction to know how to repair those machines. Those are the ones that the -- the community college want to do vocational training to be able to repair those machines. In terms of actually training somebody to be a dealer or to be a croupier, that is not what this is intended for, because whoever gets the riverboat license is going to do their own training of their own employees to be dealers and croupiers. They are not going to rely on some community college -- that gets a degree and say, "Okay, now we're going to hire you and you're going to be the croupier." They're going to do their own training. This is to repair those machines that are needed for the riverboat gambling licenses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Is the community college that's asking for this - are they over there by Moline and -- and -- is that the community college that's asking for this authority? Well, if they -- you know...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I will ask the sponsor a question and hopefully will put this to rest. It's my understanding that it is against Illinois State Statutes to be in possession of a gambling device - in possession. So if a community college is in the possession of a gambling vice <sic>, even for instructional purposes, they could be arrested. What this simply does is absolve the community college from any legal liability for having in possession a gambling device for the purpose of instruction. Is that right, Mr. Sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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That's correct. Without this exemption they would be liable for even having that device on its property for the purposes of teaching vocational training and repairing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I'll make it brief, but -- but really, all this bill really does -- and I think that in concern to Frank -- Senator Watson, as to the junior colleges and if that's what they're going to be teaching, I guess the question really comes down to we're going to have riverboat gambling in Illinois and -- and somebody's going to be teaching them. I'd rather see Illinoisans be teaching them than to have them going to Las Vegas and/or to Iowa to get that teaching done. But -- but the issue still boils down to -- as -- as -- as Senator Luft has indicated, these are gambling devices per se, and to bring those on to the premises of a junior college of any other teaching facility, whether it be a junior college, if that's your hangup, if it be a private college, the same thing is still going to prevail -- that -- that because they are gambling devices per se, they will be confiscated, and that's the problem. If you're going to work on the product, you have to have the product in front of you. It's that simple. It's an economic development aspect of the bill, and I urge support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. This -- I've never been a big fan of these conference committee reports, and this is certainly an omnibus bill, and possession of gambling -- I can understand where we might want to do it out in your area, Senator Jacobs, but I don't want every community college in this State teaching gambling

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and having all kinds of gambling devices in a school. And to me, this could wait till next spring and, if anything, it ought to just apply to those areas that are going to have gambling parties - casinos, and I don't want it in my area, and I don't know about the rest of my colleagues, but I would recommend a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Well, there are a lot of things in this bill requested by the State Police, Department of Corrections - things that have gone through committee hearings - very important pieces of legislation like the home detention provisions, so that if somebody escapes from home detention, which is being used on an increased basis, the penalty would be the same as if they escaped from jail themselves. The post-conviction delay is very, very important. The -- the jurisdiction of the State Appellate Defender is very important, and this is very important. The -- the ability of our community colleges, who are setting up courses for kids to be able to repair and work on an industry that we legalized -- on an industry that we legalized -- and this is not -- you know, this is a very important issue. We voted for it. We legalized it. They want to be able to repair these things without fear of criminal violation for having the devices on their property. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the Second Conference Committee Report on House Bill 4126. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 24, 2 voting Present. The Second Conference

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Committee, having failed to receive the required requisite number of votes, is declared lost. Back on the Supplemental Calendar -- Senator Marovitz requests postponed consideration. Postponed consideration is approved. House Bill 3228. Senator Jones. We are -- on the Supplemental Calendar No. 5 is House Bill 3228, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3228.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members on the Senate. The First Conference Committee Report on House Bill 3228 repeals two sections as it relate to the Chicago Police and Fire, and what it does is it takes out that provision that allows them to buy back a fractional portion of time served. And this is something that I understand that the Police and Fire did not want in there, so we are taking this out, and that's all that it does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. About two years ago this General Assembly passed a bill that would allow paramedics to buy back into a pension fund with a two-year window. So they had two years to pay back into that fund. 1951, that we just passed out of the General Assembly about an hour ago, opened up that window and said that they didn't put a time limit on there. They took that time limit off. So it could be five years. It could be six years or seven years. What this would do is bring that bill, if I'm not mistaken, back to its original form and put a two-year date on it once again. This would hurt about two hundred or three hundred guys that are currently on the

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Chicago Fire Department, and I really don't know if that's the best thing that we should do at this particular time. So I -- just asking for a Present or a No vote, and maybe we could work it out in the spring when it's brought to the Membership of the entire Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Let me clarify this for the previous speaker. What this does is take out that provision that was included in 1951 wherein a -- a contributor can buy just a fraction -- part of the time that they have served. It doesn't touch that portion that alludes as it relate to the paramedics. It doesn't -- that remains in place. What this does is take out that portion where a wanted back -- stop back -- could just buy, instead of ten years of service, they can stop in and just pick up two years of service. The portion the -- purchase the fraction of the time. It does not impact on what you are talking about and what we talked about earlier. I want to clarify that for you, Senator Raica. So it doesn't impact on that portion whatsoever.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Mr. President, I'm going to ask the sponsor, if he would, to take it out of the record. We're going to be here for about another ten minutes, I think, on some other matter. Maybe we can talk about it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I hope to clarify this. Senator Raica, there was, in the big pension bill in the sky - 1951 - a

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provision which was literally a drafting error. The class -- the eligible class to buy that kind of time does not change. Has not changed. Will not change. What we are attempting to do here is something I discussed earlier with Senator Philip. We were prepared at the -- some hours ago to literally strike this out, because it was not agreed to by the fund. I -- I think your fears are ill-founded, and I can assure you they're ill-founded. This is truly a technical cleanup, and I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah -- Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President. Just to add, briefly, to what President Rock has said, the trustees of the fund came and lobbied very hard to have this piece of legislation before us, and so I would ask that you consider that, Senator Raica.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...sponsor yield for a question? According to this report...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Just a moment. Senator Jones. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, my -- query to the sponsor. It says in Paragraph 4 that this Act represents the latest expression of the intent of this General Assembly and is intended to control over the previously enacted bill, Senate Bill 1951, that creates those Sections. You just passed Senate Bill 1951 just about a couple of hours ago. I think this is a very confusing statement. What are you talking about? Are you repealing that -- what you just passed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Jones.

SENATOR JONES:

That's the very -- that's the very thing that the Senate President explained to you. We passed this provision. The trustees had not seen it or agreed to it, so we decided to take it out. And that's what we are doing. But it does not impact on what Senator Raica is concerned about. It doesn't touch that provision whatsoever. What this does -- only for those eligible, and will probably come back again, see, but what I'm saying, we want to make it crystal clear that the intent of the legislation was not to have this in. That's why we are passing this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Questions. First, who are the eligibles, so we know who this affects; and secondly, why was this included in the bill and these guys didn't know about it? Is this some backroom deal someone forgot to tell us about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Wherein some of the administration had talked to some of the individuals, and they thought they were all advised as to this position. Only later did we find out that they weren't. And this is no backroom deal like you have, Senator Keats. We don't deal like you do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jones may close. The -- Senator -- Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCH:

Well, Mr. President, I had my light on. I'd just like to...

PRESIDING OFFICER: (SENATOR DEMUZIO)



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Senator Dudycz, I won't quarrel with you this time. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Jones, I guess I'm getting some mixed signals here. My seatmate, Senator Raica, is telling me one thing, and the Senate President is telling me -- telling us something else. Can you take this out of the record for about five or ten minutes till we clarify it? Unless -- otherwise, we're going to be forced to vote Present on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The issue is already clarified. The Senate President is right, and I'm quite sure when Senator Raica leaves from over there he will be clear on the issue too. And I wouldn't mislead you. You're my friend.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 3228. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 3, 20 voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3228, and the bill, having received the required constitutional majority, is declared passed. House Bill 3302, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3302.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill addressing Chicago school reform. The bill is very thick, but it only does a couple of things. Number one, it reenacts everything that we passed previously to November 30th regarding Chicago school reform, except for the provisions dealing with elections. Number two, it authorizes the Mayor of the City of Chicago to appoint the members of the local school councils, the subdistrict councils, the twenty-eight-person school board nominating committee, and the existing Board of Education. And thirdly, it provides that their past actions between the period that we originally passed the bill in May of 1988 and the -- November 30th, that all of those actions are, in fact, ratified and -- made legitimate. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Senator Berman has certainly accurately described the legislation. I would just like to rise to add a second to what he has said about the importance of moving on this particular bill. I think it's -- it's clear to us what has happened as a result of the court decision, and I think it's imperative that we on -- in this Senate, on both sides of the aisle, move forward so the Chicago public schools can continue operating in the -- in the mode of the reforms which we established just a few years ago. Obviously, we haven't done it all here today. And the Governor and the General Assembly will have to work together this spring to straighten out the election procedure. But I think what's important is that we send the parents of those Chicago schoolchildren a strong message today that we are dedicated to the principles of Chicago school reform, and that we will work hard this spring to achieve the

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goals which we set for ourselves just a few years ago. With that, I'm confident that we can move into the decade of the nineties giving the Chicago schoolchildren the education they so richly deserve. I suggest an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the House -- shall the Senate adopt the First Conference Committee Report on House Bill 3302. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on House Bill 3302, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1635, Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1635.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The prior content of Senate Bill 1635 has been stripped by this Conference Committee Report. So the description that appears on the Calendar is totally irrelevant. The Conference Committee Report does one thing and one thing only. It increases the salary for the State's Attorney of Cook County. The thrust of the bill here is to maintain the same salary parities that existed during the prior two incumbencies. I would be happy to respond to any questions. If there are none, I would ask for a favorable roll

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call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1635. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 13, 8 voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1635, and the bill, having received the required constitutional majority, is declared passed. ... (machine cutoff) ... There has been a motion filed with respect to Senate Bill 1635 that I will -- Madam Secretary.

SECRETARY HAWKER:

Having voted on the prevailing side...

PRESIDING OFFICER: (SENATOR DEMUZIO)

No -- this is -- just hang on to it for a minute. Senator Marovitz has made a -- for what purpose do you arise?

SENATOR MAROVITZ:

Well, I'd like to go to postponed consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right. Is leave granted? Leave is granted. On the Order of Postponed Consideration, Madam Secretary, is -- is House Bill 4126. This originally reposed on Supplemental Calendar No. 1. We are now on the Order of Postponed Consideration. House Bill 4126, Madam Secretary.

SECRETARY HAWKER:

Second Corrected Conference Committee Report on House Bill 4126.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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I think I've talked to a few Members since this came up that may not have understood it correctly, but it's not for the purpose of trying to increase any gambling except to allow our own people to repair machines for an industry that we have legalized at community college level. That's all it's about, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we adjourn, and ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, we have a number of housekeeping items here that have to be resolved before we -- before we'll entertain that motion.

SENATOR PHILIP:

In fact, Mr. President, I move we adjourn sine die...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

I move we adjourn sine die, and ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President. Point of parliamentary inquiry of the Chair. It would seem to me that the Minority Leader's motion is out of order, since there is a matter currently in debate. A motion is pending. That motion does not take precedence in the middle of the debate. It could only be recognized after this order of business has been completed. So I would suggest that that motion's out of order at this time.

PRESIDENT ROCK:

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...(machine cutoff)... Madam Secretary, have there been any objections filed to the Resolutions Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed.

PRESIDENT ROCK:

All right. Senator Luft will move the adoption of the Resolutions Consent Calendar, which has, in fact, been distributed, and we have added Senate Resolutions 1563, 64, 66, 67 and Senate Joint Resolution 230. Further resolutions?

SECRETARY HAWKER:

Senate Resolution 1558 <sic> offered by Senator Topinka. It is congratulatory.

And Senate Resolution 1559 <sic> offered by Senators Jones, Brookins and all -- and other Members.

It's a death resolution.

PRESIDENT ROCK:

All right. With leave of the Body, we'll add 1558 <sic> (1568) and 59 <sic> (1569) to the Consent Calendar. They are congratulatory resolutions. Leave is granted. Senator Luft has moved the adoption of the Resolutions Consent Calendar with the additions. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolutions are adopted. We have two more resolutions. Then we're out of here. Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 231 offered by Senator Demuzio.

(Secretary reads SJR No. 231)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, this is it. I move we -- we adjourn sine die.

PRESIDENT ROCK:

No. Just move the adoption of the resolution, will you,

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please? One thing at a time. Senator Demuzio's moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 231. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Joint Resolution 231. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Further resolutions, Madam Secretary?

SECRETARY HAWKER:

Senate Resolution 1560 offered by Senator Demuzio.

(Secretary reads SR No. 1560)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senate Resolution 1560 is perhaps one of the most tedious tasks to be performed in this legislative Body.

PRESIDENT ROCK:

You're volunteering, I take it?

SENATOR DEMUZIO:

This appoints five Members to approve the final Journals of the Senate. It seems to me that maybe one of those to be appointed ought to be Senator Netsch, so she could go over every line and period and comma to afford us the opportunity to make sure we've done it correctly. I would move the adoption of Senate Resolution 1560.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 1560. 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 1560,

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to have a committee appointed to review the Journals. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Is there any further business to come before the Senate? Senator Sam, for what purpose do you arise, sir?

SENATOR VADALABENE:

Just briefly, Mr. President. I think the Senate on both sides of the aisle should give you a round of applause for the way you have conducted yourself as our President.

PRESIDENT ROCK:

Thank you, sir. Appreciate that. And the Senate Democratic Majority will meet immediately at the Sangamo Club for the purpose of our annual gettogether. I truly was not delaying this so we didn't have time to break bread together. We're still going. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, my Minority Leader made a Motion to Adjourn sine die.

PRESIDENT ROCK:

Oh, I -- and he's well within his rights. Any further business to come before -- Senator Lechowicz, for what purpose do you arise, sir?

SENATOR LECHOWICZ:

Thank you, Mr. President. First of all, I want to echo Senator Sam Vadalabene's comments as far as your leadership in this past two years, and hope we will reconvene tomorrow and recreate the same type of a superb presidency for the next two years. But I have a Motion to Reconsider on 1635 -- on Senate Bill 1635, Mr. President. And because of the -- your interference, as far as asking me to withdraw it, as well the Governor, I'd like to reconsider that and withdraw the motion on Senate Bill 1635.



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PRESIDENT ROCK:

Thank you. You're very kind. Senator Philip, you want to make the final, final motion? Senator Philip.

SENATOR PHILIP:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I -- I would just like to make a few observations, and I would like to congratulate Senator Kustra on his election as Lieutenant Governor. Quite frankly, on this side of the aisle, we're going to miss him. He's bright, articulate. He's done a hell of a job. He's been a key leader in our leadership, and we wish him the best. And secondly, as you know, Bob and I have a little going-away party for him at the Sangamo Club, and after you wonderful Democrats are done with your caucus, you're welcome to come down and have a drink and an hors d'oeuvre on those wonderful Republicans. So without further adieu, Mr. President, I move we adjourn sine die.

PRESIDENT ROCK:

And that motion is in order. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I can't let the opportunity to -- go by, I know Senator Netsch will be with us again tomorrow, but we, too, think a great deal of her - a little higher perhaps in perspective than you guys think of Senator Kustra - but just want to let you know that if Dawn's picking up the check later on for some other party - her and Kustra, why, we can all go to that one too.

PRESIDENT ROCK:

All right. We've now determined that Senators Netsch and Kustra are picking up all the checks tonight. I think it's wonderful. Ladies and Gentlemen, I think the Eighty-sixth General Assembly has performed magnificently and I thank you all, and the Senate stands adjourned sine die.

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