

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

92nd Legislative Day

May 18, 1990

PRESIDENT ROCK:

The hour of nine 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 morning by the Reverend Anthony G. Tzortzis, St. Anthony's Hellenic Orthodox Church, Springfield, Illinois. Father.

THE REVEREND ANTHONY TZORTZIS:

(Prayer given by the Reverend Anthony G. Tzortzis)

PRESIDENT ROCK:

Thank you, Father. Reading of the Journal. Senator Hall.

SENATOR HALL:

Thank you, Mr. President. I move that reading and approval of the Journals of Wednesday, May 9th; Thursday, May 10th; Tuesday, May 15th; Wednesday, May 16th; and Thursday, May 17th, in the year 1990, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 982, 1268, 3457, 3461, 3459, 3462, 3683, 3896, 3962, 3984, 2872, 3-0-0-1, 3143, 3168, 3171, 3228, 3229, 3231, 3264, 3271, 2899, 3043, 3463, 3464, 3466, 3467, 3474, 3534, 3536, 3537, 3042, 3392, 3453, 3458, 3465, 3472, 3547, 3548, 3613, 3760, 3153, 3386, 3391, 3394, 3460, 3505, 3540, 3543, 3832, 3836, 3272, 3273, 3327, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3473,

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3535, 3538, 3539, 3541, 3544, 3545, 3546, 3549, 3579, 3646, 3812,
4138 and 4032. Passed the House May 7, 1990.

Filed by John F. O'Brien, Clerk of the House.

PRESIDENT ROCK:

1st Reading. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1096 offered by Senators Demuzio, President
Rock and all -- all Members.

Senate Resolution 1097 offered by Senator Newhouse.

And Senate Joint Resolution 178 offered by Senator Woodyard.
They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. Ladies and Gentlemen, we will
be beginning on Senate Bills 3rd Reading on Page 5. As I'm sure
everybody is aware, there are twenty-seven proposals yet
remaining. And then there has been requests -- there have been
requests to go to the Order of Consideration Postponed. There are
eight measures left on Consideration Postponed. Once we finish
those, we will have concluded our work for this week. So I would
ask those Members who are gathering up their files in their office
to please join us. With leave of the Body, while that's going on,
we will move to the Order of House Bills 1st Reading. Page 9 on
the Calendar, on the Order of House Bills 1st Reading. Madam
Secretary.

SECRETARY HAWKER:

House Bill 1560 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 1585 offered by Senators Brookins and Alexander.

(Secretary reads title of bill)

House Bill 2367 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2378 offered by Senator Jacobs.

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(Secretary reads title of bill)
House Bill 3020 offered by Senator Brookins.
(Secretary reads title of bill)
House Bill 3028 offered by Senator Carroll.
(Secretary reads title of bill)
House Bill 3040 offered by Senator Maitland.
(Secretary reads title of bill)
House Bill 3138 offered by Senator Daley.
(Secretary reads title of bill)
House Bill 3147 offered by Senator Kelly.
(Secretary reads title of bill)
House Bill 3164 offered by Senator Netsch.
(Secretary reads title of bill)
House Bill 3197 offered by Senator Savickas.
(Secretary reads title of bill)
House Bill 3306 offered by Senator Maitland.
(Secretary reads title of bill)
House Bill 3310 offered by Senator Fawell.
(Secretary reads title of bill)
House Bill 3355 offered by Senator Berman.
(Secretary reads title of bill)
House Bill 3356 offered by Senator Friedland.
(Secretary reads title of bill)
House Bill 3393 offered by Senator Carroll.
(Secretary reads title of bill)
House Bill 3397 offered by Senator Brookins.
(Secretary reads title of bill)
House Bill 3404 offered by Senator Thomas Dunn.
(Secretary reads title of bill)
House Bill 3483 offered by Senator Brookins.
(Secretary reads title of bill)
House Bill 3492 offered by Senator Jones.

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(Secretary reads title of bill)

House Bill 3494 offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 3523 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3527 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 3604 offered by Senator Vadalabene.

(Secretary reads title of bill)

House Bill 3671 offered by Senator Etheredge.

(Secretary reads title of bill)

House Bill 3675 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 3815 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 3816 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 3838 offered by Senator D'Arco.

(Secretary reads title of bill)

House Bill 3847 offered by Senator Newhouse.

(Secretary reads title of bill)

House Bill 3856 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 3858 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 3859 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 3864 offered by Senator Lechowicz.

(Secretary reads title of bill)

House Bill 3914 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 4053 offered by Senator Collins.

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(Secretary reads title of bill)

House Bill 4087 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 4128 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 4129 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 4135 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 4141 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 4159 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 4173 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 2366 offered by Senator Jacobs.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Those bills that were just read in will be referred to the Rules Committee. The Rules Committee, by the way, will meet next Tuesday after adjournment. So Members who have House bills, I would encourage you to visit with Senator Philip. Ladies and Gentlemen, if I can have your attention. I'm sure everyone is in a hurry to get back to their district. There are twenty-seven items on the Order of Senate Bills 3rd Reading, and there are eight on the Order of Consideration Postponed. We will go right down the line, and I would ask the Members to be in their seat and be attentive. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would like the record to indicate that Senator

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Schuneman is once again convalescing at home after an operation.

PRESIDENT ROCK:

The record will so reflect. Senator Luft, on the Order of Senate Bills 3rd Reading, Senate Bill 1488. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1488.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1488 is a product of the Commissioner of Banks convening of the banking community in the State of Illinois. It's an agreed bill within that community and the commissioner. What the bill does is remove the five-branch limitation imposed upon banks and permits the establishment of ten branches in the home county of the -- of the establishing and maintaining bank, and five branches in each contiguous county, and five in other counties, if not more than ten miles from the main branch banking premise. It imposes distance restrictions upon the location of such branches, based upon county populations. I'd try to answer any questions. As I said, it was an agreed bill within the banking community. I'll try to answer any questions, or if not, ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall Senate Bill 1488 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes,

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no Nays, none voting Present. Senate Bill 1488, having received the required constitutional majority, is declared passed. 1489. Senator Lechowicz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1489.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill, as amended, would provide three things - money for Poland, Hungary and Zaire. It's approximately two hundred and fifty-five thousand for Poland, two hundred and twenty-nine thousand for Budapest, and two hundred and thirty-five thousand for Zaire.

PRESIDENT ROCK:

All right. Senator Lechowicz has moved for passage of Senate Bill 1489. Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a -- a matter that we talked about before. Once again, I would urge a No vote. This requires -- this is a budget add-on, and in the time when we are faced with making cuts in order to balance the budget. I would ask for a No vote.

PRESIDENT ROCK:

Discussion? Further discussion? Senator Lechowicz, you wish to close?

SENATOR LECHOWICZ:

Thank you, Mr. President. I just want to point out that this budgetary item by -- the amendments for Poland and for Budapest came from the Governor's office, as well as DCCA, and with a

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letter from the Bureau of the Budget. The Zaire amendment was adopted on the Floor, and I think in good faith we should pass this matter into the House. And I would hope that they would also address this issue and give it to the Governor's Desk to fulfill a commitment that he made last fall to a number of people at a very public meeting, and both parties - both from the Republican Party and Democratic Party - have endorsed this concept, and I'm asking for your Aye vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 1489 pass. 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 37 Ayes, 13 Nays, none voting Present. Senate Bill 1489, having received the required constitutional majority, is declared passed. 1497. Senator Lechowicz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1490 <sic> makes due process mandates reimbursable by the State to local governments. A local government need not continue to mandate if the General Assembly does not make the necessary appropriations. It allows a local government to rely on the finding by the Auditor General that the General Assembly has not made the necessary appropriation. The bill was amended, which would take out school districts from this mandate. I just want to point out to you that probably one of the

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most trying things to any local elected official is to have a mandate come from the General Assembly and not have the funds to pay for it. And I think all of us came on record, one primary general election campaign or another, and stressed the importance if we're mandating anybody to do something, we should provide the necessary funds in order to accomplish that. I think this is a fair bill. It deserves your support.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator Lechowicz, I have several fiscal notes in front of me - one from the Governor's office saying that this is going to be an extremely expensive bill - one from the Bureau of the Budget - one -- another one from the Illinois Department of Commerce and Community Affairs. Did you receive all these fiscal notes? They are very concerned about this -- this particular bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Not only did I receive them, I requested them. I requested them because of the stamp under the questions that were raised in the committee, and in all good faith, I think if you read the fiscal note from the Department of Commerce and Community Affairs and it's been filed with the Secretary, and it's available to any Member, it points out quite vividly. It says the assumption when administrating its responsibilities under the Local Mandates Act, that DCCA has traditionally viewed the following subject matters to be potentially definable as Due Process Mandates: Freedom of

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Information; Jail - Correction Standards; Juvenile Detention; Court Process; Truth in Taxation; Bonding Requirements; Publication and Notice Requirements; Hearing costs. It goes into some other assumptions, and in all reality, they also point out to you that this bill does not affect State expenditures unless the General Assembly mandates something to units of local government.

SENATOR FAWELL:

That is true, Senator Lechowicz, but the problem that we've got is that quite often we end up codifying what the courts mandate. To the bill: and I hope everybody is listening - the Due Process Mandates, according to the Illinois Department of Commerce and Community Affairs, which is also backed by what the Governor says and what the Bureau of the Budget says, includes such things as Freedom of Information; Jail - Correction Standards; Juvenile Detention, Shelter, and Care; All Court Processes; Truth in Taxation; Bonding Requirements; Publication and Notice Requirements, and Hearing Costs. If we pass this bill, and we are told by the Supreme Court, for instance, that you must have certain standards that must be met for juvenile detention centers, or for jails, or that certain standards must be met for courtrooms, or that we are going to add judges, and the Supreme Court then says you must have public defenders, you must have bailiffs, you must have clerks, and we codify those - and believe me we have - then that means that every single one of those people and all those institutions are going to have to be paid for by the State, because if we don't give the county the money, under this bill, what's going to end up happening is the county can say, "You didn't give us the money. We're not doing it." And the courts are going to say, "But it's going to be done." And we're going to be caught in the middle, and if we're not very, very careful, that's exactly the position that we're going to find ourselves in. Believe me, any bill that is on this Floor could not be as

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expensive as this bill is, and I -- I hope that some lawyers will get up and -- and make a point that this could possibly happen. You've got baliffs. You've got clerks. You've got public defenders. You've got courtrooms. You've got jails. All of those are the most expensive things that we have. Three-fourths of my county budget is laid at the feet of the judiciary and the -- and the supportive systems, and if you want to pay three-fourths of the cost of all the county governments in the State of Illinois, be my guest, but I, for one, am going to vote No.

PRESIDENT ROCK:

All right. WICS-TV, Channel 20, has requested permission to shoot some videotape. Without objection, leave is granted. Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. -- Mr. President. I rise in support of this particular legislation for the very reasons that Senator Fawell said we ought to oppose it. I think that county governments, especially in the rural area, are sick and tired of us - not only us, but Washington - dictating policy and creating a situation by which they found themselves financially strapped. This type of legislation is -- all it's trying to do is help in that regard, and I think it's a good effort, and I support it.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I, too, rise in support of Senate Bill 1497. There are two times when we go out and speak to groups -- there are two questions that we can almost expect every time we go out and speak to groups. One is still the question of what happened to the lottery money, and that one is awfully tough to explain. But the other one is - how come you tell us to do all

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these things and don't give us any of the money? You know, if we went and we didn't like what our next-door neighbor was doing, and we told our next-door neighbor that they had to do something, we probably would get a request from our next-door neighbor that if we wanted that done, we ought to pay for it. The fact is that we in government can rather cavalierly pass on to other units of government expensive programs, because we don't have to pay for it. That has to stop.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I may have a conflict of interest on this bill, but I shall vote my conscience.

PRESIDENT ROCK:

Further discussion? If not, Senator Lechowicz may close.

SENATOR LECHOWICZ:

Well, Mr. President, very briefly - because I think the matter's been quite debated to some extent - I think it's very important that everyone realize that if you're mandating local government to do something, you provide the necessary funds to do it. We've all mentioned the fact how important it is on fiscal responsibility, but this is probably one of the most important bills dealing with fiscal responsibility that's facing us. I strongly encourage an Aye vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 1497 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 11 Nays, 1 voting Present. Senate Bill 1497, having received the required constitutional majority, is declared passed. 1532.

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Senator Jones. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1532.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank -- thank you, Mr. President and Members of the Senate. Senate Bill 14 -- 1532 is a cleanup bill for the Clinical Psychologist Act, as well as -- as well as the Cosmetology and Barber Act. And what it does in the Cosmetology Act is -- as it relate to the practice of esthetics and supervision, far as the cosmetologist is concerned. As it relate to the clinical psychologist, we put some grandfathering language in the Act that we passed previously. Also, as it relate to the rules on paid supervision, it is the intent of this legislation that -- that the rules do not be retroactive, but the rules would go from this point on as it relate to paid supervision for those who have completed their doctoral program. This amendment had been worked out with the professional psychologists as well as the Department of Professional Regulations. I know of no opposition, and ask for a favorable vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1532 pass. Those in favor, vote Aye. Opposed, vote Nay. 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 54 Ayes, No Nays, none voting Present. Senate Bill 1532, having received the required constitutional majority, is declared passed. Senator Karpziel. 1548. 1589. Senator Sam. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 1598 <sic>.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 1589 appropriates one million dollars from the Capital Development Board to the Department of Conservation for the Scenic Area Parkway in Alton, and I would appreciate a favorable vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1589 pass. Those in favor, 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 40 Ayes, 8 Nays, none voting Present. Senate Bill 1589, having received the required constitutional majority, is declared passed. 1644. Senator Tom Dunn. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1644.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This allows a home rule unit to abate property taxes on newly constructed single family homes; defines the area which it would affect; includes duplexes. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Any discussion? If not, the question is, shall

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Senate Bill -- I beg your pardon. Senator Schaffer.

SENATOR SCHAFFER:

Well I -- Mr. President, I understand why we might want to abate property taxes to bring an industry or maybe even a retail development into an area. Is this for low-income housing, or is this -- frankly, in my area, houses are like rabbits. We got so many we don't know what to do with them and they're building them by the thousands, and most of us would be happy if it would slow down a little. And yet, having said that, somewhere in my district there is a city council that might be stupid enough to do this. What rational reason is there for doing this? I mean, houses are what generate the kids for the schools. They don't generally pay their own way, I am told, when it comes to paying for all the services they provide. Why would we want to abate -- abate property taxes on houses -- new houses, not occupied by poor people or senior citizens? Why?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Senator Schaffer, lawyers love "why" questions, because it allows them to answer forever. But the simple fact is that there are areas in this State that suffer what's known as urban decay, and that may not be occurring up in your area, but it is in my area. And it's occurring in Alton, where they have had stagnation in development for many years where that city has -- has had growth occur outside of it but not within. And this bill makes a provision and defines urban decay. It's permissive, and it allows a city council to take an area where there has been decay and where there has been a -- a decrease in assessments, where people have actually fled an area, and it allows that city council, where is duly elected, to come in and to abate property taxes or all other taxes for a period of time, the idea being -- the idea being

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that -- that, Senator Schaffer, the idea being that -- that it's better to abate the taxes on an empty lot in the hopes of attracting someone to build a revenue-producing residence that someone will move into and become a generator of revenue. That's the purpose.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I recall a number of years ago, I sat approximately the same place, and I listened to Senator Bloom talk to me about TIF districts. He talked about downtown Peoria. Now downtown Peoria, frankly, was in pretty sad shape, and they wanted to do much what you're saying, and I said that probably makes sense for downtown Peoria. A couple of months ago, one of my city councils came within one vote of putting one of the most plush country clubs you ever saw into a TIF district. And I'm -- I want to be assured that this is going to be used in areas of decay. Kenilworth doesn't need it, but those crazy fools might use it. And some developer might come up with some deal where they give them some money to do something else. In return, they get the TIF, or they get your thing. Convince me it's going to be used where it's needed, and it's not going to turn out like TIF districts or enterprise zones. I mean, think of where we got enterprise zones now that we don't -- you know, those are suppose to help blighted areas. Now, you know, we got one in Kenilworth, probably.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer, you wanted a response? Senator Dunn, to respond...

SENATOR T. DUNN:

...That's a fair question, and -- and it's a fair concern, and the answer is when you look to the definition of what area qualifies. And that definition states exactly, "an 'area of urban

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decay' means an area within a municipality which has experienced a decrease of five percent or more in population or average assessed valuation of real property within the preceding five years or which has not experienced an increase in the number of building permits issued during the preceding three-year period." It's not a perfect definition, Senator, but I will tell you this - it does give to a city council that authority, and those people are held accountable to the electorate. So, I mean, the chances of abuse are -- are possible in any system, but I think with this definition it -- it's reasonable.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor -- sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

My understanding from our analysis, Mr. Sponsor, is that your bill attempts to provide property tax relief to a very specific group of taxpayers at the expense of others. It applies to new housing construction. Isn't that right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

No. That's not right.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Than what is right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

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SENATOR T. DUNN:

This -- this will allow, Senator, a -- a city to take vacant land and allow a home to be constructed upon that and to allow the city to abate taxes for a period of time, and then that home will become a revenue tax producer. So instead of being an empty lot forever, it becomes a producer.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise to oppose this bill. If we're going to have any property tax abatement, it should be limited to commercial or industrial firms which meet certain criteria. This kind of an abatement doesn't help, because the burden's going to shift to the -- to the remaining homeowners, and that is not fair. This is certainly class legislation to a very specific group of taxpayers at the expense of others, and I rise to oppose this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, if the sponsor will yield.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Dunn, my -- my area's a little bit like Senator Schaffer's in some ways. That is that many parts of it are experiencing rampant growth, and former cornfields are turning into subdivisions in many areas quite rapidly. As I first listened to the -- the answer to his question about the definition of urban decay and then -- and then actually looked at the bill, it was, as you listed those criteria - and particularly the third one causes me some concern. I know -- I know that they're all

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connected by the disjunctive of the word "or," and the last one reads "which has not experienced an increase in the number of building permits issued during the preceding three-year period." And I assume this isn't your intention, but certainly a cornfield could qualify for that definition. If nobody has built in an area, then certainly it hasn't experienced any increase in building permits in the previous three years, and -- and what we're seeing is areas that may or may not be farmland, but they're areas where there simply hasn't -- hasn't been any growth. There may be one or two rural or semirural residences, and suddenly they're subdivisions. We're not always trying to discourage that, but neither -- neither, in my view, should we be encouraging it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Dunn, you may close.

SENATOR T. DUNN:

Thank you, Mr. President. Well, Senator Barkhausen, that's a -- that's a fair concern, and to be quite frank with you, we ran out of time in attempting to come up with that definition. And that, as a lawyer, that wasn't a definition that I was particularly proud of, but at the -- with the clock running, that's what we came up with. And I would tell you that about eighty percent of this bill, Senator Geo-Karis, was worked out with the Taxpayers Federation. I would also say to you that it is better to have a newly constructed residence or a duplex on an empty lot that is producing absolutely zero tax dollars in revenue to a particular city. This also has the provision, Senator, of placing the discretion upon you as a mayor and a city council, and I don't think that's an unfair trust. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1644 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is

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open. Have all voted who wish? Have all voted who wish? Last time. Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 26, the Nays 26, none voting Present. Senate Bill 1644, having failed to receive the constitutional majority, is declared failed. On the Order of 3rd Reading, the bottom of Page 5, is Senate Bill 1651. Senator Jones. The top of Page 6 -- the top of Page 6 on your Calendar, on the Order of 3rd Reading, is Senate Bill 1732. Senator Welch. On the Order of 3rd Reading is Senate Bill 1761. Senator Joyce, J. J. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1761.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is the result of hearings that we had in the Executive Committee, and on your desk you'll find a report on the -- to the Illinois Senate Executive Subcommittee on Siting a Low-Level Radioactive Waste Facility. The result of this report - and I might add, this is a guideline on how not to do it. The results of the report is that a three-member Commission is to be appointed by the Governor, with the advice and consent of the Senate, to evaluate the safety and suitability of any site proposed by DNS as a low-level radioactive waste site. The Commission will also review the primary design for the facility, and before DNS issues a license to the facility, the Commission will review that license to ensure it is adequate for the site. There are many reasons for doing this. I think the most important one though is that -- what the NRC put out just a couple of weeks ago, and that was saying that the Commission considers separation

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of the regulatory function from the development and operational waste management functions. It is essential to assure the avoidance of a conflict of interest and ultimately to protect the public health and safety. Besides Illinois doing this, Pennsylvania was the only state which had the same energy select and license the facility. Connecticut, Maine, Massachusetts, Michigan, New Jersey, New York, Texas, Vermont have each created an independent authority to choose the site for the facility. I think it's just something that has to be done, and I -- I think with this Commission being formed, that we can move right along now and -- and still meet our -- our deadlines, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you -- thank you, Mr. President, Members of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor -- the sponsor indicates he will yield, Senator...

SENATOR WOODYARD:

Senator Joyce, I'm -- I'm certainly going to vote for this, but a couple of questions. This Commission -- or committee would actually be empowered to site the low-level radioactive waste facility. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

Would this committee be able to actually site a low-level

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radioactive facility without the approval -- without the approval of a local unit of government?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

I didn't hear the last thing you said. The answer's no.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

The last question - will this have anything to do with Justice Simon continuing to hold adversarial hearings on the data on the Martinsville location?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, Senator, I would assume that Justice Simon will be the chairman of this three-member Commission. So, in that the Department of Nuclear Safety was to hold hearings in this legislation, that has been taken out - that the Department of Nuclear Safety hold the hearings - because this Commission will hold the hearings - the adversarial hearings.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Would you mind citing a reference in the Act to where there is a prohibition of the Commission from siting the site without local control -- local approval? What Section would prohibit the Commission from doing that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Chapter 111 and 1/2, paragraph 241-12 - "No low-level

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radioactive waste disposal facility shall be located in an area of a county situated more than one and a half miles beyond the boundary of a municipality unless approval is given by the governing body of that county." and "No low-level radioactive waste disposal facility shall be located in or within one and a half miles of the boundaries of any municipality unless approval is given by the governing body of that municipality."

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

Good. I happen to think that's an important concept. I'd like to see it locked down, and we frankly had not spotted it. I -- I guess at this point we all understand that the Governor has until - the way we operate around here - probably September to decide what he wants to do with the bill, and could conceivably veto it in September. We don't come back in November and the ongoing process could have concluded by then. Is the Governor's office and the Department of Nuclear Safety on board with this concept? Is this a -- are we free-lancing here, or is this a unified effort? That's question one. The next question is, does the Nuclear Regulatory Commission -- have they reviewed this language? Does this new procedure meet with their approval? Are we flying in the face of the Illinois-Kentucky Compact with this change? What are the additional costs, and optimistically, the -- if the Governor agreed to sign the bill in, let's say, July, the Members would be needed to be confirmed by the Senate, and we theoretically, if I understand the schedule, are not back in till November. Does this mean the Commission is inoperative until after we return -- after the November election? And if so, does that injure the timetable that we are mandated by Federal Law to accomplish the goal of siting a new low-level nuclear waste facility?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, I'll try and answer those all in proper order. Yes, we worked with the Governor's Office, Department of Nuclear Safety. The additional cost - I'm not sure what that's going to be. It calls for five hundred dollars a day for the Commission chairman and three hundred for the two other members. I can tell you it probably won't be nearly as expensive as the things that have happened before this. As far as the NRC is concerned, we are following their guidelines. We are following their recommendation, and I read their exact words - "The commission considers separation of the regulatory function from the developmental and operational waste management functions essential to assure avoidance of conflict of interest and ultimately to protect the public health and safety." Now if the Governor is sincere about wanting to get this up and going and on the road, I'm sure we can put this bill on a fast track through the House and have him sign it, and we can act on the -- his appointees before we leave here in July. And -- and the -- the one thing that is of concern to me and to most other people, I think, is that we don't - with this proposal and with this Commission - we aren't on a deadline of when this Governor leaves office, because it might be politically very tough for a new Governor, whoever he may be, to site this facility. So with this Commission that -- they carry on after this Governor's term of office is finished, and I think that assures the NRC and the Compact Commission that we will indeed site this facility and are serious about getting it done.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

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Well, I guess without going any longer, I think we ought to move this bill forward. I'd like to see us fast-track it. Hopefully we can work out something with the Governor's Office that allows us to meet our twin goals of siting a site that is an appropriate spot with local support and that's totally safe and meeting our timetable. And I think the -- frankly it's probably a lot closer to what we should have done several years ago than what we did do, and we -- I think we made a mistake with the original plan to site this facility, and this is probably a step in the right direction. We probably have some problems between here and the Governor's Desk, but I think we ought to proceed and proceed as quickly as we can.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Joyce, you wish to close? All right. The question is, shall Senate Bill 1761 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On the question, the Ayes are 48, the Nays are 3, 1 voting Present. Senate Bill 1761, having received the constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1809. Senator Raica. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1809.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to thank Senator Etheredge, the Minority Spokesman, and Howie Carroll for the great job they did this year. And all this

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does is reduces it by - the State Fire Marshal's Office - by eight hundred thirty-two thousand two hundred dollars and other. And it -- Amendment No. 2 transfers five million dollars from the Fire Prevention Fund to GRF. And I just ask for your approval.

SENATOR LUFT:

Discussion? Discussion? If not, the question is, shall Senate Bill 1809 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On that question, the Ayes are 50, the Nays are none, none voting Present. And Senate Bill 1809, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1-9-5-1. Senator Jones. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Senate Bill 1951 is the vehicle bill for pensions. There is nothing in the bill. We must have this bill - while we will be doing some pension stuff later on in this Session, so I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1951 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On that question, the Ayes are 47, the Nays are 3, none voting Present. Senate Bill 1951, having

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received the required constitutional majority, is declared passed.
Senator Keats, for what purpose do you seek recognition?

SENATOR KEATS:

Thank you, Mr. President. A little while ago I was asked to take a phone call from a reporter -- to -- who I was talking to, and while off the Floor, somehow by accident my switch was voted No on -- on Senate Bill 1489. And I would have been a Yes vote had I been on the Floor.

PRESIDING OFFICER: (SENATOR LUFT)

The record will so reflect. On the Order of 3rd Reading is Senate Bill 1986. Senator Brookins. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1986.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Senate Bill 1856 <sic> is a airport bill. And it just merely gives the right of a municipality to vote in selling of a private airport in that town.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield. Senator Jacobs.

SENATOR JACOBS:

Senator Brookins, the way I look at this, and I haven't -- just - it just come to my attention here, I guess I should say -

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but it appears that you are prohibiting municipalities from doing something unless they get approval from the county. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

That is correct. And only in Will County.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Only in Will County and only for airports? Is that what the bill says?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

Only for a private airport in Will County.

SENATOR JACOBS:

All right. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, the question is, shall Senate Bill 1986 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 47, the Nays 1, 3 voting Present. And Senate Bill 1986, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 2-0-1-2. Senator Welch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill -- 2-0-1-2.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The next three bills are bills from the Legislative Reference Bureau. I spoke with Stan Johnston just a few minutes ago - the head of the Reference Bureau. And he would like to move these over to the House so that they will be in a position to easier have amendments added to them, and send them back to the Senate. These are just going to be used towards the end of the Session for cleanup. I would move passage of Senate Bill 2012.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 2-0-1-2 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 2012, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 2-0-1-3. Senator Welch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2013.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Welch.

SENATOR WELCH:

This is another Reference Bureau bill. I would urge passage.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 2-0-1-3 pass. Those in favor will vote Aye. Opposed,

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vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 2-0-1-3, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 2-0-1-5. Senator Welch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2015.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch. Discussion? Discussion? If not, the question is, shall 2-0-1-5 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 2-0-1-5, having received the constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 2-0-4-0. Senator Kustra. Senator Kustra. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2040.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This is the bill which has been referred to at various times on the Floor in the last day or so of debate. Let me begin by explaining why I believe this is an important piece of legislation for us to be

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considering today. There have been numerous references to whether or not it is the business of the Illinois General Assembly to go about trying to restrict local governments in their ability to raise taxes. I think what's happened in the State of Illinois over the last couple of years is that taxpayers across this State have finally recognized that there is such a multiplicity of local governments that it is very difficult, if not impossible, for local taxpayers to keep track of the various units of local government, each of whom can impose property tax increases on an annual basis. Those of us who come from the northern end of the State, particularly in the suburbs, have seen rather dramatic levy increases. This bill is an attempt to deal with that. It deals with it by limiting the increase in the levy to five percent or to the Consumer Price Index, whichever is less. It is my feeling that by tying it to the Consumer Price Index, it is an effective barometer, because it simply says that local governments should not grow at any faster pace than an individual's ability to pay. I would remind the Members, on the other hand, that this particular limitation applies to each and every unit of local government. So while we're trying to get tough with property taxation, I would remind you that, in a way, by the time you add up the eight to ten different units of local government which we are imposing this limit on, one could even make the argument that we could get even tougher, but we're trying to be reasonable. We're trying to impose a limitation which we feel will result in effective property tax relief. There is also a provision in here which allows for new construction and improvements. And this is to deal in certain areas where there has been testimony that a child a day is being added to school districts, and they need new construction. And so this would allow those areas to add to their -- their levies those new construction dollars. I think the important thing to point out here is that as long as the CPI stays

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at 4.7 or maybe even dips lower, this bill is going to remain very effective - certainly a lot more effective than the nine-percent limitation which we discussed yesterday. And let me also remind the Members once again - especially those from the northern end of the State - that we do have across Cook County and across the collar counties, a considerable number of Senate Districts which I suppose, for a lack of a better term, have been called the older suburban areas - Senator Zito's district, my district, Senator DeAngelis' District, Senator Keats'. Senator Dudycz takes in some of the suburban areas. There's a variety of us on both sides of the aisle who represent stable, middle-class, well-maintained suburban districts which have no room for large tracks of suburban development, and therefore there is little in the way of large-scale improvements or new construction. What that means is that this bill is effective property tax relief for districts such as those I've mentioned and a few others. For those of you from downstate, clearly this particular piece of legislation does not have the same dramatic impact it might in the northern end of the State, because your levy increases simply are not rising as dramatically as those of us from the northern part of the State. And finally, let me point out that under the terms of home rule status here in Illinois, we have about a hundred home rule communities - city councils - who do not now have any limitation on their property taxes. Their city councils can raise property taxes as high as they want, with no limitation on rate, with no limitation on anything. This particular bill would, for the first time, require city councils to abide by some limitation, just as it would apply to other units of local government. That means that for Chicago taxpayers, for the first time here, we are considering a piece of legislation which does limit the ability of the Chicago City Council to increase taxes every year by applying this five-percent limitation or CPI, or whichever is less. I

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would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Yesterday we had Dawn's bill, and I -- and I think I addressed that issue pretty much the same way. But, Senator, I have a definite problem, and I think I indicated it a little bit yesterday. Do you realize that many of the municipalities last year could not have even increased their -- their pensions to the level that we mandated them, if this bill would have been in effect last year? In most areas of -- of downstate, because of the catch-up and everything necessary that we -- we force upon these municipalities with mandates, my -- my taxes in my city rose almost seven percent, and they rose almost seven percent strictly on pensions alone. So that poses the first problem. Second problem - why do we want to exclude new construction? New construction is where the greatest amount of your cost is going to come from. And thirdly, let's really start talking about local governments. When we start talking about local government, let's talk about local government. Let's take schools out of the issue of local government, quit trying to put up a facade - which we are doing a very good job of here - and including everybody into one -- into one snowball. We can't do that. Municipalities are -- are the only form of government that I have seen that provides a service. We in the State sure as heck don't. The Federal Government doesn't. And whenever you take the money you pay to the Feds, you take the money you pay to the State, and you count what you get back from that, and then you take what you pay into a municipality - and that's what I consider local government - and you take what you pay into a local government, you get street sweeping, you get snow removal, you get police protection, you get

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fire protection, you get water, you get sewer, you get all these things, and you're only paying a very small portion of your tax dollar for that. And I don't think you should be limiting them, and I think you should leave them alone. I urge No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I -- I suspect, like many of you, when I got in this morning, checked in with my district office, we in my home county have -- had our tax bills mailed to us this week. My secretary, who is a very caring, calm, rational person, seriously suggested to me that we needed to amend a law to require legislators to be in their district offices the week after the tax bills come out, so that we could hear from the taxpayers instead of having our staff have to do it. I explained to her that that would only affect a few of us from the collar counties and downstate, and that our Cook County colleagues will have that honor because the tax bills there will come out in August. So in August, all of you from Cook County will get to explain your vote on this roll call, and that ought to be rather interesting. To Senator Jacobs, let me suggest to you to not exempt new construction and to allow taxing bodies to get the revenue from new construction would be devastating in a fast-developing area of the state, such as where I live, where we could see a school district or a municipality, if you will, add several hundred homes in one year, potentially even doubling in size. And to allow them not to at least get what additional revenue came on line caused by that construction would be absolutely devastating. I would further argue that if you, in effect, disallowed tax increases caused by -- say the construction of a Diamond Star or a new major factory or a commercial development, you would be effectively ending economic development in this State. Because there would be an absolute negative for

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any community to ever recruit any kind of commercial development or industrial development, because they would not have the additional funds necessary to respond to the additional services that those facilities would request. So to not put that provision in, is totally counterproductive and unthinkable. The bottom line is that we have seen - in -- in particularly the suburban and collar county areas of the State - year after year, huge increases in assessed valuation caused by inflation of the homes that the people live in. Not by an increase in their salaries. Not by an increase in their ability to pay. And that's what we're attempting to address here today. If you will, we're trying to close down that endless spigot of money. And that will force people, all of us, to look at other alternatives to fund education, perhaps in a way that it should be. We've looked and wrestled with some ideas, and we're going to continue this semester - as Senator Rock is fond of saying - to transfer the cost of education from the property tax to the income tax. I would argue that without some, if you will, turning down on that endless spigot of money in the property taxpayers from the City of Chicago and the suburbs in the collar counties, there will never be the kind of pressure needed to get this General Assembly or the next General Assembly to act in a responsible manner. The bottom line is we need to move from the property tax to the income tax. And by the way, it wouldn't be a bad idea to have some of these units of local government to think a little bit about what they do with this money that comes to them, it seems, almost in endless amounts caused by this inflationary growth that we've seen. To my colleagues downstate that have areas with declining assessment, obviously the bill would have minimal effect. I know I've talked to my fire districts, and they talk about buying their fire engine every ten years. Well, as one of my colleagues told me recently, those are the kind of things that get passed fairly easily in

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referendums. People do understand that. They -- the bottom line is that we have to do something, and I think this is a responsible, well-thought-out proposal. And I hope we can all rise above some of the less-than-noble influences that cause us to do things down here, and put this bill on the Governor's Desk. I wasn't referring to anyone specifically.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. First, a parliamentary inquiry. I would ask before we get to the actual vote, how many votes are required for this bill. Secondly, I would say to Senator Kustra, I am flattered indeed that you have picked up and used today some of the very arguments that I was using yesterday on a bill which you did not see fit to support yesterday, which was also a tax limitation bill. Now, some comments about the bill itself. First of all, let me point out that -- that this proposal has been through a metamorphosis. In fact, I think it has been through probably three or four of them. It started out when first announced by Edgar as a CPI limitation, and it was suggested that that didn't quite work, and so it was changed to CPI or five percent. And then yesterday it was further amended to write some exclusions from the limitation into it. So it's not quite clear from one minute to the next exactly what form it is going to take. But I assume we have it in at least a temporary state at the moment. Secondly, let me suggest to you that one of the things that I have been concerned about in terms of trying to read its impact is that the -- the limit purports to apply to each purpose or fund, and I think the effect of that could be that a -- the -- a fund which had to go above five percent may be a capital fund of some sort, would still be restricted to five percent, even though the total levy would not go above that. And it -- it seems to me

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that that is kind of a major flaw in the bill. Finally, not finally, but I think that one of the main problems I have with this, Senator Kustra, is the point I was making yesterday. I really cannot figure out which way you are trying to go on this. If the bill does what you and your Gubernatorial candidate have first expressed, I mean a really tough five percent or CPI limit, then it does not address the kind of concern that Senator Schaffer was raising, and that others in your area have been raising. And that is, what do you do in the areas that have population growth, high growth and so forth? And let me point out to you that it is those areas that have the biggest increases in property taxes right now, and that have the biggest property tax burdens. And just to illustrate - and this is only one illustration - here are the per capita property tax burdens in the collar counties and Cook County. Cook County ranked number eight of the -- the metropolitan counties with a two hundred and ninety-one dollar per capita property tax bill. DuPage County ranked number one with five hundred and seventy-one dollars. McHenry County, number three, with four hundred and fifty-nine dollars, Senator Schaffer. At -- Will, number five, with three hundred and forty-seven and so forth. It is those areas particularly where the heavy tax burdens are, and as I think you have recognized. And so if you are really gonna cut off at five percent or CPI, you have probably made it impossible for those areas to survive. That's why the bill yesterday, which allowed some room for growth, it seemed to me made a great deal of sense. But if, on the other hand, the bill does what you now say it does, which -- it excludes all new construction and all improvements so that assessed valuations can keep rising, then you have developed a gap that's big enough for a Mack truck to drive through, because again it is that very thing - those increases in assessed valuation - that have made possible the enormous increases in property tax in the very counties that

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you all represent, and that makes absolutely no sense at all. So, you know, make up your mind what your bill does, Senator Kustra, but whichever it does, it simply does not effectively address the problem. And it is not realistic, and it is not gonna get through both Houses. I think yesterday's Truth in Taxation Bill had a real chance of surviving the legislative process, and would have put some caps on property tax expenditures and levies. This does not. It is not even clear what it's supposed to do, and it seems to me that it is not an effective piece of legislation. And it is not a contribution to trying to solve this problem, which, incidentally, your Governor in fourteen years in office has never helped us make.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch, your question on the number of votes that it will take to pass this bill - the Chair is prepared to rule that Section 3 of Senate Bill 2-0-4-0 prohibits a home rule unit from increasing property taxes over five percent or the rate of inflation, whichever is less. Section 8 of the bill is an explicit limitation of the power of a home rule unit to tax real property. Therefore, according to Section 6g of Article VII of the Constitution, the bill requires a three-fifths vote. The Chair would like -- the Chair would like to ask Senator Netsch is she concurs in that ruling. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the Lady who just gave an argument wouldn't let this bill come out of her committee, and I think it should have been allowed out of committee. We had to have a Motion to Discharge to have both bills on the Floor. However, this bill specifically provides that no taxing district may levy a property tax which exceeds the prior year's levy by the lesser of five percent or the -- the rate of

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inflation as measured by the CPI Consumer Price Index, and levies which exceed this threshold would be subject to referendum. And I repeat, subject to referendum, to be held at any regularly scheduled election. I might also tell you the bill, as it was amended, applies only to the annual corporate levy and other annual special purpose levies. It does not apply to debt service levies, and those levies may be made for the purpose of paying public building commission leases, et cetera. I'm saying that this is probably the best bill we have on hand. Frankly, the way to get property tax relief is to have a -- a referendum statewide, asking people if they're willing to raise their income taxes and eliminate property tax, but that hasn't come to pass. But the next thing we have is this bill - the next best thing - and I urge a favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Just two brief points regarding Senator Netsch's statement that Cook County is eighth on a list of tax burdens. Senator, you may be quite right that Cook County may be number eight, but I think that if you broke it down by districts, you'd find that some of our districts in the County have some of the heaviest tax burdens in the State. Again, Senator Kustra said it very well, but I think it deserves repeating - that currently the Chicago City Council currently has unlimited powers to levy property tax increases on the homeowners of Chicago. And like the Chair just ruled, unlike Senator Netsch's bill yesterday, Senate Bill 2040 does preempt home rule, and, for the first time ever, we are limiting the ability of the Chicago City Council to increase property taxes. Now, I don't know about you downstate Senators, but for those of you legislators from Chicago and from Cook County, I believe that this

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is what our constituency wants, and I believe that they will be carefully watching how each and every one of us votes on Senate Bill 2040. And I just hope that all of us from Cook County, and especially from Chicago, would vote in the affirmative.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 2040, and I suppose, given the fact that it's an election year, we really shouldn't be looking for any kind of consistency in terms of rhetoric or in terms of activity down here. I heard earlier this morning, while I was presiding, a great deal of concern about local governments, about counties, from Senators Watson and DeAngelis and Fawell, when we were discussing Senate Bill 1497 and how we ought to be more protective of these entities of local government. And here we are now, one page later, saying that local government doesn't have a clue. They don't know what they're doing, and we ought to do everything in our power to restrict them, because of course we are omniscient, as are the candidates for Governor, I might add. We're all omniscient. And all the locally elected officials really, truly don't know what they're doing, and they're just there to stick it to our constituents, although they're not their constituents; they're only our constituents. The fact of the matter is the greatest measure of accountability - the greatest sanction - is the ballot box. And if, indeed, a locally elected official is perceived to be noncaring or insensitive about the plight of his or her constituency, the voters have a right, as they have done in March, to turn some people out of office. But by virtue of the fact that some people locally have been turned out of office, it does not seem to me to be not only not consistent, it's not right to try to hamstring locally elected

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officials in this manner. We should know better, above all people. This is an attempt to put a lid on a spiraling tax, and I would suggest, Senator Dudycz, yes, there are areas of the City of Chicago where the property tax is higher. But where does the property tax come from? What's it based on? It is based - in our county, at least - on fair market value of the property, and I would suggest to you very strongly, yes, there are areas of our county where the fair market value of property is higher than other areas. I don't know whether that's fortunate or unfortunate. But I think it bespeaks almost an arrogance -- an arrogance on our part to say that we are so omniscient that we will tell the locally elected officials what they can and cannot do. Even though constitutionally we and the people of this State have given some municipalities in a county absolute authority named home rule. Now we're even gonna deny that. I think this is ill-conceived, and I urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator Kustra, to close.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. If, first of all, I could just straighten out the record a bit. Senator Netsch was concerned over the different variations of this bill, and I would remind her that it was in the Senate Revenue Committee where I had an amendment, which from the outset had the CPI in it, and it had new improvements and new construction. I was not allowed to offer that amendment, Senator Netsch, as you remember, because on a partisan committee roll call, all of our bills dealing with property tax relief were bottled up. It was only on the Floor after discharge that I was able to add that amendment. This bill has not changed much in the way of form over time. It's just had to overcome some very partisan hurdles,

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and it has done that. It seems to me that we're missing part of the point here, with all due respect to the remarks of Senator Rock. We're not really cutting off the ability of local governments to provide for their people. We are saying that the people themselves - the taxpayers - ought to have something to say about that at a particular point in the taxation argument. And we're saying that the CPI ought to be the judge of that. To the issue of new construction, Senator Netsch, I would just remind you that all of the districts -- the Senate districts, the local governmental units across the northern part of the State - they don't all look the same. They may look the same when you -- down there on the north side of Chicago, but if you get out and about the suburbs, you'll find, as I said before, in districts like Senator Keats' and Senator -- Senator Zito and my district and Senator Dudycz, you'll find plenty of districts, representing both sides of the aisle, which are stable. Which don't have a lot of new construction, which don't have that many improvements, and this particular rate limitation of five percent CPI will apply. It is real. In districts like Senator Schaffer's, on the other hand, it's going to allow for some new construction. But it simply isn't accurate to claim that there is a Mack-truck loophole in this bill. There is not. A good number of districts across the northern part of the State will be afforded significant property tax relief by this measure. And let me address the question of whether or not, as Senator Rock says, the local governmental

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SENATOR KUSTRA:

officials have a clue as to what's going on, and whether or not we're trying to second-guess them. Once again, we have nothing against our hardworking local government officials. The problem is that we have created in this State, like many other States of the union, a multiplicity of jurisdictions. And Senator Rock, I don't care whether they're your school board members or my school board members, or Senator Dudycz's park district members, or Senator Jones' sanitary district members, the fact is these folks are all over the landscape. Ten, eleven, twelve, thirteen different units of local government. How can you expect a taxpayer to keep track of each and every decision on a property tax increase the way they can keep track on June twenty-eighth of a major increase in the State income tax right here on this Floor? I don't know of a taxpayer that has the time and the wherewithal to run across his district and monitor each and every little decision which is slowly but surely adding an enormous burden to that local property tax bill. That's the reason why we're discussing this legislation, Ladies and Gentlemen. Because we are dealing with a very different kind of taxation than the kind we deal with here. And when we go home, we are the most visible public officials out there. We are the ones who are asked by our local taxpayers to respond to the fact that they can no longer keep track -- they no longer can keep track of all of the property taxation and the votes going on out there. That is the reason why this is a very reasonable approach to a tough problem. We do not want to slap anybody's wrist, but we want to send a message that the increases occur no faster than the taxpayer's ability to pay. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 2040 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Last time. Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 33, the Nays are 18, one voting Present. Senate Bill 2040, having failed to receive the required constitutional majority, is declared failed. On the Order of 3rd Reading is Senate Bill 2-0-8-4. Senator Schaffer. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2084.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill was on the Agreed List. We took it off to add a one-word amendment at the request of a couple of our Members. It has to do with people who try to obtain prize money from the Lottery with falsified or counterfeited lottery tickets, and basically, it says for the purpose of obtaining money or prize, any one who uses or passes or possesses a falsely made altered or forged or counterfeited lottery ticket is guilty of a Class 4 felony. And all we really did was add -- with the amendment was add the word "knowingly" passes, possesses a falsified or forged ticket. This will give the Lottery some ability to enforce prosecutions against people who are in the business of trying to defraud the taxpayers of this State and I don't believe there is any opposition at this point. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. One question of the sponsor, if I might, Mr.

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President. Senator Schaffer, what does it mean to utter a counterfeited lottery ticket?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

I wish to assure my colleague from the City of Chicago it is not a antifeminist phrase. I am reliably informed by a highly educated - I might add feminine - member of the staff, that it is a highly specific phrase relating to counterfeiting of a lottery ticket. I have to admit I hadn't heard it until I saw it in the bill, but I did check it out and it's okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 2-0-8-4 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 2-0-8-4, having received the required constitutional majority, is declared passed. Top of Page 7, 2101. 2143. Senator DeAngelis. 219... Senator DeAngelis. On the Order of Senate Bills 3rd Reading, Senate Bill 2143, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2143.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 2143 is a property tax reduction bill. In the last ten years of the General Assembly no item of unfinished business has remained longer or has been less

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attended than the issue of rising property taxes. Many people have attempted to deal with this problem - Senator Maitland, Senator Rigney, Senator Woodyard, Senator Dunn and myself and others - and each time an attempt was made, the bills were drummed into a legislative purgatory knowing -- known as the subcommittee orchestrated by the Maestro of fiscal accountability. But the time has come to deal with that unfinished business just as an unfinished symphony, because the audience is just a little tired of waiting for the end of the song. And they are very eager for us to do it, else they may not only throw out the maestro, but the rest of the orchestra along with it. There are three movements necessary as there are in a symphony, to accomplish true property tax relief. One is the reduction of rate. You cannot -- you cannot -- you cannot reduce taxes without reducing rate, and you cannot reduce taxes without reducing rate on a body that has a rate limitation. Senate Bill 2143 has that component. Number two, because of the immense growth of the property taxes in the last ten years, if we are to do anything of a dramatic nature, it will require an alternative source of revenue. Senate Bill 2143 has that alternative source. And last, we need time. Property taxes have more than doubled in the last ten years. We cannot -- cannot -- exacerbate that catastrophe in one year. What we must, in fact, do is take the time necessary to do it. Senate Bill 2143 does it over five years. Senate Bill 2143 mandates the reduction of fifty cents by unit districts, twenty-five cents by elementary, twenty-five by secondary, of the permissive educational rate. Then it takes those dollars that have been lost to those school districts by the reduction -- by the reduction -- by the reduction of the property tax, and replaces them with the quarter percent surcharge -- Local Government Distributive Fund surcharge. Each successive year the unit district that was reduced by ten cents, elementary, five, secondary, five -- for those of you who may

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have read the excellent report by the Economic and Fiscal on the property tax situation, they in fact indicated those three components were necessary. They are there, and I will be pleased to answer any questions regarding the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, this bill started out, Senator -- in all candor, whenever I first read it, I thought this was the best one of the bunch in all deference to Dawn, here, but I have got a definite problem with it, and I think that whenever it first started I thought we were going to phase out the city's share because this does make the surcharge -- excuse me -- the surcharge permanent, and I thought we were going to phase the cities out over a period of time, and allow that to come in. That's not the case, so again, I just say that, you know, we just talked about bills that would -- would cap what a municipality or local government can do, and if we take local government out of the schools in that discussion, at that point in time, we have an area that, you know, that we are doing it on the backs of local government again. We just said that we wanted to cap it, and now we are going to take away money from them and -- and we are going to give that to the schools, and I think that's fine if we could phase that out, but just to abruptly say boom that's it, I think that causes a problem. I think you have the best idea of the bunch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- Senator DeAngelis.

SENATOR DeANGELIS:

I know that Senator Jacobs was making a statement, but let me address that. Senator Jacobs, the fact of the matter is that may occur anyhow, with or without this bill. But let me tell you, if

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it occurs without this bill, there's going to be far greater pain, because the property taxes will not have been reduced either. So you are taking what I consider a pretty good risk, because that bill, that was a temporary tax, passed out of this Body with no votes to spare, on a temporary basis. Now, you want to the play the riverboat gambler on that one, be my guest, but I don't think -- I don't think I'd take that risk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, on a point of personal privilege. I may have a conflict on some of these bills, I want to state it now for all future bills, but I will vote my conscience.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Parliamentary inquiry. I presume like yesterday, this will take just thirty votes, since you're in the Chair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The answer is yes. Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator DeAngelis, what you are attempting to do here is a step in the right direction. It is a part of what has to be done, but unfortunately, as often happens, it has got some very major flaws in it which I think are fatal in this case, and let me mention a couple of things. First of all, I think that everyone should be absolutely clear that this is a permanent extension of the State -- or permanent increase in the State Income Tax from the current one-half percent temporary to permanent one-half percent in perpetuity - that is in perpetuity until the Legislature changes its mind. And that should be made

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very clear. It is also true, as you say, that there is some swap involved. That is there is a mandated reduction in certain educational property tax rates, but that does not change the fact that it is a permanent increase in the State Income Tax. One of the things that I think is disturbing about it, and one reason why I really don't believe we can do a permanent increase in the State Income Tax without doing the whole school aid thing at the same time, is that it does not in any way change the way in which school aid money is distributed. That is a major problem. It's a major problem for some of the suburban areas, a few downstate areas, and it's a major problem also in terms of the resulting disparity, which is soon going to be the subject of a lawsuit, and I think that is -- you know, if we are going to increase the State Income Tax permanently, Senator DeAngelis, we really ought to take care of the disparity problem and the long-range funding as well. And this does not do it, but locks us in permanently. One of the other things that disturbs me, and it will some of us who have a number of renters in our districts. You have constructed this -- it's a very interesting idea. You have constructed this so that the reduced property tax rates -- the educational purposes reduced property tax rates apply only to property which is eligible for homestead exemption. I understand what you are trying to do. You are trying to say only homeowners are going to be helped. I guess I am a little surprised, because that means that the business burden is going to be proportionately increased quite a bit, and that is not like your usual position, but that is certainly a matter for you to decide. The part that does disturb me, though, is that this is the General Assembly zapping renters one more time. Not only do people who live in rented facilities - and that's a very large number of people who are of modest and low income - not get any benefit from your reduced property tax rates, but in addition you retain the double exemption of property taxes

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for homeowners on State Income Tax, which means that we'll effectively be continuing to take money out of State coffers to help homeowners. Now, I love homeowners, too, but if we are going to really do something permanent that involves property tax help, we have got to do it in a form that makes it available to people who live in rented facilities as well as those who live in -- in their own home-owned facilities, and you have not only not done that, but I think you have contributed to that problem, and I think that really is a -- a fatal flaw. Finally, let me make just one more point. We've seen the figures run out on the swap of the income tax increase for the amount that would be lost to districts as a result of the property tax deductions. It looks as if for the first few years it is revenue neutral. That is, there is enough money there to pay for the loss of property tax revenues. According to our figures, that probably expires by 1996. So that in fact there will be less money available to the school districts from the income tax swap, than they will be losing from the property tax reduction, and so we will not have solved that problem; we'll be right back where we were to begin with. So I think those are major reasons why even though the concept is good, the bill is not good.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Madigan.

SENATOR MADIGAN:

Senator, according to the analysis that I have, it just mentions residential property. Does this -- does this only apply to residential property?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator DeAngelis.

SENATOR DeANGELIS:

Yes, it does, but if you are asking me whether it applies to residential farm property, it does apply to that also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? If not, Senator DeAngelis, you may close.

SENATOR DeANGELIS:

Thank you, Mr. President. You know, it's utterly amazing to me how anyone can defend a system that's so flawed by attacking a bill that might have some flaws. The fact of the matter is that if you want to live with the devil that you have right now, be my guest. But I want to tell you this devil is a heck of a lot worse. Senator Netsch, I would like to read to you from the Second College Edition, New World Dictionary. I know you know every word in it, Senator Netsch, but maybe you'd like to hear this definition. I would like to read -- Senator Netsch. You know, that's one of the reasons why we never get anything done in Revenue in terms of income tax. If you would listen, you might learn something. Let me -- let me, in fact, define for you the word "increase," and this is not my definition - this is the dictionary's. Okay? An increase is "to become greater in size, amount, degree, to become greater in numbers, to produce offspring, multiply or propagate." Okay? This bill does none of those. And for you to suggest that this is an increase is erroneous, just as you were wrong in describing your own bill yesterday. Now to extend, yes. But let me tell you, it puts a condition on that extension, and it says "If you're going to extend, baby, give some of it back." Which is far better than what we are going to gambling with next year. And I have to tell you something else, too. That if you are going to do property tax relief, you got to do it this year, cause you got to get one year

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to get the systems in place, and I can see ourselves next year arguing about why we can't do it next year, cause it's too late. And now you are arguing that this bill only is good through 1996. Wow! Wow, Wow, Wow! In fact, let me tell you, in all my years in the General Assembly, we have never taken care of anything that lasted six years. It would be a new record. That's the flaw of the bill. Another flaw - School Aid Formula. Let me tell you something. I've had 797, and it's like in your committee, Senator Netsch, for six years which took care of all three things at one time. That was flawed too. The fact of the matter is, if you don't like something, you can always find something wrong with it, but to suggest that this bill is flawed to the extent that you say it is absolutely incorrect, because this bill does not -- does not -- does not prohibit anyone from changing the School Aid Formula. And let's talk for a minute about disparity, which was another issue. Let me tell you, the only way you are going to reduce disparity is to ensure that those districts that are property tax-driven do not keep increasing in the manner that they have in the past. And the only way you can effectively do that is to reduce the rate they can levy. And the only way that you can bring the bottom up to close that disparity is to run -- run the money through the School Aid Formula which tends to help those districts with less assessed evaluation. Now, I left purposely in place the quarter of one percent of the educational part which goes through the formula. I left that in place. And yes, I guarantee that that would stay, Senator Jacobs, to take pressure off municipal government that might, in fact, need to raise its taxes 'cause municipal people are only responsible for fifteen percent of the property tax, and get eighty-five percent of the blame. The fact is the bill, yes, does not do some of the things, but it leaves open the opportunity, because it starts us on the trip of meaningful property tax reform, and I want to tell you -

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anybody who has traveled - a journey of a thousand miles starts with the first step. This is it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2143 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? ... (machine cutoff)... Have all voted who wish? Someone vote me No. Take the record. On that question, the Ayes are 20, the Nays are 21, 11 voting Present. Senate Bill 2143, having failed to received the required constitutional majority, is declared lost. 2192. Senator Jones. 2208. Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 2-2-0-8, Madam Secretary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 2208.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank -- thank you, Mr. President and Members of the Senate. Senate Bill 2208, as amended, requires insurance companies to pay sales tax, transaction tax, real estate transfer tax and other municipal tax. Currently, the insurance code is -- is -- isn't clear on this particular issue. So if a local municipality decides they want to impose a transfer tax on the sale of a building as they do for all other building as such, then the insurance companies would also have to pay that type of a tax, and also on other sales of other products, and that is what the bill does. And I know of no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there -- is there discussion? Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President and Members, Senator Jones may know of no opposition only because the idea surfaced, at least before our eyes and to our attention for the first time, yesterday. It is, to say the least, unclear at this point why we need this bill. So far as anyone can tell us, there is nothing that would prohibit the kind of tax that Senator Jones mentions, or would, for example, exempt an insurance company from having to pay the real estate transfer tax if they sell one of their buildings. Furthermore, although I don't have the language of the bill in front of me, it provides that the prohibition against imposing a tax on a domestic insurance company for the privilege of doing the business of insurance shall not prevent other sorts of taxes, and it mentions leases and -- and real estate transfers, which Senator Jones mentions, and sales. So it is -- at this point it is unclear what a home rule community such as Chicago may want to -- now or at some point attempt to do with this law on the books. I think unless -- and until it becomes clear to all of us what is envisioned by this measure, that we ought to oppose it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, I know I have a little concern with this in regards to the sales tax portion, and you indicated that we could work on that in the House. Is that a commitment that we can stand with? And the reason I ask that is because in the border areas it can cause us some real problems with some reciprocity.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. As I indicated to you, and as I said in my opening statement, the sales tax portion is in there. However, I will take that out of the bill, if this bill is successful and get it over to the House, but be it Bloomington, be it Normal, be it Peoria, be it St. Louis, be it Rockford, if you own the building right now you pay a transfer tax. I don't see why the insurance company should be exempt from that same transfer tax. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 220 -- I beg your pardon. Senator Philip -- I am sorry.

SENATOR PHILIP:

I am sorry, Mr. President. I was on the telephone, and had not been paying attention. But this is allowing local government to put tax on people who sell insurance? Is that what I am led to believe?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

What it does is, as all other -- other business entities -- pay transfer tax. They pay a lease tax. If that -- if -- if the local municipality -- municipality want to do that, this will empower them to do that. It doesn't say that they have to charge as such. For example, they talk about if an insurance company owned Sears Tower. Under the current law, that's very ambiguous, they would not even pay any transfer tax for the sale of such property. And I don't think that is fair to the other business entities in this State, and all this bill does is allow them to -- to do it if they so desire.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you very much, Senator Jones. I -- I am sorry, but here's another tax increase. I don't know what else you could call it. I thought we weren't going to have any tax increases this Session, but it looks like some on the other side want to do it. I think it's irresponsible. It certainly isn't going to help anybody in the insurance business, and all they do is pass it on to us. When we buy their darn insurance, you know who's going to pay for it - the poor sucker, consumer. You know it and I know it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jones may close.

SENATOR JONES:

Yes. Thank you, Mr. President. This is not a tax increase. I don't know where the Minority Spokesman gets his information from. All this bill does is equalize the tax amongst everyone else. Why should other businesses pay and the insurance industry gets off scott free? If a local municipality decides to impose a tax they may do so, but this does not say it is a tax increase. All it do is take away that exemption. It clears up the Insurance Code so that if the local municipality want to do it, they'll be able to do it. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2208 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 19, the Nays are 34, none voting Present. Senate Bill 2208, having failed to receive the required constitutional majority, is declared lost. WCIA-TV seeks leave to

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videotape. Is leave granted? Leave is granted. So ordered.
Senate Bills 3rd Reading. Senate Bill 2213, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2213.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Last year, we had a tragic situation in the City of Chicago. A gentleman by the name of Rudy Linares removed a respirator from his dying son, who was in St. Luke's Presbyterian Hospital. The problem with the law at that time was that the hospital requested a court order in order to remove the respirator, because it was afraid of the legal liability involved if it did so. State's Attorney Cecil Partee, as a result of this, initiated a task force of very prominent doctors, lawyers, religious people, lay people, and all parties concerned with this process of life and death that we experience every day. As a result of the task force, they came up with a bill, and the bill is called the "Life-Sustaining Decisions Act." And the bill sets forth the procedure whereby people who are terminally ill or people who are permanently unconscious - that is in an irreversible coma or vegetative state - or people that are incurable, can, through a surrogate procedure, effectively terminate a -- the life-sustaining mechanisms that are keeping these people alive. That bill is incorporated in 2213. We had much discussion about it. The Catholic Church was intimately involved in working out the language for the bill. I want to make the representation here and now that Cardinal Bernardin and the Catholic Conference of Illinois are in favor of this bill. There was a question about food and hydration, and whether you can

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remove food and hydration. And we came to the decision - and we want to incorporate language in the House which is not incorporated in this version - that if you remove food and hydration that you do so in a humane way to prevent pain and agony that might be inflicted on the patient. That is vital and necessary if that procedure is to be implemented. There was also a question about whether -- if a close friend could initiate the procedure to remove the respirator, and that question is addressed in this bill. And we feel that it is a proper thing for a close friend who is intimately knowledgeable about the patient, and what the patient wishes are, to be in a position to make the decision to remove the respirator. Ladies and Gentlemen, the whole essence of this bill is to remove it from the courts and let the hospital and the family members make an intelligent decision about the life and the death of a loved one. That is what this bill is all about -- to prevent the agony and the pain that not only the patient is going through - because God only knows what he is going through - but the agony and the pain that family members go through when they are told they have to go to court and get a court order to remove the respirator from the loved one that is dying and suffering in the hospital bed. That's the essence of this bill. That's what this bill addresses. It's a needed, necessary bill for the State of Illinois to address this very serious problem. We do not want the recurrence of what happened last year, Ladies and Gentlemen. We do not want people to go and commit irrational acts because of the agony that they are experiencing. This bill would avoid a situation like that. I ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- sorry. Discussion? Senator Kelly.

SENATOR KELLY:

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

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couple of questions, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

All right. Senator D'Arco, isn't it true that this bill would allow the withholding or the withdrawal of life-sustaining treatment from patients who are not terminally ill as well?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

This bill -- this bill would allow three categories of qualifying conditions to exist before a decision can be made whether or not to remove the respirator from the patient. One of those conditions is an incurable and irreversible condition, which is a condition that will ultimately - ultimately - will cause the patient's death. Now in that situation you must remember that a burden and benefit analysis must be done in order to make a decision to remove the respirator. I want to emphatically state that in all three of these conditions, the patient is unqualified -- unequivocally --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly, for what purpose do you rise?

SENATOR KELLY:

Senator D'Arco can go into full detail in his explanation or maybe some other question that might be raised. I was just bringing up the point that it's not just terminal patients - that it can be people that are not terminal. I'd like to get into another area. You keep referring to "pulling the plug." We're talking not only about that, we are talking about withholding food and water from a human being, is that right? In other words, it goes about and beyond that. I'd like to ask you one more question. Wouldn't this bill allow a surrogate to withhold food

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and water from a newborn baby who might have a deformity, a mental disorder, or might not be the right sex? Would not this bill allow that to occur?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

No. A condition that you have just described of a newborn baby - let's take a spina bifida baby. Those conditions - a spina bifida baby or a newborn baby who has a -- an incurable disease - would not apply in this situation, because surgical procedures can be performed in order to alleviate that condition that the baby -- that the baby is in. You must understand that this - this bill only deals with situations where a person is terminally ill, is permanently unconscious, and is in a irreversible dying condition where there is no cure for that condition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Senator D'Arco, this does allow for this to occur under your amendment on page 5, line 5, under qualifying conditions. A person is not capable of making a decision. And that can be an unborn -- a newborn baby who is not capable of making a decision. So it -- it does fit into that purview. Now this bill is obviously a euthanasia or mercy -- mercy killing proposal. And I don't know if the -- I haven't talked to the Catholic Conference or the Cardinal, but I'll tell you one thing. Every pro-life group that I've talked with are totally set against this bill. It's a - it goes way and beyond what the Senator, I think, is trying to do. And I just think it can take a lot away from a lot of innocent human life, and I think that's the core of our civilization, and we ought to be standing up more often to defend the defenseless. And I'm therefore

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vigorously urging your opposition to Senate Bill 2213.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. If this bill dealt with terminal conditions, the first category, and if it dealt with irreversible comas, I think you would have a good bill, with one exception. But the kinds of situations that Senator Kelly is referring to are still involved in this bill because you have the third category. You originally - the Task Force bill - had a category called "extraordinarily burdensome," which was very vague and even allowed financial considerations to be considered. That was improved with an amendment which took out the financial and talked about disproportionate burden. That has now -- the objections to that have been raised, and it has now been changed to a condition of incurable or irreversible. That condition ought to come out of your bill, because the standards are just not appropriate. If I understand your explanation when dealing with the example of spina bifida baby, you're talking about a situation which can be corrected surgically. But you're talking about a category of people where you've got an irreversible condition which will ultimately result in death. I suggest to you that this would allow you to pull the plug or to not feed an AIDS baby. Because AIDS is, so far, incurable and irreversible, and will ultimately result in death, and this third category would allow you to kill an AIDS baby. I suggest that you remove this third category and go with the terminal situation and the irreversible coma. The second problem that I have with the bill is not so much that a close friend is allowed to participate as a matter of last resort. But you have a challenge procedure, as you should, in this bill. But, under your challenge procedure, you would allow a close friend, quote - anyone who comes in with an affidavit - you

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would allow them to challenge the decision made by the medical providers and the spouse and the kids. You should never allow that kind of a challenge procedure. And for those reasons, I'm voting No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. First of all, I'd like to commend Senator D'Arco and the many people who worked very hard on this bill dealing with the most sensitive subject of euthanasia. But Senator, on personal reasons, I just cannot accept it. There are certain things in here which just make it unacceptable, at least to myself. When you talk about irreversibly comatose patients -- you know we've had cases and cases in Illinois and throughout the United States, where people were irreversibly comatose, and suddenly they came out of their comas. When you talk about Senate Bill 2213 allowing health care decisions by people who are being identified as mature minors, I've got some problems with that. Or when you're talking about allowing life-sustaining treatment to be withheld or withdrawn from an incompetent patient by anyone who claims that he or she is a close friend, and all they need to do is to sign an affidavit. I am a close friend of the person who is comatose, and I wish to sign an affidavit. And you're giving them the authority, so I think there are too many problems with this thing. I must oppose it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I've listened very carefully to most of the arguments, pro and con. But I would like to raise this argument in favor of -- I'm married to Johnny D'Arco, but we haven't lived together, because we hate each other's guts, for two

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hundred years. I am his legal spouse. And there is a friend who's been very close to me. That person should have that authority at this junction and point, and not my spouse, who hates me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson has requested that Senator D'Arco - Senator D'Arco indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Yes. The questions that have been raised by Senator Kelly and others and my seatmate, Carl Hawkinson, also concern me. And I would ask you -- I think this whole business of surrogate representation is one that bothers me the most -- in taking away from, as a last resort court decision -- does your bill remove any part of the courts to have -- to have a final ruling on some of these matters?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

I'm sorry, I didn't quite understand what he said. What did he say?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Let me put my question another way. Does Senate Bill 2213 dispense with the need to obtain court approval? And if it does, does it create constitutional problems as far as right-to-life is concerned?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

In fact what it does is -- it provides all kinds of safeguards in the decision-making process, up to the point where there -- if there is a dispute among the surrogates. Let's say one surrogate agrees with the diagnosis of the doctors that the qualifying conditions exist - that it's in the best interest of the patient to remove the respirator. Another surrogate disagrees with that decision. There is a dispute mechanism in the bill that provides for a panel of experts, and the surrogates, and the doctors, to sit down together to resolve the dispute. If that fails, and the surrogate still says there's a disagreement among surrogates, then it goes to court, and the surrogate files a petition with the court and says, "I disagree with the decision to remove the respirator." And the court says - and it has to be proven by clearly convincing evidence, which is the highest standard in a civil proceeding - that the decision was the correct decision. The point is, there are umpteen safeguards in this bill to protect the patient against the wrong decision being made by the surrogates and even the doctors. And even the experts. There are safeguards galore in this bill. Because the interest of the patient is our first and foremost concern.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Well, to the bill, very briefly, Mr. President. Senator D'Arco, I think that you have gone through -- and are to be commended for your labors on this particular bill. But I have to -- personally, I have to agree with the concerns expressed by some of the others. When I say that I think that you have gone, in the bill, beyond the, perhaps, confines that you should -- in other

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words, you have gone -- instead of keeping this narrowly drawn, I think you have, overall, exceeded what you started out to do. And, in the whole process, I think you've gone beyond the narrow limits that would provide what some of us are concerned about, and that is the protection of life in some of these situations where it isn't too clear, and maybe the surrogates can disagree. I am concerned about this close friend business myself. I can see possible dangers in that, I believe. But all in all, I have some very grave reservations about the bill, and for myself, will intend to vote No on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I would speak in support of this bill. The Rudy Linares case comes out of Cicero. Rudy Linares is from Cicero, which I and three other Senators represent in this district. This family has been left devastated since that incident; it is just not coming together. And I think there are more Rudy Linares cases out there, and versions and degrees of them, every day going on, as families become devastated by this situation. Medical technology has far and away exceeded anything that the human experience - throughout the country, let alone in the State of Illinois - has ever had to deal with. Somewhere we have to write law to accommodate this, because it grows every day. And the ability to sustain almost a facade of life is now available to us. But is this, indeed, really life? And there comes a point when I think one has to evaluate that. This bill -- when I had people lobby to me against the bill -- referred to the fact that somehow this bill had been created flippantly. The word used was "flippantly." And I took great exception, because the people who were brought together in this case, and to sit down and to work out the

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technicalities of this bill - and they labored long and hard - were a very qualified and sensitive lot that came from a variety of fields. Anyone who could impact on this was brought in. And it has been worked, and reworked and reworked to try and make it as finite as possible. This bill is not going to be pleasing to everyone, because the whole question of life in general as we know it medically today in a brave new world that is out there - and basically because of medical technology - is no longer anything we've ever dealt with. And as a result, I think we've done some pretty good things. One thing this bill does is, the power -- the durable power of attorney continues. This does not violate that at all. This does not violate living wills. Those are intact. There are numerous safeguards in this bill that allow it to be challenged at any part of the process. And court ultimately remains as the ultimate arbiter. I would like to address the close friend situation, if I might, mainly because it's rather interesting in my own family and I can only speak from experience. I have a very small family of only children having only children. There comes a point in my life when my eighty-two-year-old father will probably precede me in death. I have a son. Should something occur to him, I have no one. Who will make this decision for me but a close friend? When I look at my district, which has a significant proportion of elderly people, who, again because of medical technology, have lived long and successful lives, but which in many cases have now developed terminal illnesses and do, indeed -- lie comatose or vegetative. They have no one else because all of their family has preceded them in death. All that exists out there for them are close friends. It makes eminently good sense, I think, to include them in that discussion. I would ask that you look at this bill very appraisingly. Because it does direct our attention to something - although unpleasant - exists with us. And, if indeed -- you know,

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it belongs to this Chamber. By direction or default, or how it comes to us, we're going to be the decision-makers on something that's going to affect all of the families in Illinois. It's a very, very sensitive thing because it affects all of us. Please give this bill a chance and keep it moving. I'm sure that if there are any other instances that have to be taken care of, they can be dealt with in the House. But don't kill it here, because then we have nothing, and we literally leave the families of Illinois out there, totally unprotected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, very briefly. The fact of artificial -- or rather food and hydration is included in the definition of life-sustaining treatment that can be eliminated bothers me. The close friend situation doesn't bother me, because I've had cases where husbands and wives hated each other and the husband's very critical, and the wife could give the word, "Go ahead and get rid of him." Those are things that are realities, believe it or not. But I just cannot feel comfortable in playing God, and I feel that's what we're doing here. I do not feel that nutrition, hydration should be included in the definition of life-sustaining treatment that would be eliminated. I just can't feel that inhumane. And I'm sure the bill has many good points, and the sponsor is well-intentioned. But from my own philosophy, I cannot support the bill, because, as I've said many times before, I do not want to play God about someone else's life.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I have some problems with this bill.

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But it's more based on the hydration and the food aspect of it. And I wish we had that amendment on it right now. And I'm not frankly sure, at this point, what I'm going to do. But as far as the children -- as far as the babies are concerned -- if anybody has a copy of the bill, on page 14, Section 10, let me read it to you. It's very short. It says, "Neonates." (Which I discovered is newborn babies.) "Nothing in this Act supersedes the provisions of 45 C.R.F. <sic> (C.F.R.) 1340.15 concerning the provision of 'appropriate' nutrition, hydration, and medication for neonates." So in other words, what they're talking about is the - I've been told by the legal eagles - is the Baby Doe Case. And this Act will not supersede the Baby Doe Case. So I think, to some of my colleagues who were concerned about that, this bill does take care of that. But I still have a real problem with the hydration and the food, particularly for those who are comatose. And I think this bill is flawed in that regard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, as Senator D'Arco so rightly pointed out, the Linares case was the one that encouraged the State's Attorney of Cook County to put together this Task Force and attempt to make some sense out of really a conflict that exists in our State with respect to the law. Subsequent to the convening of that Task Force, there was a case in the Illinois Supreme Court called the Longway Case, which dealt, specifically, with the problem that where you do not have an individual who can make his or her own decision, and where there is no living will, and where there is no durable power of attorney, who can, in fact, make that decision, or should that decision be made at all? And that's really what the point of 2213 is. And in both the majority and the minority opinion, in the

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Longway Case, the court said, quite specifically, this is something that the Legislature had better address, because the law, at the moment, is silent on it. And, as was so rightly pointed out, unfortunately there are more and more of these cases. And we ought not put the family and the medical provider in the position where every time this kind of decision has to be made, they have to run to a circuit court, and possibly go through an appeal process, to protect themselves from any future liability. I put a bill in, and testified in front of our Judiciary Committee, along with this bill. And my bill said, very simply, that if you're a surrogate - take away the individual consent, take away the power of attorney, take away the living will - if there's a surrogate situation, the surrogate cannot withdraw nutrition and hydration, because I didn't feel that was quite appropriate. Now that's a longstanding - for those who have been involved in this kind of effort or issue for years - that's a longstanding dispute, and one I can tell you is not today resolved. And I'm not sure it's resolvable. There is a difference of opinion in the American Medical Association; there is a difference of opinion in theologians across the country from every faith, as to whether or not nutrition and hydration, artificially provided, is extraordinary means or ordinary means. And in this bill it says life-sustaining treatment includes artificial nutrition and hydration, and as such, is subject to being withdrawn under those kinds of circumstances. And I'm not sure we're ever going to answer that. But I'm standing in support of Senate Bill 2213, because I think it addresses, in a reasonable way, a situation that at the moment has no remedy. No answer. We are attempting to get it out of the court system to make it a private family decision, under some very extreme circumstances. And we are providing for all involved - by virtue of Amendments 4 and 5, we are providing for all involved - immunity from any civil

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or criminal liability, as we should. And Senator Kelly, if you will refer to Amendment 4, Section 10, it deals specifically with the question of newborns. And you know the Baby Doe regulations, as well as I, from the Federal Register. There is adequate protection, in the judgment of all of us who are concerned, for those newborns. And it simply -- that remains intact. This bill has nothing whatever to do with that. And I might say, as one who has been identified - justifiably so - as pro-life, I am truly disappointed in this missile that came out and hit our desks, where it indicates that a vote for this bill is a vote for legalizing euthanasia. That is sheer irresponsibility. That's nonsense. Nonsense. As one who was directly involved, for many months, in arguing and talking about this question, I can tell you that there isn't a member of this Task Force who would have signed on to this report, had they -- held that opinion. One of the members of that Task Force happens to be my wife. This is something we cannot ignore. And as Senator D'Arco so rightly pointed out, perhaps it does need more work. I have an amendment that I would like to have offered. Because I think it's important, from a matter of public policy, as a matter of our intent. What are we trying to accomplish? And mine would say, "In implementing a decision to forego life-sustaining treatment, the attending physician shall prescribe reasonable measures for the patient's comfort, care and relief of pain." But the fact of the matter, Ladies and Gentlemen, is all too often the medical providers and the family are confronted with an irreversible situation, where the providing of further life-sustaining treatment simply is not in the best interest of the patient. And we ought to afford them, one - some guidelines. And two - some immunity from any kind of liability. And three - the opportunity to do what - in their judgment and in a medical judgment - is best for their loved one. I urge an Aye vote.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, Mr. President and Members. Thank you very much, Senator Rock, for your eloquent remarks, and particularly considering where you are coming from with your own philosophy regarding what for many is the most troublesome issue with regard to foregoing life-sustaining treatment - the role of nutrition and hydration and the ability to decline or to withdraw it in appropriate circumstances. I, too, have followed, with interest, this issue for some time, and as a co-sponsor of the measure, would like to make just a few remarks trying to address some of the concerns that have been made, and maybe emphasizing in slightly greater detail, if I could, the state of the confused -- or I should say, the confused state of the law today, and the urgency that I think we should feel in doing something to clarify it. Some of the matters have been clarified already. I think the issue of neonates, Senator Rock just addressed. He also took pains to make the distinction between what we are doing here and what some inaccurately characterize as euthanasia, which, as we all know, involves - or would involve - giving the patient some ingredient or some agent to accelerate their death, as opposed to simply denying medical treatment, where a patient is terminal, or in one of these categories that we're talking about, in order for nature to take its course, where that's what the family - or in some cases the close friend - would prefer. And, again, following up Senator Topinka's remarks about the need for the close friend at some place - and here we have the close friend at the bottom of the hierarchy - she accurately points out that given demographic trends today, there will, unfortunately, be more and more of us who reach advanced ages without these family members to help make those difficult and painful decisions for us. And there are

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indeed also situations where it may be that the close friend has a better idea of what the patient's thoughts would have been with regard to this difficult decision than perhaps even the spouse, or more remote, a member of the family does. But finally, I want to say that in spite of the steps - the helpful steps - I think we've taken here in the last few years, with the passage of the Living Will Act, and a Health Care Power of Attorney Act, and in spite of the fact that more and more of the citizens of this State, I'm sure, are taking advantage of these laws so as to express in writing their own preferences with regard to health care, in general, in the case of the Health Care Power of Attorney Act and life-sustaining treatment, in particular, what are we to do? The issue here -- what are we to do for all of the others - indeed, indeed still, in all likelihood, the vast majority, who never for one reason or another, will have taken the step to execute one of these documents? Or for those who have taken that step, but for whom, for one reason or another, these documents were never communicated in a right or timely way to their medical providers? Or who, because - like the Linares child and other minors - who because of their -- because they are minors -- or because of their legal and/or mental disability, they never were able to legally express their intention -- intentions in this area? What are we to do for all of these people? That is the question that faces us. And the Longway opinion, which the Supreme Court gave us in November, prescribes an insurmountable - in my opinion and the opinion of those who are more expert in this area - an insurmountable series of legal obstacles that one would have to attempt to overcome in seeking to make a decision with regard to life-sustaining treatment on behalf of another and on behalf of a family member. In the first instance, it requires - as has been mentioned, but should be emphasized - it requires a legal proceeding. And those of my colleagues, particularly on this

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side of the aisle, who are frequently decrying the role of lawyers in courts and their overly intrusive involvement in our lives, should, I think, take heed of our attempts here to minimize that involvement. We are not trying to play God, Senator Geo-Karis. The question is -- the question is whether these decisions are to be made by courts and lawyers or whether they should be made by family members, with the help and advice and the comfort of doctors and religious leaders and ethicists who can help guide us in these troublesome matters. So let's get these matters out of the courts. Let's return them to the family members, who traditionally, before Longway, have been able to make these types of decisions without interference from the courts and from lawyers and without the need to resort to them. This is good legislation. It may need a little modification here or there as it goes through the House, but I strongly urge your support for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator D'Arco may close.

SENATOR D'ARCO:

Thank you. Mr. President, I think it's important because Senator Hawkinson mentioned a child with AIDS, and Senator Kelly mentioned a newborn with an incurable disease. And Senator Rock indicated, and Senator Barkhausen indicated, that neonates are exempted under this bill. So this bill doesn't apply to them. I think that's important to reiterate that fact. Senator Dudycz mentioned euthanasia. And we all know that's not what this bill is about. This bill does not give somebody the right to kill themselves. No matter how much pain they're in, no matter how much suffering they are enduring, this bill does not give somebody that right. These are people that are dying. And we want them to die with dignity, and we want to alleviate the pain and suffering that they are experiencing. That's what this bill is all about. Senator Geo-Karis, I like your argument about a close friend,

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because if the spouse wants to do away with the guy, or woman, whoever it may be, the close friend may say, "Wait a minute. This may not be appropriate." There is a checks and balance in allowing the close friend to make a decision. Ladies and Gentlemen, before I close, I want to read to you a letter that I received today from a Mister Pierce, U. Pierce, from Kankakee, Illinois. He wrote this letter, Ladies and Gentlemen. "Two and one half weeks ago, my wife and I sat in a hospital room in Eureka Springs, Arkansas, five days watching our beautiful, forty-one-year-old daughter in pain and gasping for breath, until her lungs finally filled up and she died. She had cancer for six months. She had gone through very painful surgery, chemotherapy and radiation, getting worse each week. A little over two months ago, Mayo had told her she was terminal and had no more than two months to live. A week before she went to the hospital in Eureka Springs, the doctor told her she had only a few days. When she was in such terrible pain and gasping for breath, we pleaded with the doctor to put her to sleep and get her out of her misery. He replied, 'I would like to, but we live in a society where it is all right to put our dogs and cats to sleep to put them out of their misery, but not human beings.' I would like to suggest that if any of the people who oppose your bill would put their daughter in that hospital room, instead of ours, and sit there watching her, I am sure they would not be opposed to your bill. Good luck in your attempts to pass a bill for humane treatment for human beings." Thank you, Ladies and Gentlemen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2213 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 19, 2 voting Present.

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Senate Bill 2213, having received the required constitutional majority, is declared passed. Senate Bill 2267, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2267.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much -- thank you very much, Mr. President and Members of the Senate. This is the Hate Crimes Bill that we discussed several times before in this Chamber. I want to make it clear that this bill - the Hate Crimes Bill - has also been passed by the United States Congress, signed by President Bush with the language in it that we have debated over the last couple days - with the language in it that we have debated, passed by the Congress, signed by President Bush. We want to make a strong statement by the passage of this legislation, that the increasing number of crimes in these categories against race, religion, creed, ancestry, national origin, handicap, sexual orientation, are not going to be tolerated. We've just read, over the last week, some terrible descriptions of some conduct that happened in France when some crazies - some haters - dug up graves in a cemetery, impaled individuals from those graves, and it really united a country. Now the crime that they committed by digging up those graves, trespassing on people's property - that was a crime in and of itself. But the fact that they did it for a particular reason against a particular people of a particular ancestry or religion, that makes it even worse, and that makes the penalty even worse. And that's what this is all about. Some Members on the other side of the aisle, I think, and Senator Dudycz mentioned

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this yesterday - got a call from Deputy Superintendent of Police Joe DeLeonardi, who reiterated to Senator Dudycz about the escalating amounts of these crimes that they see in the Chicago Police Department. And these crimes are not only limited to Chicago, but throughout the State of Illinois. This sends that loud message that we're going to treat these kinds of crimes - these kinds of "hate crimes," if you will, very, very strictly. It's a bill that's supported by the Mayor of the City of Chicago, the State's Attorney of Cook County, the Anti-Defamation League, the Urban League, the NAACP and many others across the State. It's a -- it's a -- it's a logical levelheaded bill that just tells us and tells the people who send us here that we're going to make a loud statement against "haters." A loud statement against "haters." Because, as I've said on this Floor many times, if you are going to stand up and say that you're against discrimination in one form, you must be against discrimination in every form. That's what we're all about, and that's all this bill says, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise, really, in limited support of the bill. There are quite a few significant things in this bill. Sometimes people miss that the issue is not simply sexual orientation; this is a bill that goes far beyond that area. And while I may still have some differences there, the sponsor, to his credit, has made every attempt to reasonably put together a bill that could be worked with. The problem that we have not discussed much, but was a huge problem in the eyes of many, had to do with the civil cause of actions, et cetera. I won't get into it, other than it's been removed, and I commend the sponsor for recognizing that that may

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have been a step that had gone too far. But I -- I personally intend to support the bill with some reservations, because the overall scope of the bill, I think, deals with problems that we as a society have to face, and I would hope all of you would take a look at the manifested weight of the bill as compared to perhaps some of the technical problems that still might be arguable. And I commend the sponsor for his reasonable attempts to try and put it into a format that we can all support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

And will Senator DeAngelis sit down so I can see him? Sorry about that. Senator Marovitz, obviously one of the concerns that I did have was the civil penalties. I have a case in my -- in my district, very frankly, that involves a heterosexual but nonmarried couple who were renting an apartment - and I think you probably read about this in the newspapers - and the landlord decided he couldn't. -- he did not want to rent to them. And it has become a cause celebre in the -- at least in my district. And -- all these civil actions now, per se, such as what I'm addressing, would not be -- would not be different under your bill, as far as the civil penalties?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Any newly created civil actions that were in this bill have been removed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I, too, rise in support. This is the very same bill that we passed out of here 56 to nothing, and we are -- who are legislators ought to be well aware that denying anybody a freedom, denies everybody freedom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, I'd like to take this opportunity to share with the Members contents of a memorandum that has been circulating throughout the Senate, and I think it -- because of some of the contents, I believe it should be repeated here on the Floor. Some of our opponents -- or the opponents of the -- of this bill are circulating a memorandum to us and this is some of the sentences here. It says, "This legislation, if passed, would legitimize immoral behavior." It goes on to say that because -- should this legislation pass, the message that the General Assembly would send to the citizens of this State, especially future generations of children, is that homosexual behavior is normal and healthy. And one more thing, it says, "To pass this legislation would further open the floodgates and lead us, as a nation, closer to destruction." I'm insulted by the -- by the contents of this, and I think this is an insult to our institution, for people to be circulating -- using such scare tactics against us. Especially by people whom I consider to be -- or I did consider to be my friends. But this bill does not address an emotional, moral or ethical problem that any citizen of Illinois may have. This -- this bill deals with a criminal act. A criminal act of one individual against another, because of a personal bias, hatred or a personal prejudice. Now the -- some of the opponents - and if any of you wish, I can circulate this; if you didn't get a copy of

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it, I'll make sure I'll let you have a copy of it - the opponents seem to be addressing what I consider to be a personal problem of the potential crime victim. This, Ladies and Gentlemen, this bill deals with the actions -- the criminal actions of the offender, and let's keep it in that context and let's pass the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Briefly, I appreciate Senator Dudycz's comments. I, too, am offended by that memorandum that was passed out. This is very, very similar to the bill that passed here 56 to nothing, and I think we ought to make a loud statement about how we feel about these kind of crimes. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2267 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 4, none voting Present. Senate Bill 2267, having received the required constitutional majority, is declared passed. 2274. Senator Rea. On the Order of Senate Bills 3rd Reading, Senate Bill 2274, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2274.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. This, Senate Bill 2274, is economic development program, and basically has two major components. One dealing with the business and industrial development companies,

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and the second part creating the Community Redevelopment Corporation Law. The -- although most of the jobs in our nation are based in the small business and industry, many unestablished small operations find the going tough when trying to get financing for new businesses, and this legislation specifies that only Illinois corporations could institute the Business and Industrial Development Companies which would be able to issue bonds, other instruments and stocks. The bill strictly limits to providing financing assistance and management assistance to business firms. There are three states that have already established this, including Michigan, Massachusetts and California. The second portion of this bill is the Community Redevelopment Corporation, which are based in -- they do have some based in Missouri. Almost all the major developments and redevelopment in St. Louis, for instance there at the Landing, is taking place under the Missouri Redevelopment Law. Since 1955 close to one billion in improvements in St. Louis have been constructed, ongoing or being planned into the program. The purpose of this would be to apply to communities with populations of a thousand or more, and is the rehabilitation or reconstruction of blighted areas and construction of such industrial, commercial, residential or public structures as may be appropriate, including provisions for recreational facilities. I would ask for your support for this Economic Development Program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. Chairman. Question for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

When this was in the committee, you had a provision in here

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that a -- a group of citizens could, in effect, have eminent domain over property. Did you take that out, because if you didn't, I think that is a very bad precedent to start.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

I thought it had been taken out in the amendment. It was not, but we will certainly in the House -- I will work to have that removed from it. In the amendment, we did remove that portion dealing with the -- the various committees which the Governor is having a master plan that should be completed by June. I thought that was included in it. It was not, but I can assure you that I work with the House sponsor in eliminating the eminent domain.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise in strong support of this bill. It was similar language that's been on the books in Missouri for many years that helped the -- the renovation of the Laclede's Landing and Union Station area. It's proved to be very successful in -- in Missouri, and I'm convinced it will be very successful in -- in Illinois, if only we give it the chance to work. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Further discussion? If not, Senator Rea may close.

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SENATOR REA:

I would simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2240 -- I'm sorry, 2274 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 5, 1 voting Present. Senate Bill 2274, having received the required constitutional majority, is declared passed. Senate Bills 3rd is Senate Bill 2291, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2291.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This bill addresses several problems dealing with car theft. The Secretary of State, the State Police, Cook County State's Attorney's Office, the business owners and operations have -- operators have all agreed to the changes in this amendment. The bill expands the definition of a central parts to include parts that are most often stolen - seats, radios, and aluminum wheels. Parts that have not been stolen have been depleted from this list - quarter panels, transmissions in vehicles other than second class. This bill creates two new offenses to help convict professional thieves. The aggravated offense relate -- relating to motor vehicles and other vehicle felonies and the organizers of an aggressive vehicle theft conspiracy. The value of a vehicle to be considered salvage increased from twenty-five to thirty-three and a third percent.

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The record for a central parts required that are -- to be kept by the dealer decreased from eight years to six years. The provisions have been created to accommodate delivery of a central parts by licensed commercial delivery service dealers. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This bill went through the Transportation Committee - parts of it did. Most of it has been worked out since it became -- got on the House Floor -- or on the Senate Floor, with an amendment. Several years ago we -- we tried to address the "chop shop" problem and primarily Cook County - which we all have problems somewhat, but the major part of the problem was in Cook County. And what we did, unfortunately, was really put a negative impact on these salvage yards and the used car part dealers in -- in a rural area, which really wasn't experiencing the similar problem. Sometimes some -- some -- every year we address this issue. And these guys back home constantly getting more and more paperwork to do and then -- we're expanding it here in some regards, Senator, and in some regards we're reducing it. And I appreciate your efforts here, and I'm -- but I just want the Members to know that we are probably creating more paperwork for some of the small parts dealers - used parts dealers in salvage yards back home that you're going to hear from if this type of legislation continues. Some of it's good, some of it maybe isn't so good. But I'm going to vote Present, and would suggest you just follow your own conscience. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I rise in support of this bill now.

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I just had calls from downstate salvage yards and all, and they say they've worked out the difference, so they're now in support of it. So I don't have any problem with this now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Brookins may close.

SENATOR BROOKINS:

I just would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2291 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 2, 3 voting Present. Senate Bill 2291, having received the required constitutional majority, is declared passed. Senate Bill 2304. On the Order of Senate Bills 3rd Reading is Senate Bill 2304, Madam Secretary -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2304.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea, for what purpose do you arise?

SENATOR REA:

Thank you, Mr. President. On Senate Bill 2277 -- or 2274, rather, I missed my switch here, and -- and had I have voted, I would have voted Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Record will so indicate. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is Senate Bill 2304. In the late 1960s, the National Housing Act offered federally subsidized low-interest mortgages for

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buildings which were set aside - a certain number of buildings for low-income residents, and in the main, it's turned out to be low-income seniors. The law allowed those mortgagees to -- the option of prepaying the mortgage in twenty years, at which time the low-income quotas would no longer apply. In 1988 the U.S. Congress extended the prepayment deadline with the support of the President to prevent wholesale eviction of low-income residents that were mostly elderly. And that extension is about to expire, jeopardizing those people's homes once again. And this bill is -- is an attempt to deal with that. It provides a deduction for income derived from the rental of a low-income housing unit in a housing development which was financed by a federally subsidized mortgage, and on which the mortgage has been prepaid. The housing unit must be occupied by a tenant who is sixty years of age or older, who was a tenant prior to the prepayment, and whose rent has not been increased by a total of more than five percent for each year since the year in which the mortgage was prepaid. In short, this is a bill that's very, very limited in scope - very narrow in scope. It's aimed at helping low-income seniors from being displaced from their housing. That's all the bill does, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, this was a bill that was let out of the Revenue Committee as a shell bill - and as I understand the amendment was put on the other day by a voice vote - so we really haven't had any discussion concerning this particular issue. I guess maybe I have some questions to the sponsor about it. First of all, how many of these units are we talking about? And what would be the overall fiscal impact that might result from this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? I'm sorry, was that a question, Senator Rigney? Senator Marovitz.

SENATOR MAROVITZ:

An honest answer, Senator Rigney, would be there's no -- there's no definite number that -- that is determined at this time. That's why we've tried to draft the amendment as -- as narrowly as possible, so it only applies to a very limited number of senior citizens who are being displaced. I -- I -- I -- if I could give you a number, I would, but we have tried. There is no -- at this time there's no ability to get that number. It is a very limited number of units and limited number of -- of individuals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well now, as I understand from your explanation, you're saying that all of the rent - as long as you don't raise it more than five percent - would be tax exempt. Is that what you're proposing to do?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It's not tax exempt; it's a deduction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Marovitz.

SENATOR MAROVITZ:

But again, it's -- this only applies to those individuals who have been living there before, not anything that's going to happen now. It only applies to those individuals who have been living there before, whose rent has not increased by a total of more than five percent each year, and -- and, frankly, who would be displaced by other -- unless we had passed this legislation. And

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-- and again, it only applies to senior citizens.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well now, for twenty years, apparently, we've been going along - those landlords have been collecting the rent and they've been able to raise that rent five percent a year - which isn't too bad - that's kind of keeping up with the cost of living. I presume that compounds. Is that correct, Senator Marovitz?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator --

SENATOR RIGNEY:

It's allowed to compound on five percent? They've been paying that rent for -- been paying income tax on that rent for twenty years, now they're going to be excused from paying income tax. Is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

They are not going to be excused from paying income tax. God, we'd never do that! No. I don't -- I want to make it real clear. We're not excusing anybody from paying income tax. There's going to be a deduction for those people who otherwise are going to now turn around since the limitations have been -- have ended - they are going to turn around and are going to either condo the building or they're going to substantially increase the rents because the limitations are off. This is going to create an incentive for them to be able to keep those senior citizens who otherwise would be displaced now that the federal limitations are off. But there's no exemption of income tax payment. Nothing like that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Rigney.

SENATOR RIGNEY:

Let me present it this way. Let's say I have one of those units for ten senior citizens. They've been with me for those twenty years - ten senior citizens. I'm getting - well, let's just say - two hundred dollars a month or something. That would amount to two thousand dollars. How much income would I pay tax on under your plan?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Maybe what -- maybe what you need to do is repeat your example, so I can give you a specific answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

I've got an apartment for ten people. And they're each paying - we'll say - two hundred dollars. Let's keep it simple. I've got two thousand dollars of income for the month of May. How much would I then have to pay tax upon of that income?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn, for what purpose do you arise?

SENATOR T. DUNN:

A personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR T. DUNN:

Behind me in the Gallery is the Mokena Jr. High School District from my district. I would ask that we welcome them, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery will please rise. Welcome to

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Springfield. Happy to have you here. Senator Marovitz.

SENATOR MAROVITZ:

First of all, Senator Rigney, the two thousand dollars that you're getting - it can -- I'm sure you own some property, perhaps - that's not all income. You've got all kind of expenses that go in with the running of the business - maintaining the business. All kinds of costs and expenses that you're going to get deductions for anyway. You will also be able to get a deduction now for the cost of those -- of those rents. For -- for whatever the rent costs, you can also get a deduction for that. But I think -- in your example, I think you'd be hard pressed to find a situation where there is a building with only ten units in it and all ten units are senior citizens that have lived there all this time, not being paying more than -- not escalated more than five percent. I mean -- frankly, I know about this situation 'cause there's an awful lot of these in my district. I know there's a lot in Senator Netsch's district. And these are -- these are high-rise buildings with far more than ten units in them, where a limited number of the people are senior citizens, have been living there all this time, and not paying more than five percent escalation. But now, all of those would be displaced by this - the cumulative total. And that's what this is aimed at preventing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Let's try this one more time - one more way - or something. I've got two thousand dollars of rental income from these senior citizens. I don't care how many apartments I got or anything else. I got two thousand dollars of rental. Would I have to pay tax on any of it?

PRESIDENT ROCK:

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Senator Marovitz.

SENATOR MAROVITZ:

In that specific example, you will get -- you will get to deduct the whole thing. Now, let me just say this. In your -- in that -- also, in that example, without this legislation, a very substantial portion -- without this legislation - under current law - a very substantial portion of that is going to be deducted anyway, because of the business expenses in running that building and running that operation.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

But, I could write off - if I understand the amendment here on Page 4 - an amount which is equal to totals which were derived from the rental of a low-income housing unit. So even if I had other expenses - other tenants, other expenses - and two thousand dollars income off the seniors, I'd write it all off. It would be deductible?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Yes. You could write off that two thousand dollars. And -- and the point of that is that without being able to -- to provide this incentive for those seniors, all of those people are going to be displaced now - under this. This prevents them from becoming homeless and being displaced.

PRESIDENT ROCK:

Senator Rigney, have you concluded? Senator Rigney.

SENATOR RIGNEY:

One further comment. I mean, I know there's a great temptation around here to do a lot of things with the Revenue Code in the name of - you know, being helpful to this group or that

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group and so forth. And this is probably another good idea that we really don't know a lot about. We're creating -- we wonder where tax loopholes come from. This is a pretty good example. Usually they come from the fact that we try to engineer somehow socially matters of this kind in our tax code. I think it's an idea that - while it may be laudable in -- in nature, it's just one more confusing factor in our tax code.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Marovitz to close.

SENATOR MAROVITZ:

Well, in -- in answer to one of Senator Rigney's concerns, I will make a commitment to Senator Rigney and to this Body that in the House, so that we can get a handle on what -- the number of units, the number of individuals, and the cost, I'll put a -- a two-year sunset on this so that we can know exactly what we're -- what we're talking about. Now, of course, these are elderly people in the first place, and it only applies to those people who have been living there - there's not a new class that's going to be added. But I'll put a two-year sunset in here so that we can know how many people we're talking about and what the -- the financial impact is, so that we don't displace these senior citizens and don't find them homeless. And that's what we're trying to do. We always look for a way to -- to -- to try and help seniors and prevent the homeless. Well, here's a good case where a very good piece of legislation out of the federal government is now coming up and all these buildings are either going to flip, go condo, or the rent subsidies are going to be gone, and this only applies to the senior citizens who otherwise would have to leave their homes that they've lived in for all of these years - all of these twenty years - and find another place to live or be on the streets. I hope -- solicit your Aye vote.

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PRESIDENT ROCK:

The question is, shall Senate Bill 2304 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 15 Nays, 6 voting Present. Senate Bill 2304, having received the required constitutional majority, is declared passed. Yes. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Yes. Thank you. For a verification.

PRESIDENT ROCK:

That request is in order. All right. Senator Watson has requested a verification. Will the Members please be in their seats. Mr. Secretary, please call the affirmative roll.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Brookins, Collins, Daley, D'Arco, Davidson, DeAngelis, del Valle, Demuzio, Dudycz, Thomas Dunn, Geo-Karis, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Lechowicz, Luft, Marovitz, Netsch, O'Daniel, Raica, Rea, Severns, Vadalabene, Welch and Zito.

PRESIDENT ROCK:

Senator Watson, do you question the presence of any Member?
Senator Watson.

SENATOR WATSON:

Alexander.

PRESIDENT ROCK:

Senator's in her seat.

SENATOR WATSON:

Senator Jones.

PRESIDENT ROCK:

Senator Jones, in the back of the Chamber.

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SENATOR WATSON:

J.J. Joyce. J.J. Joyce.

PRESIDENT ROCK:

Senator Joyce on the Floor? Senator Joyce on the Floor?
Strike his name.

SENATOR WATSON:

Okay. Thank you.

PRESIDENT ROCK:

All right. The roll's been verified. There are 29 Ayes, 15
Nays, 6 voting Present. Sponsor requests that further
consideration be postponed. So ordered. All right. Ladies and
Gentlemen, we are now down to the point where all we have
remaining are the proposals on the Order of Consideration
Postponed. I would -- if you'll turn to Page 19 on the Calendar,
we have eight - now, nine of these remaining. Senator Weaver and
I would like to refer back to the Weaver-Donnewald Rule. These
have been thoroughly discussed. And so we would ask the sponsor
to limit his or her remarks, and then an opponent, and then we can
vote. All right. We're on the Order of Consideration Postponed.
1482. Senator Welch. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1482.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1482 was put on
Postponed Consideration when it originally was a vehicle emission
bill. When Senator Philip's bill passed, the need for the bill
was no longer apparent. But what I did yesterday was I pulled the
-- pulled the bill back to amend it to make it a vehicle to enact

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any recommendations that may be forthcoming from a subcommittee of the Committee on Energy and Environment to study municipal waste incineration. We are going to come up with, I believe, an amendment next week. I'll pass the amendment around to the members of the committee and others who are interested. We hope to pass a bill by June 30th, but in the meantime we are trying to gather information to come up with a resolution of the issue that covers the entire State and not just certain areas. I would ask for an affirmative vote.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall Senate Bill 1482 pass. Those in favor, vote Aye. Opposed, vote Nay. 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 42 Ayes, 1 Nay, 1 voting Present. Senate Bill 1482, having received the required constitutional majority, is declared passed. 1510. Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1510.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Bill 1510 is the Freedom of Choice Bill. And all it does is that if -- if a company -- or insurance company offer this particular policy far as mental illness coverage, then you must include clinical social workers. It is not a mandate, it's a freedom of choice. And I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1510

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pass. Those in favor, vote Aye. Opposed, vote Nay. 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 33 Ayes, 11 Nays, 1 voting Present. Senate Bill 1510, having received the required constitutional majority, is declared passed. 1569. Senator Davidson. I'm sorry. Senator Philip.

SENATOR PHILIP:

Ask for the verification of the affirmative votes.

PRESIDENT ROCK:

That request is in order. Senator Philip has requested a verification. Will the Members please be in their seats. Mr. Secretary, please read the affirmative roll.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Brookins, Collins, Daley, D'Arco, DeAngelis, del Valle, Demuzio, Ralph Dunn, Thomas Dunn, Fawell, Geo-Karis, Hall, Hawkinson, Holmberg, Jacobs, Jones, Kustra, Luft, Macdonald, Madigan, Mahar, Marovitz, Netsch, Raica, Severns, Topinka, Vadalabene, Weaver, Welch, Woodyard, Zito and Mr. President.

PRESIDENT ROCK:

Yes. Senator Philip, do you question the presence of any Member?

SENATOR PHILIP:

Senator Zito.

PRESIDENT ROCK:

Senator Zito on the Floor? Senator Zito on the Floor? Strike his name.

SENATOR PHILIP:

Senator Brookins.

PRESIDENT ROCK:

Senator Brookins on the Floor? Senator Brookins on the Floor? Strike his name.

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SENATOR PHILIP:

Senator Tom Dunn.

PRESIDENT ROCK:

Senator Tom Dunn is at his place.

SENATOR PHILIP:

Senator Alexander.

PRESIDENT ROCK:

Senator Alexander is in the doorway.

SENATOR PHILIP:

Senator Jacobs.

PRESIDENT ROCK:

Senator Jacobs on the Floor? Senator Jacobs on the Floor?
Strike his name. All right. The roll has been verified. There
are 30 Ayes, 11 Nays, 1 voting Present. Senate Bill 1510, having
received the required constitutional majority, is declared passed.
1569. Senator Davidson. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1569.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this raises the life
insurance coverage policy from two thousand to five thousand for
those State employees who are sixty years or older. Also allows
that if you want to contribute as a State employee for your spouse
you can, and raise it to five thousand dollars. This has support
of all the six different employee groups and CMS is neutral. I
appreciate a favorable vote.

PRESIDENT ROCK:

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

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Senate Bill 1569 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 30 Ayes, 15 Nays, 4 voting Present. Senate Bill 1569, having received the required constitutional majority, is declared passed. 1955. Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1955.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Senate Bill 1955 raises the reimbursement level from seventy-five percentile to the eighty percentile. And what it does is cover the federally mandated cost for social services program in our nursing home institutions. And I ask for a favorable vote.

PRESIDENT ROCK:

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and -- Mr. President, Ladies and Gentlemen of the Senate, it would seem that in order to get a bill passed around here you gotta kind of put at least fifty million dollars onto the thing to move it out. We've talked about this bill. We're already eighty-one million dollars over budget. We've cut four hundred and fifty million dollars out of the budget. We keep adding on. We keep adding on. Last year we gave the nursing homes a forty-eight million dollar increase. They're back again this year. This is now at thirty-four million. I -- I mean, we just can't afford it. I mean, there is not money for

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this. I don't think we should keep promising people things we cannot deliver, or we're going to have to shift our priorities, and ultimately come back -- cut back in other areas which are just as needed. And I would ask this Chamber to finally give a little bit of fiscal responsibility, and ask for a No vote.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Again, Ladies and Gentlemen on both sides of the aisle, don't forget the agreement that we've made here. And everyone around the State is recognizing that we've done something very responsible. We're addressing a tough fiscal situation. We simply can't afford this, and we just can't do it.

PRESIDENT ROCK:

Question is, shall Senate Bill 1955 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 24 Ayes, 19 Nays, 1 voting Present. The bill fails. 2114. Senator Davidson. Read the bill.

SECRETARY HAWKER:

Senate Bill 2114.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I'd like to yield my time to Senator Marovitz, who's hyphenated co-sponsor of this bill.

PRESIDENT ROCK:

Senator Marovitz.

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SENATOR MAROVITZ:

Thank you, Senator -- Thank you, Mr. President and Members of the Senate. This bill is an attempt to -- to have us be proactive instead of reacting to tragedy. It requires regional superintendents of schools to submit fingerprints to the Illinois State Police. None of the superintendents are now doing criminal history background checks. The State Police are currently doing name-based criminal background checks for school districts. And the name check hit rate for school bus drivers - and I think this is important - the name check hit rate for school bus drivers throughout the State of Illinois - not only in one county - is nine times greater than the hit rate for all other school personnel. And this is throughout the State of Illinois. The State Police experience shows that fingerprint-based checks for noncriminal justice purposes always generate a higher hit rate than name-based checks. And if we want to get at these individuals who we're entrusting with the responsibility of taking our kids to and from school, that's what this is about. And that ought to be a priority of this General Assembly - making sure that the safety of our kids to and from school is ensured. That's what this bill is all about, and I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I rise in opposition to this bill. We defeated it very soundly. This is a -- another -- a cost for poor old school bus drivers out there who are not even making a minimum wage. And I would urge my colleagues to vote No.

PRESIDENT ROCK:

Question is, shall Senate Bill 2114 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? All voted who wish? Take the record.

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On that question, there are 24 Ayes and 22 Nays. And the bill fails. 2116. Senator Schaffer. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2116.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this is the Tax Amnesty Bill. You'll recall it narrowly lost the other day. This would put an additional seventy million dollars at our disposal for discussion in the final days of the General Assembly. I would suggest to you that the tax program that the Senate has worked out I think is workable, but we have some holes. I know many of you are starting to receive a lot of heat from some of the cuts we're being forced to make. This seventy million dollars - which I believe is a defensible, well-thought-out program - could make the end of this Session much more palatable to many of us. I sincerely urge all of you to at least let us keep this option alive. Send it to the House, keep the discussions going, and this may be seventy million dollars that doesn't have to come out of Pensions or Education or Mental Health, or if the Road Fund diversion is unacceptable to some, it gives us some options in a year we have very few options that any of us really want to consider. Let's just send it forward and keep the discussion going.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President and Members of the Senate. I'm as anxious as anyone else to get out of this place today, but this is

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one of those things that we do and then later we read about it and we say, "Well, how did that happen?" Last time this was up here, Senator Schaffer, I asked you if you had a list of those who had taken advantage of the previous amnesty program. You said you did not. You assure me that you don't think there's anything wrong with this. And I take your word for that, in the sense that, I don't think there's any preordained plan that someone's laying there in the weeds ready to come in and take advantage of something. But what I suggest to you at the very least - at the minimum - there should be an amendment on this bill that would provide that any - particularly any corporation - but any taxpayer who previously availed themselves of an amnesty program in this State, should be precluded from participating -- participating in this. This is crazy. If someone walks in here and says, "I didn't pay taxes for five to ten years and I had part of that excused under the past program, now I haven't paid taxes for the last five years and I'm going to be in here asking to participate in this." That's crazy. We should not send this out this way.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

It is bad budgetary policy. It is bad tax policy. It is unfair to Mental Health, because the estimates are exaggerated. It is unfair to taxpayers who have been paying their taxes on time without penalty and interest. And it is absolutely unprecedented to have a second amnesty within six years of the first.

PRESIDENT ROCK:

Question is, shall Senate Bill 2116 -- I'm sorry. Senator Schaffer.

SENATOR SCHAFFER:

I was trying to observe the Donnewald Rule, but I got two shots fired at me, so I figure I had a right to fire a shot back.

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Senator, I -- I think that's a good suggestion. I particularly think we ought to limit the -- any large firms that come in. I think if somebody got a forty-eight dollar return the last time, I think we can work on that amendment. If we get this bill over to the House, I pledge to you to attempt to put that amendment on as it affects the large businesses. I think that's a great idea. We need this. We need to keep this option alive.

PRESIDENT ROCK:

Question is, shall Senate Bill 2116 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 11 Nays, none voting Present. Senate Bill 2116, having received the required constitutional majority, is declared passed. 2164. Senator Donahue. Read the bill.

SECRETARY HAWKER:

Senate Bill 2164.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Very quickly, this bill deals with court-ordered drug-related fines. If you have a municipal -- or a law enforcement agency that does the work all by themselves, they would get eighty-seven and a half percent of those court-ordered fines. If they are not, and there's more than one organization involved, it would be split. The counties would receive thirty-seven and a half, whether they worked on it or not. I would hope that you could support this piece of legislation.

PRESIDENT ROCK:

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Discussion? Is there any discussion? If not, the question is, shall Senate Bill 2164 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 12 Nays, none voting Present. Senate Bill 2164, having received the required constitutional majority, is declared passed. 2293. Senator Luft. Read the bill.

SECRETARY HAWKER:

Senate Bill 2293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. It's my understanding, and many of the Members thought this was an appropriation bill last time. It is not an appropriation bill. It's a vehicle bill. And it should only probably wind up with technical language leaving here as it goes to the House. And I would ask for your support, so we could keep this bill alive.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

Having been -- a question of the sponsor.

PRESIDENT ROCK:

Indicates he'll yield, Senator Keats.

SENATOR KEATS:

Having been one of the forty people who voted against this bill the first time, I have no trouble with McCormick Place. I got no trouble with Arlington Park. Can you promise us this bill's not going to have a domed stadium when it comes back? Is

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that a commitment you would make?

PRESIDENT ROCK:

Senator Luft. Senator Luft. Luft.

SENATOR LUFT:

The answer's no.

PRESIDENT ROCK:

Question is, shall Senate Bill 2293 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 21 Nays, 1 voting Present. Senate Bill 2293, having failed to receive the required majority, is declared lost. That virtually concludes our business, Ladies and Gentlemen. Senator Marovitz. All right. I'll call your attention, Ladies and Gentlemen -- middle of Page 7. Senator Marovitz wishes a rerun on 2304. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2304.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Very -- very briefly, Mr. President. This is a bill that's very limited; it only applies to a certain kind of federally subsidized buildings. Only those seniors which have been living there for a long period of time. Doesn't apply to buildings in general. And it would prevent these seniors from being displaced from their homes that they've lived in for at least twenty years. And I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 2304

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pass. Those in favor, vote Aye. Opposed, vote Nay. 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 30 Ayes, 14 Nays, 3 voting Present. Senate Bill 2304, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

I'd like to ask for another verification.

PRESIDENT ROCK:

That request is in order. Senator Watson has requested a verification. Will the Members be in their seats. Madam Secretary, the affirmative roll, please.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Brookins, Collins, Daley, D'Arco, Davidson, del Valle, Demuzio, Dudycz, Thomas Dunn, Geo-Karis, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kustra, Lechowicz, Luft, Marovitz, Netsch, O'Daniel, Raica, Rea, Savickas, Severns, Vadalabene and Welch.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Senator Vadalabene. Beg your pardon, there he is. Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco's in the middle aisle.

SENATOR WATSON:

Is Jeremiah Joyce here?

PRESIDENT ROCK:

Senator Joyce on the Floor? Yeah. Yes, he is.

SENATOR WATSON:

Senator Zito.

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PRESIDENT ROCK:

Senator Zito's not recorded.

SENATOR WATSON:

Okay. Thank you.

PRESIDENT ROCK:

The roll has been verified. On that question, there are 30 Ayes, 14 Nays, 3 voting Present. Senate Bill 2304, having received the required constitutional majority, is declared passed. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1098 offered by Senator Macdonald.

Senate Resolution 1099 offered by Senator Lechowicz and President Rock.

Senate Resolution 1101 offered by Senator Dudycz.

Senate Resolution 1102 offered by Senator Dudycz.

They're all congratulatory.

And Senate --

PRESIDENT ROCK:

All right --

SECRETARY HAWKER:

Pardon me, and Senate Joint Resolution 180 offered by Senator Daley.

It's a death resolution.

PRESIDENT ROCK:

All right. With leave of the Body, we'll add those to the Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1100 offered by Senators Weaver and President Rock.

And Senate Joint Resolution 179 offered by Senator Maitland. They're both substantive.

PRESIDENT ROCK:

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All right. Executive. With leave of the Body, we'll waive the posting notice, and ask that they be heard in committee next week. Resolutions. Senator Demuzio. Resolutions.

SECRETARY HAWKER:

Senate -- Senate Joint Resolution 181.

(Secretary reads SJR 181)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the adjournment resolution. Upon the adjournment of our business today, it calls for us to come back next Tuesday, May the 22nd, at the hour of one o'clock. I would move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 1-8-1.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of the adjournment resolution. 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 the adjournment resolution, which calls for us to return next Tuesday at one o'clock. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Luft, for what purpose do you arise?

SENATOR LUFT:

Thank you, Mr. President. I spoke with Senator Joyce earlier - the chairman of Executive - and I would like to have leave to waive the posting rules to hear HJR 66 in Executive Committee on Wednesday the 23rd at 9:00 a.m., please.

PRESIDENT ROCK:

All right. You've heard the request. Without objection,

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leave is granted. Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

Thank you, Mr. President. Due to the fine work of my colleagues - Senator Carroll, Senator Marovitz and Senator Berman - I'd like to move to Table Senate Resolution 943 and Senate Joint Resolution 157.

PRESIDENT ROCK:

All right. Senator Brookins is moving to discharge the Committee on Executive from further consideration of Senate Resolution 9-4-3 and Senate Joint Resolution 1-5-7 for the purpose of Tabling. All in favor of the Motion to Discharge, indicate by saying Aye. All opposed. The Ayes have it. The resolutions are discharged. Senator Brookins now moves to Table Senate Resolution 943 and Senate Joint Resolution 1-5-7. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. The resolutions are Tabled. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank -- thank you, Mr. President. For the Members who are still here, I just want to remind them that we have an Appropriations I committee meeting Tuesday at 1:00 p.m. in Room 212.

PRESIDENT ROCK:

All right. Madam Secretary, have there been any -- Senator Karpiel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. I would like the record to show that I -- I wanted to vote Yes on Senate Bill 2114. Thank you.

PRESIDENT ROCK:

2-1-1-4. The record will so reflect. Madam Secretary, have any objections been filed with respect to the Resolutions Consent

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Calendar?

SECRETARY HAWKER:

No objections have been filed.

PRESIDENT ROCK:

All right. Copies of the Calendar having been distributed to all Members and no objections having been filed, Senator Demuzio moves the adoption of the Resolutions Consent Calendar. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

Yes. Mr. President, House Joint Resolution No. 132 on the Consent Calendar was mistakenly picked up by Senator Smith. The House sponsor has indicated she is presently on the way to the Senate to present to the Secretary the letter transferring sponsorship from Senator Smith to -- to myself. It was a mistake that Senator Smith made - I'm sure by accident. It was -- she thought it was sponsored by Representative Williams, but it was actually Representative Williamson who was the sponsor of the resolution.

PRESIDENT ROCK:

All right. All right. With leave of the Body, we'll show Senator Dudycz as the Senate sponsor of House Joint Resolution 132, which is on the Consent Calendar on Page 3 - or 4, I guess. It's on Page 4. Without objection, leave is granted. That change will be reflected, Senator Dudycz. Thank you. All right. If there are no further -- Senator Demuzio moves the adoption of the Resolutions Consent Calendar. All in favor, indicate by saying Aye. All opposed. The Ayes have it. Those resolutions contained thereon are adopted. Yeah. I think that's appropriate. Ladies and Gentlemen, our -- our business has been effectively concluded. I wish everyone a happy and nice weekend. We'll reconvene Tuesday at one o'clock. We have some housekeeping things to read in - messages from the House and House Bill 1st - just for the purpose

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of journalizing and moving them long, so we will be concluding as quickly as the Secretary can finish reading this stuff. House Bills 1st, Madam Secretary.

SECRETARY HAWKER:

House Bill 2822 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 2990 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 3134 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3146 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 3334 offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 3390 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 3398 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 3590 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 3722 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3743 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 3830 offered by Senator Fawell.

(Secretary reads title of bill)

House Bill 3903 offered by Senators Brookins and Alexander.

(Secretary reads title of bill)

House Bill 4031 offered by Senator Fawell.

(Secretary reads title of bill)

House Bill 4169 offered by Senator O'Daniel.

(Secretary reads title of bill)

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House Bill 4204 offered by Senator Davidson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Rules Committee. Message 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 934, 3024, 3426, 3692, 3727, 3771, 3824 and 4042. Passed the House May 2nd <sic> (17th), 1990.

PRESIDENT ROCK:

1st Reading. Any further business to come before the Senate? If not, Senator Demuzio moves the Senate stand adjourned until Tuesday -- Tuesday, May 22nd, at the hour of one o'clock. Next Tuesday, Ladies and Gentlemen. Have a nice weekend. Senate stands adjourned.

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