

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

36th Legislative Day

May 25, 1989

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. Our prayer this morning by Father Frank J. O'Hara, St. Peter and Paul Catholic Church, Springfield, Illinois. Father.

FATHER O'HARA:

(Prayer given by Father O'Hara)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Mr. President, I move that readings and approval of the Journals of Thursday, May 18th; Monday, May 22nd; Tuesday, May 23rd and Wednesday, May 24th, in the year 1989, be postponed, pending arrival of the printed Journal.

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. Resolutions.

SECRETARY HAWKER:

Senate Resolution 343 offered by Senator Hudson.

Senate Resolution 344 offered by Senator Brookins.

Senate Resolution 345 offered by Senator Savickas.

Senate Resolution 346 offered by Senator Savickas, and

Senate Resolution 347 offered by Senator Savickas.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar, Madam Secretary.

SECRETARY HAWKER:

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Senate Resolution 348 offered by Senator Jerome Joyce.

It is substantive.

PRESIDENT ROCK:

Executive. 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 with the following titles, in the passage of which I'm instructed to ask the concurrence of the Senate, to wit:

House Bills 300, 309, 333, 444, 466, 545, 551, 564, 582, 585, 593, 595, 659, 745, 760, 829, 830, 831, 832, 833, 836, 837, 838, 840, 843, 844, 845, 1070, 1100, 1152, 1471, 1508, 1571, 1831, 2484, 2486, 2784 and 2785.

Passed the House, May 23rd, 1989. Filed, John F. O'Brien, Clerk of the House.

PRESIDENT ROCK:

All right, with leave of the Body, Ladies and Gentlemen, we'll move to the Order of House Bills 1st Reading. Page 47 on the Calendar, Madam Secretary, on the Order of House Bills 1st Reading, read the bills, please.

SECRETARY HAWKER:

House Bill 29 offered by Senator Alexander.

(Secretary reads title of bill)

House Bill 40 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 42 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 90 offered by Senators Marovitz and Raica.

(Secretary reads title of bill)

House Bill 158 offered by Senator O'Daniel.

(Secretary reads title of bill)

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House Bill 247 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 258 offered by Senator Friedland.

(Secretary reads title of bill)

House Bill 321 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 496 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 507 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 547 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 602 offered by Senator Philip.

(Secretary reads title of bill)

House Bill 641 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 645 offered by Senators Ralph Dunn and Davidson.

(Secretary reads title of bill)

House Bill 714 offered by Senator Fawell.

(Secretary reads title of bill)

House Bill 729 offered by Senators Madigan and Maitland.

(Secretary reads title of bill)

House Bill 737 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 852 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 853 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 854 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 870 offered by Senator Marovitz.

(Secretary reads title of bill)

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House Bill 875 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 957 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 966 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 977 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1-0-0-9 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 1057 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1059 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1111 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 1164 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1256 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 1339 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 1384 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1386 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1479 offered by Senator Kelly.

(Secretary reads title of bill)

House Bill 1503 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1507 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

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House Bill 1623 offered by Senators Marovitz and Keats.

(Secretary reads title of bill)

House Bill 1666 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1667 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 1673 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1686 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 1688 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 1757 offered by Senators Daley and Marovitz.

(Secretary reads title of bill)

House Bill 1842 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1858 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1866 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1868 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1873 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1880, pardon me, 1878 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1879 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1880 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1899 offered by Senator Berman.

(Secretary reads title of bill)

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House Bill 1925 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 1966 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1995 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 2014 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 2020 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2025 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2040 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 2115 offered by Senator Kustra.

(Secretary reads title of bill)

House Bill 2139 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 2275 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 2310 offered by Senators Maitland and J.J. Joyce.

(Secretary reads title of bill)

House Bill 2421 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 2437 offered by Senators Marovitz and Maitland.

(Secretary reads title of bill)

House Bill 2449 offered by Senators Smith and Daley.

(Secretary reads title of bill)

House Bill 2613 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 2790 offered by Senator Welch.

(Secretary reads title of bill)

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House Bill 69 offered by Senators Kelly and Schaffer.

(Secretary reads title of bill)

House Bill 120 offered by Senators Lechowicz and Kustra.

(Secretary reads title of bill)

House Bill 187 offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 195 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 204 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 238 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 239 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 421 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 446 offered by Senators O'Daniel and Maitland.

(Secretary reads title of bill)

House Bill 558 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 574 offered by Senators Kelly and Hudson.

(Secretary reads title of bill)

House Bill 604 offered by Senators -- Senator Netsch.

(Secretary reads title of bill)

House Bill 702 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 725 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 726 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 881 offered by Senator Dunn -- Tom Dunn.

(Secretary reads title of bill)

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House Bill 1136 -- House Bill 1136 offered by Senator Kelly.

(Secretary reads title of bill)

House Bill 1224 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1249 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 1329 -- 28 offered by Senator Friedland.

(Secretary reads title of bill)

House Bill 1406 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 1409 offered by Senator Alexander.

(Secretary reads title of bill)

House Bill 1472 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 1484 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1486 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 1496 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1514 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 1518 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 1549 offered by Senator Carroll.

(Secretary reads title of bill)

House Bill 1566 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 1627 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 1782 offered by Senators O'Daniel and Rea.

(Secretary reads title of bill)

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House Bill 1827 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 1988 offered by Senator Dudycz.

(Secretary reads title of bill)

House Bill 2038 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 2039 offered by Senator Kustra.

(Secretary reads title of bill)

House Bill 2052 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 2209 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 2124 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2171 offered by Senators Vadalabene and Rea.

(Secretary reads title of bill)

House Bill 2362 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2497 offered by Senators Smith and Thomas Dunn.

(Secretary reads title of bill)

House Bill 2571 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 2574 offered by Senators Welch and Macdonald.

(Secretary reads title of bill)

House Bill 2594 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 2624 offered by Senators Carroll and Marovitz.

(Secretary reads title of bill)

House Bill 2626 offered by Senators Carroll and Marovitz.

(Secretary reads title of bill)

House Bill 2664 offered by Senator Philip.

(Secretary reads title of bill)

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House Bill 2733 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 612 offered by Senator Berman.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

All right, Ladies and Gentlemen, if I can have your attention, we'll begin on the Order of Recalls. I understand a Recall List has been distributed. And then we'll begin on the Order of Senate Bills 2nd Reading, and take up where we left off last night, and move ahead to 3rd Reading. Top of Page 7, on the Order of Senate Bills 3rd Reading, Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 10, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 1 was promised in committee. What it does is it takes a bill that deals with student loans and failure to repay loans, removes the provision that would take away driver's licenses from students who either haven't repaid the loan or have not entered into an agreement to repay that loan. I would move for adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to Senate Bill 10. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

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No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 8. Senator Berman seeks leave of the Body, on the Order of Senate Bills 3rd Reading, to return Senate Bill 112 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 112, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Amendment No. 2 to Senate Bill 112 adds -- adds language that makes vocational education an elective, and takes out the provision that the higher board can make other changes in the guidelines. And I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland's moved the adoption of Amendment No. 2 to Senate Bill 112. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The Amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 11. Senator Barkhausen seeks leave of the Body to return Senate Bill 238 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 238, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Barkhausen.

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PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 1 to Senate Bill 238 is, I believe, an agreed amendment requested by Continental Bank, relating to the ability of a bank to use in its corporate name the word "Bank." I know of no objection, and I would move its adoption.

PRESIDENT ROCK:

All right. Senator Barkhausen's moved the adoption of Amendment No. 1 to Senate Bill 238. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 69 on the Calendar, on the Order of Consideration Postponed. Senator Berman seeks leave of the Body to return Senate Bill 270 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 270.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. When this bill -- bill was last called there was expressed some concern as to the words that defined the dangerous condition that would give the basis for a cause of action. This amendment tightens that up considerably, reducing the period of time for the frame of reference for a dangerous location from three years down to six months. I -- I

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move the adoption of Amendment No. 2.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Amendment No. 2 to Senate Bill 270. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Back to the Order of Consideration Postponed. 348. Senator Berman seeks leave of the Body to return Senate Bill 348, which is at the top of Page 14, to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 348.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This amendment changes this bill to allow flexibility in a court, to determine the method for the payment of hospital or doctor's liens in the -- in the event of a structured settlement in a personal injury lawsuit. I move the adoption of Amendment No. 1.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Amendment No. 1 to Senate Bill 348. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

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3rd Reading. 384. Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 384. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 384, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Watson.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Amendment No. 2 brings back a funding formula change that was established by the Department of Public Aid in regard to nursing homes. We're just bringing it back up to the pre-January 1st, 1989 level. It's called the gap formula. We're just bringing that formula back up to that level, so that all nursing homes in Illinois will be treated equitably.

PRESIDENT ROCK:

Senator Watson's moved the adoption of Amendment No. 2 to Senate Bill 384. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 392. Senator D'Arco. 575. Senator Jacobs. 603. Senator Barkhausen. Senator Barkhausen seeks leave of the Body to return Senate Bill 603 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 603, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDENT ROCK:

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 1 comes at the request of one of the larger employers in and around my district. And it would permit the payment for the issuance of shares by a corporation by the means of a promise of future services. It's designed to help companies lure executive talent, and offer corporate shares as an incentive for those coming to work for them. And I would ask its adoption.

PRESIDENT ROCK:

Senator Barkhausen's moved the adoption of Amendment No. 1 to Senate Bill 603. Discussion? If not, all in favor -- Senator Marovitz.

SENATOR MAROVITZ:

Senator Barkhausen, has this amendment been looked at and -- and approved by the Secretary of State and their business corporation people who have been working on this for years?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes it has, Senator. There -- there might be some question about Amendment No. 2, which I'm going to withdraw. But as far as this one goes, it has been approved by the Business Corporation Act Advisory Committee.

PRESIDENT ROCK:

All right. Senator Barkhausen's moved the adoption of Amendment No. 1 to Senate Bill 603. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT ROCK:

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Indicates he'll withdraw. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 705. Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 705. Middle of Page 21. Senator Smith seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 705, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Smith.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2, I -- I move to Table the -- the Committee Amendment No. 1. Sorry.

PRESIDENT ROCK:

All right. Senator Smith, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 705 was adopted. All in favor of the Motion to Reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Smith now moves to Table Amendment No. 1 to Senate Bill 705. All in favor of the Motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Smith.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

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Thank you, Mr. President. Amendment No. 2 becomes the bill. The Department of Health is empowered to create and implement a public education program to curtail the prenatal transmission of AIDS. And I ask for your favor vote on that. ...

PRESIDENT ROCK:

Senator Smith has moved the adoption of Amendment No. 2 to Senate Bill 705. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 747 is on the Order of Consideration Postponed at Page 69. Senator del Valle seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 747, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator del Valle.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This amendment deletes the contents of the bill and creates a new section, which requires refunds ordered by the ICC to be made within six months and apportioned by customer class. This amendment has been worked out with the utilities. I move for its adoption.

PRESIDENT ROCK:

Senator del Valle has moved the adoption of Amendment No. 2 to Senate Bill 747. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Back to the Order of Consideration Postponed. 768. Senator Severns seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 768, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Severns.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. The amendment becomes the bill. The first part of the amendment is -- is language offered by Lieutenant Governor Ryan. And what this does in essence is expand the Export Trade Company Act -- SB1, that was passed out of here without opposition two years ago. It -- it expands it to include small businesses, because the World Trade Center is now breaking ground. It deletes obsolete language. Provides guidelines, adopting language from the California and Minnesota Trade Centers. It provides that the Council, because they are breaking ground, provide a plan to the Illinois General Assembly, and it also adds language on a guaranty program. I'll be glad to answer any questions.

PRESIDENT ROCK:

All right. Senator Severns has moved the adoption of Amendment No. 1 to Senate Bill 768. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

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PRESIDENT ROCK:

3rd Reading. 8-8-3. Senator Raica. On the Order of Senate Bills 2nd Reading -- 3rd Reading is Senate Bill 8-8-3. Senator Raica seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 8-8-3, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No.1.

SENATOR MAROVITZ:

Thank -- thank you very much, Mr. President and Members of the Senate. Amendment No. 1 to Senate Bill 8-8-3 is the product of an agreement between the sponsor and the Judiciary Committee. It allows the seizure of a vehicle used in the commission of pimping, soliciting for a prostitute, and pandering, when there's been conviction. And also allows seizure of a vehicle used in the commission of prostitution and patronizing a prostitute in the instance where the prostitute and the customer are both convicted of that underlying offense. And I would ask for adoption.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 8-8-3. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 28. Senate Bill 1044. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is

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granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1044, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 3.

SENATOR WELCH:

Thank you, Mr. President. This is an agreed amendment among the opposing parties. What it does is it will amend the proposed Toxic Pollution Prevention Program, adding that the Environmental Protection Agency would develop a priority consideration list, and deletes the requirement that the Department investigate insurance rate structures. I would move for adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 3 to Senate Bill 1044. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 30. Senator Barkhausen seeks leave of the Body to return Senate Bill 1182 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1182, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 2 to -- or Amendment

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No. -- Amendment No. 2 to Senate Bill 1182 is a proposal, quite honestly, very similar to one I offered the other day on -- on the Motion to Discharge list, but not quite identical, and I can explain the differences. It's on the subject of drug driving. And it is an attempt, again, to follow up on the Governor's recommendations in his State of the State speech, that we try and find an effective, legal means to curb the incidence of drug driving, as we have drunk driving. Very quickly, what it does is to impose the same type of -- of -- Well, first of all, it -- it makes unlawful driving with any amount of illegal drugs or controlled substances in one's blood or urine. It -- secondly, because there has been some question raised by the interpretation of our Implied Consent Law, it expressly authorizes law enforcement personnel to conduct, where they have reasonable cause to do so, both tests to detect the presence of alcohol in the bloodstream or -- and/or blood or urine tests to detect the presence of drugs. I'd be happy to answer any questions. The one thing different that this amendment does from 755, about which we had some discussion the other day, it takes away or it removes what was in 755 in the form of the deletion of the presumption that one is not under the influence when there is a reading on the breathalyzer test of under .05, on -- on the blood alcohol test. I'd be glad to entertain any questions. And otherwise, would ask for adoption.

PRESIDENT ROCK:

All right. Senator Barkhausen's moved the adoption of Amendment No. 2. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I -- I hope that everybody in the -- the Body will listen to this, 'cause this is a -- an important amendment, and it makes a very substantial change in current law, and one that I think is not

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well thought out at all. One of the problems with this amendment is the lack of any minimal amount necessary for the offense. And the dilemma that is created there - if you know anything about drugs and the ingestion of drugs - drugs stay in your system for quite a long time. There is no minimum necessary. There is no connection necessary between the fact that drugs may be in your system and any performance. You could be convicted, Senator Barkhausen, of the same offense twice within two weeks, because the same amount of drugs stays within your system. And if you're tested, you'll be tested positive, even though you haven't taken any drugs, and you -- and it doesn't affect your performance, and you're not under the influence of any drugs. Now, I'm not standing up here trying to protect any drug users or abusers where performance of driving an automobile is affected. I wouldn't do that. But the fact is that the way you have this drafted allows for any amount at all in the system. And you know very well that if drugs are ingested in the system, they stay in the system for a long period of time, and someone can be tested positive even though they may have ingested drugs weeks before. You call for no amount. You call for no connection between the performance of that automobile and the ingestion of the drugs. I think this amendment is not well thought out, and I really think you ought to withdraw it. And it's going to create a lot more problems than what you're trying to get at.

PRESIDENT ROCK:

All right. Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 1182. I beg your pardon? Senator Barkhausen, has this amendment been distributed?

SENATOR BARKHAUSEN:

Yes, it has.

PRESIDENT ROCK:

Good. You may close.

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SENATOR BARKHAUSEN:

Just to quickly try to respond to Senator Marovitz. Senator, as you know, what we're talking about here is illegal drugs. And the reason we are -- are making unlawful driving under the influence when one has any amount of illegal drugs in the bloodstream or urine is -- One, because unlike alcohol, these substances are, per se, illegal. We -- we view it as a very serious offense, and we're trying to get at this problem. Secondly, because there is -- there is no standard that one can come up with by which, unlike alcohol in the bloodstream, one can determine whether one is -- is driving under the influence. And for those two reasons, for those two important distinctions from the context of alcohol, we are making this proposal. And I ask for all of your support.

PRESIDENT ROCK:

Question is, the adoption of Amendment No. 2 to Senate Bill 1182. 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 -- take the record. On that question, there are 31 Ayes, 22 Nays. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1184. Senator Topinka. 1198. Senator Smith seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1198, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Smith.

PRESIDENT ROCK:

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Senator Smith, on Amendment No. 1.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 becomes the bill. And it requests that the Department of Public Health shall develop rules, regulations, mandated hospital licensed under this Act to furnish testings to patients, upon their requests, for infection or exposure to HIV. Describes the content of the rules, provides for confidentiality of the testing. I ask for the adoption of this...

PRESIDENT ROCK:

Senator Smith's moved the adoption of Amendment No. 1 to Senate Bill 1198. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 34. Senator Daley seeks leave of the Body to return Senate Bill 1374 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1374.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 would raise the threshold for public notice and bidding by the CTA from five thousand to ten. It was originally -- in the original bill, it was twenty.

PRESIDENT ROCK:

All right. Senator Daley has moved the adoption of Amendment

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No. 1 to Senate Bill 1374. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Middle of Page 34. Senator Berman seeks leave of the Body to return 1398 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1398, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator -- Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 3 strips the contents of the bill, so it's only a vehicle. I move the adoption of Amendment No. 3.

PRESIDENT ROCK:

Senator Berman moves the adoption of Amendment No. 3 to Senate Bill 1398. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1402. Senator Lechowicz. 1415. Top of Page 35. Senator Rea seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1415, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 2 offered by Senator Rea.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President. First, I move to Table the committee amendment.

PRESIDENT ROCK:

All right. Senator Rea, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 1415 was adopted. All in favor of the Motion to Reconsider indicate by saying Aye. All opposed. The Ayes have it. The votes are reconsidered. Senator Rea now moves to Table Amendment No. 1 to Senate Bill 1415. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Rea.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Under this amendment, the Department of Aging shall develop a pamphlet designed for the use of physicians licensed to practice medicine in all its branches under the Medical Practice Act, and pharmacists licensed under the Pharmacy Practice Act, and Illinois residents sixty-five years of age or older, for the purpose of assisting physicians, pharmacists and patients to monitor prescriptions provided by various physicians, and to aid persons sixty-five years of age or older to comply with directions for proper use of pharmaceutical prescriptions. And these pamphlets would include such information as: a name and phone number of the patient, name and phone number of the prescribing physician, date

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of prescription, name of drug prescribed, purpose of the prescription, name and phone number of the dispensing pharmacy. The Department would consult with the Medical Society, the Pharmacist's Association, and the Illinois Chapter of American Association of Retired Persons in designing this pamphlet. And these pamphlets would be made available to the physicians, pharmacists, and persons sixty-five years of age or older. I would move for adoption.

PRESIDENT ROCK:

Senator Rea has moved the adoption of Amendment No. 2 to Senate Bill 1415. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 392. Senator D'Arco seeks leave of the Body to return Senate Bill 392 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 392.

SECRETARY HAWKER:

Amendment No. 2, offered by Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, this is an amendment that Senator Maitland and I have agreed to. It's -- the amendment that puts DCCA and Public Aid into gear, as far as their administrative responsibilities are concerned. And it also eliminates the tax credit as a means of compensation for the utilities. Under this amendment, the utilities would be paid by a cash grant -- cash payment from the State, and I would move to adopt Amendment No. 2.

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PRESIDENT ROCK:

Senator D'Arco has moved the adoption of Amendment No. 2 to Senate Bill 392. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 575. Senator Jacobs seeks leave of the Body to return Senate Bill 575 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 575, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This -- this amendment's by agreement with the sponsor. And this amendment will add Will County into the Riverboat Gambling Act.

PRESIDENT ROCK:

All right. Senator Dunn has moved the adoption of Amendment No. 1 to Senate Bill 575. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1184. Senator Topinka seeks leave of the Body to return Senate Bill 1184 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, top of Page 31, is Senate Bill 1184.

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Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Topinka.

SECRETARY HAWKER:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. This is basically an Illinois Department of Public Health amendment regarding changes in terms of some of the numbers that had been involved in the original bill, and it brings it up to their liking.

PRESIDENT ROCK:

Senator Topinka has moved the adoption of Amendment No. 1 to Senate Bill 1 -- 1184. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, we will begin on Senate Bills 2nd Reading. I would advise you, if you need to be advised, it is Thursday. Tomorrow's the deadline. So we're going to move ahead on 2nd Reading, and we'll do the Abilled Greed List -- Agreed Bill List. Senator Philip and I are working on a second Agreed Bill List. And then we will move to 3rd Reading, and proceed. The intent is to work probably straight through to approximately nine o'clock this evening. Senator Maitland. On the Order of Senate Bills 2nd Reading is Senate Bill 437. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 437.

(Secretary reads title of bill)

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2nd Reading of the bill. The Committee on Appropriations II offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Hall, on Committee Amendment No. 1.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This first amendment adds eighty-five thousand dollars for grants increase for retired senior volunteers programs. I move for the adoption of this amendment.

PRESIDENT ROCK:

All right. Senator Hall has moved the adoption of Committee Amendment No. 1 to Senate Bill 437. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Hall offers Amendment No. 2.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

This is a -- a one percent productivity factor. It reduces personal service by imposing a one percent, to the tune of forty-three thousand point seven (43.7 thousand). Move for the adoption of this amendment.

PRESIDENT ROCK:

Senator Hall's moved the adoption of Amendment No. 2 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Yes, sir, Mr. President and Members of the Senate. Senator

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Hall, we would -- we would rise in -- in opposition to that -- that amendment, and we have an amendment to follow.

PRESIDENT ROCK:

All right. Senator Hall's moved the adoption of Amendment No. 2 to Senate Bill 4-3-7. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 29 Nays. The amendment fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Hall.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 -- 2 <sic> freezes all other operation lines at the FY'89 spending level. This is twenty-four -- twenty-four thousand dollars. Move for the adoption of this amendment.

PRESIDENT ROCK:

All right. Senator Hall has moved the adoption of Amendment No. 3 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Mr. -- Thank you, Mr. President. Once again, we would rise in opposition to the amendment, and -- and seek a roll call.

PRESIDENT ROCK:

All right. Senator Hall's moved the adoption of Amendment No. 3 to Senate Bill 437. 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 29 Ayes and 29 Nays. And the amendment fails. Further amendments?

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SECRETARY HAWKER:

Amendment No. 4 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 4 will delete -- it goes to payroll, it's a reduction of twenty-nine thousand eight hundred dollars. I'd move for adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 4 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I would rise in opposition to Amendment No. 4, and seek a roll call.

PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 4 to Senate Bill 437. Those in favor of the amendment 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? Take the record. On that question, there are 30 Ayes, 29 Nays. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Kelly.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. This amendment would increase the appropriation by a hundred and fifty thousand dollars for the Foster Grandparents Program in the State of Illinois. It's currently receiving sixty-six thousand dollars, and this would be an increase. And it's for a very worthy volunteer program. It lets seniors help out certain youths

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throughout the State of Illinois. I move for its adoption.

PRESIDENT ROCK:

All right. Senator Kelly's moved the adoption of Amendment No. 5 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. No doubt, a good program. No one's arguing that. This amendment failed in committee. This is more than a -- this is a tripling of the -- of the appropriation for this program. And -- and for that reason, I would -- would be opposed to the amendment, and would ask for a roll call, Mr. President.

PRESIDENT ROCK:

All right. Senator Kelly's moved the adoption of Amendment No. 5 to Senate Bill 437. Those in favor of the amendment 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? Take the record. On that question, there are 30 Ayes, 28 Nays. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senators Smith and Marovitz.

PRESIDENT ROCK:

Senator Smith. Senator Brookins. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 6 offers a grant of one million six hundred thousand dollars. No funding was provided for the program of implementation of the Elder Abuse and Neglect Act in the agency's budget. And this amendment funds the first year of a two-year implementation program that would begin on September 1st, 1989, with the four areas that took part in the Elder Abuse Demonstration Project. Areas 1, 2, 11 and 13 would be first attended, and then by April 1st, 1989, Areas 3, 7, 8 and 12 would be included. And the rest of

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the State will come in line in Fiscal of '91. I move for the adoption.

PRESIDENT ROCK:

All right. Senator Smith has moved the adoption of Amendment No. 6 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. Again, another, probably very worthwhile, program. The Senator is deeply committed to this issue, but it's 1.6 million dollars, and I just would suggest that we oppose it at this time until available revenue is -- is with us. And I would seek your support of a No vote, and ask, Mr. President, for a roll call.

PRESIDENT ROCK:

All right. The question is the adoption of Amendment No. 6, offered by Senator Smith. 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 30 Ayes, 27 Nays, none voting Present. The amendment is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 7 offered by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. One of the problems that the elderly have had is the amount that is exempt that they can have to spend before having to use it in Public Aid. So it's actually the amount they have for their individual costs, such as food, clothing, and so on. That amount has not been raised since 1982; it is four hundred twenty-six a month. This amendment would merely bring it up to the current Federal definition of what is poverty level, which is four

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hundred and ninety-eight dollars a month. A seventy-two dollar allowance increase, if they have the money, that this would allow them. And I would move its adoption.

PRESIDENT ROCK:

All right. Senator Carroll's moved the adoption of Amendment No. 7 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Carroll, is -- is there a substantive bill here, also, or have you had another bill that does the substantive language as in the approp bill?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

As you know, substantive language is not in an appropriation bill. This would be the appropriation. It's my understanding the substantive concept is still alive.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, again, I ask the question, where is the -- where is the bill. Is there a bill someplace?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

There is no substantive bill currently on the Calendar in this Chamber. It's my understanding that either we will attempt to amend a House bill or they will attempt to amend a Senate bill to accommodate this.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, Senator Carroll, why are we appropriating the money if

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there is no -- there's nothing to appropriate it to?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

This could still be done by appropriation, and if the substantive language is necessary, we can, in fact, amend legislation to incorporate it. The Department has indicated that is -- there's a need to go up to this level. This is the poverty level; it hasn't been changed since 1982, and either we accept that fact or we don't. I think it's time that we do, and recognize what the Federal poverty level is, and allow the exempt Social Security benefits to go to that four hundred and ninety-eight dollars a month.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Simply to say, Senator Carroll, this is an increase in the exemption. We are, really, we are funding a policy change that has not yet passed. And it's my understanding the Department suggests this figure as substantially below the 1.3 million dollars, something in the neighborhood of two hundred and fifty to four hundred thousand dollars. And I guess we would question where we've come with the -- how we've come up with the 1.3.

PRESIDENT ROCK:

All right. Senator Carroll's moved the adoption of Amendment No. 7 to Senate Bill 437. Those in favor of the amendment 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 31 Ayes, 27 Nays, none voting Present. Amendment No. 7 is adopted. Further amendments?

SECRETARY HAWKER:

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Amendment No. 8 offered Senator Brookins.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Mr. President, this will appropriate to the Department of Aging for CHORE housekeeping, homemakers and senior companion service in addition to the FY'90 budget requested. It will be a five percent increase over what was originally asked. And I ask for your favorable vote.

PRESIDENT ROCK:

Senator Brookins has moved the adoption of Amendment No. 8 to Senate Bill 437. Discussion? Senator Maitland.

SENATOR MAITLAND:

Well thank you very much, Mr. President and Members of the Senate. Senator Brookins, you didn't mention the dollar amount, but this is about twelve million dollars, as I recall, and that's a substantial -- substantial figure. I would just suggest that the money is not there for this probably worthwhile program. I would seek a No vote and ask, Mr. President, for a roll call.

PRESIDENT ROCK:

All right. The question is the adoption of Amendment No. 8 to Senate Bill 437. Those in favor of -- of adopting the amendment 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 30 Ayes, 28 Nays and none voting Present. Amendment No. 8 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 9 offered by Senator Smith.

PRESIDENT ROCK:

Senator Smith, on Amendment No. 9.

SENATOR SMITH:

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Thank you, Mr. President and Ladies and Gentlemen. This Floor amendment is merely a -- a technical amendment to committee -- to the amendment for -- No. 1, concerning the retired seniors volunteer program. And I move for its adoption.

PRESIDENT ROCK:

Senator Smith moves the adoption of Amendment No. 9 to Senate Bill 437. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The Amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment 10 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland, on Amendment No. 10.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 10 to Senate Bill 437 is a reduction of six hundred and forty-three thousand five hundred dollars. It reduces the CCU rate to five percent increase, which is a substantial part of this amendment. It also reduces the hiring vacancies at the -- brings hiring vacancies to the entry level for a savings of forty thousand; raises turnover and hiring lag to three percent, which is forty-three thousand six hundred; adjusts Social Security, and reduces contractual services. Once again, I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland has moved the adoption of Amendment No. 10 to Senate Bill 437. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment 11 offered by Senator Maitland.

PRESIDENT ROCK:

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Senator Maitland, on Amendment No. 11.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. The effect of Senate Bill -- of Amendment No. 11 would, in effect, take out Senator Kelly's amendment and Senator Smith's amendment. I would move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland has moved adoption of Amendment No. 11. Is there discussion? Senator Kelly.

SENATOR KELLY:

Yes, Mr. -- I have a question of the sponsor. What are you doing to take mine out -- what is it exactly you're deleting?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Kelly, we're just taking it to the introduced level. We're taking it back to where it was. We're not taking the whole program out, we're just simply taking your add-on out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

I'm sorry. What -- Which program are you taking out -- I mean, what program are we talking about?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Sir, that's the Grandparent Program, the one that you increased.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

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SENATOR KELLY:

Oh, the one we just had the -- oh, the Grandparent Program, yes. All right. Well, I oppose you on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Well, let's be more specific, Senator. Exactly what are you reduced -- how much are you taking away from it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Hall, we're taking a hundred and fifty thousand out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well I'm -- I'm quite sure that Senator Kelly's -- is going to oppose that. And I would ask that everybody on this side vote No on this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Yes, I'd like to ask Senator Maitland a question, if I may. I'd like to find out who -- said you would like to reduce mine. Are you talking in terms of the Elder Abuse and Neglect Act, or are you talking about the retired volunteers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, the RSVP, by eighty-five thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

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Is that a hundred and fifty plus eighty-five thousand, then, that you are directing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, total with -- with the -- with the CCU rate increase, as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and to the Body. These are very important programs. They are essential programs and especially the Retired Volunteer Program that you haven't brought up yet. These are people who are doing this work on their own, and are only asking the State to help them with their finance of travel. And I certainly hope and pray that we will vote against his amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

To the sponsor, may I ask you a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

He indicates we will yield. Senator Alexander.

SENATOR ALEXANDER:

Does -- Thank you. Does this amendment reduce the funds for case coordination or in-house citizen -- senior citizen care?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, Senator, it brings it back to five percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

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Thank you, Mr. President. I stand in direct opposition to this amendment. Many of you sitting here have received requests from your senior citizens and/or their families for help with situations where these in-care workers come in and help. And to reduce this amount at this time, I think, is almost criminal. We need this service, and I'm asking all on this side of the aisle to be supportive and vote No on Senator Maitland's amendment at this present time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

Thank -- thank you, Mr. President. We -- we have some confusion over here, Senator Maitland. Let me ask this question. Number one, I understand you're reducing the budget by eighty-five thousand dollars, which was added in Committee Amendment No. 1 from Senator Smith. Secondly, you are reducing the budget by one hundred and fifty thousand dollars; it was added on the Floor by Senator Kelly. Are you also adding or deleting your five percent growth amendment that is also on here, or what else does the amendment do other than those two items?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

What we're doing, Senator, is -- is we get the -- the CCU back to the five percent which, actually, we've already passed anyway. It deletes that whole section. And we're just taking this one in this -- in this amendment to five percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, as to the reductions of the Retired Senior Volunteer Program and the Foster Grandparent Program, it's -- it's kind of

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ironic. We just went through a campaign for President of the United States, in which the candidate's theme was that he was going to have a kinder general -- gentler nation, and he was going to light up a thousand points of light. And what this amendment is doing is turning out a couple of those points of light. These are the volunteer programs that the President had talked about so vigorously and with such enthusiasm. I think that this is something that we shouldn't do. I think we should all be opposed to this amendment. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator -- Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Maitland, you're taking away a total of two hundred and thirty-five thousand dollars. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Actually, Senator Hall, it's -- it's -- it's a little more than that when we count the CCU reduction to the five percent level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Yeah, give us -- give us a figure. How much is it, actually?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Hall, I am reliably informed it's about seven hundred and seventy-three thousand.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland may close. Senator

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Maitland has moved the adoption of Amendment No. 11 to Senate Bill 437. 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 28, the Nays are 31. Amendment No. 11 fails. Further amendments?

SECRETARY HAWKER:

Amendment 12 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, on Amendment 12.

SENATOR MAITLAND:

...Secretary, I'm not sure we know what that amendment is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You want to just withdraw it? It's apparently your amendment, Senator Maitland.

SENATOR MAITLAND:

I'm sorry, Mr. President, withdraw that --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

-- amendment. Withdraw that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland seeks leave to withdraw. Amendment is withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments?

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bills 2nd Reading is Senate Bill 438. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I rise on a point of personal privilege.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR SEVERNS:

Moments ago when we were voting on 1182, I was in the phone booth, and I would like the record to show that I wanted to be recorded as Yes, when in fact, it is recorded as No, on Floor Amendment No. 2 of Senate Bill 1182. I would like to be recorded as voting Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the electronic device will so indicate. Senator Maitland, Senate Bill 438. Madam Secretary, have you read the bill?

SECRETARY HAWKER:

No, I have not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

438, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 438.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Watson offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson. Senator Hall.

SENATOR HALL:

...committee amendment, isn't it?

SECRETARY HAWKER:

My apologies. There is Committee Amendment No. 1 offered by Appropriations II.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Committee Amendment No. 1. Senator -- Committee Amendment No. 1 to -- Senator Hall.

SENATOR HALL:

Yeah. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll defer to Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Amendment No. 2 is a...

PRESIDING OFFICER: (SENATOR DEMUZIO)

No. It's Amendment No. 1.

SENATOR NEWHOUSE:

Amendment No. 1 -- Amendment No. 1 is 2.5 million for the -- for the Parents Too Soon Program. And I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Newhouse has moved the adoption of Committee Amendment No. 1 to Senate Bill 438. Discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY HAWKER:

Senator Watson offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

I'd like to withdraw that amendment and go with the next one, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Watson seeks leave to withdraw No. 2. Senator -- Leave is granted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This amendment appropriates six hundred and ninety thousand five hundred dollars to the Department of Children and Family Services for day care funding. We, right now, we have various cost areas in this State -- three different areas. What this would do would bring Area 3 and 2 together for a -- they would have equal reimbursement in those two particular areas. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment eliminates five new administration positions and phases back two hundred and seventeen positions by two months. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall moves the adoption of Amendment No. 3. Is there discussion? Senator Maitland.

SENATOR MAITLAND:

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Question of the sponsor, Mr. President, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he'll --

SENATOR MAITLAND:

Senator Hall, how -- Senator Hall --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Hall, what is your -- the total of your reduction?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

The -- the total of the amount is one million three hundred and forty-two thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. I -- I would rise in opposition to this amendment. We have an amendment to follow that, I think, will -- will make about the same amount of cut, but will be slightly different, and would appreciate a No vote, and Mr President, ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hall has moved the adoption of Amendment No. 3 to Senate Bill 438. 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 30, the Nays are 29. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment eliminates thirteen long-term vacancies -- administration, clerical vacancies -- at least four months. This is a total of two hundred and ninety thousand -- this is a total of two hundred and ninety thousand GRF. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hall's moved the adoption of Amendment No. 4. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. On this side of the aisle, we simply can't support that add-on. I would -- would ask for a No vote and seek a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall has moved the adoption of Amendment No. 4 to Senate Bill 438. 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 -- the Ayes are 30, the Nays are 29, none voting Present. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This Amendment No. 5 imposes a one percent productivity factor in administration division only. It's only a hundred and sixty-eight thousand dollars. I move for the adoption of this amendment.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall has moved the adoption -- Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. Again, I would rise in opposition, and would seek a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall's moved the adoption of Amendment No. 5 to Senate Bill 438. Those in favor will vote Aye. Those opposed, Nay. The voting is open. (pause) All right. Those -- all those in -- Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 28. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This freezes other operation lines, and this is only a hundred and sixty-nine thousand dollars. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hall has moved the adoption of Amendment No. 6. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 7 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This particular amendment does not

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add or delete any money from the budget. What it does is eliminate the authority for the Department to have a transferability of grants up to two percent. This gives us more control of the budget, and I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption. Is there discussion?
Senator Maitland.

SENATOR MAITLAND:

Mr. President, I would -- would rise in opposition, and -- and ask for a roll call, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch, do you wish to close on -- Senator Welch has moved the adoption of Amendment No. 7. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? (machine cutoff) Take the record. On that question, the Ayes are 30, the Nays are 28. Amendment No. 7 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senator Demuzio.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Senator Carroll.

SENATOR CARROLL:

Parliamentary inquiry. I believe that's going to be identical to Amendment No. 2, that was already adopted by Senator Watson. Am I correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yeah.

SENATOR CARROLL:

And then with your --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yeah. That's exactly right.

SENATOR CARROLL:

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-- leave, Mr. President, can I, in -- acting in your stead, withdraw the amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sure.

SENATOR CARROLL:

Thanks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Leave is granted. Amendment's withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment would add two and a half million dollars to the budget. What it does is, creates one thousand additional day care slots. There's been no increase in this line since fiscal year of '87. I'd move adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. (machine cutoff)

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 8. Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Mr. President, first question I would ask, is this amendment

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technically -- technically correct, at this point?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes.

SENATOR MAITLAND:

It is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, I am told by the Parliamentarian that it, in fact, is technically correct. Senator Maitland.

SENATOR MAITLAND:

...they do track now, too. Thank you very much. I would rise in opposition, and seek a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch has moved the adoption of Amendment No. 8. 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 30, the Nays are 27. Amendment No. 8 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 9 offered by Senators Welch and Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This will add seven hundred thirty-two thousand nine hundred dollars for protective and infant mortality day care, adding two hundred and eighty-two more slots. This line item has had no increase since Fiscal Year '87, either. I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 9. Discussion? Senator Maitland.

SENATOR MAITLAND:

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Thank you very much, Mr. President. I rise in opposition, and would seek a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 9. 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 31, the Nays are 28. Amendment No. 9 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment 10 offered by Senators Welch and Smith.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This adds six hundred three thousand seven hundred dollars for the use services line item. It's a five percent increase. There's also been no increase in this item since fiscal year of '87. I'd move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 10. Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Rise in opposition, and seek a roll call vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Amendment No. 10 be adopted. 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 30, the Nays are 27. Amendment No. 10 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment 11 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This increases by five hundred twenty thousand dollars the foster care line item. It provides for foster care training, respite and crisis counseling. I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 11. Is there a discussion? Senator Maitland.

SENATOR MAITLAND:

Senator Welch, do you know what the current funding level is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The figure we have is four hundred eighty thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

This money is coming out of foster care?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

It's allocated to foster care.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, it's coming out -- coming out of foster care. I -- I rise in opposition, and -- and seek a roll call vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 11 to Senate Bill 438. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 28, none voting Present. Amendment No. 12 -- 11 -- No. is -- No. 11 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment 12 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland. (pause) Senator Maitland, on the -- all right.

SENATOR MAITLAND:

Mr. President, we'd like to withdraw that -- that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland seeks to withdraw Amendment No. 12. Leave is granted. Amendment No. 12 is withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 12 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, on Amendment No. 12.

SENATOR MAITLAND:

Madam Secretary, let me -- could I read the -- the number to you? SRS86S0438MBbga0 -- am01. Thank you very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates yes. Senator Maitland. (pause) Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. This -- this amendment is a reduction of five -- five million six hundred forty-six thousand dollars, and it does a number of things. It reduces Parents Too Soon by 2.5 million dollars. It reduces community services to introduced level. It reduces day care to introduced level, except for the amendment that is of interest to Senator Watson and Senator Demuzio. I would move for the adoption, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Senator Maitland has moved the adoption of Amendment No. 12. Is there a discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I had to rise in opposition. What this does is remove everything we just voted to put on the bill, including the consolidated day-care line, the protective and infant and mortality line, the youth services increase, and foster care increases. I think this is something that we should not do, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall. Senator Maitland has moved the adoption of Amendment No. 12. 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 29, the Nays are 30. Amendment No. 12 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bills 2nd Reading, Senate Bill 439. Senator Maitland. On the Order of Senate Bills 2nd Reading is Senate Bill 439. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 439.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Hall offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

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SENATOR HALL:

Just a minute, Mr. -- Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President. I'll withdraw this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall seeks leave to withdraw the amendment. Is leave granted? Leave is granted. Amendment is withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hall. Pardon me, that's No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen. This is a -- imposes a one percent productivity factor for -- and I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall has moved the adoption of Amendment No. 1. Is there discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senator Hall, what's the -- what's the dollar amount on this, do you know?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

It's three million fifty-eight dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

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Thank you, Mr. President, Members of the Senate. I would -- would seek opposition. We will have, obviously, an amendment to follow. I would ask for a roll call, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall's moved the adoption of Amendment No. 1 to Senate Bill 439. 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 28, the Nays are 30. Amendment No. 1 fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This freezes nonpersonal service lines at the '89 level. I move -- this is two million six hundred and eighty thousand dollars. And I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Hall has moved the adoption of Amendment No. 2. Those -- well -- Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I rise in opposition, and would seek a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall moves the adoption of Amendment No. 2. 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 28, the Nays are 31. Amendment No. 2 is defeated.

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Fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment will do is reduce the budget of the Department of Corrections by 99.7 thousand dollars. It does so by deleting airplane costs, a personal information officer, as well. I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Mr. President, first of all, I would ask -- it's -- it's sometimes very difficult to hear the Members on that side. I don't know whether the volume is turned up quite high enough, but I can hardly hear Senator Welch when he speaks, but I would rise in opposition. I heard enough that I would rise in opposition, and ask for a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved the adoption of Amendment No. 3. 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 30, the Nays are 28. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Maybe I shouldn't be heard on this one either, but what it

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does it reduces the budget by ninety-seven thousand by eliminating three ghost payrollers on the Department of Corrections budget. I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WICS Channel 20 requests permission to tape. Is this leave granted? Leave is granted. And hearing no objections. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members. And I did hear that one. And I would rise in opposition, and would seek a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Amendment No. 4 -- Discussion? Senator Keats.

SENATOR KEATS:

A question of the sponsor. Who are these ghost payrollers? What do you say they are alleged listed on the payrolls as doing? And what do you say they're doing that makes them ghost payrollers? I mean, it's a great term, but why do you list them as such? Explain to us what that term comes from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you. There are three individuals who are assigned to the Department of Corrections but are paid -- are paid from the Department of Corrections, but basically work out of the Governor's Office. When -- if you want the names we can get those to you; I don't have them right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

What do they do? I mean, it doesn't offend me if a guy on the

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Corrections payroll is working on Corrections issues in the Governor's Office. If he's on the Corrections payroll and he's working on press issues, now that's a different subject. But to call them a ghost payroller - you know, the Governor has policy staff people who deal with these issues. Is this what these people are?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

All right. I have three names and I have three places where they work. Number one, individual named Mary Green is paid twenty-one thousand one hundred thousand <sic> dollars working under the auspices of the Department of Corrections but is in the Washington office of the Governor's Office. Secondly, Marge Harvey, is involved with senior involvement, paid twenty-six thousand five hundred dollars, is on the payroll but works -- I'm sorry, scratch that one. She's in a different department. Jean Bradner, paid forty-three thousand dollars, is in the Voluntary Action Department but assigned to the Department of Corrections. And the third one is Carol Long, paid twenty thousand one hundred dollars on the program staff, but assigned to the Department of Corrections. So I would move for adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? All right. On this ghostbuster, Senator Welch has moved the adoption of Amendment No. 4. Those in favor will vote Aye. All those in favor indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland. ...(pause)... Senator Maitland.

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SENATOR MAITLAND:

Mr. -- Mr. President, I'm reliably informed by my handlers that this amendment does not track at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator seeks leave to withdraw the amendment. Amendment is withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 440. Senator Hawkinson. On the Order of Senate Bills 2nd Reading is Senate Bill 4-4-0. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 440.

(Secretary reads title of bill)

2nd Reading of the bill. Committee on Appropriations II offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland. Wait a minute. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 phases the new program analysts at six months instead of nine. And I move for the adoption of this amendment. It's -- it's nine thousand two hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall has moved the adoption...(machine cutoff)... All right. I think, Senator Hall, you -- you've explained the Floor amendment. I think there is a -- a committee amendment. Committee Amendment No. 1. Senator Hall.

SENATOR HALL:

Just a minute, so we get straight where we are here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Hall.

SENATOR HALL:

I'll go with the same amendment. It phases the new program analysts at six months instead of nine. Move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm told there's a Committee Amendment No. 1 on this -- on this bill. Committee Amendment No. 1. Senator Hall.

SENATOR HALL:

Thank you. It's -- our -- our sheets is wrong on our page. This will be -- so scratch what I said there, and now we'll go to Committee Amendment No. 1. This is a PIF. This is a reduction of one percent increase, turnover in hiring lag factored two percent, phase-in new position three months, reduces merit comp to 3.5, and reduces to FY'89 and hospital reimbursement remains at introduced level -- the -- it eliminates legal fee of thirty-one thousand point three (31.3 thousand) for a total of a hundred seventy-three thousand. And I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in opposition to Committee Amendment No. 1. This is a Health Care Cost Containment Council. And this amendment will keep them from doing what we want them to do, and that's cutting costs with the data processing equipment that they need. And I would ask for a roll call in opposition of the amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Maitland move the -- the adoption of Committee Amendment No. 1 to Senate Bill 440. All in favor indicate by saying Aye. The -- the voting is open. All in favor will vote Aye. Opposed, Nay. The voting is open. All voted

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who wish? All voted who wish? All voted who wish? Take the record, Madam Secretary. On that question, there are 30 Ayes, 29 Nays, zero voting Present. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 -- no committee -- no further committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

I'd like to ask for a verification of that last vote. Of the affirmative vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson requests verification. Will the Clerk read the affirmative votes, please.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs --

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson withdraw his request for verification. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, on Amendment No. 2.

SENATOR HALL:

I'll withdraw that No. 2 Amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall withdraws.

SENATOR HALL:

That's on that programmer, Senator.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Alexander, for what purpose do you arise?

SENATOR ALEXANDER:

Thank -- thank you, Madam President. I rise on a point of personal privilege. I'm honored to have the students from Earle Elementary School Grades 7 and 8 in the Democratic Gallery. Will you please welcome them to Springfield.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please stand and be recognized by the Senate. Welcome to Springfield. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, please.

SENATOR HALL:

Thank you, Madam Chairman -- Madam President. This Amendment No. 2 imposes a one percent productivity factor. It's seven thousand four -- We'll also withdraw this amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall withdraws Amendment No. 2. Any further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, on Amendment No. 3.

SENATOR HALL:

Thank you, Madam President. I'll also withdraw that amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

He withdraws Amendment No. 3. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Hawkinson, on -- on Amendment No. 2.

SENATOR HAWKINSON:

Thank you, Madam President. I would ask leave to withdraw that amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

He requests leave to withdraw Amendment No. 2. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. The amendment I withdrew would have added back in the cuts made by the committee amendment. This amendment does not attempt to restore the productivity factor or the personnel costs, but it does ask to restore the equipment data processing and telecommunication lines of sixty thousand five hundred dollars, which are essential for this Council to do the work that they need to keep the data on hospital costs. And I would ask for its adoption, and ask for a roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President -- Madam President and Members of the Senate. I would -- would rise in strong support of this amendment, and ask both sides of the aisle to -- to support this. This is critically important to this agency. It is not a large budget, and I would seek your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kenneth Hall.

SENATOR HALL:

We have no objections to that, Madam President.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson moves the adoption of Amendment -- Floor Amendment No. 2. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. Senator Schaffer, on Senate Bill 4-4-1. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-4-1.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations II offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer. Senator Schaffer, on -- on Amendment -- Committee Amendment No. 1. Senator Schaffer moves the -- Senator Hall.

SENATOR HALL:

That's our amendment, and I'll defer to Senator Kelly.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. Committee Amendment No. 1 provided a one hundred and five thousand dollar appropriation for the Family Service and Mental Health Center of South Cook County, for the purpose of remunerating a psychiatrist's fees, raising it from fifty to seventy-five dollars an hour, and also to retain a case manager and program coordinator for the residential program with this agency. The salary of this person would be twenty-five thousand dollars. And the reason for

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increasing the psychiatrist's allowance is that you just can't get qualified psychiatrists at this low a level. I would especially solicit my two colleagues from the south suburbs, Senator DeAngelis and Senator Mahar, to join me in supporting this amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. I know this is an amendment that's important to a number of legislators, but I would just suggest that there are a lot of these centers around the State, and any one of us could be asking for add-ons. And I just ask you to keep that thought in mind.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, Senator Kelly moves the adoption of Committee Amendment No. 1. All in favor will indicate by the usual sign, Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Further -- any further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any Floor amendments?

SECRETARY HAWKER:

Senator Hall offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, on Amendment No. 2.

SENATOR HALL:

Thank you, Madam President. This Amendment No. 2 is -- imposes that productive factor. It's a hundred and eighteen thousand dollar reduction. Ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Hall moves the adoption of

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Amendment No. 2 to our Senate Bill -- Senator Maitland. I'm -- your light was not on, Senator. You yield to Senator Schaffer? Senator Schaffer.

SENATOR SCHAFFER:

If I understand this amendment correctly, it is a cut of the central office. I've been involved with the Department of Mental Health budget for a number of years, and frankly, I think those of us that have a history know that we have eliminated the regions in the Department of Mental Health. And I think most of us felt that at least initially, what we were doing was smart. And I think because most of us are very reluctant to hit the institutions, most of which are probably understaffed at least to the point most of us would like it to be, the central office for the last few years has been the target. I can remember over the years calling central office to -- on a particular problem of one type or another, and I'd be assigned to so and so who was in charge of this division or that division, and you got the impression there was just a small army. Nowadays, if you call the central office, seems like you always end up talking to the same person. It almost seems like we've gotten rid of everybody over there and all the phone lines are -- ring on one desk. Year after year we keep putting additional work in the Department, then we cut their budget. We cut their budget, and they have to have long-term vacancies, because it's either that or lay people off. So we say, "Well, because you didn't fill the vacancies, we eliminate those." And then they have to lay people off and create more vacancies. And it's been a downward spiral. We need to give the central office at least minimal ability to react to the continued wave after wave of mandates and additional work that we foist upon them. I mean, this is pure hypocrisy.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

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SENATOR HALL:

Madam President, may we have a little order. I cannot hear from these fellows right here. Would -- would you...

PRESIDING OFFICER: (SENATOR COLLINS)

Yes. Will the -- will the staff please take your conferences off of the Floor, and will the Senators please hold down the noise so he can hear.

SENATOR HALL:

Senator Schaffer, you -- you made an elegant plea there. The only thing is about it that we couldn't hear you because of all the disturbance, but I -- but look, here's what I want to tell you. It's simply this. This is a small cut. You have one to cut out three million dollars. I'm only making a cut of -- of one hundred, I mean, a hundred and eighteen thousand. Now, you have an average salary here of thirty thousand dollars. This is a small cut. That's all.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

We'll withdraw our amendment, if you'll withdraw yours.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

Our -- ours is a very small amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- any further -- Senator Schaffer.

SENATOR HALL:

I move for the adoption of --

SENATOR SCHAFFER:

Well. I was just going to point out, by that -- by your own logic then, you're getting the better end of the deal, 'cause we had a big one. We're giving up something big for something --

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you're giving up something small. It just seems fair. But seriously, though, the bottom line is that we always go after central office in this Department. We've created long-term vacancies, and we remove them. You -- you can't keep asking this Department to be all things to all people, to go out and do this and do that, and then keep chopping the office. The bottom line is that this is a -- a major State agency that has been starved at the top end. When they go into a budget the -- the first priority for the Director and her people are the institutions. They go through the bureau very lean. They get to us and we savage them. It just doesn't make sense. It's not good government. It certainly doesn't serve the interests of the mentally ill and the developmentally disabled. Our side, frankly, has been prevailed upon to -- to adhere <sic> to the philosophy I've just enumerated, and we're supposed to be the hardhearted people. Give me a break. This is not good governmental policy. We should not do this.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, to close.

SENATOR HALL:

Well -- well. Senator Schaffer, I appreciate what you're saying, but we did not cut anyone. We did not cut anybody out. There's no vacancy that we took. Okay? That's -- that's -- this is so small. So I'd move for the adoption of the amendment. Thank you, Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall moves the adoption of Committee Amendment No. 2 to Senate Bills 4-4-1. All in favor will indicate by the usual sign. A roll call has been requested. All in favor will vote Aye. Opposed, Nay. The voting is open. All voted who wish? All voted who wish? All voted who wish? Take the record, Madam Secretary. On that question, there are 27 Ayes, 30 Nays, none voting Present. The amendment fails. Any further amendments?

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SECRETARY HAWKER:

Amendment No. 3 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, on Amendment No. 3.

SENATOR HALL:

This -- this freezes the -- the one that OBRA funded. This is operating line. This transfers OBRA funding to the Department of Public Aid. And I move for the adoption of this amendment. Hold --

PRESIDING OFFICER: (SENATOR COLLINS)

Any --

SENATOR HALL:

Hold on just a moment. Hold on. We've got confusion. We got something on it. This is the amendment that freezes operation lines at the FY'89 spending level of the central office in EDP only, and move for the adoption of that amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall has moved the adoption of Amendment No. 3. Any discussion? Senator Maitland.

SENATOR MAITLAND:

Well. Is this an additional cut then, in -- in operations at central office among other line items, or other?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

This just freezes, Senator Maitland. That's all it does.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Again, you know, it's -- it's beat up the central office again. We just -- we've asked them to keep track of clients. We've asked them to expand their capacity. We've put out our press releases about how much we care about mental health, and then we

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do this. I would resist this amendment. You know, we have -- we have starved them for several years in this line item, to expand the program, to meet the things we've asked them to do. Then we ought to repeal a few laws. We ought to say no we didn't really meant that we cared about those people. We didn't really care that we wanted the Department run correctly. We just said that - we didn't mean it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well. I'd like to have another explanation as to what we are doing here. Are we are -- are we on Floor Amendment No. 3 according to our script, or are we on Floor Amendment No. 2 according to our script, or what are we on? Two?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

There -- there's some -- the numbers are, in fact -- but we're really at two. You -- you got it now?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

...What we are doing here is we are freezing the operating lines at the '89 fiscal year spending level for the central office and for the EDP only, of three hundred and forty-nine thousand three hundred. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates you're correct. Senator Maitland.

SENATOR MAITLAND:

Well. Thank you, Madam President. I would just -- just rise in -- in opposition. I think this is -- as Senator Schaffer has suggested -- I think Senator Demuzio is unhappy about something,

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but I -- I'm making your speech, Senator. I would rise in opposition.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall, to close.

SENATOR HALL:

I'll defer to Senator Demuzio. He never got, really, an answer to his question.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

I yield the balance of my time to Senator Hall.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

Well. I -- I read what we were doing here, and I'd move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall moves the adoption of Committee Amendment No. 3 to Senate Bill 4-4-1. All in favor will indicate by saying Aye. A roll call has been requested. Those in favor will vote Aye. Opposed, Nay. The voting is open. All who -- all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 26 Ayes, 32 Nays. The amendment fails. Any further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch, on Amendment No. 4.

SENATOR WELCH:

Thank you, Madam President. Amendment No. 4 will transfer funding from this Department to Public Aid for funding the Omnibus Budget Reconciliation Act requirement. It's a fifty-six million

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six -- fifty-three million six hundred thousand dollar transfer. I would move for adoption of Floor Amendment No. 4.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President. The Senator's explanation is exactly right. It's -- it's accurate. It's necessary. And I would ask for support on this side of the aisle.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch has moved the adoption of Amendment No. 2 to Senate -- Amendment No. 4 to Senate Bill 4-4-1. All in favor will indicate by the usual sign, Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Kelly.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly, on Amendment No. 5.

SENATOR KELLY:

Excuse me. Thank you, Mr. President, Members of the Senate. This -- this amendment is a -- strictly a technical amendment. The wording was placed in the middle of a paragraph, and it should have been at the end. And I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Kelly moves the adoption of Amendment No. 5 to Senate Bill 4-4-1. All in favor will indicate by the sign, Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR COLLINS)

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State your point, please.

SENATOR DEL VALLE:

In the gallery, we have the Aspira Club from the Lane Tech High School. I'd like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise, and be welcomed by the Senate. Welcome. Any further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll, on Amendment No. 6.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Amendment No. 6 is an effort to provide salary parities for those who work in mental health in the community sector. This is similar to what we have done in -- in the Department of Rehab Services, or proposed in the Department of Rehab Services budget. The issue is that these people have been underfunded, undersalaried, all of these years. And these are the ones who are the on-line workers in the community mental health centers, those who are actually out there in all of our districts doing the work. This would give them the same type of parity as -- as other workers enjoy. And I would move its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. -- Madam President and Members of the Senate. This is a substantial increase suggested by Senator Carroll. There's no one that will argue the need for increased funding for community-based facilities. I have stood on this Floor and -- and made that -- made that same -- same point. But quite frankly, the -- the money is not there. And -- and Senator Carroll, if we read

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the amendment correctly, we are using GRF funds for mental health programs, something that we've not done before, as I understand it. Is that not correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Senator Maitland, I'm -- I'm -- I'm not sure the nature of your question. As you know, federal dollars are not allowed for mental health programs. The federal government has mandated that mental health is a State responsibility. And this would use State funds for that purpose.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

I guess my question was, haven't we heretofore used mental health funds for this purpose, and -- and we are using -- we are extracting additional GRF funds.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Even OBRA has to use General Revenue Funds. I'm not sure, again, the nature of the question, in that the federal government has mandated that mental health is a State responsibility, and these are State funds.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Thank you. I -- I continue to make the same point, Senator Carroll. And I -- this is -- this is an eleven -- eleven million dollar raid on General Revenue, and eleven million dollars that we simply don't have. Nobody's arguing the -- the -- the need, at all. But this is substantially above the introduced level, and I

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would -- would urge opposition.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Yeah. There is a mental health fund, as your indicating. It's fed by bingo, and things like that, as I recall. And that's fully allocated. So when you want to increase it, like OBRA, like the Governor is doing, you recommend General Revenue Funds, like he's doing, and OBRA, and other mental health needs. That's the only other source of funds. I agree with you. This is a needed salary adjustment for those who are on the front line actually doing the work. And I believe the other amendments we've offered, as they're adopted, will provide the funds to make this still a balanced budget. I would urge its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Carroll has moved the adoption of Amendment No. 6 to Senate Bill 4-4-1. All in favor will indicate by usual sign, Aye. Opposed, Nays. The Ayes have it. And the amendment is adopted. I'm sorry. I didn't see your request for a roll call. A roll call has been requested. Those in favor will vote Aye. Opposed, Nay. The voting is open. All who voted who wish? All who voted who wish? All who voted who wish? Take the record, Madam Secretary. On that question, there are 29 Ayes, 29 Nays, none voting Present. And the amendment fails. Any further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 7 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith, on Amendment No. 7.

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I come with the grant for two million dollars. This

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amendment will add one million dollars to the mentally ill, and one million dollars to the developmental disability grants for child and adolescent services. Now on the mentally ill side, the early intervention program was stressed as a component of the additional funding. Early intervention treats children before they reach a crisis stage needing professional help. Mentally ill community advocates suggest that this program as one worthy of additional funding, as well as a child in the adolescent programs in general. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President and Members of the Senate. Again, the Senator is deeply committed to this, and I understand that. But this is a two million dollar drain on -- on General Revenue money, that's just simply not there. And -- and I would seek opposition, and ask for a roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the -- the question is -- Senator Smith has moved the adoption of Committee Amendment No. 7 to Senate Bill 4-4-4 <sic>. Those in favor will vote Aye. Opposed, Nay. The voting is open. All who voted who wish? All who voted who wish? All who voted who wish? Take the record, Madam Secretary. On that question, there are 31 Ayes, 27 Nays. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senators Marovitz and Smith.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz, on Amendment No. 8.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Last year we passed in this Body, by a vote of 55 to nothing, a

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five-year program to provide research education and training on adolescent and teen suicide programs. Over five thousand young people between the ages of fifteen and twenty-four commit suicide every year. Statistics show that almost three times that attempt suicide every year, and another three thousand go unreported. The rate of teen suicide has more that tripled over the last twenty years, making it the nation -- the nation's second -- second leading cause of adolescent death. Unfortunately, DMH chose not to fund the program that we passed by a 55 to nothing vote last year. This amendment provides one million dollars for teen suicide prevention. And I think as we sit here and go through a lot of these amendments, we ought to take a look at our priorities, and if we can't do something to prevent the ten thousand suicides of young people, and make an effort in that direction, shame on us. And I ask for adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Marovitz has moved the adoption of Amendment No. 8 to Senate Bill 441. Any discussion? If not, those in favor say Aye. Opposed, Nay. The Ayes have it. Amendment No. 8 is adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 9 offered by Senator Kelly.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly, Amendment No. 9.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. This amendment would increase significantly the amount of operational funds for nine developmental disability facilities to a level of additional three million one hundred and thirty-eight thousand eight hundred dollars. This amendment has come about at the request of the Howe Parent's Association, and it's in cooperation with the Parent's Associations at the nine other DD facilities in

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Mabley, Waukegan, Fox, Jacksonville, Lincoln, Murray, Shapiro, Ludeman and the Howe Developmental Center. And I would raise the level of staff to -- to patient from 1.1 to 1.61. And this would help to maintain the certification at these facilities. Without this level, we could very easily continue to lose a lot of federal money. And I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. I was going to rise in opposition, and I'm still going to rise in opposition, but the last point that you made about the ratio, 1-1 to 1-6, we need an explanation on that, Senator. We don't know quite what you're talking about.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

Well. Instead of having one -- a ratio of 1.1 of one person, it would make it like one and a half persons. So you'd -- you'd have additional staff to assist in the DD program within the facility. This is direct care, and it would increase the -- the staff ratio.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Kustra. Senator Kustra. Senator Maitland.

SENATOR MAITLAND:

Well -- well, thank you, Mr. President. Members of the Senate, we -- we don't have them here. We have figures, and I, you know, we are at the slightly over one -- 1-6. That's the -- obviously to qualify for federal reimbursement, and you know, we just really don't understand what -- what you're saying here.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Kelly moves the adoption of Amendment No. 8

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to Senate Bill -- 9, strike that. Amendment No. 9 to Senate Bill 4-4-1. All those in favor vote Aye. All those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 34 Ayes, 20 Nays, 1 voting Present. And Amendment No. 8 <sic> is adopted. Any further amendments, Madam Secretary?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 10 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Maitland, on Amendment No. 10.

SENATOR MAITLAND:

Thank you very much, Mr. President. Just on that last -- on that last vote, I was not finished with my questions of Senator Kelly, at all, and it's too late now, and I understand that. I -- I -- I fear we got some bad information, and we just put eleven million dollar add-on to the mental health bill with -- with not accurate, in my judgment, explanation. And I was simply trying to -- to get additional information, and was not able to get that. With respect to Amendment No. 10, we believe the amendment goes too far. We're concerned about this agency, as well. And therefore, we're going to withdraw our amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland withdraws Amendment No. 10. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 10 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment will again provide for the community

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care-givers, to give them the parity-type pay increase. It is moderately different than the earlier version. And I would move its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Carroll -- any discussion? Senator Carroll moves the adoption of Amendment No. -- Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Again, we don't have this amendment, Senator Carroll. Is this -- is this duplicative of the -- of the last amendment?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll.

SENATOR CARROLL:

It's a thousand dollars more, so it's not duplicative. But it is exactly the same concept.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Well. I -- I guess that allows me then to persist in my argument on the -- on the former amendment. And -- and ask you, what are we doing here? I want to know more about the ratio.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll.

SENATOR MAITLAND:

I'm sorry.

SENATOR CARROLL:

Your --

SENATOR MAITLAND:

I'm sorry.

SENATOR CARROLL:

I know we all look alike, that was Senator Kelly's on the

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ratio. Mine is on the funding for the community-based -- throughout the State, all the community-based mental health providers, to give them parity in salary, so that we're not losing them because of minimum wage, to places like McDonald's. Let's keep them working in the mental health field, these community-based people. And I would urge its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Carroll moves the adoption of Amendment No. 10 to Senate Bill 4-4 -- Senator Maitland.

SENATOR MAITLAND:

Well. Thank you, Mr. President and Members of the Senate. Once again, rise strongly in opposition to this, think the Body ought to think twice about this, at this time. And -- and seek a No vote, and a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll moves the adoption of Amendment No. 10 to Senate Bill 4-4-1. All in favor vote Aye. All opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 30 Ayes, 29 Nays, none voting Present. And Amendment No. 10 is adopted. Any further amendments, Mr. Secretary?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 4-4-2. Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 442.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

This is Amendment No. 1, and it deletes two hundred and seventy-nine thousand dollars out of -- of the OBRA position, while funding fifteen percent vacancy level in the health and regulation division. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Hall -- Senator Maitland.
...(short pause)... Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I just am now looking at the -- at the amendment. Senator, just quickly once again, an explanation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Well. My -- I've been informed, Senator, that this deletes unneeded OBRA positions, and it's while funding fifty percent vacancy level in the health regulation division.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR HALL:

This -- Do you under --

SENATOR MAITLAND:

Yeah. It -- it is -- it is our understanding that -- that -- that these -- these positions are needed, and -- and ought to be in here. I would rise in opposition, Mr. President, and seek a roll call vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

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All right. Senator Hall moves the adoption of Amendment No. 1 to Senate Bill 4-4-2. All in favor vote Aye. All opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 30 Ayes, 29 Nays, none voting Present. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This Amendment No. 2 is vacancies reduced to the entry level salaries, and it's two hundred and six thousand dollars. I move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Hall has moved the adoption of Amendment No. 2 to Senate Bill 4-4-2. All those in favor say Aye. Opposed, Nay. The Ayes have it. Amendment No. 2's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 imposes a one percent productivity factor. It's three hundred and fifty-two thousand dollars. I move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Maitland.

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SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I would simply rise in opposition, and seek a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall has moved the adoption of Amendment No. 3 to Senate Bill 4-4-2. All in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 30 Ayes, 29 Nays, none voting Present. Amendment No. 3 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 4 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you. We thought that there's another amendment by Senator Hall, if we could hold on one second.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

...be another amendment up there. No. 4.

PRESIDING OFFICER: (SENATOR D'ARCO)

We are on Amendment No. 4, aren't we, Mr. Secretary? All right. We'll be right with you. Hold on. Take it easy. ...(short pause)... Senator Hall.

SENATOR HALL:

Amendment No. 4 freezes appropriation to the FY'89 spending. It's three hundred and thirty --

PRESIDING OFFICER: (SENATOR D'ARCO)

Wait, Senator Hall. We don't have Amendment No. 4 yet. That's why we're holding -- we're in a holding pattern. As soon as we get it --

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SENATOR HALL:

Well --

PRESIDING OFFICER: (SENATOR D'ARCO)

Soon as we get it --

SENATOR HALL:

We evidently got the numbers --

PRESIDING OFFICER: (SENATOR D'ARCO)

-- we're going to recognize you, Senator Hall. As soon as we get it.

SENATOR HALL:

Okay.

PRESIDING OFFICER: (SENATOR D'ARCO)

We got it.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 4 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is -- it freezes the appropriation at the FY'89 spending level, three hundred and thirty-three thousand dollars. Move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. I rise in opposition, and seek a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hall has moved the adoption of Amendment No. 4 to Senate Bill 4-4-2. All those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that

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question, there are 29 Ayes, 29 Nays, none voting Present.
Amendment No. 4 fails. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 5 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment will do is delete a ghost payroll at the rate of thirty-six thousand dollars. I would move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Welch has moved the adoption of Amendment No. 5 to Senate Bill 4-4-2. All those in favor say Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 6 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment reduces the reappropriation to the April 30th spend-down level. It's a reduction of three million thirty-seven thousand dollars.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator -- Any discussion? If not, -- Senator Maitland. Any discussion? If not, Senator Welch has moved the adoption of Amendment No. 6. All those in favor say Aye. Opposed, Nay. The Ayes have it. Amendment -- Amendment No. 6 is adopted. Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

Thank you, Mr. -- Thank you, Mr. President. I -- I inadvertently pressed my button No on a previous bill, and I would

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like to have it recorded as Yes. It's Senate Bill 1182, recall 2nd Amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Holmberg, the record will so reflect. Senator Welch. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 7 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a reduction of three hundred and thirty-nine point five thousand dollars deleting unneeded expense of the Governor's Planning Council on Developmental Disabilities and Immigration Reform and Control Act. The Department itself has said that they do not need this money. And I would move adoption of the amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Welch moved the adoption of Amendment No. 7 to Senate Bill 4-4-2. All in favor say Aye. Opposed, Nay. The Ayes have it. Amendment No. 7 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 8 offered by Senators Netsch and J.J. Joyce.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch. J.J. Joyce. Senator J.J. Joyce.

SENATOR J.J. JOYCE:

Yes. Thank you. This should also be Senator DeAngelis. It is a -- an increase for the hemophiliac -- That's the wrong one, I'm sorry. Wrong one.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

SENATOR NETSCH:

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Thank you, Mr. President. Amendment No. --

PRESIDING OFFICER: (SENATOR D'ARCO)

8.

SENATOR NETSCH:

-- 8 would add five hundred thousand dollars to the Public Health appropriation for the rape victims and rape prevention fund activities. And basically what it would do would be to allow the funding of two new centers, one in western Illinois and one in southern Illinois, and also allows some increase in the staff at the existing centers. Altogether it would result in a statewide increase in the number of victims served to one -- one thousand six hundred and eighty, and a statewide increase in the number of hours of service of twenty-eight thousand. This --

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any --

SENATOR NETSCH:

-- is a program which we all support, and this would help it enormously.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you -- thank you, Mr. President and Members of the Senate. I -- I rise in opposition once again. Worthwhile obviously, but simply the money is not there, and until additional revenue is forthcoming we ought not support an add-on. And I would ask for --

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Netsch --

SENATOR MAITLAND:

-- a No vote and a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch has moved the adoption of Amendment No. 8 to

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Senate Bill 442. All those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 33 Ayes, 23 Nays, none voting Present. Amendment No. 8 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 9 offered by Senators Smith and del Valle.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Smith. Amendment No. 9. del Valle. Senator del Valle, on Amendment No. 9.

SENATOR DEL VALLE:

Thank you, Mr. President. This amendment provides two hundred and fifty thousand dollars from the Maternal Child and Health Fund to fight infant mortality in the West Town area. As we know, our State's goal has been to reduce the infant mortality rate to nine by 1990. We still have communities in the City of Chicago, poor areas, where the infant mortality rate is still 22.2 deaths per one thousand. This additional funding is necessary to really make a dent. I move for its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I guess for the very same reason, the money simply is not there, we cannot continue to do these things without additional money. And I would urge opposition, and seek a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator del Valle's moved the adoption of Amendment No. 9 to Senate Bill 4-4-2. All those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 29 Ayes, 28 Nays, none voting Present. And

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Senate Amendment No. 9 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 10 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President. Calling all troops together. Calling all troops together. Get your fingers in motion. What I'd like to do at this time is to present Amendment No. 10. This increases the Alzheimer's grant. It's only six hundred thousand dollars, and we really need this. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. A billion here and billion there, the first thing you know you're talking about real money. I -- I rise in opposition, once again, Senator Hall. The money is not there. And would -- would seek a No vote, and a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hall has moved the adoption of Amendment No. 10 to Senate Bill 4-4-2. All those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, 30 Ayes, 28 Nays, none voting Present. Amendment No. 10 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 11 offered by Senators J.J. Joyce and DeAngelis.

PRESIDING OFFICER: (SENATOR D'ARCO)

J.J. -- Senator J.J. Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This increases the hemophilic line

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item by a million four hundred and sixty-one thousand dollars.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Joyce has moved the adoption of Amendment No. 11 to Senate Bill 4-4-2. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 11 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 12 offered by Senator Smith.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment is a -- provides for -- Oh, God, I'm sorry, I got the wrong one. This amendment provides for a grant of one million seven hundred and fifty-three thousand dollars for infant mortality that have increased ten percent. The grants are community network, prenatal system, nutritional services, food supplies, and problem pregnancies. And these increases should help the Department reach their "9 by '90" goal. And this will serve across the entire State. This has been the cry of our Governor, and this is money, that we are allocating here, will help us to perfect our goal. I ask for your adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

SENATOR MAITLAND:

Senator, I didn't get the dollar amount. I apologize.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator Smith.

SENATOR SMITH:

Thank you. It's merely one million seven hundred and fifty-three thousand dollars.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Mr. President, I -- I rise in opposition once again. For the very same reason; we simply don't have the money at this time. And would seek a No vote, and ask for a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Smith has moved the adoption of Amendment No. 12 to Senate Bill 4-4-2. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted wish? Take the record. On that question, there are 30 Ayes, 28 Nays, none voting Present. Amendment No. 12 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 13 offered by Senator Collins.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Amendment No. 13 is the total of two hundred and fifty thousand -- two hundred and -- it's two million five hundred thousand dollars for the infant mortality networks for grants for -- to -- for case findings. This is a very important amendment that will actually save the State of Illinois a lot of money, because if the staff is there to find the mothers, and to get them into recovery and prenatal care early, then the possibility is that these babies will not be born addicted. And I will move for its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

SENATOR MAITLAND:

Senator, is this the same purpose for which the Department has requested a grant, from the Department of Substance -- Alcohol and Substance Abuse?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

So, why are we -- why are we -- why are we putting this in, if that money is coming from another -- possibly coming into the agency from another source?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yeah. DASA does not directly give money to the infant mortality networks. So it still could come from DASA -- the Department. The money comes through Public Health. And -- and if we -- we need to deal with that later, we can, but -- but this money's already requested also.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Well. They requested from the feds an additional -- an amount

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of money to be granted to the agency, and what you are doing is seeking additional revenue for the same purpose. Is that not correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

The problem is DASA has no control over how Public Health is spending it's money through the grant item through the Infant Mortality Reduction -- Grant Program. And we -- we, the Legislature, has some control, and should have, over this budget wherein we cannot control what -- what they're doing with DASA. And even if we get federal dollars, we still need additional dollars, you know, unless we just want to be penny-wise and dollar-foolish around here. This --

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator --

SENATOR COLLINS:

-- this is a big savings.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

I -- I simply rise in opposition, and seek a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Collins moved the adoption of Amendment No. 13 to Senate Bill 442. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 27 Ayes, 28 Nays, none voting Present. Amendment No. 13 fails. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 14 offered by Senators Demuzio and Holmberg.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Point of personal privilege, if I may. I have in the --

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR CARROLL:

Why, thank you. I have in the gallery the 7th grade class from the Arie Crown Hebrew Day School, chaperoned by two of their teachers. I would like them to stand and be recognized.

PRESIDING OFFICER: (SENATOR D'ARCO)

Will you please stand and be recognized by the Senate. Welcome to Springfield. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President --

PRESIDING OFFICER: (SENATOR D'ARCO)

One -- one second, Senator Demuzio. Senator Dunn, for what purpose do you arise?

SENATOR T. DUNN:

Thank you, Mr. President. Personal privilege.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR T. DUNN:

Over here on the Democratic side is the Washington Grade School from Joliet, the 7th grade class. Please welcome them.

PRESIDING OFFICER: (SENATOR D'ARCO)

Would you please stand and be recognized by the Senate. Welcome to Springfield. Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 14 is an amendment that would appropriate one million dollars out of GRF to fund community health centers.

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In -- on 3rd reading there's Senate Bill 1301, which is the bill that was reported out of the Public Health Committee that would divert the proceeds that are paid in by -- by domestic -- oh, I'm sorry -- by foreign insurance companies to a -- a number of different programmatic areas that we have established on this side. That is what is -- precisely what it is doing. It -- when that bill, substantive bill, passes, then this money will be necessary. I would move for the adoption of Amendment No. 14.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Demuzio has moved the adoption of Senate Amendment 14 to Senate Bill 4-4-2. All those in favor, say Aye. All those opposed, Nay. The Ayes have it. Amendment No. 14 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 15 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Need to withdraw that amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senate No. -- Amendment No. 15 is withdrawn. Amendment No. 15.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 15, by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis. Withdraw Amendment No. 15. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 15 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

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Thank you very much, Mr. President and Members of the Senate. Amendment No. 15 restores the funding for the six new positions for the implementation of OBRA mandates, and restores funding for the clinical labs and the blood -- blood bank lump sum. I would seek your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Maitland moves the adoption of Amendment No. 15. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 15 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 4-4-3. Senator Fawell. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 443.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 reduces the COLA, increased to the Governor's approved level. Five hundred and twenty-three thousand dollars. I move for the adoption of the Amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Hall's moved the adoption of

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Amendment -- Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senator Hall, is this the federal funds amendment? ...(inaudible)...reducing --

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Just -- just -- just one moment. It's GRF, Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland. ...(pause)... Senator Hall.

SENATOR HALL:

I -- I'm in error; it's federal.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR HALL:

COLAs is federal funds.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Mr. President, I would -- would simply say to Senator Hall, the amendment that we'll have, that follows, will make a bigger reduction and the Department has said that is our -- our figures are accurate and correct, and -- and perhaps we ought to go with our amendment that will follow.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hall. Senator Hall moves to adopt Amendment No. 1 to Senate --

SENATOR HALL:

Hold -- hold it -- hold it -- hold it -- hold it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

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Just -- just one moment here now. --

PRESIDING OFFICER: (SENATOR D'ARCO)

You want to --

SENATOR HALL:

Thank you, Mr. President. Move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Watson. Your light is on, Senator Watson. All right. Senator Hall moves the -- moves to adopt Amendment No. 1 to Senate Bill 4-4-3. All those in favor, vote -- all -- all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This imposes a one percent productivity improvement factor. And I move for the adoption. It's twenty-eight thousand dollars.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I rise in opposition, and seek a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hall moves the adoption of Amendment No. 2 to Senate Bill 4-4-3. All those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 26 Ayes, 28 Nays, none

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voting Present. And Amendment No. 2 fails. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 freezes spending at FY'89 level for other operations. It's ninety-four thousand dollars. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senator -- Senator Hall, our -- our figures suggest to us that we are taking out rent for space that we've already moved into, and that's going to be an obligation. And thought perhaps you might want to wait and get to our amendment that I -- we believe is more accurate.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Well, Senator Maitland, I appreciate what you said, but I don't think we're doing that. So, I'm going to pursue, and ask for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hall moves the adoption of Amendment No. 3 to Senate Bill 4-4-3. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 29 -- 29 Ayes, 28 Nays, none voting Present. Amendment No. 3 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

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Amendment No. 4 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Just wanted to let the record reflect that on Amendment No. 2, the productivity, I intended to vote No and hit my switch wrong.

PRESIDING OFFICER: (SENATOR D'ARCO)

Let the record so reflect. Senator Rock, on Amendment No. 4.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm sure you've all in the past couple of days been visited by those who are concerned with the Centers for Independent Living. They're nonresidential in nature. And they are a resource and advocacy center for people with disabilities. And frankly, the demand for services all across this State, across the fourteen centers, has grown enormously. This would add one million additional dollars to that program, and would appropriate the money according to a population base and -- and some base amount for each of the fourteen centers. It is an admitted add-on of one million dollars. I have already spoken with the Governor about it. I expect his ultimate approval, and I would ask yours. I would move the adoption of Amendment No. 4.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Rock, I -- I praise that program. It's an excellent program. But once again, rise in opposition. I don't believe the money is there, and until we have the -- the tax revenue to deal with it, I think we ought to oppose it. Would seek a roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Rock moves the adoption of Amendment No. 4

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to Senate Bill 4-4-3. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 29 Ayes -- 30 Ayes, 22 Nays, none voting Present. And Amendment No. 4 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 5 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll. Senator Carroll. Senator Welch.

SENATOR WELCH:

I think this --

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock, for what purpose do you arise?

SENATOR ROCK:

A mistake.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This particular item was testified about in the committee hearing that we held. It's a reduction of two million twenty-seven thousand dollars. It was a federal payback which the Department is trying to get to repay money which may not be due this year, may be due in a future year. We would like to hold off on that, and I would move adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Welch moves the adoption of Amendment No. -- Senator Maitland.

SENATOR MAITLAND:

Yes, simply, to -- to rise strongly in opposition, Senator, to this amendment, and would seek a roll call vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

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All right. Senator Welch moves the adoption of Amendment No. 5 to Senate Bill 4-4-3. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there 28 Ayes, 27 Nays, none voting Present. Amendment No. 5 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 6 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 6 to Senate Bill 443 reduces -- reduces by one hundred and thirty thousand, and the reductions are made in the -- in the following areas: it reduces the overbudget of salary increases for GFR -- GRF employees in the amount of twelve thousand five hundred; eliminates new home services offices to be opened at an unidentified location, in the amount of fifty-two thousand; reduces the personal services lines at ISD and ISVI by eliminating overbudget of salary increases over time to ten percent increases over FY'89, and that's in the amount of fifty-nine thousand two hundred dollars; and then reduce, correspondingly, the social security and retirement in the amount of five thousand seven hundred dollars. I would move for the adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm -- I'm surprised, Senator Maitland, that you are attempting now to take money out of the Illinois School for the Visually Impaired. You are attempting to take money out of the Illinois School for the Deaf. It just seems to me that you have

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made an argument just a few minutes ago with respect to - as I remember, Senator Schaffer, talking about - in the Department of Mental Health budget. I don't know why we want to hurt these people. As a matter of fact, Mr. President, I would ask you if whether or not this amendment tracks, and whether or not it's in order.

PRESIDING OFFICER: (SENATOR D'ARCO)

Do we have the amendment? ...(machine cutoff)... The parliamentarian has informed me that the amendment does not track, and it is out of order. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 7 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 7 to Senate Bill 443 adds back two million twenty-seven thousand seven hundred dollars in GRF for transfer to the Vocational Rehabilitation Fund, to provide the Department with the funding necessary to match the federal program funding. This line was eliminated by an earlier amendment, and its absence obviously would threaten the liability of DORS federal program. I would move for the adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I hope everybody is listening to what in the world is going on. These are -- we've -- if we're going to get the matching funds, the only way we can come up is -- with the money is -- is to vote for this amendment. Now, this is really being sort of penny-wise and pound-foolish. I would really strongly suggest that all of us vote for this amendment.

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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. We just voted to take the same amount of money out of the budget. And one of the reasons for doing that is that there has been no final audit to determine how much may be owed to the federal government. We just don't know. They want to build up a fund just in case it equals this amount. The testimony by this Director in committee was that they don't have a final figure. They think it might be this amount, and they're not really sure when it's going to be payable. I don't think we should go putting money away in this Department pending something that may or may not happen. I think that we should vote against this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. Just to close, Senator Welch. I think we're talking about two different issues. This has nothing to do with that issue at all. That's a supplemental issue that'll take place down the road sometime. We -- we -- that's the way we understand it. This is a totally different issue, and -- and ought not to be treated that way. I, once again, would move for the adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Thank you. Since it's my bill, I'd like to close. And -- and what Senator Maitland said is exactly right. You know, I went in to this with the -- with the Department. There is a question on how much we owe. You are -- you are right. But this money, if we don't come up with it, is -- is -- is not going to be matched by

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the -- we're not going to get the federal funding. And we're just throwing it away, and I think that's pretty dumb.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Maitland has moved the adoption of Amendment No. 7 to Senate Bill 4-4-3. All those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 42 Ayes, 11 Nays, none voting Present. And Amendment No. 7 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 4-6-1. Senator Carroll. 4-5-1? All right. Senate Bill 4-5-1. Senator DeAngelis. Senator DeAngelis. Senate Bill 4-5-1. Senator...(machine cutoff)...

END OF TAPE

TAPE 3

ACTING SECRETARY: (MR. HARRY)

Senate Bill 451.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

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Thank you, Mr. President. Floor Amendment No. 1 just corrects the misspelling of the word "preceding." I urge its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator DeAngelis moves the adoption of Amendment No. 1. All those in favor say Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I'd like to withdraw Amendment No. 2.

PRESIDING OFFICER: (SENATOR D'ARCO)

Amendment No. 2 is withdrawn. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. What this amendment does, and I don't want to go too much into the bill, but it essentially takes down the amount of the set-aside, and also insures that in that set-aside takeout that we are not, in fact, taking any part of the sales tax that belongs to the municipals. I urge its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The amendment in a sense -- well it's not technical; it's substantive. But what it does do is to say that if there is to be a withdrawal of sales tax revenue for the State Tourism Advertising Fund, which is the subject matter of

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the basic bill, it should come out only of that portion of the State sales tax which is attributable to the State. In other words, it protects local governments from having their share of the new uniform sales tax, which begins in 1990, in effect siphoned off. I probably object to the underlying bill. I'm not sure we ought to start siphoning off any more sales tax for special funds. But I think Senator DeAngelis is absolutely correct, that if the basic bill is going to be enacted, this amendment is very important to make sure that our local governments are protected.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator DeAngelis moves the adoption of Amendment No. -- No. 2. Any -- Senator DeAngelis.

SENATOR DeANGELIS:

Well, I would like to have Senator Netsch be shown as a co-sponsor on the amendment, but in opposition to the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Let the record so reflect. Senator DeAngelis moves the adoption of Amendment No. 2 to Senate Bill 451. All those in favor say Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 4-6-1. Senator Carroll. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 461.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations I offers one amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator Carroll, on Committee Amendment 1.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Committee Amendment No. 1 took the monies as identified by the Comptroller to be surpluses in the GRF feeder funds, and transfers them into General Revenue Funds. I would move its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is one of those situations where there is a difference of opinion between what is surplus and what is not. And I -- I would urge the defeat of this amendment because the -- both those people who pay into the Dram Shop Fund, and also the Fire Prevention Fund, the Traffic and Criminal Conviction Surcharge Fund, all of them say that these are not surplus dollars - they should not be transferred. So that I ask for the defeat of this amendment, and request a roll call, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Carroll moves the adoption of Committee Amendment No. 1 to Senate Bill 461. All in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 30 Ayes, 28 Nays, none voting Present. And Committee Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

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PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 462. Senator Carroll. Read the bill,
Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 462.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 4-6-3. Senator Hall. Read the bill,
Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 463.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations II offers
six amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President. I'd like to Table all those
amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall moves to Table Committee Amendments 1, 2, 3, 4, 5
and 6. All those in favor, say Aye. Opposed, Nay. The Ayes have
it. Committee Amendments 1, 2, 3, 4, 5 and 6 are Tabled. Any Floor
amendments?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

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3rd Reading. Strike that. Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. 4-8-2. Senator Jones. Senator Jones. Senate Bill 4-8-2. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 482.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the -- of the Senate. Amendment -- Floor Amendment No. 1 to Senate Bill 482 is the rewrite of the Structural Engineering Licensing Act, and it's an agreed amendment between the Department and the Profession. And I know of no opposition. I move its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Jones moved the adoption of Floor Amendment No. 1 to Senate Bill 4-8-2. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Any further Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. 4-9-1. Senator Maitland. Senator Maitland. 4-9-1. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 491.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 505. Senator Marovitz. Read the bill,
Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 505.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary offers one
amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.
Amendment No. 3, I think, to Senate Bill 505 is one that was
requested by Senators Carroll and Senator Hawkinson, and creates
the good faith exception for relatives. And I would ask for its
adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Barkhausen? No.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz moves the adoption -- Senator Marovitz moves
the adoption of Committee Amendment No. 1 to Senate Bill 505. All
those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment
No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. HARRY)

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No further committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, perhaps we're getting these -- I believe the amendment that I just explained is that amendment. Maybe, if the Secretary could bring me a copy of the amendment, I -- I just explained the Floor amendment, which was the good faith exception.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Yeah. Mr. President, maybe we can get this straight. No, I don't want to take it out of the record. The Amendment --

PRESIDING OFFICER: (SENATOR D'ARCO)

I didn't ask you to.

SENATOR MAROVITZ:

-- that was adopted was -- was the committee amendment. Is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Yes. That's correct.

SENATOR MAROVITZ:

But -- but the amendment which I just explained was the Floor amendment, so in fairness to the Body, I ought to explain what -- if you adopted -- did you adopt Amendment No. 1?

PRESIDING OFFICER: (SENATOR D'ARCO)

Why -- why don't you explain the Floor Amendment as if --

SENATOR MAROVITZ:

The Floor amendment --

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PRESIDING OFFICER: (SENATOR D'ARCO)

-- it were the committee amendment.

SENATOR MAROVITZ:

Oh. Okay. That's a good idea. Why don't I do that?

PRESIDING OFFICER: (SENATOR D'ARCO)

Go ahead.

SENATOR MAROVITZ:

The Floor amendment, as if it were the committee amendment, makes technical and stylistic changes, and adds definitions of deception and intimidation as requested by all parties in the committee. And I would ask for its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Marovitz move the adoption of Floor Amendment No. 1 to Senate Bill 505. Any discussion? If not, all in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted -- 2 -- So Amendment No. 2 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

This amendment inserts two words in it that were inadvertently left out. I ask for the adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Marovitz moves adoption of Amendment No. 3. Any discussion? If not, all in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. There's a fiscal note on 536 and 537. 543.

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Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

There is a fiscal note on 537, Mr. President. However, it's been filed. I received a copy of it yesterday.

PRESIDING OFFICER: (SENATOR D'ARCO)

We -- we don't have it in our possession, Senator Etheredge. And as soon as we do, we'll get back to it. Senate Bill 543. Senator Brookins. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 543.

(Secretary reads title of bill).

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 to Senate Bill 543 would take this concept that Senator Keats and others are so concerned about for the County of Cook and extend it. If it is a good idea for Cook, it ought to be a good idea then for Kane,...DeKalb, Kendall, DuPage, Lake and McHenry Counties. And that's all the amendment does. It divides those judicial circuits into subdistricts, and I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR D'ARCO))

All right, any discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And Senator Rock,...I...I appreciate you introducing this

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amendment, because it perfectly proves the reason that we need this bill to pass. The rest of Illinois already has Senate Bill 543. The legislation without this amendment is simply bringing Cook County into sync with the rest of Illinois. Let me give you an example. Circuit judges, and the numbers I'm giving you are from as recently as February 27, 1989. You can't get much more recent numbers. Cook County has three hundred and eighty-one circuit court judges, according to the Supreme Court at that point, about forty-eight percent of the judges in the state. The rest of the State of Illinois has four hundred and seventeen circuit court judges, about fifty-two percent. Let me put that in perspective. In Cook County...in Cook County, with this...concept, you have one judge per fourteen thousand eight hundred and thirty people. Downstate you...

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock, for what purpose do you arise?

SENATOR ROCK:

A point of order. I don't mind the gentleman quoting statistics, but I would wish he'd be accurate. There are a hundred and seventy-seven judges in the County of Cook, representing twenty-nine thousand six hundred people.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

(machine cutoff)...Rock, you know you're inaccurate, because you're leaving out the associate justices. The majority of the judges in Cook County are associates, my friend, and you and I both know it. In fact, in Cook County you have a hundred and seventy-seven...total circuit, a hundred and eighty-two associate, and twenty-two additional. Why, I'm quoting the exact same remarks for the judges upstate and downstate, so we can't say we're playing with the numbers.

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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Rock.

SENATOR ROCK:

Well, you are certainly playing with the numbers, because we're talking about those who are subject to popular election. So you've got a hundred and seventy-seven in Cook, representing twenty-nine thousand six hundred and seventy-nine people. As a matter of fact, in DuPage you've only got ten, and they represent sixty-five thousand people each. So this amendment is certainly applicable...should be applicable to DuPage. In Lake and McHenry, you got one judge for every thirty-five thousand people, so your argument frankly falls of its own weight.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

I might be left with the microphone, Senator Rock. You know you're misleading it, because you know the reason we have associates in...in Cook County is to circumvent the electoral process. You know it. We know it. Fifty-nine Senators know that. Now, if you want to play with those numbers, I'll give you your own numbers right back to you. Total circuit judges in the state - three hundred and eighty-nine, two twelve downstate, one seventy-seven, Cook County. The reason you have a disproportionate number of associates is so you don't have to face the electoral process. So you can continue to control them, and continue to thwart the will of the electorate of Cook County. That's your...you may do it if you wish. But if you don't mind, let me finish with the microphone. If you add the total number of circuit court judges in Cook County, you would have one for every fourteen thousand eight hundred and thirty people. If you take the total number of...of circuit court judges downstate, you have one for every thirteen thousand, seven hundred ninety. Let me

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tell you the difference. In Cook County, though, it's one circuit. In downstate, it is twenty-one circuits. So you have twenty-one circuits downstate that have roughly the same number of judges as one in Cook County. So what I would say to you is your amendment perfectly proves why Senate Bill 543 is so necessary. It is so that we allow Cook County to have the same type of fair representation that the rest of the State of Illinois is given. I would appreciate a No vote on this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill is identical to the one that I had sponsored in the 85th General Assembly, Senate Bill 44, which, of course, died in Executive. What this does is divide the...Cook County into the fifteen districts, I believe it is, and I think it's fair. At the present time, you elect a hundred and seventy-seven judges in Cook County. The ballot is...is a real bedsheet ballot. People don't even know who the heck they're voting for.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

A point of order, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

State...State your point.

SENATOR LECHOWICZ:

The lady is not addressing her remarks to the amendment. She is addressing it to the bill, and I hope she'll confine her remarks to the amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Adeline, will you...I'm sorry. Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. Lechowicz, I will address my remarks to the amendment right now. The amendment...wants to destroy this bill. We don't need to be divided any more than we are in the other counties of the State, and you must remember that you have as many associate judges as you want, fine. I'm not condemning you for that, but take a look at your ballot. ...What this amendment will do is give it the rest of the State. We don't need it. This...this bill, 543, without this amendment, is the answer to the so-called merit selection of judges by a little committee. So think about it, Ladies and Gentlemen. I think it's fair representation to leave the bill as it is and vote against this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Rock to close.

SENATOR ROCK:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I was a little surprised when we had the roll call the other night on the motion in writing to discharge this committee, and I was frankly a little surprised that Senators Keats and Karpel and Philip and Schaffer and Etheredge and Fawell and Friedland and Geo-Karis were all so concerned about the County of Cook. What I'm affording you now is an opportunity to show that same concern for your own counties, and I would move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Rock has moved the adoption of Amendment No. 1 to Senate Bill 543. All those in favor vote Aye. All those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 26 Ayes, 20...32 Nays, none voting Present, and Amendment No. 1 fails. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

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Amendment No. 2 offered by Senators Brookins and Keats.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senators Brookins.

SENATOR BROOKINS:

Thank you,...Mr. President. What this amendment does is it...changes includes that those will be eighteen appellate...appellate subdistricts in the election of these appellate and circuit judges. I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, Senator Brookins moves adoption of Amendment No. 2 to Senate Bill 543. All those in favor say Aye. Opposed Nay. Roll call. All those in favor vote Aye. Opposed Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 22 Nays, none voting Present. Amendment No. 2 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd reading. Do we have leave of the Body to return to Senate Bill 536 and 537? We are informed that a fiscal note has been filed. Hearing no objection, leave is granted. Senator Maitland. Senate Bill 536. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 536.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

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No Floor amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 537. Senator Etheredge. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 537.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR D'ARCO)

3rd Reading. Senate Bill 607. Senator Holmberg. Senator Holmberg. 607. Senate Bill 616. Senator Collins. Read the bill, Mr. Secretary. ...(machine cutoff)...616. All right. We'll -- we'll get back to it. We can't find it. 630. Senator Welch. Senate Bill -- Read the bill, Mr. Secretary. Do we have 630? All right. We found 616. Senator Collins. Senate Bill 616.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 616.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive offers one amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Collins.

SENATOR COLLINS:

Yes. Thank you. This amendment was worked out with DCCA to bring that program in conformity with the procedures that they use for similar type programs, and to provide for a method of recouping the -- the monies after the person is ready to -- to vacate the lease or terminate the apartment. And I would move for

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its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins has moved the adoption of Committee -- Committee Amendment No. 1 to Senate Bill 6-6 -- 6-1-6. Is there discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bills 2nd Reading is Senate Bill 6-3-0. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 630.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I think committee amendment was already adopted, and we -- Could we come back to this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, apparently we started to adopt the amendment and we took it out of the record. Do you want -- do you want to come back to it? All right. Committee amendments. Committee Amendment No. 1.

ACTING SECRETARY: (MR. HARRY)

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Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I would move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has moved to Table Committee Amendment No. 1. Those in favor of Tabling Amendment No. 1 -- Committee Amendment No. 1 indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. Can the Secretary read the LRB number on No. 2?

ACTING SECRETARY: (MR. HARRY)

8600133EGcbam02.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. This amendment -- Since Senate Bill 630 imposes a tax on -- on most plastic containers, my amendment says simply that such a State tax would preempt local governments, including home rule units, from imposing a similar tax. Now the rationale for this amendment is that currently the City of Chicago is considering, at this time, a similar tax, and I do not believe

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that we wish to have the businesses and the people of Chicago take a double hit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Dudycz has -- Senator Dudycz has moved the adoption of Amendment No. 2. Is there discussion? Senator Welch.
SENATOR WELCH:

Yes. Mr. President. What this amendment is attempting to do is to take Alderman Ed Burke's proposal in the City Council of Chicago, and it looks to me like he's trying to eliminate the possibility of that bill moving forward -- that ordinance. I would oppose this. If a home rule -- if a municipality wishes to enter into some sort of tax in effect carrying out the -- the purposes of a bill we passed last year for the County Waste Management Program which also applies to the City of Chicago, this amendment would totally derail that program. What this amendment would do would be to say to these seventeen or eighteen groups meeting trying to formulate a waste management plan that "Hey, you can't talk about plastics, because we've just taken this out of the record". I think this amendment should be defeated. That each county and the City of Chicago why they work on waste management programs should be allowed to do whatever they want to do. If they want -- if part of their settlement and agreement to take care of their waste is to place some sort of a tax on any type of container, I don't think we should intervene in that at this point in time. Perhaps sometime in the future, but I don't think this is the point to do so. And I would move that we oppose this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Dudycz may close. Senator Dudycz moves the adoption of Amendment No. 2 to Senate Bill 6-3-0. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 20. Amendment No. 2 is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment will do is change the Act totally. Instead of imposing a five-cent tax to begin with, what this amendment does is requires that if the recycling -- if the plastic industry has not met some targets that they have talked about setting themselves - and that is fifteen percent recycling by October 1st of 1992 and twenty-five percent by 1995 - in that case, there would be a tax imposed. The tax would begin in 1992 if those targets are not met. The reason for this amendment is that other types of containers, aluminum and glass, have reached those targets and are already there. The -- the plastic industry has asked for some time, and what this amendment will do is give them the time that they have asked for. I would ask for adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Welch has moved the adoption of Amendment No. 2. Those in favor will indicate by -- I'm sorry. Amendment No. 3. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. -- All right. Are you joined by five Members, Senator? Yeah. I guess you are. What are there names? Senator Welch has moved the adoption of Amendment No. 3 to Senate Bill 630. 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 31, the Nays are 23, 1 voting Present.

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Amendment No. 3 is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 4 offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Amendment No. 4 -- Since, as amended, Senate Bill 630 imposes an advance disposal fee, which still is really a tax on most plastic containers, my amendment says that such a State fee or tax would preempt local governments, including home rule units, from imposing a similar fee or tax. Again, the same rationale for this amendment is that the City of Chicago is currently considering similar legislation, and I do not believe that any of us here in the Senate wish for the businesses or the people of Chicago to get -- to get taxed twice.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz has moved the adoption of Amendment No. 4. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 5 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is basically a clarifying amendment suggested by the Legislative Reference Bureau. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch has moved adoption of Amendment No. 5. Discussion? Senator Dudycz.

SENATOR DUDYCZ:

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I'm sorry, Mr. President, but I haven't seen this amendment. Has it been distributed? Could you, please, at least clarify it? What --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR DUDYCZ:

-- it in fact does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

All right. It's basically technical in nature. What it does is, as to the annual determination by Energy and Natural Resources that they are required to make of what percentage of plastic containers are being recycled in the State. It deletes the requirement the study divide the containers into four different categories.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch has moved the adoption of Amendment No. 5. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 661. Senator Joyce. 662. Senator Thomas Dunn. On the Order of Senate Bills 2nd Reading, bottom of Page 3, Senate Bill 6-6-2. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 662.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations I offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment would lower the appropriation down to one hundred thousand dollars. And I urge adoption of the committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn has moved the adoption of Committee Amendment No. 1 to Senate Bill 662. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 672. Senator Dunn. On the Order of Senate Bills 2nd Reading is Senate Bill 672, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 672.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment is requested by

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Enrolling and Engrossing, and is purely technical.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn has moved the adoption of...(machine cutoff)...of Amendment No. 1 to Senate Bill 672. Those -- Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Raica, for what purpose do you arise? Next bill. Okay. Top of Page 4, Senate Bill 674, Mr. Secretary. -- I beg your pardon. Senator Raica.

SENATOR RAICA:

Yeah. Mr. President and Ladies and Gentlemen of the Senate, I'm thinking No on this one. I want to Table the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Raica seeks -- has moved to Table Senate Bill 6-7-4. It is always in order. Those in favor indicate by saying Aye. Opposed, Nay. The Ayes have it. 6-7-4 is Tabled. 728. On the Order of Senate Bills 2nd Reading is Senate Bill 728. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 728.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations I offers one amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment would do as we had done to the other offices of State government, including constitutional officers, is to provide

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those type of guidelines that will help us secure additional dollars for the needed programs we are trying to fund. This would reduce or eliminate several of the long-term vacancies, bring the COLA in line, and phase in new positions reducing the other operating lines to their 1989 spending level. I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll's moved the adoption of Committee Amendment No. 1. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I would seek leave to withdraw that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll seeks leave to withdraw Amendment No. 1 <sic>. It is -- Leave is granted. Amendment No. 1 <sic> is withdrawn. Further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Mr. President, I wonder if we could ask the Secretary to check the number on that amendment. There's an amendment which I

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wish to withdraw.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Mr. Secretary, you want to read the number.

ACTING SECRETARY: (MR. HARRY)

SRA86S0728sk.

SENATOR ETHEREDGE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge seeks leave to withdraw. Further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Floor Amendment No. 2, Mr. President and Members, represents a further reduction in operations for the State Treasurer in the amount of approximately two hundred and seventy-seven thousand dollars. Now that reduction is achieved by reducing out-of-state travel to the FY'89 expenditure levels. It reduces commodities to the FY'89 expenditure levels. It reduces EDP thirty-one thousand four hundred and eighty-four dollars, those are -- that represent reductions in equipment purchases, reduces the operation of automobile equipment to the FY'89 expenditure levels, reduces contractual services sixty-five thousand five hundred dollars in order to eliminate public relations contracts and to eliminate some contract increases. I would move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge has moved the adoption of Amendment No. 2. Discussion? Senator Carroll.

SENATOR CARROLL:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this amendment. The amendment we had already adopted treated the Office of the Treasurer more severely than we treated the Office of the Governor and other offices, by providing the same type of guidelines that other operations of government -- this would go even deeper than that. I don't think it's fair to treat this constitutional officer different than others. We had already brought their levels down to basically last year's operating level, and I think this is an attempt to be punitive on behalf of the other side. I would rise in opposition to the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Etheredge may close.

SENATOR ETHEREDGE:

Thank you. I -- It -- it is true that the reductions which are proposed by this amendment are greater than have been offered on some of the other offices, but I would point out that the reason for that is that this budget came in a lot fatter than any of the others. I would move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge --

SENATOR ETHEREDGE:

And I would request a roll call, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge has moved the adoption of Amendment No. 2. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 28. Amendment No. 2 is -- is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

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No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 736, Mr. Secretary. On the Order of Senate Bills 2nd Reading is Senate Bill 736. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 736.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 752. Senator Schuneman. Still has a fiscal note. 781. Senator Rea. On the Order of Senate Bills 2nd Reading is Senate Bill 7-8-1. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 781.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 783. Senator Hall. Sitting on the Order of Order of Senate Bills 2nd Reading is Senate Bill 7-8-3. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 783.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 784. Senator Topinka. On the Order of Senate Bills 2nd Reading is Senate Bill 7-8-4. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 784.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 821. Senator Netsch. On the Order of Senate Bills -- 886. Senator Berman. 944. Senator Barkhausen. On the Order of Senate Bills 2nd Reading is Senate Bill 944, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 944.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Schuneman, for what purpose do you

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arise?

SENATOR SCHUNEMAN:

Thank you, Mr. President. We passed 7 -- Senate Bill 752, and I think you made -- mention of the fact that the fiscal note had been filed. The fiscal note has been withdrawn. I'd like to move that to 3rd Reading if we could.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Why don't you send your staff person down here and -- and if it's withdrawn we'll come back and pick it up, rather than delaying. Okay? Just -- further -- all right. Let's -- let's see. 3rd Reading. 945. Senator Fawell. On the Order of Senate Bills 2nd Reading is Senate Bill 945. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 945.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you -- thank you very much. This is a technical amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell has moved the adoption of Amendment No. 1 to Senate Bill 945. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

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No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1040 -- 1053. Senator Savickas. On the Order of Senate Bills 2nd Reading is Senate Bill 1053. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1053.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On the Order of -- let's -- with leave of the Body, we'll go back up and pick up Senate Bill 752. The fiscal note, in fact, has been withdrawn. Senate Bills 2nd Reading, Senate Bill 752, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 752.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bills 3rd Reading is Senate Bill 1071. Senate Bill 1090. Senator Vadalabene. On the Order of Senate Bills 2nd Reading is Senate Bill 1-0-9-0, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1090.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1091. Senator Maitland. Do you wish to have 1091 called? Senator Maitland. Well...(pause)...There is a fiscal note. I'm glad you called that to my attention. Page 5. 1139. On the Order of Senate Bills 2nd Reading is Senate Bill 1139. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1139.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senate Bill 1145. Senate Bill 1164. Senator Carroll. On the Order of Senate Bills 2nd Reading is Senate Bill 1164. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1164.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1166. Senator Carroll. On the Order of Senate Bills 2nd Reading, Senate Bill 1166. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1166.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...(pause)...Senator Severns. Any Floor amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senators Severns and Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Amendment No. 1 simply reduces personal service -- services raises from five percent to four percent, put the savings to GRF to two hundred and ninety-seven thousand nine hundred dollars. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns has moved the adoption of Amendment -- Amendment No. 1. Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Senator, I just want to clarify the -- what your -- your amendment just does this one -- makes the one reduction in -- in the personnel line items, two ninety-seven, did I understand?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns. Severns, please.

SENATOR SEVERNS:

Floor Amendment No. 1 does that. We do have a second Floor amendment with an additional measure.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady moves the adoption of amendment. All in favor, signify by saying Aye. Opposed. Amendment's adopted. Any further amendments? Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This would phase in the vacancies, three-month phasing. I would move its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll. Any discussion? Question is, shall Amendment No. 2 be adopted. All in favor signify by saying Aye. Opposed. Amendment No. 2's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

May I ask, Mr. President, the -- and the Secretary, is this an amendment that makes a reduction of nine hundred and five thousand dollars?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

It's his amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You asking me? Let me look at the amendment, please. Let's read him the number, that's a lot easier.

ACTING SECRETARY: (MR. HARRY)

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Does that answer your question, Senator Etheredge?

SENATOR ETHEREDGE:

Yes it does. Would you please withdraw that amendment?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Withdraw it. Fine. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Etheredge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment makes a further reduction of four hundred and seven thousand dollars in the personnel services line and related line items to eliminate long-term vacancies rather than phasing them, and reduces raises to the three-and-a-half-percent level, rather than four percent. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I do rise in opposition to this amendment. While I recognize that consistency may be the hobgoblin of a small mind, yesterday, Senator Etheredge effectively argued that in the area of merit compensation three and a half percent was not fair, because that did not take into account that which AFSCME gets, and step raises and longevity raises, et cetera. That's why he convinced us to go to the four-percent level. This would violate that which he suggested yesterday when dealing with Republican offices. I think it is totally improper to try and be partisan in dealing with the budget. I would urge opposition to this amendment.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall this amendment be adopted. All in favor, vote Aye. All opposed, vote Nay. Senator Etheredge, to close.

SENATOR ETHEREDGE:

Yes. Thank you very much. I -- I would like the opportunity to close. I would request a favorable roll call on this amendment. And I would ask for the roll call, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You can have it. Question is, shall Amendment No. 4 -- or is it 3 -- 3 be adopted. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Come on. Jake. Jake. Vote No. Have all voted who wish? The other one, too. Have all voted who wish? Clerk will take the record. On this question, there are 29 Ayes, 29 Nays. Amendment lost. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Gentleman from Cook, Senator Kelly. What purpose do you seek recognition?

SENATOR KELLY:

Mr. President, we've got some guests in our audience on the Democratic side, Prairie-Hills School District from Markham, Illinois, in the gallery. And I would ask that they be recognized.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Sure. Would you please stand and be recognized by the Senate. Welcome to Springfield. Senate Bill 1187. Senate Bill 1177. Senator Kustra. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1177.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1180. Senator Barkhausen. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1180.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1187. Senator Etheredge. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1187.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1188. Senator Etheredge. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1188.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1189. Etheredge. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1189.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1190. Senator Etheredge. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1190.

(Secretary reads title of bill)

No committee -- 2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1191. Senator Maitland. One moment. Senator Etheredge, what purpose do you arise?

SENATOR ETHEREDGE:

Amendment been filed on 1190.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Let's back it up. We'll go back to 1190.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Etheredge.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge, on Amendment No. 1.

SENATOR ETHEREDGE:

Thank you very much --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Correct the board, please. Pardon me. 1190. Thank you. Please proceed, sir.

SENATOR ETHEREDGE:

No. No. The board is still -- Okay. Thank you, Mr. President, Ladies and Gentlemen of the Senate. The -- Floor Amendment No. 1 to Senate Bill 1190 deletes everything after the enacting clause and inserts eighteen million dollars for the Illinois Sports Facilities Fund for the corporate purposes of the Illinois Sports Facilities Authority. This becomes, in effect, the -- the Fiscal Year '90 budget for the Sports Facilities Authority. I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor signify by saying Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1191. Senator Maitland. Maitland. Read the bill. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1191.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

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No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1192. Senator Maitland. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1192.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1193. Maitland. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1193.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1194. Senator Maitland. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1194.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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3rd Reading. Thank you. 1282. Senator Joyce. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1282.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers one amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce, Amendment No. 1.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I would move to Table Amendment No. 1.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman moves to Table Amendment No. 1. All in favor, signify by saying Aye. Opposed. Amendment No. 1's Tabled. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz, Amendment No. 2.

SENATOR DUDYCZ:

Thank you, Mr. President. Members of the Senate, since Senate Bill 1282 is a bottle bill, it imposes a deposit charge plus a five-cent tax and a handling charge. My amendment would preempt the local governments, including home rule units, from imposing similar charges. The rationale for this amendment on Senate Bill 1282 is very similar to the amendment on Senator Welch's bill, which we voted on earlier. It's Senate Bill 630. We -- currently, the City of Chicago is considering a -- a very similar tax, and I don't think that any of us in the Senate wish to have the businesses or the people of Chicago get taxed twice on this. And I seek your favorable support.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Yes, thank you. A question of the sponsor of the amendment. What you're trying to do is prevent -- if this bill passes -- prevent the City of Chicago or any other home rule unit from imposing a tax of their own?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator Joyce. The purpose of -- of this amendment is so that the taxpayers and the businesses in the City of Chicago are not taxed twice for the same thing.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Well. I think that's what I asked you. If -- if your amendment goes on, and if this bill passes, then you are saying that you would not -- the City of Chicago could not impose another tax?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCZ:

I -- I don't know if you understood my answer, Senator Joyce. What I would like for -- to protect the taxpayers from paying the same tax twice, whether it's the State and the City.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Yes. Yes. Yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Finally, yes. Senator Joyce.

SENATOR J.J. JOYCE:

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Yes. Thank you. All right. If that's what you're trying to do, I don't think your amendment does it. Your amendment says "the General Assembly -- Assembly hereby declares that the power to impose a tax upon the sale of beverages in beverage containers shall be exercised exclusively by this State." Now that would tell me that any municipality in this State that has a tax right now, you would strip that off.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Tsk. Tsk. Senator Dudycz.

SENATOR DUDYCYZ:

Could you repeat that, please? I didn't understand your explanation, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator -- Why don't we -- Senator Joyce.

SENATOR J.J. JOYCE:

Let me repeat --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well would you explain...

SENATOR J.J. JOYCE:

Yeah. I -- I just read your -- your amendment to you, is what I did. And -- and what it says is that you're going to take off any tax that's already there in any municipality that's home rule. Now if you want to do that, I -- I just don't think you do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCYZ:

You're correct. You read the amendment, but you interpreted it -- the interpretation was purely yours. Doesn't say anywhere about taking any tax off; it says about imposing taxes, Senator Joyce.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I think we better have our staff look at this. Senator Joyce.

SENATOR J.J. JOYCE:

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It prohibits a tax from being there.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I think he's right, Walter. Senator Dudycz.

SENATOR DUDYCZ:

Roll call. Let's go. Let's roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, Mr. President, I -- I -- I think that he -- the sponsor is not doing a very good job of explaining this. If -- if you're going to take the tax off of every municipality that's taxed -- currently taxing beverage in beverage containers, I think you're talking about probably a tremendous loss to a lot of municipalities in -- in this State, and a property tax increase probably, to make that up.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR CARROLL:

Senator Dudycz, if, for example, currently a municipality had a sales tax on a beverage that you bought at a fast foods restaurant - a coke - and you're paying sales tax on it, this would say that that would no longer be lawful, so that we would lose the sales tax revenues in all the municipalities throughout this State. And do you have any methodology, assuming that's true, of replacing that, or would you impose that burden upon the real estate taxpayers?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

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SENATOR DUDYCZ:

Mr. President, may I withdraw this amendment and possibly go back to it later?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I think it's a good idea.

SENATOR DUDYCZ:

Okay.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman asks leave to withdraw. The amendment's withdrawn. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This amendment would let recycling centers act as redemption centers or processing centers. It would also let retailers keep three percent of the tax they collect as -- as an administrative fee. And it also would include wine coolers in the definition of beverage. I'd ask for its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 2 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 2's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Joyce.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

I move to withdraw that amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman has leave to withdraw. Any further amendments?

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ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1283. Senator Welch. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1283.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations I offers one amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I believe that amendment added two towns to the list of -- of towns. I'm sorry. I'm -- That's not correct. What --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

No.

SENATOR WELCH:

-- it did was added estimated shortfall in funding for seventy-two communities of twenty-eight million two hundred thousand dollars.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Correct. Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor signify by saying Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by the committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What Amendment No. 2 does - adds thirty-five communities that were not on the original

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Environmental Protection Agency list for wastewater treatment. It's a forty-eight million dollar amendment. I would move for adoption of the amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 2 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 2's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Page 6 of the Calendar. 1289, Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1289.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and Members of the Senate. This amendment represents an agreement worked out between the Interior Designers and Architects and Home...Builders, and it delineates the duties and the actions carried out by Interior Designers, and I move its adoption.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted? All... The gentleman from Champaign, Senator Weaver, on the amendment.

SENATOR WEAVER:

Thank you, Mr. President. Senator Jones, may I ask is this an agreement between the licensing board of the Architectures and the Interior Designers?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

That is correct.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Amendment No. 1 be adopted. All in favor signify by saying Aye. Opposed. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1318. Senator Woodyard. 1318 has -- I think there's about three amendments over there. Let's -- Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1318.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Topinka.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka. Withdraw?

SENATOR TOPINKA:

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Yes. Mr. President, I would like to withdraw my amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady asks leave to withdraw her amendment. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell, on 1318. You want to withdraw that amendment?

SENATOR FAWELL:

I wish to withdraw that amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady has leave to withdraw the amendment? Hearing no objection, amendment's withdrawn. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Philip, Amendment No. 1.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's a five-cent increase on cigarette tax. It raises about forty-six million. I move the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye -- Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1326. Senator Schaffer. Schaffer. 1332. Senator Watson. What purpose the Lady from Cook, Senator Topinka, seek recognition?

SENATOR TOPINKA:

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Yes. If Senator Schaffer is not here, as his joint sponsor, I'd be happy to move the bill to 3rd.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

All right. Let's get back to 1326. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1326.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1332. Senator Watson. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1332.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senators Watson, Netsch, Mahar and Etheredge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Could we have your attention, please? Thank you. Senator Watson, Amendment No. 1.

SENATOR WATSON:

Yes, sir. Thank you, Mr. President. Amendment No. 1 is the Steroid Control Act. The amendment makes some changes in regard to the penalties for possession and distribution of anabolic steroids. I move for its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1333. Senator Kustra. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1333.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1350. Senator Kustra. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1350.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1383. Senator Marovitz. Billy. Pass. 1454. Senator Rock. Back to Page 2. Last chance. Senate Bill 11. Senator Jones. Read the bill. Read the bill. Senate Bill 11.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 11.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Is Senator Jacobs around? Senate Bill 31. Senator -- Senator Rock. Read the -- out of the record. Senate Bill 69. Senator D'Arco. D'Arco. Out of the record. Senate Bill 96. Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 96.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. Amendment -- Floor Amendment No. 1 to Senate Bill 96 is the -- is the bill. And it amends various acts relating to health profession and use of the evidence for it, and I move its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. I'm sorry. Senator Schuneman, on the amendment.

SENATOR SCHUNEMAN:

I'm sorry. We haven't seen this amendment. Could you --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Jones, explain the amendment.

SENATOR SCHUNEMAN:

-- explain, please, what it is?

SENATOR JONES:

Yes. Thank you, Mr. President. This is -- the amendment is the amendment of Senator Dudycz, Senate Bill 1005, which did not have a hearing, and so this is what the amendment is - the bill in its entirety - the Evidence Fund Bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I -- I don't know what that bill did, Senator. Could you bring me up to speed?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yes. This is a Department bill as relate to the use of the Evidence Fund - Department of -- of Professional Regulation. I assume that you would --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

If -- if that's what the -- the amendment does, we have no objection.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Senate Bill 97. Senator Jones. Read the bill.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 97.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Senate Bill 128. Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 128.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senators Jacobs and Macdonald.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. This amendment becomes the bill. It increases charitable contributions by the tracks. It imposes reasonable limits on track's ability to withhold its simulcast signals from parlors of other tracks, and allows Quad City Downs to locate one of its parlors in Chicago. I ask for your approval.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Never mind.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Senate Bill 160. Senator Luft. Okay. Senate Bill 242. Senator Joyce. Out of the record. 266. Senator Marovitz. 306. What was that? 306. Senator Jones. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 306.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. Amendment No. 1 becomes the bill. It is the rewrite of the Architectural Practice Act of 1989, which sunsets at the end of this year. And I move its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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3rd Reading. 399. Barkhausen. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 399.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. ...(machine cutoff)... You want to do the Agreed Bill List? Okay. Fine.

PRESIDING OFFICER: (SENATOR D'ARCO)

Ladies and Gentlemen, Page 24. We're going to proceed to the Order of 3rd Reading. The first bill on that -- on that Order is at -- the second to the last bill on Page 24. Senate Bill 900. Senator O'Daniel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 900.

(Secretary reads title of bill)

2nd Reading, pardon me, 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. Senate Bill 900 amends the Beer Industry Fair Dealing Act, by prohibiting a brewer from requiring a wholesaler to be a party to an agreement of which would prohibit the wholesaler from disposing of damaged products which has been deemed salvageable. Currently, some manufacturers or brewers prohibit a wholesale -- wholesale distributor from assigning damaged products to -- to insurance companies when the damaged products has been deemed to be

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salvageable. And as it's amended, it satisfies Anheuser-Busch and some of the breweries, so I don't know of any opposition to this. If there is, I'll attempt to answer any questions; if not, I'd move for its passage.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? The question is, shall Senate Bill 900 pass. Those in favor, vote Aye. Those opposed, vote no. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 51 Ayes, 1 Nay, none voting Present. And Senate Bill 900, having received the required constitutional majority, is hereby declared passed. Senate Bill 901. Senator Luft. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 901.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Thank you...thank you, Mr. President. Approximately two years ago, the Commissioner of Banks issued a edict...edict, if you wish to call it that, establishing a procedure which created a term that's used, shelf charters, --

END OF TAPE

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SENATOR LUFT:

-- a form of banking in the State of Illinois. That procedure

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moved forward until someone filed a court case about a year and a half after the enactment of the memo, and the court ruled that the commissioner had violated his authority in issuing that memo. However, during that year and a half, some thirty-three bankers embarked upon this procedure. In fact, there are eight banks up and running that are now under a cloud because of this court case. I will try to explain the bank procedure to you, if you wish. However, the bottom line is...and what we're basically trying to do here is to grandfather in those people that were caught at the commissioner's memo, and make sure that those eight banks up and running do not have to close, and the financial investment that the bankers have made in shelf charters is not jeopardized. This bill as amended is approved by both the banking community groups, the ICB and IBA. I will try to answer any questions at this point, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Luft has been working on this bill that initially was quite controversial, and I don't know that, as he said, I don't know that's it's in final form, but he has certainly done a great deal of work on trying to bring the groups together. And I would hope we would all support it to at least continue that process, although this amendment may be a perfectly acceptable one.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

Yes, he indicates he'll yield.

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SENATOR ZITO:

Senator Luft, I...I too commend you for the work, but I'm...I'm to understand that there's still several banks in Illinois that are a little concerned about the compromise amendment. I know you've work diligently on that, but can you speak to the record? Are we still going to be able to work on this bill, and if we can come up with some kind of resolve with an amendment in the House, would you be acceptable to that?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

It's my goal, and I think the goal of the banking groups that represent that...the banking industry, is to protect the integrity of the financial investment of those people in that community who have considerable amounts of dollars invested. I am willing to consider any amendment, as long as it does not violate the integrity of that investment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. This bill is...is a bill that is...will have a subterfuge mechanism by which a bank holding company can rearrange its assets and lets one of its banks lie on the shelf of inactivity for a while and then transfers a charter to a wholly different business area. The existing banks to the present time, if this bill is passed, will lose their own thirty-five hundred yard home...home office protection, and the new bank can be set right next door. I think this bill will hurt the small banks, and I certainly call the attention to the legislators both from this side and the other side as to how badly this bill can impact itself on our community banks in our respective areas. Therefore,

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I rise in opposition to this bill, and I speak against it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I...for some time there's been an effort to provide some home office protection. But the various banking interests have not agreed upon what that home office protection should be. I would hope that we would pass this bill out of here and get it over in the House, and hopefully they can come up with some compromise that will satisfy the majority of the bankers concerned with...particularly home office protection.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR SCHUNEMAN:

Senator, I'm coming in late on this explanation, but is this a bill which would allow a bank to buy another bank and then change the purchased bank into a facility, and then have available a charter, so they can go out and start another bank somewhere else without going through the procedure of applying for a new charter?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I think we ought to take a careful look at this. You know, most of us around here can still remember the time when a

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bank...when we did not have branch banking in Illinois, and we allowed the banks to enter into multibank holding companies with the understanding that they would not go into anybody else's territory. And in only a few years now, we have really runaway branch banking in Illinois, and I don't know that the consumer has necessarily always benefited from that. It seems to me that what this allows is one of the things that many of us from rural communities were very concerned about in the original bank holding company legislation. That is that your local bank can be purchased, and in effect turned into a facility, and that the charter for your bank might be used to start a new bank in DuPage County or someplace. And I not sure that this really is what we ought to be doing, so I think we ought to take a careful look at it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR MAROVITZ:

How many shelf charters are talking about grandfathering in here?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

It's my understanding it's thirty-three.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

I beg to differ with that. How do you know that that's the number, since the...this bill does not become effective until I

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believe...well, first of all, what is the effective date of this bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Has an immediate effective date.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

That means it's effective when the Governor signs the bill.
Is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

I'm...I'm sorry, I didn't hear the question.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

That means its effective when the Governor signs the bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

That's correct.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, we're now in May, and the Governor may not sign the bill for four more months, in September. How do you, or anybody else, know how many shelf charters are going to occur between now and the next four months when this bill becomes effective. When people know out there that they can make their property, that charter, a lot more valuable, you may have hundreds of shelf

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charters occurring between now and then, between now and the next four months. There is nobody that can predict the number of...of shelf charters that would be grandfathered into the next four months when...when this bill becomes effective, if it should pass. Let me give you some background information about this. Shelf charters are used because Illinois law, which we passed a few years ago, forbids holding companies from starting new banks. Now that prohibition was passed in 1981, when we permitted multibank holding companies for the first time in Illinois. Since starting a new bank is not permissible, the only effective way to answer certain banking markets is to buy existing banks. Shelf charter transactions avoid that by processing an application for a change in the location of the bank to a new market area. Now, what happens here, is that large multibank holding companies, including those from out-of-state, have attempt to buy banks in many communities around our State, including my community. When their efforts were unsuccessful, they began to move shelf charters into these communities. And this caused a lawsuit in the County of Cook. Judge Al Green, who many of us are familiar with, held that the Commissioner of Banks had no authority from the Legislature, from us, to enact this policy to permit shelf charter transactions, and he held that doing so was an attempt to circumvent what the Legislature did...back in 1981. And he enjoined the Commissioner from approving any further shelf charter transactions. What we would do, if we pass this legislation, is to make the rich richer, because they will be getting these charters and flipping them for increased amounts of...money. The sale price of these charters would go up dramatically, and we would be taking away the home office protection that we passed as the very essence of that multibank...holding company legislation back in 1981. I think this is a terrible idea. I think it hurts communities, small communities that provide service to their

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neighborhoods, and it only is going to make the rich richer, and I don't think this...that we ought to be passing this legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I really wasn't going to get into this debate, but I think we really have to tell just the way it is. Unfortunately, a gentleman who served in this Body made a decision in good faith and granted some charters in this State, and people in good faith invested their money, and eight banks were created, and we went to court and they said a commissioner did not have that authority to issue those charters. What's...what's in question here is, one, helping our good friend, Bill Harris, out...get out a predicament where he made it in good faith. And two, helping the people who invested in good faith and started these banks to remain in business. That's what...that's what the issue is. And I personally believe this deserves your Aye vote. This was done in good faith, and this bill should be passed.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Luft to close.

SENATOR LUFT:

Thank you, Mr. President. What Senator Marovitz did not tell you is there is a second court case that ruled in favor of the Commissioner in DuPage County. So there is two different opinions on whether the Commissioner was right or wrong. Secondly, his rich making the rich richer is a joke. If we don't do this today, we just wiped out thirty-three bankers that have investments of somewhere around twenty-eight million dollars. They made this investment based on what was told to them by the Commissioner of Banks of the State of Illinois. Now, you sit there in your chair and you think of this: you get a letter someday from a agency from

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the State of Illinois that impacts upon your business, and that director or commissioner, or whatever you want to call him, says, "you know, we have this idea that we're implementing, and you should go forth and do this. This is the law of the land. Invest this way. This is the banking concept that we think should be happening in the State of Illinois." So you get your board of directors together, and your little company that you have, and by gosh, you figure this is a good idea. You go to the bank. You borrow a million dollars, you borrow two million dollars, whatever you have, and you invest in this business. Two years later you find out that this individual was wrong. He or she erred. Now, are you going to have somebody punish you for doing that? And that's all we're saying. We're not trying to make anybody rich. We're trying to grandfather these people in. We're saying...and ...and by the way, the commissioner doesn't like this bill. He wants to go forward with it. He doesn't want this grandfathering in. This is a compromise that's been worked at a long time. And I'm telling you right now that there's people that's going to be hurt by this, and there have been people that have been hurt by it. All I can ask you in your final thought is to just to remember there's millions of dollars that's been invested, and in fact, there are eight banks, brick and mortar up running right now, that may have to close if we don't pass this bill. I think it's a fair bill, and I would urge your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 901 pass. Those in favor, vote Aye. Those opposed, vote No. 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, 2 voting Present. And Senate Bill 901, having received the required constitutional majority, is hereby declared passed. Top of Page 25, Senate Bill 903. Senator Luft. Read the

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bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 903.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Mahar, excuse me, for what purpose do you arise?

SENATOR MAHAR:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR MAHAR:

Today we have, from Senator DeAngelis' district and mine, students from Huth Upper Grade School in the Village of Matteson. I would ask that they be welcomed to Springfield.

PRESIDING OFFICER: (SENATOR D'ARCO)

Will they please stand and be -- rise and be recognized by the Senate. Welcome to Springfield. Senate Bill 903. Senator Luft. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 903.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. In the last few years there have been standards set on labeling of octane enhancers in fuel. And it has been required that ethanol and methane be labeled on each pump. What this bill does is require MTBE, which is an oxygenated fuel component which also...octane enhancer, be labeled on the pumps as well.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Keats.

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SENATOR KEATS:

Dick, I just committed on your last bill; get ready on this one. I would rise in opposition to the bill, because I think it is sort of unreasonable. We have required that ethanol be on the bill because that is -- or on the tank; that has been a subsidized commodity that we have attempted to assist. I have always supported that, and as you know, I have voted for the subsidies for ethanol and all that sort of stuff. But to require that the MTBE, which is methyl tertiary-butyl ether - if any of you are chemists, you can probably figure that out - that that be listed, it doesn't really make any sense. It is a totally different enhancer. You have to remember that in gasoline that's in your car, you've got roughly fifty different components. Ethanol is listed because it is not the same type of natural component some of these others are. And I think it's important when we -- we think about the issue, people say, "Well, maybe it's a corn-growing issue, 'cause ethanol's corn and this other isn't." No, it's not. That's not what it is at all. It's a simple case of one is an outside element - we've asked that it be listed - it is a subsidized element, where this MBTE is -- MTBE is something that's put in as one of the other components already in the gas. I don't know that we want to have on a -- on your gas pump. Now you think about it. You walk into a gas pump; it's got fifty components. How'd you like to have a list of all fifty components, or maybe the thirty that you're most interested, on your -- on the thing? Think about the kind of hassles we are putting the consumer through. You need to put the major stuff on, and we do that. But how much do we need to do? I would ask a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I just wanted to ask a

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question. What -- what's going to be on the tank?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates --

SENATOR WATSON:

The full -- the --

PRESIDING OFFICER: (SENATOR D'ARCO)

The sponsor indicates he will yield. What's your question?

SENATOR WATSON:

The question is, are we going to have on the tanks now that it's going to say that this motor fuel contains methyl tertiary-butyl ether? Is that what's going to be actually on the tank?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

On the tank, it is our hope that the pumps would read MTBE, ethanol or methane in -- and -- and I'll tell you why you have to, I feel, put all three on there. It's because, my understanding, that they will change pumps maybe, and the different types of gasoline in the separate pumps maybe two months, every three months, maybe once a year. So it was -- it's my understanding that we would put all three additives on every pump.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson.

SENATOR WATSON:

It just seems like this is going to cause a lot of confusion among the -- the consumer. I mean, they're going to come in there, they're going to want to know what is this. I mean, is this good for my car? Is it not? Or what -- what am I actually doing? I just think a lot of confusion could result from this. I -- I -- who wants this bill? Why are we wanting to do this?

PRESIDING OFFICER: (SENATOR D'ARCO)

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It's a rhetorical question. Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. I rise in support of this bill. And as to who wants this bill, from the question of the previous speaker, I'd submit to you that every farmer in the State of Illinois wants this bill. The Illinois Farm Bureau wants this bill. The Illinois Corn Growers wants this bill. And I would also, as a co-sponsor, would be willing to entertain an amendment to list all fifty ingredients of petroleum on the label, if that would be the desire of one of the previous speakers. Seriously, this is a consumer bill. This is an environmental bill. This points out that pumps that have ethanol or MTBE are, to the consumer, clean air additives, and something that they should be using, and have that option, and have -- be able to select if they're interested in the environment, as to what type of motor fuel they wish to purchase for their car that does promote a clean environment. As to the drivability problems, I would also submit to you that the president of General Motors, for the 1989 motor vehicles, has said that he -- General Motors recommends the use of oxygenated fuels, which include ethanol and MTBE. Therefore, I feel this is a good bill and should be passed.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I appreciate the plight of the farmer. In fact, I have a good part of my district as being rural. But I don't think that we ought to be doing something that allows somebody to have a competitive advantage simply because they want to have a competitive advantage. It's got to have a utility beyond that. And frankly, the labeling that is being asked for right now is because it does have an impact on the drivability of your auto. This particular element does not. Therefore, you're

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asking to label something which, in fact, presents no problem at all to your car, simply because you want to create in the -- a doubt in the mind of the consumer to enhance another product. I'm all for the farmers. But guys, let's not just do this to help them, because there's no cause at all to label this particular product.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Savickas.

SENATOR SAVICKAS:

Well, if the sponsor would yield to a question.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR SAVICKAS:

Senator Luft, you indicated that each pump would have the three labels on the pump. It's my understanding that certain automobiles can use one or other of the products. Now if you have these three labels on each pump, and my manufacturer says I can't use one of them, where would I ever get gasoline?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Senator, I think you'll find that all these gasolines would be considered unleaded.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Savickas.

SENATOR SAVICKAS:

It's not.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. And this is a switch for me to be Chairman of the Agriculture Committee and speaking against an

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ethanol bill. But this bill is nothing but retaliation for the fact that the oil companies were demanding that they -- at one time, they were insisting that they label gas pumps with ethanol. And this isn't the way we -- there ought to be a better way for us to -- to handle this situation than -- than to do it through legislation. And for that reason, I reluctantly oppose this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft, to close.

SENATOR LUFT:

Thank you, Mr. President. I hope you'll listen carefully, Senator DeAngelis and those that spoke. Senator DeAngelis. The three components that we're talking about here are additives to gasoline. And they are mandated at certain levels, even MTBE, by the federal government. So MTBE should be labeled, because if it isn't labeled properly, it too could be harmful for your car. The three components that we're talking about, if they're not formulated properly, can be injurious, potentially, to your car. I -- if I had my way about it, I'd take everything off the pump. I'd take all three of them off. And I'm willing to do that. And if this bill moves forward -- I sat down with the people that -- and here is -- here is what I offered to do on this -- this amendment, and so did Senator Madigan. We offered to take everything off the pump, and in each -- in each gas station put a sign up like this, saying what the additives were in their gasoline. And as far as I'm concerned, Senator O'Daniel, nobody's told me this is retaliatory. This is simple, good, consumer bills. And the ethanol industry is extremely important to the State of Illinois. It is extremely important to the agricultural community. This bill is endorsed and sponsored by the Department of Agriculture. Senator Madigan said that everybody that was for it. I don't think these are people that stand up and retaliate because one company says this, or one company does this. What we're trying to do here is

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simply come to a conclusion that's in the best interest in the consumer. And I would suggest if you have the consumer's best interest in heart, you would vote for this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator -- The question is, shall Senate Bill 903 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 26 Ayes, 28 Nays, none voting Present. And Senate Bill 903, having failed to receive the required constitutional majority, is hereby declared lost. Senate Bill 904 -- 907. Senator Karpziel. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just for the Members' information, there will be circulated shortly another Agreed Bill List. It will have a yellow cover, and it will show on the Calendar tomorrow. I'd ask -- we're going to try to follow the same procedure with respect to knocking bills off, and/or affording the Members the right to vote individually on each of these bills. The only caution I would have is that, as you go through the Calendar, there may be some bills on the current Calendar that are also on the Agreed Bill List. My suggestion is that you skip them if they're on the Agreed Bill List, but that's up to the Member. If, indeed, a bill is skipped, and subsequently this evening, is bumped off, that bill will receive, obviously, priority call tomorrow. We're just trying to speed the process up, so I'd ask all the Members to take a look.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Karpziel.

SENATOR KARPIEL:

Yes. Thank you, Mr. President. Senate Bill 907, simply changes the distance from residential buildings at a temporary

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construction --

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Karpziel, the Secretary hasn't read the bill yet.

SENATOR KARPIEL:

Oh, I'm sorry.

SECRETARY HAWKER:

Senate Bill 907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator. 9-0 -- Senator Karpziel.

SENATOR KARPIEL:

Thank you. Senate Bill 907 changes the distance from residential buildings at a temporary construction facility used from -- by a contractor, must be. It changes it from a thousand feet to twenty-five hundred feet. It requires that the facility must be within one mile of the construction site. And it applies only in unincorporated areas. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 907 pass. Those in favor, vote Aye. 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, there are 52 Ayes, 1 Nay, none voting Present. And Senate Bill 907, having received the required constitutional majority, is hereby declared passed. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise for a point of personal privilege.

PRESIDING OFFICER: (SENATOR D'ARCO)

Indicate the point.

SENATOR SEVERNS:

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I would like to request leave for immediate consideration of adoption of a congratulatory resolution, SR349, that needs to be delivered this evening.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Severns asks leave to suspend the rules for the immediate consideration of Senate Resolution 349. Does she have leave? Hearing no objection, leave is granted. Read it into the record, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 349 offered by Senator Severns.
It is congratulatory.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Severns moves for immediate consideration of Senate Resolution 349. All in favor, say Aye. Nay. The Ayes have it. The resolution is adopted. Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman. I merely want to report the last three votes, I just thought, my -- my Yes button is not responding.

PRESIDING OFFICER: (SENATOR D'ARCO)

The record will indicate, Senator Smith, that you --
SENATOR SMITH:

Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

-- you would have voted Aye on the last three votes. Senator Watson. 912. ...(machine cutoff)...the bill.

SECRETARY HAWKER:

Senate Bill 912.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

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SENATOR WATSON:

Yes. Thank you, Mr. President. This bill was on the Agreed Bill List and for some reason was knocked off. But Senate Bill 912 exempts a passenger in a limousine from prohibition regarding the transportation or possession of alcoholic liquor in a motor vehicle. This -- this legislation came from a constituent of mine that has a limousine service that he wants to provide a limousine service for weddings. And under current law, he cannot have alcoholic beverages being consumed by the passengers at -- in the limousine. This would allow that to happen. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 912 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 45 Ayes, 12 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 915. Senator Netsch. It's on the Agreed Bill List. Out. 918. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 918.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 918 comes at the request of the National Vehicle Leasing Association. It prohibits the sublease of a lease vehicle without the express written consent of the lessor. I'd be happy to answer any questions, and would otherwise ask for a favorable roll call.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 918 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 53 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 920. Senator Dudycz. Read the bill.

SECRETARY HAWKER:

Senate Bill 920.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

What purpose does the Gentleman from Cook, Senator Newhouse, seek recognition?

SENATOR NEWHOUSE:

Mr. President, I don't know how these switches misfire, but I tried three different times on that last bill to get this button to light up and it didn't do it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We'll have the electrician look at it.

SENATOR NEWHOUSE:

I don't know whether I'm recorded or not. And it's less important that the thing -- it's more important that --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I agree.

SENATOR NEWHOUSE:

-- somehow we register that these things aren't working properly.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you. Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President, Members of the Senate. Senate Bill

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920 is -- is State Board of Elections initiative. The bill amends the Election Code to require semiannual rather than annual reports of campaign financing, expenses and contributions. A six-month reporting period will reduce a number of itemizations - will be less time to itemize the small contributions and expenditures, thus reducing the workload of campaign treasurers. I know of no opposition, and I urge favorable support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Dudycz, under your bill, are we going to be filing more reports or less reports? What are the time frames? Are they in the middle of the campaigns? After the campaigns? Unfortunately, I feel like Senator Maitland; I -- sometimes you can't hear in here because of the volume, and you were mumbling pretty good. If you could run through that for us again, we'd appreciate it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would you give the Gentleman your attention, please? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senator Demuzio, as you know, political committees currently file preelection reports prior to each election in which they participate, postelection reports after each general election in which they participate, and an annual report in -- in July. Now this legislative proposal will eliminate the general election postelection reports, and it will replace the annual report with two all-inclusive, semiannual reports, due January 31st and July 31st. It will be twice a year. It'll eliminate everything else.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill -- Oh. Your light wasn't on.

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Senator Demuzio.

SENATOR DEMUZIO:

My light was on a minute ago. You were --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That was a minute ago.

SENATOR DEMUZIO:

-- too busy signaling for you switch.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Dudycz, this means that in ninety days prior to the election we don't have to file to disclose what our contributions have been. Is that correct - unless they're five hundred dollars or more and you have to do that within a thirty-day period -- within twenty-four hours. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCYZ:

No, Senator, not in that instance. It eliminates the postelection reports that are due.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Still due? All right. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 920 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 50 Ayes, 2 Nays, 2 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senator Karpel, what purpose do you seek recognition?

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SENATOR KARPIEL:

On a point of personal privilege, please. Mr. President, could we possibly have a little heat in here? I'm absolutely frozen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Who wants heat, raise their hand. Who wants it cooler or the same, raise your hands. Okay. We'll -- we'll see what we can do for you. 921. Senator Schaffer. Read the bill.

SECRETARY HAWKER:

Senate Bill 921.

(Secretary reads title of bill)

3rd Reading of the bills.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me.

SENATOR SCHAFFER:

-- Members of the Senate, the bill does two --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR SCHAFFER:

A little rowdy over there.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(inaudible)...

SENATOR SCHAFFER:

...(inaudible)...Yes. Does two things. One, it would require that a write-in candidate receive the same number of signatures that would have been necessary in the petition. Many of the clerks have complained about the problems of many times frivolous write-ins. People doing it on a lark. And it complicates the system. I think it's a very reasonable requirement. The second

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part of the bill, which is probably the part of most interest, would change the March primary date to a primary in the -- the third Tuesday in May, which would, in the 1990 election be May 22nd. Many of us, I think, in the Legislature and around the State, have had problems with a -- the March primary and the campaigning in the bad weather, the filing dates on top of the holidays, but also have problems with the concept of a September primary. And this bill attempts to give those of us that would prefer something of a compromise a chance to vote for a May primary. I think it also falling when school is still in session would guarantee a good participation in the primary, and would be a time of year, I think, when people are prepared to focus on political campaigns, and would be a -- a major step forward to encourage greater voter participation, and make it, frankly, easier for candidates, and the men and women who pound on doors on behalf of those candidates, to get the job done. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I find it hard to rise in opposition, but I must. And I -- because -- and the reason I find it hard is because I agree with virtually everything Senator Schaffer said, except I come to a different conclusion. There isn't any question about the -- the vote requirement for write-ins to be the same as the number on petitions. We've addressed that before, here, successfully. I don't have any problem with that. But envision, if you will, a primary election this week when we are confronted with some seven hundred substantive and appropriation request proposals, and we would, of course, be back home campaigning, I suggest, or virtually all of us would be. And for those of us particularly who

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are party officials, whether at the State or the county or -- or township level, this simply is unworkable. I truly believe that we ought to move the primary, and shortly, when we reach Senate Bill 1000, I will propose that we move it to September. But to take the -- the Membership of the General Assembly - virtually every one of us active in one political party or the other - and subject us to a May primary, just simply doesn't make any sense to me. And I suppose we can argue - well we can change the deadlines and change the Governor's budget message and change the Fiscal Year and we can make all kinds of changes, but I think you and I realistically both know that that simply isn't going to happen. We've had a proposed change four or five years ago, I believe, from Senators DeAngelis and Sangmeister, which attempted to move the schedule forward so that all of us could, for once in our career, enjoy the month of June and not be stuck here. But the fact of the matter is, I don't think it's going to change. And to subject the Members of this Assembly and both parties to a May effort, simply is unworkable. And I would urge opposition to Senate Bill 921, as amended.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition of this bill. And I just suggest that those of you who come from areas where there are large apartment building residences - take a look at this, because what you are in fact doing, probably, according to statistics, is to disenfranchise probably close to twenty percent of your constituents. May and October - May more so than October - is moving day. Registration day, under this bill, would be the third Tuesday in April, I gather - the four weeks prior. You've got an average -- an average of twenty percent, statistics show, of apartment dwellers move every year. Some areas it might be

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higher. Some areas might be somewhat lower. But the average is twenty percent. Those are people that, on the registration day, are probably still living at their old address - won't be in their new address till May 1st. They're getting ready to move, and the last thing they're going to think about is registering. And I just suggest to you, that if you represent apartment building dwellers, this is a terrible bill. I'd urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR BROOKINS:

Mr. President, I rise with mixed emotion. I'm one of them unfortunate people that two days a week before the election -- the general election -- I find out that in the primary election a guy and his wife did a write-in and they were on the ballot, and I got apologies from the State, the Board of Election and everybody that, "Hey, we didn't know." It could have been a -- a tragedy. So the first part of this bill is -- is excellent, and I can agree with it. And I -- I wanted to even become a co-sponsor, and it came out on the Agreed Bill List, and all them good things. But the second part makes it a bad bill. And I was just wondering if the sponsor, some kind of way, could take it back, take that second portion of the amendment off, and -- and bring it back. And -- and we'd have a good bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins, you want to divide the question? Is that what you want to do? The Lady from Cook, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I -- I have ambivalence, I think

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Senator Palmer used to call it, for a different set of reasons, however, Senator Brookins. I prefer a September primary. I think that is the way -- where it ought to be, and I have thought that ever since I arrived here, I think in 1973. I just as strongly believe that anything is better than March. That we have got to start, somehow, reducing the length of the period between the primary and the general election, so that we are not in around the clock, around the calendar - forever and ever campaigns, which is really what is happening right now. I think at the moment, Senator Schaffer, I'm going to take my chances that we might be able to pass one of the September primary bills and vote Present on yours, with the hope that somehow or other before we leave on June 30th, we will have shortened that period to something.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Let me just -- let me -- let me just say that the Chair has had a number of other lights seeking recognition. At this rate, we'll be here till the next primary. Senator Dudycz.

SENATOR DUDYCYZ:

Well, thank you, Mr. President. And I will make my remarks very brief then. Senator Netsch, I agree with you that anything is better than March, and that's why I think that instead of voting Present on this bill, why don't you join us in voting Yes on this one, and then if it fails, then we'll talk about the next bill. But --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR DUDYCYZ:

-- Senator --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Oh. I'm sorry.

SENATOR DUDYCYZ:

But, Senator Rock, you know, we've always accommodated our --

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our dates around elections. When we had --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You're on.

SENATOR DUDYCZ:

I can't hear myself.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Maybe they're telling you something. I don't know.

SENATOR DUDYCZ:

Christ's sake.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Hey, wait a minute.

SENATOR DUDYCZ:

As you know, during the recent mayoral election, Mr. President

--

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We don't need anything like that. Okay?

SENATOR DUDYCZ:

Pardon me?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We don't need anything like that.

SENATOR DUDYCZ:

What?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Want to continue with your remarks? Continue your remarks to the bill, please.

SENATOR DUDYCZ:

Yes, sir. Mr. President, during the recent Chicago mayoral election, we adjusted our calendar to accommodate our colleagues and our constituents. And I just think that's not a valid point by saying that we will -- we will be too busy down in Springfield for elections in May.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Fawell.

SENATOR FAWELL:

Thank you very much. I -- I have been a committeeman now for thirty-three years. Now obviously, I started as a mere child. But we used to have the primaries in May, and as a committeeman, who has to walk those precincts and get those petitions signed, I hate to go out in November just before Christmas to get all that work done. And I know I have a number of -- of fellow precinct committeemen who feel the same way. And very frankly, it's getting harder and harder to get those petitions in. And it seems to me if we switch it to May, at least we'll give our committeeman a fighting chance to -- to get the petitions out. It's after Christmas, maybe the snow and the sleet and the rain isn't -- isn't quite as bad. You know, it just seems to me it's a -- it's a much better time than either September or -- or March, which is a lousy time to try and get voters out. And -- and I would strongly suggest we vote Aye on this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, Members of the Senate. I agree that this is a heavy time of the year, especially for legislators if we want to campaign ourselves, but one thing I haven't heard mentioned, and that's that those of you that have farming interests. I cannot believe anyone that's a farmer or has farming interests -- this is one of the busiest time of the year, and I think this is one reason why March was selected to begin with. So I'd like you to think twice about this. May is a very bad month, especially for farmers and especially for legislators that are campaigning for reelection.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Marovitz.

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SENATOR MAROVITZ:

Well, I would just ask the sponsor this. What is his plan for the legislative process if this bill were to pass?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well that's depending on the count. We don't know about that. Senator Schaffer.

SENATOR SCHAFFER:

Senator Marovitz, as a matter of fact, I have given that considerable thought. And frankly, I think we could emulate some of the other legislatures around the State that effectively handle primary dates at this time of year, simply by devising a two-phase schedule. For instance, January and February, we weren't frightfully active this year, you may recall, or last year, for that matter. The -- it would occur to me that you could handle the nonappropriation and revenue bills in that time period. You could then break for a month and go through the election process. I might add, in the last primary cycle, only one of us had a primary contest, out of the whole Senate. So -- I mean, I know that could change. Frankly, this could be the year to generate a lot of primary contests. So I think you could do that. After the primary, come back and concentrate on the State budget for the remaining month, and I suppose you could put the language in there about crises affecting the operation of State government. Frankly, I could make an argument that that procedure might create a more deliberative legislative process. I would respectfully point out that the September primary would have us and our opponents filing for office about this time. And we would be down here voting on hot issues, while our opponents were back in the district campaigning against us. So I -- I'm not sure that if one is following that line of logic, that the September primary is that much of a bonus for you. But the bottom line is that other states handle this very effectively. I think it could be a -- a very

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worthwhile thing. I'm not sure that having a break between the two major types of legislation we handle would not be a good idea, maybe taking the three- or four-week-period and concentrating exclusively on the budget would be a real plus. I think the activities in the last few days have shown us that sometimes we need more time on that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. Well, I --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You're welcome.

SENATOR MAROVITZ:

-- I -- I understand we weren't frightfully active in January and February, but about twenty-eight of you weren't frightfully active in April, either. Let me ask you, what is -- what would you do with phase two? I understand about phase one, but what about phase two? Would we be here in July then?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Just -- I just indicated that the remaining months could be limited to the budget. We certainly could handle the budget in a month, do a very effective and thorough job. We would have the same number of legislative days. I would make the argument, quite honestly, that I think it would make a better legislative process. And it's something that perhaps we should consider, whether we pass this bill or not. Nothing wrong with us --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thanks.

SENATOR SCHAFFER:

-- doing that.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We all know what changed the date that we had -- the primary -- that was because of the income tax. I'm sure everybody knows why we changed that date. Now I've taken a poll down in my area, and my political leaders do not want to change anything. So I'm going to be voting No on this, because I think that -- what's wrong with the primary date? And what's wrong with November?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Senator Schaffer, to close.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, I think Senator Hall has sent a message to many people, including my good friend, Senator Netsch, who's not listening to my eloquent defense of my bill, at all. Still. Ah, well. She'll probably forget to vote Present anyway. She's usually very attentive, but this is obviously one of those exceptions. This may, in fact, be the only ship that is going to sail this year on changing the primary date. I don't know what's going to happen to September. I have some very serious problems with a September bill. I think it's -- I'm just not for it. I'm not going to debate Senator Rock's bill right now. There'll be a time and place for that. But I do happen to agree that March is not a very good time for candidates, for deliberate elections, for our workers, for anybody. And I would like to get this election out of -- of the ice and snow, and the Christmas holidays. I think most of us agree on that. I have talked to agricultural leaders in my district, and I, by the way, Senator Kelly, have a -- a rural district, at least in large part. And they are not bothered any more. This is -- the days of the farmer being totally without machinery, and working twenty-hour days, and

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not having a way to even get into town to vote are over. Most farmers in my area, at least one member of the family also has another job. They can find a way to vote. And the fact is, I think some of my downstate colleagues will assure you that if a farmer's got an election he's interested in, you can hold that thing on Sunday morning in the basement of City Hall with the doors locked, and they'll still get there. Farmers know how to get to the polls. And they are not bothered by this. If you want to get the primary out of the ice and snow, this is the bill. And if you're interested in people participating, this is the bill. Thank you. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 921 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 27 Ayes, 28 Nays. This bill, having received the constitutional majority <sic>, is hereby declared lost. 922. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 922.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this bill puts the liability limits for leased vehicles at the same level as for personal automobiles. The levels were inadvertently raised by Senate Bill 1870 last year, and this restores them, and puts them at the, as I say, at the level of personal vehicles. I'd be glad to answer questions, and otherwise, would seek a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Question is, shall Senate Bill 922 pass. All in favor vote Aye. All opposed vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 57 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 923. Senator Jacobs. Read the bill.

SECRETARY HAWKER:

Senate Bill 923.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Now wait a minute. That's on the Agreed Bill -- 2nd Agreed Bill List. Take it out of the record. 924. Senator Berman. Read the bill.

SECRETARY HAWKER:

Senate Bill 924.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill deals with the right of adopted children under wills drawn prior to 1955 to take under a clause that provides that the assets are to be distributed to "my children," -- and what we have done here is to provide that an adopted child would be included in the word "children," as they are in post-1955 wills, except that there are two exceptions that would be involved - that there was an intention by the drawer of the will, the testator, to exclude 'em by clear and convincing evidence, or that the adopted child had received substantial gifts from the testator during the period of time that the testator lived. Be glad to respond to any questions. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Berman, I'm all for your bill, I just had noticed here there seem to be two bills on the same or similar subject matter. The other one, I think, being 929, that's on the Agreed Bill List.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, we're on 924 now.

SENATOR BARKHAUSEN:

You know are those the same -- are those the same -- are you putting two bills out on the same subject or does -- can you --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

No. This -- this bill is the one that's -- that the industry and I have worked on. 929, I think, is only a vehicle. Not -- substantively, doesn't address this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 924 pass. All in favor vote Aye. All opposed vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 928 is on the Agreed Bill List. 936 is on the Agreed Bill List. 942. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 942.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

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Mr. President and Members, this is a bill that I presented on the discharge motions the other day. It is, as I said then, it's a -- the product of some significant skilled, and I think creative, staff work over the period of the last two years to try to present a fairly comprehensive means of...attacking the problem of street gang crime. It -- it does a number of things. It -- in its preamble, it makes clear that it's addressed to the problems of street gangs, and then goes on to define a -- a gang in -- in a number of ways that I think narrowly limit the bill to street gangs and to gangs that are engaged in a pattern of illegal activity. It sets up a series of penalties for, one, for belonging to a gang, a more significant penalty for compelling membership in a gang. Enhance penalties for committing crimes or various crimes in one's capacity as a gang member. It provides that street gangs can themselves be charged and convicted in their own names for various criminal acts. In addition, it imposes civil liability in favor of public authorities that would apply to the gang as a whole, and jointly and severally to the gang members. I'd be glad to answer any questions, and otherwise would ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Wow! Where did you get this bill from, Senator Barkhausen?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. There is a request here of the Chair. WCIA Channel 3, would request to videotape. Hearing no objection, request is granted. Please proceed. Senator Marovitz.

SENATOR MAROVITZ:

Where -- where did you get this bill from? This is one of the most bizarre bills I've ever seen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Good. Senator Barkhausen.

SENATOR BARKHAUSEN:

Staff.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

True answer. Question is, shall Senate Bill 942 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Think if it gets 55 votes - what the hell's the difference? Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 46 Ayes, 9 Nays, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 943. Geo-Karis. Read the bill.

SECRETARY HAWKER:

Senate Bill 943.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 943 amends the Criminal Code to create the new offense of child murder. In -- it includes the new offense as an aggravated factor in support of a death penalty sentence in a murder case. And I urge favorable consideration.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

I hate to keep rising on these things, but I just want to call to the Body's attention the crime of child murder is already covered in the murder Statute. This is not new. It is already covered in the Statute.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Geo-Karis, to close.

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SENATOR GEO-KARIS:

No. In order -- Am I closing?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Can respond to the question when you close.

SENATOR GEO-KARIS:

In closing, I'll respond to your question. It covers only for those under twelve. But what about from twelve to eighteen? It does not cover. Therefore, I urge favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 943 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? On this question -- take the record. On this question, there are 54 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. On Page 26, top of the page, is 954. It's on the Agreed Bill List. 956. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

Senate Bill 956.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is a bill that was brought to me by Dolly Hallstrom, who I think most of us are familiar with in this Body. And it simply says that no mentally retarded individual can be sentenced to death for first degree murder. And it defines mentally retarded. It's supported by the State's Attorney's Appellate Service Division and by the Association for Retarded Adults. I would ask

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for favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Lake, Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR BARKHAUSEN:

Senator, do you know the position of the Cook County State's Attorney on this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I don't know the position. This bill, most of it, was under State's Attorney Daley, and there was no position at that time. I have not talked to State's Attorney Partee. Actually, I did talk to him about two or three weeks ago, and he was examining it. About five minutes ago somebody from the State's Attorneys Office came to me and said that they're not in support of the legislation. That -- all I know is that's what they told me five minutes ago. I have no idea what the nature of their opposition is.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, let me simply express my misgivings. I -- I do so with some misgivings, because it is a sensitive subject, but, also because the -- the bill has been lobbied by one of our oldest and dearest friends, Dolly Hallstrom. But, under current law, the fact that a defendant is mentally retarded can be used under -- under the Death Penalty Statute, and is used as a "mitigating factor," which a court is required to

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consider in deciding whether a defendant who is -- who is convicted of a capital crime shall receive the death penalty. And that will continue to be the case. What I am afraid of is that if this bill passes, that -- that there will rarely be a -- a capital case in which the defense attorney doesn't seek to try to establish that the defendant is in -- in -- to some degree or another, mentally retarded, to try to bring that defendant within the scope of this new and expanded defense, which this bill would provide. All of us who have, in one form or another, supported the -- the death penalty, I feel, should be against this bill, because of the very broad defense that this legislation would create. There may be a narrower way of trying to do what this bill gets at. But as I say, mental retardation is already taken into account by a -- by a judge or jury in determining whether to impose the death penalty. And as far as I know, present law is adequate.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kelly.

SENATOR KELLY:

Mr. President, I would like to get leave to be recorded as a hyphenated sponsor of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Hearing no objections, the Clerk will make the notation. All you've got to do is fill out the form, too. Senator Marovitz, to close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. This is an important bill to Dolly Hallstrom and a lot of people across the State. The issue would not even come up unless it was brought up by the defense. Not the State, as Senator Barkhausen said. It would have to be brought up by the defense, and then there would be independent psychiatric tests to determine if, indeed, the individual was mentally retarded. If that individual was mentally retarded, they

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would not be subject to the death penalty. Certainly, they could -- they could have -- they could be life imprisonment, but the fact is the death penalty, in fact, if you are mentally retarded, would be prohibited. And I think that's the humane thing to do, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 956 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 29 Ayes, 22 Nays, 4 recorded as Present. This bill, having received the constitutional majority <sic>, is hereby declared lost. 959. Senator Berman. Please read the bill.

SECRETARY HAWKER:

Senate Bill 959.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is a request from the State Board of Education to allow them to allocate two percent of the funds appropriated for the Reading Improvement Program that we authorized in the 1985 reform legislation for the training of the people that teach the teachers how to better teach reading. Be glad to respond to any questions. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 959 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 52 Ayes, 3 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 964. Senator D'Arco.

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Please read the bill.

SECRETARY HAWKER:

Senate Bill 964.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

Mr. President, I would move to recommit Senate Bill 9-6-4 to the Committee on Local Government.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman moves to recommit Senate Bill 964 to Committee on Local Government. Hearing no objection, the bill's recommitted.

965. Senator Rock. Please read the bill.

SECRETARY HAWKER:

Senate Bill 965.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 965 is an amendment to the Appellate Court Act that was initiated by the Supreme Court and the administrative office of the Illinois Court System. It creates four new judgeships in the -- at the appellate level, three in the First District and one in the Third District. Last year, you'll recall, we created new elected positions for the Second and the Fourth District and in -- to keep parity, given the caseload in each of these districts. This is a request of the Supreme Court and the Illinois Court Administrator. And I would ask for your favorable approval.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Senator Keats.

SENATOR KEATS:

My memory is in the First Appellate District. We have eighteen right now and three special, appointed by the Supreme Court, for twenty-one. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

SENATOR ROCK:

That is correct. And they are asking that those positions be subject to public election.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Okay. So what you're saying is the three that they have existed -- that they've already appointed -- so it's not twenty-four, it's still twenty-one. Now, how do they have the power to appoint the three? That was something I never quite understood.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

It's not in the bill. Senator Rock.

SENATOR ROCK:

The Supreme Court has, by rule, the authority to appoint. And what they do is they will take an -- a circuit court judge who has been subject to popular election and ask them -- appoint them to sit at the appellate level to help out with the caseload.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

So we are just verifying what's in place at this moment?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

SENATOR ROCK:

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That is correct.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock, you wish to close?

SENATOR ROCK:

No. It subjects these -- these existing sitting Appellate Court judges -- judge spots will now be subject to popular election. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 965 pass. All in favor, vote Aye. All opposed, vote No. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 966. Senator Fawell. Read the bill.

SECRETARY HAWKER:

Senate Bill 966.

(Secretary reads title of bill)

2nd -- 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Thank -- thank you very much. This is the Girl Scout Bill. And I have finally convinced them my name isn't Barbara. But it -- it will allow the cabins on the -- in the camps for nonprofit organizations, such as the Girl Scouts and the Boy Scouts and the Y, not to -- no longer pay the taxes, which is exactly the way that the ruling used to be. And we also have an amendment on the bill for Senator DeAngelis, which does a similar thing for a park. I would be more than happy to answer any questions, and if not, I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Gentleman from Cook, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Question of the sponsor, if she'll yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR CARROLL:

Are the cookies tax-exempt also?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

You know, I used to sell those, and I honestly don't know. I don't remember -- I don't remember collecting sales tax.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We'll call Roger Sweet in the morning. The question is, shall Senate Bill 966 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 969 is on the Agreed Bill List. 971. Senator Netsch. Please read the bill.

SECRETARY HAWKER:

Senate Bill 971.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 971 deals with the Truth in Taxation law. And it both clarifies and, in some respects, strengthens its function. What it does is to redefine, and I think this is the clarification part, that local property

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tax levy which is subject to the cap that is provided in the Truth in Taxation Act. And it does that by using the term "aggregate levy," defining it, and making it clear that it is the aggregate levy that may not exceed a hundred and five percent of the prior year's property tax aggregate levy, unless all of the procedures of the Act have been complied with. It does make it clear that it does not include election costs, which are something that no unit of local government can really avoid. There are a few more -- somewhat more technical provisions having to do with the form of the notice that is to be given when the hearing is to be held, and a provision which prohibits the hearing on the excess levy from being conducted at the same time as a budget hearing. It also makes clear - and this was a particular request of the municipalities, in case any of you heard from them on this or any of the units of local government - that when the Truth in Taxation Act has not been complied with, that the unit of local government is prohibited from extending only the, if you will, unlawful part of the property tax levy. It is not prohibited from extending its basic levy, so that a unit of government is not just totally disabled as a result of its noncompliance with the provisions of the Act. That is obviously fairly important to them. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 971 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 983. Senator Weaver. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 983.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 983 permits the Illinois Development Finance Authority to issue bonds for payment of a project's noncapital costs. The current Statute does not have any reference to noncapital costs, and therefore, IDFA has requested clarification of the Statutes for this purpose. And -- and there was an amendment on at the request of the Bond Council. And I would move affirmative vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 983 pass. All in favor, vote Aye. All opposed, vote Nay. Oh. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR SCHUNEMAN:

Curious to know why we're wanting to include in bonds, which are normally issued for capital expenditures, noncapital costs. What kind of noncapital costs do they want to have included?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

Well, Senator, I think, they're referring to costs associated with the architectural design, also some questionable items such as -- as landscaping, et cetera. This -- this has been a contention in -- some of the hangup has been in the 501C3

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Corporations that have been subject to some question as to whether they are bondable. So it's basically a clarification of IDFA's ability to bond certain noncapital items.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any other discussion? The question is, shall Senate Bill 983 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 47 Ayes, 7 Nays, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 990's on the Agreed Bill List. 991. Senator Keats. Read the bill.

SECRETARY HAWKER:

Senate Bill 991.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

As amended, the bill is even tightened up, although the original bill was awfully tight. The problem in a small village like Glencoe is the fact that when they're asked to appoint everyone from -- living within the municipality - be frank with you, they can't always do it. This allows villages -- it amends the Municipal Code to allow villages that are incorporated under special charters - now you might be talking about twelve, I think it's less than that, in the entire State - would allow them, by municipal action, to appoint a treasurer who doesn't happen to live in the municipality. Boy, it's a problem where you've got to have an awfully small municipality to do it, but this is theirs. And I would appreciate a -- a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 9-9-1

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pass. All in vote -- all in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 9-9-9. Senator Welch. Read the bill.

SECRETARY HAWKER:

Senate Bill 9-9-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 999 affects the Department of Children and Family Services. What it will do is require the Department to do a couple of different things. Number one, they are to devise and operate a child day care resource and referral service, so that individuals can have a legitimate and accessible reference to a day-care facility, should they need one. Secondly, it requires the Department to submit a bi-yearly comprehensive day-care report to the General Assembly and Governor beginning February 15th, 1990. They already do submit reports. What we're doing with this bill is adding to what they are submitting, and detailing what it is as to day care. Furthermore, it requires the Department to devise policies and procedures for creating and implementing interagency agreements with other State agencies furnishing child-care services or reimbursing for such services. Several different agencies and departments are already doing this, and there needs to be some coordination among the departments. And finally, the Department is to develop a low-interest loan program to address the needs of child -- the child-care industry. I'd be glad to answer any questions.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR TOPINKA:

How much is this going to cost the State?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

The cost will be approximately four million dollars. The major expenditure here is -- is due to loans, as opposed to a capital or GRF expenditure.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Welch, to close.

SENATOR WELCH:

I would just urge a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 9-9-9 pass. All in favor, vote Aye. All opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 44 Ayes, 11 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 1000. Senator Rock. Please read the bill.

SECRETARY HAWKER:

Senate Bill 1000.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

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END OF TAPE

TAPE 5

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1000 is an amendment to the Election Code, to change the primary election to the Tuesday next after the second Monday in September. That's all it does, and it does it only for the 1990 election. It does not purport to go into 1992, so that we don't get all muddled up with a discussion about delegates to the National Nominating Convention or presidential beauty contests. It seems to me this General Assembly or the next General Assembly can adequately deal with that in 1991, looking forward to the 1992 effort. And I'm sure you know that both major political parties are currently discussing various proposed changes to the primaries and to the selection of delegates to the respective National Nominating Conventions, so we needn't even discuss that. When I presented this bill in committee, I called it, euphemistically, the "Give-the-People-a-Break" Bill. And I think the Chicago Sun-Times adequately said in their editorial in favor of this, "the mental health of the voters." We don't need a thirty-three-week campaign. Eight weeks is more than enough. The largest election jurisdiction in the State of Illinois, namely the City of Chicago, has a shorter election cycle for its chief executive than do we, and it simply doesn't make any sense. If we're going to deal with the cost and the length of campaigns, it seems to me, this is the perfect vehicle to discuss that and hopefully resolve it. This will apply, as I indicated, only to 1990. It will give all of us, elected and party officials, a

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chance to reassess our position in terms of voter turnout, in terms of election expense. But I think this is long overdue. We have had the primary in March since nineteen hundred and sixty-nine, and nobody, as Senator Schaffer so aptly pointed out, nobody likes a March primary. I have a good deal of respect for the Legislature and the legislative process, and so I cannot, nor will I, support an effort to move it to April or May or June because I think it will be, frankly, destructive of the process and the system as we know it, and as it's going to exist. There are other states that have September primaries, and it works pretty well. Massachusetts, for one. New York, for two. I've heard some arguments, "Well what about the Jewish holiday?" Senator Berman, I have assured, and I have documentation, that we don't run into Rosh Hashanah or that problem until the year 2024. And I'm sure that some exception can be made at that time, and will be made at that time.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Hope we're here to vote on it.

SENATOR ROCK:

Yeah. Me too. The fact of the matter is, it seems to me to make elemental sense that if we shorten the campaign period by twenty-five weeks, we will save a good deal of money and we will literally give the voters a break. I would urge an Aye vote on Senate Bill 1000.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I -- I tried in the debate on the May primary to stay away from too much discussion of the September primary, but it was obvious, I think, to anyone who was listening, that I had serious problems with a September primary. I -- I guess the first thing that we ought to be thinking about is what election date is the

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most convenient for the people of the State of Illinois and would encourage the -- the greatest voter participation, the greatest electoral interest in the election effort. I'm not sure that a March primary does anything besides make candidates' lives miserable because of the weather, although by mid or late March the weather, at least in terms of the election day, is generally reasonably good. But the one thing I have noticed in some twenty years of campaigning, that the toughest time of the year, I find, with the possible exception of the Christmas holidays, to get people to focus on political issues is the summer months. Quite frankly, our constituents don't particularly want us clogging up their televisions or beating on their doors or interfering or interrupting their barbecues in their backyard, if we can find them at home when they aren't on vacation, in the summer months. I think we would find a September primary would not generate a great deal of voter turnout, and I don't think it's something that the electorate would be greatly enthusiastic about. My election authorities tell me they have very serious problems with how they would implement a September primary, although I would have to say other states do it, so there must be a way. To the best of my knowledge though, this bill does not address the extremely long number of potential problems - filing dates, challenge dates, what if the voting machines are impounded - all those questions. I just, quite frankly, think that you can't just change the date and say you've solved all the problems. Now maybe a large county can afford to have a duplicate set of election apparatus or whatever you need. I don't -- I know you don't have to impound the whole machines, but in some primary election contests you might. The clerks, I think, make some very good arguments, and the election authorities, about the -- the things -- the many things that we aren't doing in this bill that would have to be done. Again, I think those details could be worked out, but I don't see anybody

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working on them. And that -- that concerns me. The other concern I have is that of course, this is just for the 1990 election, and obviously though, if there is a majority in both Houses to do this, it may become difficult to change. And then we have a question of what are we going to do on presidential elections. Well I don't know, and I don't understand the workings of my friend's party over there, but I do know in my party, we are dedicated to the concept that the electorate -- the primary electorate -- should select the vast majority of our delegates, and that a presidential preference primary in this State is an important part of our party apparatus. And I -- I'm not saying that anyone's suggesting that we be denied that, but I can certainly see everybody saying how expensive it would be, and how maybe we shouldn't do it, and how maybe we ought to let the party caucuses decide it, and all that other stuff. And that it might have the eventual result of -- of the electorate being denied a primary for president. And that bothers me. Since we have no plans spelled out in this bill, at least you have to admit the possibility of denying the electorate a presidential primary. It exists. In general, I just don't think this is a good idea. I thought May was an improvement over March, but I think if my choice is March or this, I'm for March.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I was wondering about what year. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

If I read my analysis correctly, the primary would be September, 1990, only. Would you tell me why you didn't make your bill to apply for every September, rather than just for 1990?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock addressed that question, but I'm sure he'll be more than happy to answer it once again. Senator Rock.

SENATOR GEO-KARIS:

I'm sorry. I hadn't heard it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay.

SENATOR ROCK:

Yes. Senator Geo-Karis, I deliberately did not get into 1992 for the express reasons as expressed by Senator Schaffer. And Senator Schaffer, there is no intent, as you well know, to deny the electorate any opportunity to pick convention delegates or to engage in a presidential primary. I'm sure you know there are proposals in the Congress to change the primary system. I mean, when we're confronted with a state like New Hampshire that says in their state law that whatever the earliest primary in North America is, they're the week before. They don't care what date it is. They're the week before. We've got a hodgepodge. And I frankly think that it's not in the best interest of either major political party to have our candidates, as they are currently, pretty well determined by a caucus system in Iowa and by a New Hampshire vote, that in my judgement is not particularly representative of this country. So I think everybody understands that we've got to change that. So Senator Geo-Karis, in answer to your question, I am leaving that discussion for 1991 because the other part of it is, as Senator Schaffer so rightly pointed out, we ought to find an election date that's convenient for the people. And the fact of the matter is, if you look at the statistics for the past twenty years concerning turnout, Illinois voter turnout is not significantly related to the month in which the primary is held, the research says. Because we've had both the lowest percentage and the highest percentage, depending on the election. There are

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other more influencing factors -- weather, age, educational attainment, income level of the pool of voters, whether it's a presidential or non-presidential. There's all kinds of things. But those are the kinds of questions and answers we can address in 1991, looking forward to '92. What I'm simply saying is we all admit campaigns are too long and too costly. Let's cut the time down by thirty-three weeks.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I have always supported a September primary, ever since I've been here. However, I've supported it in -- in the base -- on the basis that it would be every September, not just one -- for one particular year. So I will be voting Present, because if you had amended it to make it all the way through, I would have been supporting it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Just briefly to add that Senate Bill 1000 does not have unanimous support as we all are aware of. Just like to add that not only do the Cook County Republican Chairman and the State Republican Chairman oppose Senate Bill 1000, but even a Chicago congressman -- a Democrat, Congressman Bill Lupinski, is opposed to this bill, Senator Rock. And you referred to Minnesota and Massachusetts as having September primaries. You are correct. But some of our neighbors also have May primaries. I'd just like to add that Indiana, Ohio and Kentucky, all three have May primaries.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

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Thank you, Mr. President. I support a September primary, and I will support it in any form and in any bill that I get an opportunity to support it, and including this one. I should point out to -- and I support it for the very reason that Senator Rock has referred to. I think it really is the best time for our voters. We do have to do something to compress that time period between the primary and the general election. Admittedly, the major factor in participation is the interest in the particular campaign, and that can occur at any time, whatever the date of the election or anything else. The -- the intensity of the campaign is the primary factor that determines how many people are going to participate. But I think most of us do believe that we ought to, at least, do what we can to try to cut down on both the length and the cost of campaigns, because we are really reaching a crisis, I think, in terms of the -- the amount of money that has to go into campaigns these days. Senator Geo-Karis, I would point out to you one thing, that -- I believe you are right. You have supported a September primary in the past, as have other Members on your side of the aisle, and I know, 'cause I passed the bill out of here last Session. You will get one more chance because Senate Bill 24, which I have introduced and will be calling whenever we get back to it, is for a September primary also, and is a permanent one. So that if you really believe in a September primary, you will get another opportunity to do that. In the meantime, though, I would strongly urge support of this bill as well, because I think it has a good chance of getting out of here and getting some attention in the House, and we need to go to some date other than March.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Let the Chair point out to the Membership that the longer we talk, the more lights light up. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Just two very quick points. It seems

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to be human nature to think that some system that we don't use is better than the one that we do use. And while I support the idea that probably our elections ought to be shorter, it occurs to me that the Legislature has, in past years, dabbled in changing our primary dates, and the one that I particularly remember was the one that took it out of March and then immediately the Legislature rushed to put it back in March. And the other problem that seems very real to me -- you remember a few years ago when the -- in Adlai Stevenson's campaign, when your primary was more or less taken over by people unfriendly to you, there was a long ongoing process of trying to determine what was going to happen and who -- who was going to be on what party ticket. And I'm not sure that there would have been ballots printed in a situation like that, had you only had two months to get it done. One other point, and that has to do with presidential primaries. Iowa is the earliest, I think, now -- or is it New Hampshire -- whichever. But they're both relatively meaningless campaigns. The really big ones are Super Tuesday, and we're a part of that process. The presidential candidates come here. I think we have an influence in selecting the presidential candidates, and we ought to think about that before we throw that process away.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in support of Senate Bill 1000. In 1984, following a year of campaigning, our family had the opportunity to go to Sweden. Our three-week visit coincided with the election of the Prime Minister in Sweden. We were there for the entire three-week campaign.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Could we have your attention to show the Lady. Your attention and courtesy. Thank you.

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SENATOR HOLMBERG:

Thank you, Mr. President. We were in Sweden for the entire three-week campaign for the Prime Ministry of Sweden. It was interesting to notice how the people focused on the election. They hurried home every night to see the debates on television. They went downtown to the village square to meet the candidates or their representatives on a daily basis. They paid attention to what the media was saying, and they duly elected their Prime Minister. In other words, they did not allow themselves to be bored to death. I think this is what -- a gift that we can give our constituents.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. I think what really concerns me about the proposal before us, is the fact that you are placing in those critical summer months that very critical time when you're asking voters across the State to devote their energies and their -- their time to the candidates. In the last debate, on whether we should have a May primary or not, seemed like most of the discussion focused around what was convenient for the Legislature. I have no doubt that we can find a way here from January through late Spring to accommodate our schedules around some kind of a May primary. But what you do here by moving to a September primary is force voters, who are going to be on vacation, who are going to be with their children, who are going to be away from their TVs and their radios in many cases, to try to get information when they're simply not around. I mean let's focus for a minute on what -- what the electronic media does over the summer. We know for a fact that the reruns start in May. They start in May for an obvious reason - because the folks are gone. The folks are gone over the summer. They don't watch TV.

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They're not captives to the electronic media the way they are the rest of the year. So what you're doing is putting an election at the precise time when you're going to lose the attention of people. Senator Rock, I'm not going to dispute your -- your figures on turnout. I don't think turnout is necessarily the issue. You may be able to prove that at some prior time in history, the turnout was almost what it was in a March or a May primary, but I would question seriously whether or not the quality of the attention time which voters devote to an election is going to be as great in June, July and August as it is in the first six months of the year. That's the problem created by this bill, and it's the reason why we ought to learn to crawl before we walk. We ought to go with the May primary, see how that works, before we move to this gargantuan step, which I think is going to just disenfranchise a lot of people.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand on a point of personal privilege. We have visiting with us today, on -- on the Democratic side of the gallery, the young people from the Fuller Elementary School. Mrs. Carruthers is in charge of them and they live in my district. May we receive them.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would you please stand and be recognized. Welcome to Springfield. Any further discussion? Senator Rock, to close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think it's obvious I'm not going to change any minds, but I feel in fairness I should reply to some of the things that have been said. Senator Kustra, I think your analysis about quality time during a campaign just simply sells people short. You and I both

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know, having been across this State as we both have, that there is no better time frankly for a candidate to get out on the county fair and picnic circuit than there is during June, July and August. Unfortunately, we're stuck here in June, and most of us can't do it. But the fact of the matter is this bill doesn't mandate anybody to buy quality TV time. What we're trying to do is cut down the cost. And I would suggest that your analysis just really falls short. We're trying to find an election date that truly is convenient for people. And Senator Dudycz, just to counter -- I -- I'm well aware that Mr. Dvorak has come out against this. Mr. Dunne, however, is fully in support of it, as are the other members of the Central Committee and the Township Democratic Committeemen. And Bill Lupinski happens to be a very close friend of mine, and he did send me a lengthy letter explaining why he thought this was not a good idea. And the sum and substance of it is, if you want to listen to him, you're voting wrong, because he says, "This bill favors Jim Thompson's reelection." Pure and simple. And I wrote him a letter back and I said, "Dear Bill, I don't agree with that, but if that's your opinion, God bless you." The fact of the matter is the election authorities, that some are concerned about, had a meeting, and about twenty of twenty-five of their board of directors endorsed this idea. There is no formal endorsement from that organization because it was not unanimous, nor did I expect it to be. But the fact of the matter is the election authorities are -- are well able to handle this. And I wish and I think that only underscores why I did not deliberately deal with 1992. We will get to the presidential beauty contest. And, Senator Schuneman, I don't want to take us out of that system, but I think it's fair to say that every political analyst that has taken a look at Super Tuesday realizes it was a futile effort, and I doubt that that effort will be repeated. The Southern states are now in the process of

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dissembling that. And well they should. Ladies and Gentlemen, I think this is an opportunity to give the people a break, to make the campaign less costly, to make the campaign in a shorter, more definable period. We can all adjust. And I would urge an Aye vote on Senate Bill 1000.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1000 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 31 Ayes, 22 Nays. This bill, having received the constitutional majority, is hereby declared passed. Senator Dudycz, what purpose you seek recognition?

SENATOR DUDYCYZ:

I'm sorry, Mr. President. I'd like to verify the affirmative vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please verify the affirmative vote. A Senator has requested verification. Will all Senators be in their seat. The Secretary will read the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Are there any questions of the affirmative vote? Senator Dudycz? The roll call stands as -- as stated. 31 Ayes, 22 Nays, 6 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. The Lady from

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Macon, Senator Severns, what purpose you seek recognition?

SENATOR SEVERNS:

Thank you, Mr. President. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed. What's your point?

SENATOR SEVERNS:

Thank you. It's my honor today to have from Decatur Dan <sic> (Donald) Sauer and a friend of his, Mr. Sergey (Yavortchuk), who's viewing our legislative process, and he is from Leningrad. I'd like the Senate to join me in welcoming Dan <sic> (Donald) Sauer from Decatur and Mr. Sergey (Yavortchuk) from Leningrad.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Welcome to Springfield. Would you please stand and be recognized. 1004. Senator Schuneman. Read the bill.

SECRETARY HAWKER:

Senate Bill 1-0-0-4.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 1-0-0-4 is a Department of Insurance bill. Makes a number of changes to the Insurance Code, many of which are housekeeping and technical. I'll tick off a few of the things that are involved, and if there are any questions, I'd be happy to respond to them. This bill makes numerous changes to update and improve the performance and administration of the Life, Accident and Health Guarantee Fund. It expands coverage under the Guarantee Fund to policyholders whose benefits are provided by a company who, at one time was licensed in Illinois, but subsequently was purchased by a company licensed

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in other states. This would intend to work in a situation like the First Columbia failure situation. The bill expands coverage under the Guarantee Fund to include guaranteed investment contracts sold to individuals or pension programs, provides for the protection of policyholders when their company merges with an unlicensed company. It adds and authorize grounds for discipline of a producer, and creates a new fees filing schedule for filing of policy forms with the Department. And to avoid retaliation by other states against Illinois companies, the bill creates an offset of that filing fee against the taxes paid by foreign companies. If there are any questions, I'll be happy to respond.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR JONES:

Senator Schuneman, per our discussion, you do plan to have this bill amended in the House to clear up some of the -- the problems that we have with it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Yes. Thank you, Senator. I should have mentioned that -- that there have been some ongoing negotiations. And all the items, I think, are agreed upon now. We were going to amend this bill in the Senate before we passed it out, because -- but because of our schedule here, we're unable to do that. I pledge to you that this bill will be amended in the House to make those changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones. ...(machine cutoff)...shall Senate Bill 1004

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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 55, the Nays are none, none voting Present. Senate Bill 1004, having received the required constitutional majority, is declared passed. 1007, 1008, 1010, 1012, 1013 are on the Agreed Bill List -- so -- Second Agreed Bill List. 1015. Senator -- Dunn. All right. On the Order of Senate Bills 2nd -- 3rd Reading, Senate Bill 1015, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1015.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members. Senate Bill 1015 amends the Oil and Gas Act, expand the authority of the Department of Mines and Minerals relative to fees and conditions of temporary abandonment of wells. An amendment took out most of the stuff about the temporary abandonment of wells, but the authority to regulate the construction and prescribe safety standards for operation of oil shafts when workers are required underground. There are two oil shafts in Illinois now that are big enough shafts that people go down in them, and thus they decided -- and we think it comes under the purveyance of the Department of Mines and Minerals, and this takes care of that. And it has some other things -- a hundred-dollar fee for -- they continued a hundred-dollar fee for the abandonment of mines of -- of wells and mines. I'd be happy to answer any questions, and urge passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1015

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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 57, the Nays are none, none voting Present. Senate Bill 1015, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1016. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1016.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senate Bill 1016 provides to amend, relative to verification of documents -- it omits the need for notarization of some documents that are filed with the Department of Mines and Minerals. And it provides certified copies to the -- the Department of Records to the courts, so that there won't be so many of the members of the Department having to go to court all the time. These two -- and I'll be glad to answer any other question. And I'd urge approval of Senate Bill 1016.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1016 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 57, the Nays are none, none voting Present. Senate Bill 1016, having received the required constitutional majority, is declared passed. 1029, 1030 on the Agreed Bill List. 1032. Senator Barkhausen. On the Order of Senate Bills 3rd Reading is Senate Bill 1032. Madam Secretary, read the bill.

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SECRETARY HAWKER:

Senate Bill 1032.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a Department of Insurance bill that would require, as of January 1, 1990, auto insurance companies to issue loss information to their insureds within twenty days of a written request. It further provides that repeated failures to comply with this requirement will be considered an unfair trade practice, subject to penalties under the Insurance Code. It does a few other technical things that I'd be happy to address if anyone has any questions about them, otherwise, I'd ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1032 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 1032, having received the required constitutional majority, is declared passed. 1035, 37, 38 are also on the Agreed Bill List. 1040, Senator Welch? On the Order of Senate Bills 3rd Reading is Senate Bill 1040, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1040.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

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SENATOR WELCH:

Thank you, Mr. President. The next three bills deal with utilities. Senate Bill 1040 deals with the issue of shadow audits. The passage of this bill would result, we believe, in the savings of at least sixty-two million dollars for consumers. What this bill does, is prohibit the Illinois Commerce Commission from forcing customers to pay for shadow audits of electric power plants conducted for those utilities. In 1984 we passed a law requiring the Commerce Commission to audit the cost of building power plants before those costs could be passed on to customers. And also they were told to exclude imprudent or unreasonable costs. The utilities pay for those audits, but they can recover those expenses from customers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me. This'll go a lot faster if we have some order. Senator Welch.

SENATOR WELCH:

Utilities have begun doing what we call shadow audits. Meaning they have an extra audit in addition to the one mandated by the State of Illinois. The utilities then use this audit to dispute the Illinois Commerce Commission audit, that we mandated to be imposed. This bill would not prohibit the utilities' own audits or limit their ability to dispute the State-mandated audits that the ICC conducts. However, what we are trying to prohibit is the double-charging of customers for these audits. Currently, Commonwealth Edison has anticipated sixty-two million dollars in costs from one single case where they reaudited something that the Illinois Commerce Commission did. What the utilities are asking to do here is to have us pay for both the prosecution and defense of a case before the Commerce Commission. I would move for adoption of the bill, and I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? Senator Macdonald.

SENATOR MACDONALD:

Mr. President, I rise in opposition to this bill. 1040 would discourage the utilities from -- construction cost auditing, which is a key management -- tool that controls costs. The ICC has the power to prevent recovery of unreasonable costs. That's why they are established, and I think that that's the way it should be left. I don't think that this bill is necessary, and I am opposed to this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is -- I'm sorry. Further discussion? Senator Welch may close.

SENATOR WELCH:

Well, Mr. President, that just is not the case. What we're doing here is not discouraging utilities...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...I'm sorry. What's the problem, Senator Keats? Senator Maitland, what -- what's up? Senator Maitland.

SENATOR MAITLAND:

I'm sorry, Mr. President. I was off the Floor. I -- I would like to -- I'd like an explanation of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the gentleman's closing. Senator Welch may continue to close. I'm sorry.

SENATOR WELCH:

I'm sorry, Senator. I'd explained it in -- in quite a bit of detail. I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Was not closing. He -- you were about ready to ask him to close. And I think if Senator Maitland...

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PRESIDING OFFICER: (SENATOR DEMUZIO)

No. No.

SENATOR DeANGELIS:

...this is a critical bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No. As a matter of fact, if you'll read the...

SENATOR DeANGELIS:

...And I think you ought to give him the opportunity to explain himself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...if you'll read the transcript, Senator DeAngelis. I beg your pardon. I said, "Further discussion?" I said, "The gentleman may close." There's -- there's no intention to cut off anybody. Just trying to move the process along. Senator Welch.

SENATOR WELCH:

Well, let me explain. The bill is very straightforward. In 1984, what we did was we mandated audits by the Illinois Commerce Commission. Well, if they don't want to listen, then I -- I can't force them to listen. But in response to Senator Macdonald's argument, we are not discouraging audits. What we're saying is, you can audit these companies a second time, but don't just go ahead and charge the consumer for two audits. We only -- we mandated one audit because we thought one audit was enough. You can get -- you can audit a company to death. The idea that the Commerce Commission will automatically not allow the second cost of the audit is erroneous. They just allowed thirty-seven million dollars in one case to be passed on to -- to all of us, to us consumers of utilities, which shouldn't have happened. Why should we pay for both the first audit that the State has mandated and then a second audit that the company thinks is necessary to fight the first audit? It doesn't make sense. Voting for this bill will save consumers in the State of Illinois at least sixty-two million

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dollars now, and even more millions in the future. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1040 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? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 18, 4 voting Present. Senate Bill 1040, having failed to receive the required constitutional majority, is declared lost. Senate Bills 3rd Reading is Senate Bill 1041. Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 1041.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1041 deals with customer refunds of utility bills. What the bill would require is the -- the Illinois Commerce Commission order a utility to refund the full amount of overcharges collected by the utility if a court finds the utility's rates to be excessive. The utility rate increase granted by the Commerce Commission takes effect immediately. If it is later reversed by a court on appeal and remanded for reconsideration to the Commerce Commission, then the Illinois Commerce Commission must reconsider its decision and set a lower price. Part of the monies collected by the utility from the Illinois Commerce Commission's initial decision until its final action after reconsideration are therefore excessive and should not be refunded to customers -- and should be refunded to customers, excuse me. Current law does not require the full amount

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of monies to be refunded. The ninety-million-dollar savings that this bill will provide to customers in this case would come from a single Commonwealth Edison rate increase reversed by the State Supreme Court and now pending before the Illinois Commerce Commission. In addition to this ninety million dollars, additional savings are possible. What this bill does, it says that money that shouldn't have been charged consumers in the first place goes back to those consumers. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Welch. Is there discussion? Question is, shall Senate Bill 1041 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 41, the Nays are 11, 4 voting Present. Senate Bill 1041, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, bottom of Page 27, is Senate Bill 1020 -- I'm sorry. 1042, Madam -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1042.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill concerns natural gas take-or-pay costs. What the bill is going to do is reduce the burden on Illinois households for the cost of interstate pipeline, companies are now passing through to gas utilities in the State. The Federal Energy Regulatory Commission last year decided to let interstate pipeline companies charge their customers for part of the contractual obligation the pipelines incurred to either take

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or pay for natural gas from gas producers contracted for during the 1970s. Illinois utilities have been hit for over four hundred million dollars that they have to pass on to consumers. The question is, which consumers are going to bear that burden? Further increases that -- in that amount are coming. We expect the take-or-pay burden in Illinois to be over one billion dollars. The Commerce Commission has decided to let gas utilities pass along these charges to their customers over the next three years. In 1989, customers in Illinois will pay over one hundred and ninety million dollars. What this bill intends to do is to shift the burden of paying for those take-or-pay costs to those companies that benefited most when the prices of gas went down. This isn't a question of whether we're going to pay these extra costs that utilities are going to place upon us. It's a question of who is going to pay for it. Under this particular bill, what we're saying is that anybody in the State above two thousand thermal units will begin to pay. What we're trying to do is say that those companies who benefited in the 1970s, when these contracts were entered into with companies in Oklahoma, Arkansas and Texas for low natural gas prices and they're now coming back on-line because gas prices have stabilized, pick up the cost that they shifted or are trying to shift to those of us who had to remain on the pipeline. Those of us who had to remain on the pipeline are those of us with residential homes and small businesses. And what this bill attempts to do is to shift that burden to those who can bear it, and those who are responsible for it, and received the savings from it. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senator Welch, I understand and I know what you're trying to do. What

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concerns me here is as we -- we shift these burdens - and that's what we're doing, we're taking the rate away from or stabilizing the rate, if you will, with the low -- the low users and putting them on people who are the higher -- the higher users. What concerns me is when we do this, we simply -- they will pass that cost on to the consumer. They absolutely will. It's a cost of doing business. The utility bills are a cost of -- of doing business. And -- and we simply find that -- that they'll be passing that on to the consumer in higher prices and what have you. It's the old saying, "Corporations don't pay taxes; the people do." I mean it's simply the way it is, and by shifting this burden at least when the rates are there, it's an absolute, and you know what it is. When you shift it artificially, it seems to me that -- that larger users are simply going to be passing that burden back to the consumer, and I just simply think that's the wrong approach. And that we might be hurting the consumers rather than helping them. And I would rise in opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Well, let me just say this. Not all costs of government by way of taxes are passed on to Illinois consumers or consumers in general. A lot of these companies that benefited are the major companies who have business throughout the country, not just Illinois. So the incidence of taxation is not going to fall just on Illinois consumers, Senator. I would point out that when you say that there has to be a fairness here, the -- initially when the costs were incurred, there was no fairness at all and there was no consideration by those utilities that went off the pipeline and bought gas -- gas direct from Texas or Oklahoma. They didn't care about fairness then. They were saving money. Now, artificially, the Commerce Commission has mandated that the cost

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be borne fifty/fifty between residential consumers, many of whom are unable to -- to afford this, frankly. They can't afford the extra money. We just had a rally down in the rotunda yesterday, I believe it was, for individuals on fixed incomes who say no higher utility bills. If you vote No on this, you're voting for higher utility bills for those individuals. That's the fact of the matter. And I would urge an Aye vote on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall 10 -- Senate Bill 1042 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 31, the Nays are 25, 1 voting Present. Senate Bill 1042, having received the required constitutional majority vote, is declared passed. Page 28. 1047. Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 1047. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1047.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 1047 amends acts relating to the establishment of local health departments to provide that the Department of Public Health require in its rules home visitation and other services to enhance the health of pregnant women, new mothers and infants. This legislation would expand upon the current home visit component of the Department's perinatal program. Under this program, public health nurses make home visits to high-risk pregnant women and high-risk infants

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discharged from hospitals. This is an attempt to reduce the infant mortality rate in Illinois that is still very, very high. Infant mortality rates in Illinois are 11.2 deaths per one thousand births statewide. And in Chicago, 16.5 deaths per one thousand births. In some neighborhoods in Chicago it's as high as twenty-two per one thousand. This bill would require home visits and other services to enhance the health of pregnant women, new mothers and infants. And the bill is supported by organizations representing women, children and public health issues. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Topinka.

SENATOR TOPINKA:

Well, Mr. President, Ladies and Gentlemen of the Senate, I -- I do admire the sponsor for trying to get at what still is a very high infant mortality rate in the State of Illinois. For all practical purposes, at least at this moment, this is not going to be a major cost to the State, because we are shifting it wholesale onto our local health departments and county health departments. And we're talking about a significant unfunded mandate. Somewhere they're going to have to make up this cost, and we're talking about two million eight hundred and sixty thousand dollars. At this point, the State certainly doesn't have any money to back them up in this. Eventually, I think, probably we'd have to seek additional funding from the Department of -- of Public Health from the Basic Health Services Grant. The money just isn't there now. It's a commendable program, but I think, you know, if you have any touch with your local health departments and county health departments, you'd want to check with them first before you might want to put an affirmative on this vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson.

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SENATOR WATSON:

Thank you, Mr. President. A -- a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

After hearing the previous speaker, Senator, is that corrected to local health departments are going to be required now to pay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

The rules would require increased home visits. Now, there is a question about the additional cost of that. I -- I don't believe that that additional cost is the cost indicated by Senator Topinka. But we are talking about increased home visits in order to save lives of infants.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, I -- I certainly can understand, Senator, the value of the visitations. And I'm sure what you're referring to could have many benefits, but -- but the problem is somebody has to pay. And who's going to pay is going to be the local taxpayer. In my particular case, it's the Bond County Health Department, where I live. They don't have enough money now to provide the services that they'd like to. And we'd all like to have as much and as many services as we can, but somewhere we have to draw a line and say that enough is enough, or at least if we aren't going to provide the revenue and the funding sources, then we shouldn't require the health department to provide those services without the additional dollars. I'd rise in opposition. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in strong support of this, because this is sorely needed. It's nice to stand up here and say it's too much money, not enough money and all of that. Babies are still being born. And babies are still suffering in these hospitals. And if we, as a State Assembly, can do anything to lessen the pain that these babies are going through, because after all, babies do not ask to come in this world, but we can apply to them. If we can find monies and hundreds of thousands of dollars to put up institutions and buy uniforms and things like that for our young people, babies who did not ask to come into this world, we certainly can think in terms of them. And I certainly support it, and hope that you will give him a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank -- thank you very much. I happen to serve on the Infant Mortality Death Task Force. And -- and there are some things that we should be doing. I -- I'm -- I -- this isn't one of them. Frankly, what we need is -- we need to give more help to the women who -- the young women who are pregnant, by making sure that there is medical help during their pregnancy. One of the problems that we've got is that the doctors are refusing to take a lot of these high-risk pregnancies because of the insurance problem, and then, frankly, we're -- we're paying them a pittance. We're paying them something like six hundred dollars a pregnancy. That's one of the things we should be dealing with. A lot of these are young girls. The average age of a -- of a -- of a unwed mother now in this State is fourteen. Fourteen. That means she got pregnant when she was in eighth grade. The average age of the father is fifteen.

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That means he got her pregnant when he was a freshman in high school. Those are children having children. Their bodies are not ready to have those children. They are high-risk pregnancies. Going to their homes isn't going to solve the problem. What we need is good medical care. And I'm not talking about nurses; I'm talking about obstetricians. And obstetricians are expensive. And we need those that specialize in that type of care. And sending a nurse to a -- to a -- a girl who is an unwed mother, or even is a -- is a -- a wedded mother who is at risk isn't going to solve the problem. Let's -- let's work on this, but let's do it the right way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's really shocking when we come here and think that we can spend all this money to protect whales - to get them out from under the ice. We can do all this thing for S & Ls, who just literally took billions - billions of dollars. And we can't find money to save lives? We call ourself a progressive State, and we're lower than the State of Mississippi? It's just shocking to sit here to think that life - we say a prayer every day - we're all so holy - we're doing all these things, but when it comes to take the life -- think about your own children. What's greater than life? It's just shocking to sit here and to say, "Where's the money going to come from?" We find money for everything else. We found money for -- just name it. All these buildings around here. All these homes around here. All these things we -- we're putting for posterity. And I'm looking over there. Right, Senator? You're from this district. If you give him any more, this place will sink. And there won't be enough to keep him. Every time I look, he's got something to restore. Well let's begin to save some

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lives. It's a shocking, shocking thing. I'm just shocked to think that we have to have a question, and the ultimate question is, where's the money going to come from. Well where does the money come from for everything else around here? I'm -- want to ask you for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator del Valle may close. All right. Just a moment. Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I'm sorry for being emotional. But this is one that's close to my heart, because I'm the guy that bury the babies. They are dying. And we bury them every day. And the reason that they're dying is because there's no one out there to protect them. Senator Hall was right when they said that we stand down here and we pull billions and billions of dollars down what some people call rat holes. We just pull the money down, and they take it and run. Billions of dollars. But when it come to saving lives - when it come to preventing - when it comes to doing things that help our fellow man, we seem to want to know where the money is. Where's the money coming from? I'll tell you where the money's coming from. Next week we will have a bill before us that's going to double the money in your towns. In your towns. And that's where the money is going to come from. That's what we're talking about. Yes, we need this bill. Yes, we need to prevent the death of these young babies -- and babies and the young people that's having the babies. And that's what it's all about. And I ask an Aye vote on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins. Further discussion? Senator Watson, for a second time.

SENATOR WATSON:

Yes. I -- I apologize for rising a second time, but I couldn't

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let the previous speaker get by with what -- what he just said. In my county - and I think you were referring to me, you pointed over here at me - in my county, we have a Bond County Health Department. They have a local tax rate by which we tax the county residents to -- to fund our tax -- our county health department, plus a State subsidy. What we're -- what you said that we're going to get next week is a municipal. That goes to my communities. It doesn't go to my county. It will not go to the health department. Those -- those funds will have to come out of the local taxpayers' money and the pocket, not for anything we do next week. So that -- for what you said there was -- was -- was wrong, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, Senator del Valle may close.

SENATOR DEL VALLE:

Thank you, Mr. President. In 1985 Illinois launched the Infant Mortality Initiative. Today, we still find ourselves with an infant mortality rate that is comparable to those of Third World countries. And Senator Fawell, you're absolutely right; there are services that are needed. Medical services that are needed. But one way to identify those services and to ensure that those individuals are hooked up with those services is through these home visits. We need to make sure that these individuals are receiving all the services that are necessary in order to insure the health and safety of -- of these infants. It is extremely important that we aggressively continue to pursue our goal of reducing the infant mortality rate in the State of Illinois. We are not making as much progress as we should be making. And I think it's up to this Body to ensure that we are doing everything possible at a State level, at a county level, at a local level, to take the necessary steps to save the lives of infants. And I ask for a favorable roll call.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1047 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 33, the Nays are 22, none voting Present. Senate Bill 1047, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1059. Senator Luft. Madam -- Mr. Secretary, Senate Bill 1059.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1059.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1059 expands the extent of the Illinois Income Tax exemption of the Illinois Development Finance Authority's revenue bonds. Presently the interest paid on the bonds issued under the Authority's Local Government Assistance Program is exempt from Illinois Income Tax. This bill will extend the exemption to the Economic Development Revenue Bonds of the Authority. And this action that I hope we take today is consistent with the exemption provisions that we have granted already -- the Illinois Housing Development Authority and the Quad Cities Development Authority. The exemption is needed. It is felt to expand the marketability of the Development revenue bonds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall Senate Bill 1059 pass. Those in favor will vote Aye. Those opposed, 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, the Ayes are

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56, the Nays are none, 1 voting Present. Senate Bill 1059, having received the required constitutional majority, is declared passed. 1061. Senator Newhouse. On the Order of Senate Bills 3rd Reading is Senate Bill 1061, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1061.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. This...this is a bill that goes to animal...experimentation, and I am sure it's not without some controversy. The intent of this bill is to prevent the use of live animals in certain irritancy tests for cosmetic or household products. I have gotten some letters on both sides of the issue. I have gotten no real feedback from the industry except that the initial presentation of the bill. I would answer any questions that might be...might surface from the Body and be pleased to answer them.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? ...Discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. To my colleague, Senator Newhouse, I...I have supported you in all your endeavors here in the Senate. However, I feel that the use of animals, and I am an animal lover. I've owned dogs; I've got cats and kittens everywhere around my home, presently. And I think their usage for experiment or for whatever is needed that will save a human life, or an allergy...coming upon a human individual, is more precious than an animal at this time. I do not go with extreme harm, or injurious types of experimentation on animals, but I will have to vote

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against you in opposition on this particular aspect.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, and Ladies and Gentlemen of the Senate. I'm in the same position as Senator Alexander. I have a dog myself. I don't want to see it mistreated. But if we have to decide whether we're going to worry about the animals or about the humans, who comes first? When you talk about cosmetics, tests for...cosmetics, that's for irritations. I mean, they can be very dangerous, if we don't have proper research on them. We talk about items to be used as household products; they too can be very dangerous to people if we don't have adequate research on them. So, if...if we can't exactly research some on humans to begin with, we're going to have to use animals. And it's not that we want to be cruel, because I don't even want to see anybody hit a...kill a fly in my presence. However, we have to make a distinction. And although the proponents of the bill have been very articulate, what is the final basis? Do we experiment with animals, or do we experiment with humans for the safety of humans? And I feel that I...will be constrained to vote against the bill on the basis that I feel it's more important to help research to improve the life...the plight of humans.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR WEAVER:

Senator Newhouse, are there any alternative methods of testing other than using live animals, that you know of?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I'm glad you asked that question. Yes, there are alternative...alternate testing methods. But let's get to the issue of harm and of necessity. What we're talking about here is not minor kinds of testing. We're talking about dropping for example, live destructive products into the eyes of animals. Now, what they will tell you, on the other side, is that they don't really cause any harm. They don't feel this. Well, there is some anesthetic...anesthesia used. But after you, for example, destroy the cornea of the eye, you can't tell me that no harm has been done. We're talking about the kinds of tests that...that must necessarily...must necessarily harm substantially animals. Now, let me clarify one thing. I'm a farm kid. So, I...I can understand that a lot of things that you do that you don't like to do, even though you love animals, that some harm does come along the line. What we're talking about here is unnecessary types of experimentation for cosmetic purposes. Now, to us, that simply doesn't make sense. So, talk about cats, talk about dogs, talk about your love, the fact is that what we're doing is damaging some creatures in order to put together tests on something for which there ought to be alternative methods of judgment.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Senator Newhouse, I have a letter here from the Department of Health and Human Services, stating that the...that most tests are carried out by using only the smallest number of animals necessary to assess consumer safety. Are you saying that this is not a general practice?

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I wish I had that same letter, so I could have raised the question with them. That is, that's...that's the heart of the matter. It is absolutely essential, and must the kind of damage and destructiveness be done to animals as is currently the case? The case can be made, I think, that it is not essential that the tests that we do make are the only way to protect the general public. Now, in the case of...of the non-cosmetics, you make one case, because soaps and the other kinds of things and what are absolute necessities rather than...than...than, I shouldn't use the word frivolous, other than the cosmetic kinds of things. But we're talking about damage that's done permanently to animals to do...to produce these products.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. Senator Newhouse, I'm a dog lover, and an animal lover and et cetera. But I do know, and I can remember in history that the people that they usually ran them tests on, to answer Senator Weaver's question is, usually was prisoners and very poor people. And I'd hate to think that we would result to have to go back to the old days where you give a guy a little time off if he would become a guinea pig, because I understand now who the prisoners are and who's in all them jails, and I'd hate to have to go back to use prisoners again, Senator Newhouse.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, members of the Senate. I rise to support this bill. I just saw on...television last week a documentary on TV about the black marketing that's going on with

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animals. That, in fact, there's advertisements being placed in the papers across the country advertising that they will place animals in good family...family settings. And people are, in good conscience, giving their animals over to these individuals who are selling these animals to individual companies for experiments. It's...there's really something wrong in this area, and we ought to be looking at it. I think this is an excellent bill to support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Newhouse to close.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. I would simply close by saying that what we're doing is sacrificing some of our own humanity in the process of talking about cosmetics. There is nothing...there is no reason why the scientific community cannot have better methods, if they don't already have them. This is a cheap method of doing business. And to me, it ought to be...abolished. It's...it's inhumane. It is an example of man's inhumanity to man, for all practical purposes. I would solicit an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1061 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes are 27, Nays 28, 2 voting Present. And Senate Bill 1061, having not received the required constitutional majority, is declared failed. On the Order of 3rd Reading is Senate Bill 1065. Senator Vadalabene. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1065.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle -- Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 1065 would allow Fairmount Racetrack, only, the ability to open a third off-track betting parlor. Presently Fairmount has opened here in Springfield, and we all supported this bill. And we'll have ready, too, later in July, the second parlor in deep southern Illinois in the town of Grayville. The reason that we have limited this bill is because this track is located in southern Illinois, and whereas we have the same area limitations as every other track. We do not have areas of dense population. Consequently, we cannot compete with tracks located in more favorable populated areas. Fairmount has proven --

PRESIDING OFFICER: (SENATOR LUFT)

Excuse me, Senator. Ladies and Gentlemen, can I please have your attention? It's getting so we can't hear the sponsor of the bill, so if we could hold it down I'd appreciate it very much. Proceed, Senator Vadalabene.

SENATOR VADALABENE:

Fairmount has a proven record in its efforts to cooperate with the communities that it presently serves. It stimulates the economic growth in our small communities by bringing in a new industry which purchase was hired local -- which purchases and hires locally, and further aids the community in the local county taxes raised in its normal operations. As an example, here in Springfield the taxes accumulated for Sangamon County and the City of Springfield -- for Sangamon County and the City of Springfield was approximately three hundred thousand dollars apiece in taxes. Now this bill was on the Agreed Bill List and for some unknown

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reason, it was taken off. And I remember -- I remember a stage play that said, "Money is like manure; it doesn't do anyone any good unless it's spread around." And I would appreciate a spread -- a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. It's my unenviable task to -- to rise in opposition to this bill. Senator, -- you want to finish that now? Senator, certainly our asking that this bill be heard has nothing to do with your standing around here; we all love and admire you, and we're happy to have you back. The problem with -- the problem with the bill is that there was an agreement on off-track betting between a lot -- and among a lot of people when the off-track betting bills were -- were passed here. And the agreement was that Fairmount would have two, and this bill now says that they shall have three. Now I'm not sure whether this is going to trigger a lot more off-track or more off-track betting parlors all around the State, or what will happen, but the Members should be aware that -- that this is apparently contrary to an agreement that was made when the off-track betting bill was originally passed, and that's the only reason for our asking that this matter be brought before the full Senate.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, thank you, Mr. President. I would just like to remind our distinguished Senator that agreements are made, and they're usually made to see what happens, and after trial periods. Well the trial periods with our southern track is that now that they are -- they have one office open, they're opening another, and the experience that they're -- that they are experiencing in the

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handle is that these three - if they're allowed - these three open betting parlors would not experience what one parlor is handling up north. So the experience and the agreements go to show that there should be some adjustment to allow this downstate track, which is a very viable source of income and revenue, not only for the municipalities, but for the people themselves in the jobs -- in the hiring of jobs and selling of products, shows that the inequity in that agreement because of the population that one more -- one more parlor should be allowed for the downstate track. And I would support this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank -- thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. I, too, stand in strong support of this legislation. We, too, have a small track, and we thought when we went into it that we would have a good chance of getting either Rockford or Peoria. We were not able to get either. And whenever you take those large metropolitan population centers away, and I -- and I can sympathize with Senator Sam that the population centers are not there, and so therefore this is a fairness doctrine to equalize population, not really to add centers.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, sir. Thank -- thank you, Mr. President. I rise in support, also, of the legislation. Fairmount Racetrack, it happens to be in my district in Collinsville. And the situation is, as go the racetrack as goes the whole industry. We in southern Illinois have a lot of breeders. We have a lot of trainers. People that are very much involved in the horse-racing industry. And the economic potential of -- of -- of the off-track betting system and -- in

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Grayslake, or wherever it may be, is -- is very valuable to the whole racetrack industry, especially in our area. So I think because of the jobs that -- that it creates for us and the revenue that it brings, not only to the community of Collinsville, but to the State of Illinois. You'd be -- you'd just be amazed the number of people from Missouri that come over here and play at the -- at the racetrack in Collinsville. So it's an important piece of legislation, and I'm glad to support it. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in strong support of this. If you would think, at one time, we used to have two tracks. We only have one, and that's the one that Senator Watson referred to. This is very needed. And -- and he's absolutely right. If Missouri ever opens a racetrack, you can kiss everything else good-bye. So we better -- this State reaps a great benefit out of here. And, you know, every time -- every time the Legislature's in Session they keep doing it, and we keep praying and hoping that they don't get -- this is vitally needed to keep this track going. And I would ask everybody to give it some support.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. This will put Fairmount Racetrack in a very equitable position. And I would -- favor a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1065 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 51, the Nays 5, 1 voting Present. Senate Bill 1065, having received the required constitutional majority, is declared passed. Senate Bill 1072 is on the Recall -- I mean, the Agreed Bill List. Senate Bill 1078's on the Agreed Bill List. We'll proceed to the middle of page. Senate Bill 1080. Senator Rea. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1080.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. This bill affects the agendas of the community college board meetings. It requires that members of the public and college employees be afforded time on the meeting agenda, subject to reasonable constraints for input and comments. This requirement applies to any regular and special meetings open to the public. What this actually does is strengthen the -- and also the quality of our community colleges, and that level of public education depends on that type of support and understanding from the communities that are being served. So Senate Bill 1080 ensures the opportunity for reasonable input from the public. And I would ask for your approval.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. My reading of the bill and the description which you have just given, Senator Rea, confirms the fact that this -- the

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passage of this bill would mandate that there be a time for public discussion at each and every meeting of a community college board. My problem with that is that one of the typical patterns followed by community college boards, particularly those that -- that meet on a twice-monthly basis, is to provide the opportunity for extensive public input and staff input at one of those meetings and then reserve the -- the second meeting for action of paying bills and approving contracts and doing all the other day-to-day business that is required of them in fulfilling their responsibility as trustees...

END OF TAPE

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...Passage of this legislation would preclude that kind of an organization of their board agendas. Therefore, I rise in -- in opposition to this bill. It seems to me that elected members of school boards, community college trustees - they are elected officials. They are equally accountable to the public, as we are. We give our -- we give ourselves the opportunity to determine what our schedules are going to be. Why can't these trustees have the same kind of freedom to make that decision that -- that we have, and other elected officials have? I think this is an undue interference with the duly elected and publicly accountable members of community college boards. And I would ask for a No vote on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR REA:

Thank you, Mr. President. Actually, this is no different than

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The School Code for elementary and secondary schools, where the provision for the input is made available. And as a result, this would certainly strengthen the community colleges and provide for a greater understanding and participation by the citizens and by the parents and -- and the public in general. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1080 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes are 39, 19 voting Nay, none voting Present. Senate Bill 1080, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1081. Senator Rea. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1081.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. The current law provides that any retailer who enters into a written or oral agreement with a wholesaler, manufacturer or distributor wherein the retailer agrees to maintain an inventory and then the contract is terminated by the wholesaler, manufacturer or distributor, the retailer may require the repurchase of the inventory. So Senate Bill 1081 includes outdoor power equipment as inventory. The four basic elements to the current Illinois Farm, Industrial and Construction Equipment Fair Dealership Law provides in this: it shortens the official title of the Act, it includes

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the outdoor power equipment and parts as part of the buy-back provisions, it includes limited shelf-life parts which are not in deteriorated condition, and it includes a successor clause requiring supplier successors to accept returns on the same basis as the original suppliers. This is a bill that the Illinois Retail Farm Equipment Association supports. The Illinois Retailers. John Deere. And I would ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I rise in opposition to this legislation, primarily because when we initiated this law back in 1983, it was for the purposes of farm equipment and construction equipment to be able to be bought back for those dealerships through very tough times. This is including power, you know, lawn equipment. And I don't think that's what the legislation was initiated for. I have a question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR LUFT)

Indicates he'll yield.

SENATOR DONAHUE:

How many businesses or dealerships do you know of that have gone out of business or been negatively impacted by the lack of this type of legislation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

This here would certainly give them assurance, which they do not have. And we have many that have gone out of business, and as a result have had to file bankruptcy, and especially in the extreme rural areas of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

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SENATOR DONAHUE:

Could you -- well -- could you tell me, you know, a little bit more? Do you have a -- a -- a few examples?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

For instance, White was bought out by Allied. And we had an example there of a -- of a dealership that they -- whenever it was bought out, then they were not honored and -- as far as inventory being returned. And as a result, they had no outlet at the time, and ended up going bankrupt.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

There is -- as I understand it, there is -- there is things in your bill that allow for mergers and -- and -- and buy-back provisions like that, but were -- successor clause. But it's the -- I think the part that we're objecting to is the outdoor lawn equipment. It's the type of equipment that you're trying to put in this, not how you're doing it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

Cannot dealerships now make provisions like this when they contract as a dealership and a supplier?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

They can, but many times do not. And also, there's no provision there like for instance, the Allied in this instance where I told you they had a buy-out of White where they had to honor any contract. But this bill would provide for that.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Donahue.

SENATOR DONAHUE:

One more question. I thank you, Mr. President. Is there -- what is the definition under your legislation for outdoor lawn equipment?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Actually, there is not a -- a definition here. It would include all outdoor lawn equipment.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I understand that one of the provisions in this bill has to do with the matter of a farm equipment company that is sold and requiring the successor buyer to honor the -- honor this law -- is that -- and -- and it particularly involved White Motor Company. I'm not sure whether -- will this bill in any way affect that White Motor Company court action?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

I can't tell you about the court action. The only thing I can tell you is that if there's a buy-out, that that contract would have to be -- if there isn't a contract, it would have to be honored.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Further discussion? Senator Hudson.

SENATOR HUDSON:

Would the sponsor yield, Mr. President? Senator Rea, I -- I think that I missed your -- you were asked the question as to how many concerns might have had problems along these lines, and I missed your answer to that.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Well, I mentioned White and Allied was the main concern. But there has been several instances, but that's -- that's one, there.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Rea. I mean, Senator Hudson, I'm sorry.

SENATOR HUDSON:

Well, my understanding is that those companies are not outdoor equipment dealers, per se. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

I -- I'm sorry, but I didn't hear the question.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hudson.

SENATOR HUDSON:

My understanding is that those companies are not outdoor equipment dealers, per se. Is that right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

I'm uncertain about that. I can also tell you, Senator Hudson, that there are approximately ten other states that have already adopted this into their program because of the same type of problem that they've -- that we're running into in Illinois.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Well, my understanding is that there are only three states in the Midwest, namely Iowa, Michigan and Wisconsin, that have adopted any measures of this kind. I -- I -- to the question, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hudson.

SENATOR HUDSON:

I think that my concern here, Senator Rea, with all due respect, would be that -- that perhaps we are expanding what started out to be a reasonable idea and that was protecting -- as I understand it -- retailers and dealers in times of economic trouble. The -- basically a sound idea, but it seems -- my concern is that we may be taking that and expanding it to a point that is really unnecessary. I -- I remain unconvinced that there's a -- a -- a real need here for these -- for this type of equipment that we're now dealing with. So I'm wondering if we aren't entering the -- introducing the power of the State by governmental fiat, you might say, again interjecting itself into what should be a -- a relationship between the -- the retailer and the supplier of this kind of equipment to -- to make what provisions they deem necessary at the time they enter into their -- their agreements. And I'm -- I'm a little bit at a loss as to why the State of Illinois government, itself, should be intervening to this extent into what may be a -- an almost nonexistent problem.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Rea, if I remember right, in committee this bill had some

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opposition from, I know, Deere & Co. and also -- who is also is a very large manufacturer of -- of lawn mowers as well as outdoor equipment. It's my understanding that that objection has been removed. It is my understanding that the -- all the objections, actually all the people who have been -- were objecting -- all those objections have been removed. Is there anyone still in opposition to this --

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR JACOBS:

-- other than as a matter of principle?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

The -- the only one that have not committed themselves to it is -- to my knowledge, is the Illinois Manufacturers Association.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in -- in support of this legislation. My feeling about this is, a lot of times dealers are required by companies to stock a large inventory, maybe a lot of stuff -- of parts they -- that don't move fast and probably they'll never sell. And if they ever decide to go out of business or anything, a lot of times they aren't fairly reimbursed for those. I think this is a good piece of legislation - a fair piece of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator J.J. Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I -- I think that it might be pointed out that things still ain't so rosy down on the farm,

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where some of these implement dealers are -- are still not out of the woods, as the farmers are not either. And as far as every -- the big concern over there about lawn equipment, I don't know if you've priced a -- a -- outdoor lawn mower lately -- one of those riding things. I think you can -- you got a pretty big ticket item there. And if those dealers are stuck with those things it's -- it's not great shakes there either, so I'd certainly support this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR DeANGELIS:

Mr. Rea -- Senator Rea, is it uncommon for a equipment manufacturer -- an equipment dealer to accept his inventory from a manufacturer on a consignment basis?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

It's my understanding on consignment for a certain period of time. Yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you're correct, Senator Rea. In fact, it is almost characteristic of the industry that that is the method of handling an inventory. So what you have is a situation that's rather unique, because the person that's selling the product has it -- or her -- on their floor for a long period of time without having to invest anything before it's sold, and then only paying for it

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after it's sold. And the reason I want to bring up this point is that I was in the business world, and nobody ever told Aldo DeAngelis, "If you ever buy something and it doesn't move, you can send it back to me." But not only that, but they didn't even say to Aldo DeAngelis, "I'll put it on your floor on a consigned basis." And I got to tell you, you know, I don't know that we in this Body ought to condone a business activity where we remove totally the risk of being in business, because these people have an extraordinary opportunity. And I empathize with the farm industry, but I was in the steel business, Senator Joyce, and that one was a lot sicker than the farmers for a long period of time. The point is the reason that John Deere - and I want to take a shot at both people on this one - the reason that John Deere capitulated is they dragged everybody else into the equation. So now that everybody else is going to have to operate under the same harmful rules, I guess it's okay. Well I would submit to you, sir, that the real person that gets gypped in this is the consumer, because the cost of that product - and particularly in the farm implement business - is embodied in that cost of maintaining that product on that floor for that period of time in which no one has paid for it at all. And I think we're extending some coverages here that go way beyond the normal business incentives or inducements we have to give. And I got to tell you, I -- I just think we're going too far with it.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR REA:

Thank you, Mr. President. In fact, just responding some here, most dealers don't ask about the stock; in fact, they're told about the stock. And whenever you talk about the protection for the consumer, that's exactly what this does. It provides the

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statutory guidelines for the dealers who are bankrupt or out of business. This provision also, I might point out, would bring buy-back provisions up to the par with other states. And let me just say that whenever you pointed to three states earlier, it may only refer to the outdoor lawn equipment, but actually, they have other descriptions there. And I have a listing of the states -- of about ten states. So this is a problem not only in Illinois, but in other places. To me this is a bill that is fair, because it has been done with the conjunction of the manufacturers whenever we first initiated the legislation. The large percentage of purchases retailers made are from distributors or wholesalers, and this would have low impact upon the manufacturers and many of those are not in the State of Illinois or even in this country. The buy-back provision would provide protection for anyone in the business of selling outdoor power equipment. I feel that this is good legislation. It's important legislation, and one that we should pass.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1081 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes -- Ayes are 38, the Nays 20, none voting Present. Senate Bill 1081, having received the required constitutional majority, is declared passed. Senator Raica, for what purpose do you seek recognition?

SENATOR RAICA:

Mr. President, a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR RAICA:

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

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Senate. In -- on the -- in the Senate Gallery on the Democrat side today, we have a group of schoolchildren from my home parish, St. Rene School. It's the graduating class of 1989, along with their chaperones: Coach Dundee; Mrs. Lou, their teacher; and Mrs. Pelegriano. I'd like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR LUFT)

Would our guests rise, and please be recognized by the Senate. Senator Severns, for what purpose do you seek recognition?

SENATOR SEVERNS:

Thank you, Mr. President. Briefly also, for a point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR SEVERNS:

It's my privilege today to have joining us in this Chamber, Representative Patrick Dougherty, who represents St. Louis in the Missouri Legislature. The best news about Pat Dougherty is he's -- his hometown is Decatur. I'd like the Senate to welcome Representative Dougherty.

PRESIDING OFFICER: (SENATOR LUFT)

Representative Dougherty, welcome to Springfield. Senator Welch, for what purpose do you seek recognition?

SENATOR WELCH:

Mr. President, earlier in the day, on a vote on Amendment No. 2 to Senate Bill 1182, I was incorrectly voted. I wanted to vote No, but I was recorded as Yes. I'd like the record to reflect that. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

The record will so reflect your wish. On the Order of 2nd Reading -- I mean -- I'm sorry, on the Order of 3rd Reading is Senate Bill 1085. Senator J.J. Joyce. Read the bill, please, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 1085.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. Senate Bill 1085 requires the local siting approval for a new regional pollution control facility must be ratified by referendum if the site was annexed by approving municipality within the previous five years. We've talked about this bill in the past. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield.

SENATOR KEATS:

The bill is perspective and does not deal with any existing sited landfills?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Yeah. I think you're all right, Roger.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Keats.

SENATOR KEATS:

I'm asking so I know whether I have to declare a conflict. That is all. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Macdonald.

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SENATOR MACDONALD:

Thank you, Mr. President. I rise in opposition to this bill, simply because I -- I certainly understand the thrust of the sponsor of the bill, but we're at -- at present in a -- in a crisis in Illinois with landfills with solid waste disposal. And I -- I just think it is unrealistic for us to require a referendum when not all municipalities or counties can site a landfill in the first place. You have to have certain geological conditions and so forth. And there are very, very few -- relatively few, at least -- places that are left in Illinois for us to even site these landfills. The other problem that exists, as I see it, is that where a municipality or an area incorporates several counties into that municipality, I'd like to ask the sponsor how that works out. How does the referendum -- does the majority have to carry in each of those counties that are in a village? For instance, the Village of Barrington is in three counties, so how -- how do we work that out -- just in the incorporated area of the village, or what happens here?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

I would guess the same way that you elect the mayor of that village.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR DAVIDSON:

Senator Joyce, Senate Bill 1621, which I think you had in here last year, was identical to this bill, got defeated, as I recall,

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on a -- on a vote for whatever reason. Can you tell me what the vote was that defeated that 1621 which you sponsored?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Hello. Also, Senator Joyce, we do have a low level radiation -- whatever we're working on now, and you have an area at least in one part of the southeastern part of this State where an area -- it does meet all the geological requirements. It's been annexed to a village that is seeking to having that sited there. Some people who reside out in the county, I understand, are trying to do something about it. Will this affect that proposal? 'Cause it has not yet happened.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

No. This is the EPA Act. It has nothing to with the radioactive -- low level radioactive waste site.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President and Members of the Senate, I speak in opposition to this. Many of you have had the same career as I have at being a county board member or county board chairman, as I was, and if a village sought to annex an area to its village limits for whatever reason, it's their prerogative, and for us to try to overturn by State Statute a prerogative that is by the local officials who in their best estimate made a good or bad decision,

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that's their prerogative. This is we interfering on local government, and I urge everybody to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR GEO-KARIS:

Supposing a municipality has -- there's a landfill adjoining the municipality and -- and the municipality feels that it would be to its advantage to be able to annex it, so that it can control it. How does your bill affect that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, if -- if the people in that municipality thought it was such a good idea, they could vote for it, and then they could annex it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, as you know - and I'm going to announce it now for the rest of this Session - I may have a conflict of interest in some of these bills, because I'm the mayor of my town. However, if a municipality wants to annex a landfill, for example, I think it should be free to do so and the people in that municipality can decide it. And I don't know why we have to play big brother by saying that we have to have it approved by a referendum outside. I mean, the people themselves in the municipality always - at least in my municipality - come to their meetings, and they make their

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wishes known. And I think we're interfering. And as Senator Davidson says, I certainly concur with him, "We don't need to do that." I think we should leave it up to the area to decide by themselves.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

The -- the sponsor indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I live in a county that has decided to close its landfill. And within a matter of a few months, we aren't going to have any place to go with the solid waste that we're trying to dispose of. And the county is looking at the formation of a regional landfill somewhere. I'm not sure what your bill does. And -- but it seems to say something about annex -- annexing land into a city, so I guess I have two questions for you. First of all, if in -- in our instance, we set up a -- a regional landfill that is not within the city or an area annexed by the city, will this bill have any affect on it? Secondly, does it only apply to those instances where that landfill is actually annexed by a city?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith. I'm sorry. I'm sorry. Senator Joyce, you'd like to respond?

SENATOR J.J. JOYCE:

Yes. The answer to your question. If -- if your county is making original landfill, then that county government is the local unit of government that has to deal with this. So it has nothing to do with the municipality then.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

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SENATOR SCHUNEMAN:

No referendum in that case. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce. Is there further discussion? Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to say that this bill doesn't prohibit landfills in -- in downstate Illinois, and landfill can be built in any unincorporated area of downstate Illinois, so there's nothing to worry about there. I think that this is a good idea. It says exactly what Senator -- one on the Senators on the Republican side said. The local people should decide if they have a landfill or not. That's all this is. Sometimes you have a runaway group of aldermen or a mayor who is misdirected, and he needs some direction from the city -- from the citizens within the town, and that's all this does. It just says, "Hey, if this is a good idea, why not vote it in?" We do it with referendums for school children. I don't see why we don't do it with landfills in the city.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Joyce, you wish to close? Senator Joyce.

SENATOR J.J. JOYCE:

Well, thank you. I -- I think we all know what this is about, where -- where a landfill company comes down to one of the smallest towns around and -- and is looking for an easy way to site a landfill. And -- and so they go and talk to five people perhaps on this town board, and convince three of them that this is going to be such a great deal for them and their community, that they go out and -- maybe the town is only four or five acres at the time and they'll annex six - seven hundred acres right next to them to be made into a landfill and -- and it just thwarts the

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process of siting that 172, that we passed so long ago, was all about. What we said then was that the local unit of government should decide on whether or not there's a landfill there. But I don't think we ever meant that a municipality -- a little tiny municipality -- can go out and annex hundreds of acres of land next to it to site a landfill. So saying that, I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1085 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes are 37, Nays -- the Ayes are 38, the Nays are 19, 1 voting Present. Senate Bill 1085, having received the required constitutional majority, is declared passed. Senator Smith, for what purpose do you seek recognition?

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand on a point of personal privilege.

PRESIDING OFFICER: (SENATOR LUFT)

State your point, Senator.

SENATOR SMITH:

We have on the Democratic side of the balcony a group of young people from Chicago. They are attending the Hartigan School -- Elementary School eighth graders, and their chaperone is Mrs. Elaine Butler. I'm especially proud because this is the school that I attended when I was quite a young girl.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Would you please rise and be recognized by the Senate. And welcome to Springfield. Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

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Thank you, Mr. President. While we're on that order of business, also joining us today is one of our members of the University of Illinois Board of Trustees, who's over at Senator Newhouse's desk. Dr. Gloria Bacon has joined us also today.

PRESIDING OFFICER: (SENATOR LUFT)

Doctor, welcome to Springfield. All right. On the Order of 3rd -- Senate Bills -- Senate Bills 3rd Reading is Senate Bill 1089. Senator Etheredge. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1089.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill comes to us from the Legislative Audit Commission. It is an agreed bill worked out between John Day of the Commission and the representatives of the Academy. I'd be very happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1089 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes are 59, none voting Nay, and the Presents are none. Senate Bill 1089, having received the required constitutional majority, is declared passed. Senate Bill 1093 is on the Agreed Bill List. On the Order of 2nd <sic> Reading, at the bottom of Page 28, is Senate Bill 1095. Senator Severns. Out of the record. Senate Bill 1097 is on the Agreed Bill List. At the bottom of page 28, on the

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Order of 3rd Reading is Senate Bill 1100. Senator Marovitz. Read the bill please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1100.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. This...yesterday most of us had an opportunity to meet Jim Brady, who provided an inspiration for all of us with his words and his bravery in coming back from a very, very serious handgun wound to the brain. We also had the opportunity to meet Philip Andrew, who was a victim of a handgun in the Lori Dann shooting on May 20, 1980. Both individuals...

PRESIDING OFFICER: (SENATOR LUFT)

Senator, would you excuse me, please? If you look at the next few bills, they're going to be bills of significant nature, and I think we would do ourselves a favor if we could hold the noise down and allow the debate to proceed in an orderly fashion. Thank you. Senator Marovitz, I'm sorry.

SENATOR MAROVITZ:

...Both individuals, Jim Brady and Philip Andrew, commented to Senator Rock and myself, and I'm sure to others, that they wanted their injuries to serve as an inspiration to bring about some action in the serious topic of gun control and trying to tighten up some of our loopholes in the current Registration Act. As a result of the events the last year, the Judiciary Committee held hearings, and we heard from law enforcement officials across the State, citizens...common citizens across the State. And Senator Rock and I got together and put together, crafted, a package of

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legislation that we think is a very reasonable approach to this very serious subject and need. It is not an approach...I repeat, it is not an approach that infringes upon anyone's constitutional rights. It is not an approach that bans the sale, manufacture, or possession of handguns. It does not do that. It is centered upon the idea that if, indeed, we are going to issue handguns to people, that we have a right to know something about those people, if we are getting...giving them the right to have an offensive weapon like that. After all, when we give someone the right to drive a car on the highway, we find out something about them. We take a lot of information from them. And we find out if they have the ability to operate that vehicle. All this does is give us some information about those individuals. Now the current FOID Card Act -- in studying it, Senator Rock and I discovered that the current FOID Card Act has certain deficiencies. So we had to consider how to deal with those deficiencies. And we decided that many of those deficiencies were particular and peculiar to handguns because of their concealability. So in order to deal with the handgun problem and not to infringe upon the legitimate hunters, sportsmen, skeet shooters, et cetera, et cetera, that we would deal with just the handguns. The handguns only. And create a new Registration Act, the Handgun Owner's Identification Act. So that you'd have to get a handgun owner's card. If you own a longarm, a rifle, this does not apply to you at all. There are no additional requirements or restrictions to you at all. But if you're going to have a handgun which is concealable, which has been responsible for the terrible tragedies that we've seen with our own...with our own eyes in the last twenty-four hours, we want to find out more about the individual. And that's what the Handgun Owner's Identification Card legislation is all about. This is what the law enforcement officials of our State, the Chiefs of Police, Superintendent of Police from Chicago, the

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Superintendent of the Chiefs of many of the municipalities across the State - this is what those law enforcement officials came to us and said, "We need your help. If you want us to crack down on crime, yes, you've gotten tough on the criminals. Yes, you've increased the crimes. You've got tough laws. But we need something to close a lot of the loopholes and to deal with the registration laws that are deficient now." And so the law enforcement officials said this is what we need. We're not touching all firearms, only handguns. And we want to get more information about those people. The Department of State Police told us that currently they don't have enough money. They don't have enough revenue to police and currently administer the FOID Card laws. So in creating this Handgun Owner's Identification Card, we increase the...registration fee from five dollars to ten dollars, only for handguns. Only for handguns, and it's good for a three-year period. Ladies and Gentlemen, I think this is an important package of bills. You can close your eyes, and you can listen and be afraid of highly paid, well-financed organizations who want to stand in the way of this, and who think everybody should be armed without finding out anything about them. But the fact is that the people of the State of Illinois are fed up with the crime, fed up with the tragedies, the shooting of our kids, and it's time to do something about it. Again, this package and this bill does not ban the sale, manufacture, or possession in any way. It creates the Handgun Owner's Identification Card, so that we will find something more about the individuals getting handguns. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I share the sponsor's interest in this subject matter. I stand as one who has, at one time or

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another, opposed positions of the NRA, and in turn been opposed fairly substantially by them. But on the other hand, I see several flaws with this bill and the several that follow. And I wonder...I wonder if there isn't a better way to get at this problem. I would suggest a way that has recently been taken by the State of Virginia, which, as I understand it, has created a...as I believe we have now in Illinois and could readily make available, a central depository of information on convictions of individuals which could, as I suggest, be made available by those who are selling...or to those who are selling handguns, so that one who is in the position of selling a gun could...could...could - as they do when you...when they take a credit card from a purchaser of retail goods, establish whether one's credit is good - so too, I suggest, could they determine whether one has a history of a criminal conviction, or if we want to add to that a history of mental health treatment of one kind or another. I am...I am told that those who have been asked to assess the cost of this bill have come up with a figure of 7.6 million dollars. And what I'm afraid is that with this bill and a number of others, we are creating a potential paper chase and a bureaucratic nightmare, both for the Department of State Police and for local police departments that will be called upon to verify information that is provided in a HOID Card. So because of...because of the cost, and because I suggest that there is a better mousetrap available, I am suggesting that we oppose this particular bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Geo-Karis.
SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, we need more money in our State treasury to help other needed social services. And I am reminded of the fact that when we get so emotionally carried away because of certain instances that happen,

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about ninety-nine percent of the firearms owned in the United States will never be involved in any criminal activity in any given year. But I'm not going to give the criminals the right to have the guns, 'cause they're going to get them anyway. And the fact that you want more registration, more bureaucracy, I don't see it. And therefore, I speak against the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield.

SENATOR DAVIDSON:

Senator Marovitz, do we who own more than one handgun have to have a Handowner's Identification Card for each gun?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

No.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Secondly, since you're from the City of Chicago, and my understanding is that the City of Chicago itself already has one of the toughest gun control laws in the nation, in the handguns, has not done one iota of reducing any crime committed by a handgun. Is that correct or not correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ)

That is totally incorrect. Superintendent came before our committee and testified that fourteen thousand handguns were

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confiscated by him alone during the last year.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

You didn't answer my question about whether the City of Chicago already has a very tough gun control or handgun control law on the books for the people of the City of Chicago.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

The City of Chicago has nothing on its books similar to what is in Senate Bill 1100.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Well, Ladies and Gentlemen, all you have to do is look at this whole package of bills, which probably could have been put in one or two bills. A number of them are technically flawed, but I want to tell you, I don't know, maybe it's changed since I went to school in the City of Chicago back in '49, '50, '51, '52. They had a tough gun control law. I can remember when the lady in my apartment building was attacked at the front door. The gentleman who lived on the first floor apartment leaned out the window and shot his shotgun in the air to scare the people off, though she was still injured. And the person who caught all the crap from the police officers who arrived on the scene was the poor guy who was trying to come to an innocent woman's aid, because he fired a shotgun, and they couldn't find an identification card, or owner's card on him at that time, because that was before the days of the Fireowner's Identification Card. I would urge all of you, if you want to keep guns in the hands of we who are legitimate, to vote against this package. It doesn't do anything but react to the

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publicity. Now if Dann...Lori Dann, who created that hideous crime, as well as the gentleman in California - both of them should have either been in prison or a mental institution. Most of them, particularly the fellow in California, was out because he plea-bargained down. And I think we have to address that possibility. I think...I urge all of you, if you want to keep the legitimate people protected from overzealous individuals who get carried away, you would all vote No on this whole package of bills.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. Speaker, or Mr. President. I rise in opposition to this bill. I know that...I know that...and I speak from the position of being a police officer for fourteen years. I served fourteen years on the police force in the City of Chicago in some of the worse districts they are. And I worked the streets in squad cars. And I have stopped a many a person with guns. I've stopped old men with guns in alleys after they parked their car, and on their way into their homes, and I never will forget their eyes, looking in the eyes of one old man when he looked at me and say, "Officer, I'd rather you catch me with the gun, than the crooks to catch me without the guns." What I'm saying to you is that what you're going to do is create a lawlessness where there should be, and where there are, people that abide...that abide by the law. Law-abiding citizens. We will cause them and those persons, not to have the guns, and the persons that don't deserve, or should not have guns, to have guns. Because we know that crooks get what they want. We talk about...we talk about the high...the high-priced lobbyist and the people that are lobbying and all this kind of thing. What about the little guys that live on the south side of the City of Chicago and the west side? The

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guys that need the guns in their homes so that they can stay in their homes? And I'll bet you, man to man, any person there will tell you, "I want to have my gun." That's what we're talking about.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz, to respond.

SENATOR MAROVITZ:

Well, Mr. President, I think we could probably save a lot of time, because I can see that Senator Brookins and Senator Davidson, Senator Geo-Karis, they haven't read the bill or the package. Because nothing in this bill or in this package would say that the legitimate citizen can't arm themselves, have a gun, and protect themselves. These examples that I'm hearing...if you are a citizen, just today...just like today you can get a handgun, this bill says you can get a handgun. This doesn't prevent anyone from getting a gun, Senator Brookins. So the arguments that you are giving are specious arguments. You haven't read the bill. All this says is if you're going to have a handgun, instead of having a FOID Card, you'll have to get a Handgun Owner's Identification Card. And you'll have to fill out some information so we can know something about you. There's no prevention of anybody from having a handgun.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Brookins.

SENATOR BROOKINS:

I'm sorry the...going a second time, but Senator Marovitz, I've read the bill. The bill it...in essence say that you have to go, you have to be identified and okayed by so many people, or approved by so many people in your community. I can remember when Jane Byrne, the ex-mayor of the City of Chicago, instituted that...a gun registration, and sent no notices, or no notice went out, and half the people on the south and west side of Chicago was

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in violation of the law, because they did not know that they were supposed to go down there and preregister. So I've read the bill, and I understand what we're saying.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess to the bill. I...it's my understanding right now, and if I can just ask the sponsor one question, then I'd just like to speak to the bill.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor will yield.

SENATOR RAICA:

Senator Marovitz, it's my understanding currently there is a city ordinance in the City of Chicago that prohibits the registering of handguns. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

New handguns, that's correct.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

I guess what my concern is...is that what we're saying right now that we're going to develop a HOID Card that you would have to...it would mandate that, number one, a handgun be registered. Where in fact, in the City of Chicago...has an ordinance that prohibits, number one, if a person was to purchase a handgun, he cannot register that particular handgun. So we're here saying one thing. The City of Chicago is saying another thing. And I guess my... the reservation that I have regarding this particular bill, is that I think it's going to cause a paper trail. And the reason

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I'm saying that, if I were to own a firearm or someone on my block was to own a firearm, and someone was shot in my neighborhood or on my block, the first person I would assume, and I could be wrong, that the police may come to, are the people in that prospective neighborhoods who are registered with them, who own a handgun. And the problem that I have with that is that there are a number of people who, number one, in the City of Chicago, would like to register a handgun and may have no problem in doing so. But to cause a paper trail that the Police Department may now go up to some...for me, for sake of conversation, and come up to me and say, "Can I see your firearm?" and go through this whole thing, where maybe I wasn't even home at the time, and cause a hardship on my family, that's the reservation that I have on this bill. And that's the only reason that I am going to be opposing this, Senator.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. I too rise in opposition to this particular piece of legislation. I have read it over, the analysis that we have here, and we do have the Firearm Owner's Identification Card here in Illinois. And I don't know how you are in your district, but I know in mine, I get numerous calls from people in my district who have a terrible time in getting the card back. It takes thirty, sixty days oftentimes to get the card back. Now I don't know what we're doing here, but just creating more...more of a paper trail, as was previously said. And I also understand that the individual, whoever is the holder of this HOID Card, must report the sale, transfer, purchase or acquisition of a handgun to the Department of State Police within seven days of that transaction. Okay, that's fine. Then we turn around, and the Department of State Police then has to turn around and within

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fourteen days issue a statement to the local unit of law enforcement, telling them that this individual has applied for the card, and give them the name and whatever...

PRESIDING OFFICER: (SENATOR LUFT)

Excuse me, Senator Watson. Excuse me.

SENATOR WATSON:

Yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

We really can save time if they speak to this bill. What you're talking about has nothing to do with this bill. It's not in this bill, and the bill that you just referred to is still in committee, was never called, they never even let out of committee.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson. You may proceed.

SENATOR WATSON:

Well...the Gentleman may be correct, but I mean as far as I know and as far as our analysis, this is Senate Bill 1100, which...this establishes a HOID Card. And there's a policy and a process by which you have to apply. And one, you have to apply, the State then does have to notify the local law enforcement community. Not in this bill? All right. Well, it doesn't change my mind any about the legislation. I still think it's a bad idea.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I'm sorry if this was already answered; I was out in the side hall there. If I owned, Senator Marovitz, if I owned a handgun at the present time and I have a FOID Card, do I have to also go ahead and get the HOID Card?

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Marovitz.

SENATOR MAROVITZ:

You would have to get a HOID Card instead of the FOID Card.
Not both.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpziel.

SENATOR KARPIEL;

If I have a shotgun or a rifle, at the present time, I'd have
a FOID Card. I would have to go out and get, would not have to go
out and get...?

PRESIDING OFFICER:

Senator Marovitz.

SENATOR KARPIEL:

Okay.

SENATOR MAROVITZ:

Do you have a rifle? You don't have to do anything
that...this bill - this package - has nothing to do with that.
It's a handgun package.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, I think part of the reason we're confused here is in the
analysis. It says, "No person may acquire or possess any firearm,
handgun, or firearm ammunition without having a FOID Card, or HOID
Card, or both a FOID and HOID if he possesses both types of
weapons." And it didn't say which was which.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

I will clarify it for everyone. If you have a rifle, you,
today, have to get a FOID Card. This doesn't change that or add
any requirements at all.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Keats.
Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I've read the analysis of the bills, too. I have worked with Senator Marovitz and Senator Rock, and I tell you, I appreciate everyone's concern. And I would say I'm probably about as conservative as anybody in here, and I admit, I get a little worried about things once and while, too. But if you actually read the bill clearly, you know, this is not really a major earthshaking bill. It sets certain limitations, at least gives you an ability to track this stuff. You know, I listen to the debate, and I'm beginning to think that maybe Senator Marovitz is leading a crew of four hundred, or armed to the teeth, coming out and stealing weapons. But you know, that isn't what the bill does. If you actually look at the bill, specifically, this is a very moderate bill. It deals with what is a legitimate problem, and it does it in a very limited fashion. If you actually read the specific bill, you'll see that this is nowhere near what everyone thinks it is. And while I'd seek a Yes vote from you on this, I recognize a few of you perhaps won't be with us. But if you read the bill, you'll discover that it's nowhere near as onerous as people are saying, and in reality, is a very minimal bill that does put up at least the kind of limitations you need.

PRESIDING OFFICER: (SENATOR LUFT)

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

PRESIDENT ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in obvious strong support of Senate Bill 1100, and I would like to point out, having sat and listened through this debate as

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I did, that I think there truly is some misapprehension about what's contained herein. This bill says very simply what is a handgun. A handgun, it says, is "any firearm designed to be fired when held by one hand, or which has one or more barrels less than sixteen inches in length." And what does the bill then say? It says, "No person may acquire or possess a handgun within this State without having in his possession a Handgun Owner's Identification Card issued in his name by the Department of State Police." Who can get a card? It says, "The Department of State Police has authority to deny an application or to revoke and seize an already-issued card if, one, a person was convicted of a felony under the laws of this jurisdiction; two, a person is addicted to narcotics; three, a person who's been a patient in a mental institution; four, a person who's mentally retarded; or five, a person who intentionally makes a false statement on the application on the FOID Card." Now Senator Davidson, I don't think that touches any legitimate gun owners, nor is it our intent. The fact of the matter is, it seems to me, as a matter of public policy, that we ought to relate and do something about the proliferation of handguns in our society. That proliferation, that number of guns out there on the street, ought to scare the hell out of all of us. Can we politically forbid the manufacture and sale and possession of all guns? I think we can. Politically, realistically, can we get it done? Obviously not. So all we are saying by virtue of the provision - the proposal - in Senate Bill 1100, is let's attempt at least to get a handle on this madness. Let's have an identification card. You can own all the guns you want. All we want to be sure is that you are, in fact, legitimate and stable, and not a felon or a drug user. Is that too much to ask? It is a simple identification card. It's an attempt to respond to the madness that's gripping our society, and I would urge an Aye vote on Senate Bill 1100.

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PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 1100 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes are 18, the Nays 39, none voting Present. Senate Bill 1100, having failed to receive the required constitutional majority, is declared failed. On the Order of 3rd Reading at the top of Page 29 is Senate Bill 1101. Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1101.

(Secretary reads title of bill)

(machine cutoff)

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. The next bill in this package says that if you own or possess a handgun, you must report the serial number and description of the gun to the State Police. It's just that simple. It doesn't change anything else in terms of ownership or make a hardship on anybody. It just says you just have to let the State Police know the serial number and the description of the gun that you have. That is it.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, to shorten the debate, I'll just quickly make reference to the points that I made, and I think particularly, Senator Raica made, in the debate on the last bill. Again, I think there's...a less expensive, more effective way to

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do this. Again, the method that's just been adopted in the State of Virginia -- I think we can find a bill that we can use as a vehicle to accomplish that, and I would urge your opposition to this measure.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield.

SENATOR FAWELL:

I was trying to speak on the other bill, and I...I guess I didn't hit my button soon enough. You know, I don't own a gun. I don't know anything about guns. I...I have people that like them, and people that don't like them, in my district. You've got a FOID Card. F-O-I-D Card, right? What does that do? What do you have to do in order to get a FOID Card?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Basically today, in order to get a FOID Card, you have to answer three basic questions. Okay? Have you been convicted of a felony in the last five years? Are you addicted to drugs? And have you been in a mental institution in the last five years? You answer those questions. You fill out the application, and you get a Firearms Owner's Identification Card and have the right to buy any gun that you want in the State of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Okay. So, do you...how do you get the FOID Card? I mean, you fill out the application, then you mail it in to somebody...?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR FAWELL:

...or do you take it to somebody?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Currently...currently, you mail it in to the State Police.
That is it. That's how loose the laws are today.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

Mr. President, a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he will yield.

SENATOR RAICA:

Senator Marovitz..., I guess particularly to the question, or the comment I made...in Senate Bill 1100. Currently, the City of Chicago says that you do not have to...or you cannot register a handgun in the City of Chicago. Under this bill, 1101, are you mandating now that the City of Chicago will be included? And if you do purchase a handgun in the City of Chicago, you must register it, or will the City of Chicago, again, be excluded from this legislation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

The City of Chicago has a local ordinance which prohibits the purchase of a handgun now, within the boundaries of the City of Chicago. If you own a gun, you still must send in the serial number and description of a gun which you own, under the purview of this bill.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

I...please...excuse me, Senator Marovitz. I'm just...I guess I'm just a little confused, and if you can just put me on the right track, I'll be all right. If right now, if you...I guess cannot purchase a handgun, number one, in the City of Chicago, because you can't register it there. Correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

You cannot purchase a gun in the City of Chicago today. That is correct.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

So basically, under this bill, 1101, you could still not do that, and if someone owned a handgun in the City of Chicago, it would not be registered. Am I correct? 'Cause number one, you can't buy a handgun in the City of Chicago. So if you can't buy a handgun, you can't have it at home, 'cause there is an ordinance that says you can't register it. So it's illegal, correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

You cannot...you...you can...you can have owned a gun, prior to the passage of this local ordinance. And if you owned that gun, you still have a right to have that gun.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

But what this bill is not addressing is that if someone from

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the City of Chicago wanted to purchase a handgun, he legally could not have that handgun, because the local ordinance says that he can't register it. Am I correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

I'm sorry, would you repeat that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

If I were to purchase a handgun, I would, number one, have to do it outside the city limits. And technically, I could not have it in the City of Chicago, because there is an ordinance that says, I cannot, number one, register one, which means I cannot, number two, own one within the City of Chicago, because of that ordinance. So if right now this bill doesn't, number one, assist a law-abiding citizen who would like to buy a handgun, purchase that handgun, and register that handgun, within the limits of the City of Chicago. Right?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

That's correct. This...this does not assist a law-abiding citizen who lives within the City of Chicago in buying a gun within the confines of the City of Chicago. Local ordinance prohibits that, and we are not going to do anything in this Legislature ever to obviate the right of the city fathers in Chicago to have that local ordinance.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Raica.

SENATOR RAICA:

I guess again, Mr. President, Ladies of...Ladies and Gentlemen

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of the Senate, that is what my concern is. If...if...what my concern is, number one, there's...if...if I wanted to purchase a handgun within the City of Chicago, number one, I can't, because the ordinance says I can't. If this...if this bill were to include the City of Chicago, where you could purchase a handgun and could register that handgun, I wouldn't have a problem with it. But, number one, it's...it's not assisting those who really...if they wanted to buy a handgun, and be law-abiding citizens, and have that handgun, and register that handgun, number one, the HOID Card wouldn't help them out, because they can't own a handgun in Chicago. Number two, if they did own a handgun now, it's illegal, because you can't register it. So this piece of legislation doesn't really help those law-abiding citizens that would want to purchase a handgun, would want to register that handgun, and therefore, I would have to oppose this piece.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Oh, I'm sorry. Senator Marovitz, you wanted to respond.

SENATOR MAROVITZ:

Senator Raica, just to make it clear. This law doesn't change current law in Chicago at all. When you say it doesn't help, the package of bills is not calculated to help people buy guns that...where they can't now. It doesn't keep people from buying guns where they can't now. It doesn't change their right to buy a gun. This doesn't change anybody's right to buy a gun anywhere in the State of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Raica.

SENATOR RAICA:

That's exactly my point. It doesn't deter criminals from having a gun, either. And if I'm a law-abiding citizen who wants to legally, under the law, purchase a handgun, keep the handgun at

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my home, register it with the State of Police...the Office of the State Police, I can't. But that doesn't mean the guy who's going to rob my home's gun is registered, either. So what I'm saying is I'm a law-abiding citizen, I want to register my gun, I willing to have the card, but the ordinance in the City of Chicago says I can't. Let's be stricter on the criminals, and not on the innocent guys.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry, Senator.

SENATOR KUSTRA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll...yield.

SENATOR KUSTRA:

Thank you. Senator Marovitz, one of the things I noticed in the analysis about, I believe, the entire package, is that the Department of State Police hasn't taken any...any position on your bills. And in regard to this one, I would ask you if they have given you any indication of how, or in what manner, they would collect all of this information that you're requiring them to do? And then, just what is your purpose? What will the Department of State Police then do with it? Do they have the capability to do this? Have they given you any indication of those things?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you for asking that question. What...what we heard in committee and in subcommittee and in our hearings, from law

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enforcement officials across the State, was that a registration law like this would greatly assist them in tracking weapons that are used in violent crimes, and in better being able to track down individuals that have committed these violent crimes. It's not a foolproof scheme, just as mandatory auto insurance isn't a foolproof scheme. But the fact is, it will better able help them to track the individuals and the weapons used. What happens is they have to send in the description and the serial number to the State Police. It's not a foolproof plan, to be sure, but law enforcement officials think it will help them.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

I'd like to ask from the Chair, since the definition of a handgun was in 1100, which was defeated, and...handgun is referred in these other bills, and the bill which described it...defined it, was lost, and these others just keep referring to handguns. Are these next series of bills that deal with this subject now in order?

PRESIDING OFFICER: (SENATOR LUFT)

(machine cutoff)...I mean I don't...I don't know why that...that would not be in order. We have bills dealing with the same subject matter that don't have to necessarily be removed from each bill....(machine cutoff)...Senator Davidson.

SENATOR DAVIDSON:

I understand that, but the question I ask, since you spread it in about eight, or ten, or thirteen bills, which probably should have been in one or two, the definition of what is a handgun was defeated. It is nowhere in the Statute. If one of these would by accident become law - and I pray to God it doesn't - then you have no definition of handgun. And I just want to ask a technical question. Is...are these series of bills, 1101 through 1108, I

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believe it is, technically a parliamentary inquiry...I mean technically correct, since the definition was already defeated.

PRESIDING OFFICER: (SENATOR LUFT)

The Chair believes that there is common dictionary definition of handgun, and these bills are in order. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentleman of the Senate, there are all kinds of handguns. There are some that are small, some that are large, and what have you. But you know, let's not kid ourselves. We're not going to stop crime. The criminals aren't going to register their guns. They'd be crazy if they did. But we will have to register our guns under this. Let me tell you something. What we really need is strong enforcement of the bills that we have...the laws that we have on the books. And the solution to crime and violence is a strong criminal justice system, with mandatory sentencing, and no parole for violent criminals, and a death penalty for murderers, because restricting of fireguns from a law-abiding citizen is not the answer. I know of a specific instance of a friend of mine, who...her husband and she went into their home and there were two ex-convicts waiting for them. They trussed him up in one room, and tied her up in another room. They started torturing him, trying to find out where the money was. Well, she fortunately remembered she had a little handgun in her bookcase, and she just struggled over and got over to the bookcase, got that little gun, and shot those guys, and shot them dead, and they deserved it. Now, they are law-abiding citizens. So I am not going to restrict law-abiding citizens from protecting themselves and their family...their families in their homes. And the emotionalism we have...let's enforce the laws we have on the books, for heaven's sakes, and let's not go with every emotional thing that comes out.

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PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Marovitz? Senator Marovitz, do you wish to close?

SENATOR MAROVITZ:

Yeah, just very briefly, I'll just say that this...this legislation, when there are guns that have been stolen, would give us a way to return those guns that have been stolen to their rightful owners. In hostage-taking situations, it would help law enforcement officials have an idea of what they are confronted with. The law enforcement officials of our State have told us this is something that they need, and will help them enforce the law and track the weapons, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1101 pass. Those in favor will 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 15, the Nays 39, none voting Present. Senate Bill 1101, having not receiving the required constitutional majority, is declared failed. On the Order of 3rd Reading is Senate Bill 1102. Senator Marovitz. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1102.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Well, basically what this legislation does is say is someone is going to get a gun, we ought to have a little bit more information

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about that individual. And if someone is buying a gun for a legitimate purpose, what is wrong with going to a law enforcement agency, the police station, applying for your card at the police station, showing them three pieces of verifying identification including a picture, and giving them some additional information about where you have worked for the last five years, where you have lived for the last five years, just so we can get a little bit more information about this individual. It is our hope that by going to a law enforcement agency, the police station, this will deter people from lying on their application, from using false names and aliases on their application. We think in-person verification will go a long way toward making sure that the...that the cards that are issued are not issued to the wrong people and in the hands of the wrong people. And in fact, if those of you on the other side of the aisle, and who have been kowtowing to the National Rifle Association, are concerned about the right to have guns, all this says is, "Yeah, you can have your gun. Just let us know something about you. Let us know about your background. Show us by verifying identification that you are who you say you are." I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR DUDYCZ:

Senator Marovitz, I...I have a little concern about the information that you are seeking from the handgun owner in this bill. Could you give a little bit more information on what you will be requesting under 1102 of the owner, as far as identification?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

This legislation calls for the individual to go to a law enforcement agency, and to supply three pieces of verifying information, including one that has a picture. That's it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCYZ:

Would...would that include things like Social Security Cards or these cards that you can get downtown where you give them two dollars or...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

The answer is yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCYZ:

So in effect, they can give...get some...they can give this information, even if it's false, and...and require the police department to go searching and investigating to try to verify -- who is going to be responsible to find out whether this information is or is not true?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

There is nothing in this legislation that requires the police department to verify the veracity of the information. That is done by the State Police. And specifically, in committee, we talked about that. The police department is not in any way responsible or liable to verify the information. Only that in

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fact, what pieces of identification were submitted and that they corresponded with the information given on the application.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dudycz.

SENATOR DUDYCZ:

I... I guess for my own personal clarification, Senator Marovitz, since 1100 and 1101 failed, as of this point, there is no HOID Act. Do you intend to amend one of these bills if they pass on to...put all of this together or...?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

If you...if...no, I do not.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR MAROVITZ:

Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1102 pass. Those in favor will 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 15, the Nays are 40, none voting Present. Senate Bill 1102, having not received the required constitutional majority, is declared failed. On...(machine cutoff)...

END OF TAPE

TAPE 7

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PRESIDING OFFICER: (SENATOR LUFT)

...Order of 3rd Reading is Senate Bill 1103. Senator Marovitz? Read the bill please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1103.

(Secretary reads title of bill)

3rd Reading of the Bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. I hope everybody will listen up on this one, because this is one that the NRA actually supports. You heard me correctly - actually supports - and we...we...well, if...if you do...if the individual up there -- I want...I want him to say it publicly. Because on TV and radio, representatives of the NRA have said that they support this legislation, and let me tell you what it is. If you go today to Marshall Fields or any store, and you want to buy some cologne or perfume, and you give them your American Express card, or Visa, or Mastercard, you have to show them the card and they verify that the card is good - it's not charged up to the max, it isn't revoked or suspended - before they'll give you the card back and give you your perfume or cologne. But it's a lot easier to buy a handgun, because you...they don't...there is no way to check the validity and the...the fact that that current FOID Card is still valid. All this says is when you go to buy a gun, the State Police will set up a hotline. And the gun dealer has to call the hotline and see that the FOID Card is still valid...valid...that it hasn't been revoked, suspended, you haven't been caught dealing drugs or been in a mental institution or convicted of a felony, before they can sell you your gun. That's all it says. That they...that there's a

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hotline established by the State Police so that before they sell you your gun they check with the hotline to see if the card is still effective. And in all the debates that I've done with the National Rifle Association, they said "Well, we think that's such a good idea because it was our idea." The National Rifle Association said "That was our idea. It...it...it emanated from us." So I said, "So you support that?" "Yes, we support that, wholly. Wholeheartedly." So I would solicit your Aye vote. And if you look at this bill, that's...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion?

SENATOR MAROVITZ:

...all it does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, my...my analysis says that the opposition is the Illinois Rifle Association, the NRA, and the Illinois Gun Collectors Association.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yeah. Probably get the same votes. Any further discussion? Question is, shall Senate Bill 1103 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 24 Ayes, 33 Nays, none recorded as Present. This bill, having failed...failed to receive the constitutional majority, is hereby declared lost. 1104. Senator Marovitz. Out of the record. 1105? Read the bill.

SECRETARY HAWKER:

Senate Bill 1105.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much. All this one does is require an individual who applies for the Owner's Identification Card to supply some additional information, such as a driver's license number, the address for the last five years where they've lived, and the employers for the last five years. That's all this does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 1105 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 17 Ayes, 38 Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 1106. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

Senate Bill 1106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. The current law says that if you've been in a mental...incarcerated in a mental institution for the last five years, you cannot get a...a Owner's Identification Card. This legislation says if you've ever been incarcerated in a mental institution, then you cannot get a Owner's Identification Card. I don't think it's a good idea for handguns to be in the hands of people who have...had to have been incarcerated in mental institutions. Currently...currently, those who are mentally retarded cannot get a handgun. Those who are

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addicted to drugs cannot get a handgun. Those who have committed...a felony cannot get a handgun. And I think we ought to add to that list individuals who have been incarcerated in a mental institution. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FAWELL:

According to our analysis, Senator, it says...Senator DeAngelis, will you sit down so I can see him? It says...thank you...that it's...you're talking about a HOID gun...a HOID Card. Are you talking about a HOID Card or a FOID Card, in this? I mean, if it's a FOID Card...you know...I think it's a pretty good idea, but there's some confusion on the analysis.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

The intent of the legislation is to apply to handguns only.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. You...you know, in committee the Illinois Rifle Association and the National Rifle Association did talk about hotline provisions which were in, I think, 1103, and the release of...of mental illness information and the ability to access that. I have been hopeful that there'd been some work and some amendments with these organizations to put that in the existing FOI language. And I think, were that to be done in future legislation, there'd probably be a lot of support for those

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concepts, but this is still another part of the HOI package, without amendment, and for that reason I'll vote no.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

...I'm...I'm sorry, I didn't understand your answer. Our analysis says that you are still talking about HOID Cards. Now...you know...there is no such thing, because that legislation went down. What I want to know is, are you saying if someone is mentally ill, does it say in the bill that under your legislation, they cannot get an F-O-I-D Card?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

The legislation refers to HOID Card, because that was the package. Since that part of the package did not pass, should this bill pass to the House, it will be amended to apply to FOID Cards only, because that's the only card there will be.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR WOODYARD:

Well...Senator Marovitz, as I understand it now, when an application is made for a FOID Card, there is a computer crossmatch between at least two agencies that I know of, Mental Health and Department of Corrections. If it is found, particularly in a felony, that a person has been convicted of a felony, it's my understanding if that felony did not involve the use of a handgun

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or...or such as armed robbery or something like that, that there is an appeals process that can be made to actually acquire a FOID Card. Now I'm not sure that that applies in the case of mental health, or incarceration, or any treatment in a mental health facility. But I assume that that appeals process is there. Are you...under this bill, would you say that you would eliminate that appeals process?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

No. This would not affect the appeals process at all.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1106 pass. All in favor will vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 22 Ayes, 36 Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 1107. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

Senate Bill 1107.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Out of the record. 1108. Senator Marovitz. Out of the record. 1118. Senator Etheredge. Read the bill.

SECRETARY HAWKER:

Senate Bill 1118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

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

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This is the GO Bond Authorization bill for FY'90. Unlike some others that we've seen in the past, this actually shows a net decrease in the bonding authorization. A decrease that amounts to two hundred and sixty-nine million dollars. That comes about as a consequence of the -- of rescinding the five-hundred-and-thirty-five-million authorization for the Superconducting Super Collider. So that five hundred and thirty-five million is rescinded, but then there are increases in various of the bond categories. But as I said, the net result overall of the enactment of this bill is a reduction of two hundred and sixty-nine million dollars. I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this legislation. While Senator Etheredge pointed out that the Governor was not successful in getting the Super Collider and Texas beat us, even after the support for the current President of the United States, what he did not mention in here is there are several other bad provisions in this, in addition to a very high authorization level - much higher that anyone anticipates appropriations to go. But it also allows the Bureau of the Budget to charge whatever bond fund they want for bond expenses, whether those funds are related to that bond issue or not. Now that's something we should not ever be doing. If there's a cost to an issue, that issue should be bearing its cost. In addition there are projects in here, apparently, for programs that no one yet has seen, and yet there are other areas that seem to be below that even the Governor has asked for. But I think that the type of language that the Bureau has asked for, which is inconsistent with that which the Comptroller has indicated should

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not be allowed. Additionally, the Bureau of the Budget no longer wants to have to advertise when it offers a bond. We think there should be public ads for bonds for participation in being able to buy or sell the actual issues. The Bureau of the Budget has taken out any public notice. It no longer would have to be published in a newspaper when they want to offer a bond. Whether it's a negotiated sale or a competitive sale, they could do so in the darkness of their offices, instead of opening up to a normal notice procedure. For those reasons, I think we should oppose this authorization at this time.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge, to -- to close.

SENATOR ETHEREDGE:

Well, I would -- the requirement of advertising is -- although there are some changes that are proposed --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me.

SENATOR ETHEREDGE:

-- there is still --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator Etheredge. I'm sorry, Phil, I didn't see your light on. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I was just going to inquire of the Chair, since this is an obvious increase in the Bond Authorization, I can assume, I hope, that it requires --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thirty-six votes.

SENATOR ROCK:

-- an extraordinary vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Right. Your point is well taken. This measure will take

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thirty-six votes. Senator Etheredge, to close.

SENATOR ETHEREDGE:

There are changes that have been recommended in the requirement of advertising, but I can assure you that the requirement of advertising, providing advanced notice for these sales, is still maintained. I would ask for a favorable roll call on this legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1118 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 26 Ayes and 27 Nays and 4 recorded as Present. This bill, having not received the constitutional majority, is hereby declared lost. 1125. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 1125.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this bill is a request of the Commission on Savings and Loans. I know of no opposition. It was amended to take out the one provision that might have been somewhat controversial that's -- somehow relates to the bill -- we probably will be dealing with later, relating to the powers of banks to sell insurance, but this, of course, deals just with S & Ls. I'd be glad to try to answer any questions, and otherwise solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 1125 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have

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all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having passed -- received the constitutional majority, is hereby declared passed. 1134. Senator Welch. I'm sorry. Agreed Bill List. 1135. Senator D'Arco. Read the bill.

SECRETARY HAWKER:

Senate Bill 1135.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I would move to recommit 1135 to the Executive Committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman asks leave of the Body to recommit Senate Bill 1135 to Executive Committee. Hearing no objection, the bill is so recommitted. 1136. John. Agreed Bill List. 1149. Demuzio. Senator Demuzio. Read the bill.

SECRETARY HAWKER:

Senate Bill 1149.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, I -- I move to recommit Senate Bill 1149 to the Committee on Executive.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman asks leave of the Body to recommit 1149 to Exec. Hearing no objections, the bill is so recommitted. Top of Page

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30. 1152. Senator Welch. Read the bill.

SECRETARY HAWKER:

Senate Bill 1152.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is amend the Public Utilities Act concerning competitive bidding to meet electric power demand. This adds to the process we have been developing here in the Legislature dealing with the least cost possible as far as bringing new utilities on-line or continuing utility cost as they go. We had been working on some sort of agreed amendment to this bill, as far as the timing of the hearings on when the least cost process would kick in. Those are ongoing. I'd be glad to try to answer any questions on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Welch, I guess my -- my question is why? This is -- it appears to us as a redundancy and -- and we've -- we've -- theoretically, we have walked through this process once, and we're starting all over again. And why -- why do it again?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Well, basically, the reason we're trying to do it again, as -- as you say, is what we're trying to do is require the Commerce Commission to hold hearings and consider what means and sources for meeting the future demand whenever there's a proposed increase

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in generating the capacity by a -- by a utility. If they propose -- a utility proposes creating more generating capacity, why shouldn't we try to find out what is the cheapest way to produce that capacity? Shouldn't there be some requirement that instead of taking what is set at face value, that we look at whether coal is the best way to go? Whether nuclear power is the best way to go? Whether hydroelectric power? I don't think that's asking too much. I think that the simple matter of holding a -- a hearing to determine what is the best process for developing electricity in the State of Illinois is not asking too much.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senator, you know full well that this has already taken place in the first hearing, and -- and we're simply going back through the process once again. Now, you know, I don't -- I don't see how anybody can gain anything from this at all. It is -- it's absolutely a redundancy - an extra expense for the ICC. Nobody's going to gain anything. And I -- I, just simply don't understand why you're doing this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in support of the bill. And as Senator Welch said, there still are some discussions taking place, I think, that will perhaps refine this. But I think there -- there's a real point to be made here, and that is that this -- we're not talking about a whole new hearing or something that should go on afterwards; that's what's got to be resolved. The point is that all of this information should be in the -- within the two-year planning process, and should be there earlier rather

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than later, so that it can have some bearing on what the Commission determines. I think that is really what the intent of the bill is. If there is some refinement that has to be done, that's going to be done with subsequent discussions as the bill proceeds along, but it really is a very important point of the two-year energy-planning process. And I think it is important that -- that the bill pass so that the information is going to be there when it can be used and useful.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch, to close. I'm sorry. Senator Maitland.

SENATOR MAITLAND:

Mr. President, I'm sorry to rise for the second time. But isn't the -- isn't the information there the first time? Why --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR MAITLAND:

-- and -- and the answer is yes, Senator. So why -- why do we do it again?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Well, let me make an analogy, Senator Maitland. Let's say that you decide that you need a bigger house. Well, you've made that decision. That's similar to the decision that's made here. The question is, who is going to bid to build that house. Who can do it the cheapest? That's what we want to find out with this particular piece of legislation. We want to once determine what is needed, and then find out who can supply that the cheapest. It's not starting all over again to determine whether we're going to build that house, but who's the cheapest electrician that does the best job - who's the cheapest roofer. That's what we're looking for.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. And I -- I'll just simply close by saying you -- you've been through that process once, and it's absolutely redundant to go back through it again. It's an extra expense. It's not necessary. And we ought to oppose the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise, too, to join Senator Maitland in strongly opposing this bill. It was only in 1985 that we rewrote - at the request of consumer groups - this whole process. And this is just duplication. And I'm sorry to say that I -- I see no point in it at all, and I think this bill should be defeated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch, to close.

SENATOR WELCH:

Well, it -- it's kind of curious that once rewriting that Act, that this is something that was left out, but nonetheless, that is the truth. Forty states around the country have a similar provision in their Statute. Forty states. This isn't redundant. This is something totally different. This goes a step beyond, to reach into the marketplace out there, to try to get private industry interested in bidding in competitive bidding categories so that utilities end up getting the -- the best cost for what they're going to do. It's not making them determine again whether they need the capacity. What we are trying to do is get them to go out and get the cheapest supplier possible of the goods to create that capacity. That's not asking to much. That's what

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should be asked of these utilities, and that's why this bill spells that out. So I would ask for an affirmative vote on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1152 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. No. No. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 17 Ayes, 35 Nays, 1 recorded as Present. This bill, having received -- have not -- having not received the constitutional majority, is hereby declared lost. 1153 is on the Agreed Bill List. 1154. Senator Welch. Read the bill.

SECRETARY HAWKER:

Senate Bill 1154.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. 1154 is a bill designed to change the requirements for regional superintendent of schools. Since introducing this bill, the regional superintendents have come around to negotiating with the parties involved. And at this time, I would ask that this bill be recommitted to the Elementary and Secondary Education Committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman asks leave of the Body to have this bill recommitted in Committee. Hearing no objection, so -- so required. 1156. Senator Severns. Senator Dunn, Senator Severns has the Floor. 1156. Out of the record. 1158. Senator Topinka. Read the bill, please.

SECRETARY HAWKER:

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Senate Bill 1158.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Well, Mr. President and Ladies and Gentlemen of the Senate, this bill does exactly what even the little one-liner says in our Calendar. Usually it takes a little bit more. But what it does is, it authorizes municipalities to exercise eminent domain to acquire lands for the control of flooding. This is now implicit in the law; we would like to make it explicit. And this is all it does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Rock.

SENATOR ROCK:

Does this afford a municipality the opportunity to condemn outside its municipal boundary?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

That would not be my intention, but I don't think that the bill addresses that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

SENATOR ROCK:

Well, it seems to me that if the corporate authorities of Oak Park, for instance, wanted to condemn River Forest, under this bill they could do it, in the interest of flood control. We could put up a big wall along Thatcher.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

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Rather they should do it in River Forest than Berwyn.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Who's from River Forest? Senator Rock.

SENATOR ROCK:

Nothing to stop us from going south, either. I mean, we can, according to this, the corporate authorities of any city or village may acquire anything they want by condemnation as long as it's got that super-laudable end of flood control.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Interesting. Senator Topinka.

SENATOR TOPINKA:

Yes. Currently, the municipalities have the power to condemn property for dredging and other waterway improvements. It's -- it is silent on the issue of flooding. So basically, we -- I am adding that to what is the Statute already, and I -- I -- not being a lawyer, maybe one of our lawyers can speak to this issue in terms of municipal law. And Senator Rock is your lawyer; that's fine. But the Statute has apparently stood this way and has not been a problem between municipalities in the past. I don't know why this should add to it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock.

SENATOR ROCK:

Well, I -- I'd -- truly, I'd be very careful about this. We -- we do have a Supreme Court case that says you're not supposed to do that, and that, of course, is one of the big scare tactics that's always used around the airport -- that Chicago is going to somehow gobble up Park Ridge and Bensenville by condemnation. And -- and the supreme court has said, "No. You've got to do within your own boundaries; you just can't go reaching out." This, however, is a new provision, and would seem to say, "Anywhere you want." I'd be awful careful on this one.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

You want to put it back in committee? Senator Topinka.

SENATOR TOPINKA:

No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Lady to close.

SENATOR TOPINKA:

I just would -- I think we could probably work out an agreement in the House on -- on this particular matter. Senator Zito is also involved in this, because we have a very high incidence of flooding in our area. And that would be our intention to do so, if this bill passes out. And I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1158 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 21 Ayes, 26 Nays, 3 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 1159. Senator Geo-Karis. Read the bill.

SECRETARY HAWKER:

Senate Bill 1159.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill requires a frontdoor referendum before a forest preserve district can issue bonds for any reason except the development of lands already in the district's possession. The current law allows

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the district to issue bonds up to the amount of at least some hundred million dollars for the acquisition up to fifty-five thousand acres of land and levy a property tax to pay for the bonds without referendum approval. Even school districts don't have that authority. All my bill does is remove that power. It just gives them the right of referendum. And I ask a favorable consideration. It only applies to Lake, Kane, and Will Counties.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This is one of a series of bills that was in Local Government Committee, and we didn't get to hear from some of the people who had concerns on the other side. And I -- I would just like to ask Senator Geo-Karis a couple of questions that they brought to my attention.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

She indicates she'll yield.

SENATOR HOLMBERG:

In this particular case, Senator, requiring a referendum before any forest preserve district may issue bonds, would you be holding back any kind of acquisition in those three counties?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm sorry. What did you just say? I'm sorry. I was disturbed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would you please repeat the question? Senator Holmberg.

SENATOR HOLMBERG:

Forest preserve districts and park districts generally acquire lands from time to time as they become available, and sometimes need to move rather quickly in order to establish parks and so

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forth. Would you basically be saying that they cannot do that anymore except within their own boundaries?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What I'm saying is that if this bill were to pass, they would have to have a referendum before they issue any bonds for any reason, except the development of lands already in the district's possession. There's been some indiscriminate use of this condemnation power, and we have to protect the public and homesteads. And all I'm saying to you is, that when they can issue up to a hundred million dollars worth of bonds without referendum and -- and levy a tax on it, we're not servicing the people in our respective districts.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

One other point of -- of clarification. Would this possibly in your -- in your three counties - and by the way, I'm very glad that you've limited it to those three counties, rather than including all of ours downstate - but would you be hampering in any way stormwater management plans for your counties?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No. We already have provisions for that in other Statutes that we've passed, if you'll recall, in the last few years.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg. Okay. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, as the sponsor knows, I've had a chance to discuss to some extent both this bill and -- and other

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bills on the same subject matter. I support some of them and I have misgivings about others, I'm afraid, including this one. It isn't often that -- that I dare rise to oppose a bill sponsored by my dear friend and colleague from Lake County, but in this case I just want to point out a couple of things that -- that may already be obvious. For one, the bill, if it's worthy, I feel, ought to apply to all county forest preserve districts, and not simply those in Lake, Kane and Will Counties. As it happens, there have been actions on the part of the forest preserve district in our own county where certain officials on the county board, frankly, have been overzealous in their use of condemnation powers and in their actions, generally, in connection with the forest preserve district. But the remedy for that, I suggest, has already in part been taken, which is to take action at the polls to replace those officials. The forest preserve districts have -- have been around for a long time. I don't know their -- their date of origin, but I -- I very strongly believe that the quality of life in our county would not be what it is without a forest preserve district, and without the original referendum approved at -- at one point - I can't tell you in what year - granting them the power that they now possess to acquire lands, in some cases by condemnation, and to issue bonds with which to acquire land, which we all know in our area is increasingly expensive. They have on the drawing boards now plans that -- for acquiring some additional lands, that meet with the overwhelming approval of -- of people in the areas adjacent to them. They have had some other plans that have been more controversial. One plan with which most of you will be familiar, and it's - it's just a potential plan at this point, because we hope that it won't be necessary --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would the gentleman bring his remarks to a close?

SENATOR BARKHAUSEN:

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relates to Fort --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Would you bring your remarks to a close, please?

SENATOR BARKHAUSEN:

-- relates to Fort Sheridan. There is -- if, in fact, the worst happens and Fort Sheridan is moved, there is a unanimous feeling on the part of everyone in the area that they want a good portion of the Fort Sheridan property preserved as park land. It may be that the Lake County Forest Preserve District is the most logical, perhaps the only agency with the power, perhaps even the wherewithal, to take on that important assignment. I am suggesting that this is the wrong time to curb bond power that has been issued to these agencies a long time ago, and that if we are to do that - to take this drastic step - we ought not to do so selectively, and I urge your opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we've had the occasion where the county forest preserve district has acquired lands and done nothing with it but taken them off the tax rolls, which costs the school districts a lot of money and the taxpayers a lot of money. If they're going to have -- going to have -- take property, they should use it. Then use the bonds to develop it. And that's what I'm saying. Instead of spending more tax money - up to a hundred million dollars without referendum - and taxing the -- laying of property tax the people. I ask your favorable consideration.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1159 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Clerk will -- Have all voted who wish? Have all voted who wish?
Clerk will take the record. On this question, there are 30 Ayes,
14 Nays, 3 recorded as Present. This bill, having received the
constitutional majority, is hereby declared passed. 1165.
Senator Severns. Read the bill.

SECRETARY HAWKER:

Senate Bill 1165.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This is
identical to a wonderful idea that the Senate unanimously passed
out of here a few years ago, in the name of House Bill 2003. It
-- it is a measure that establishes a program of -- of matching
grants to colleges for the purposes -- for the purpose of
providing each college and trying to get each college to retain an
inventor-in-residence during that academic year. It's simply an
attempt to try to bring greater cooperation between the public and
private sector. And I know of no opposition, but I'll be glad to
answer the questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR ETHEREDGE:

Senator, this is a very interesting idea. I did not recall
that we'd dealt with this before. What is the fiscal impact,
please?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

I'm sure it's very small. I, in all seriousness, Senator Etheredge, BHE has -- has indicated that if -- if we had a -- if we had an inventor-in-residence at every university...that there are a hundred and eighty-seven degree-granting institutions that -- that we could go up as high as -- as 5.6 million. Quite -- quite frankly, I don't think that's -- that's a figure that -- that is realistic.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge, any further questions? Question is, shall Senate Bill 1165 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 36 Ayes, 11 Noes, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1167. Senator Joyce. Out of the record. 1168. Read the bill.

SECRETARY HAWKER:

Senate Bill 1168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This provides for a seven-percent reduction in property taxes for farmland that is bordered by an erosion-retardant strip of vegetation. This is something that has been through this General Assembly a lot of times in the past. It's something that I think that would be one of the greatest things we could possibly do to help keep our soil in place.

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Wildlife would -- would live in this area. We are continually seeing our impoundments and ditches filled up. The cost, as estimated by the Department of Revenue, would be 17.6 million. If everybody in the State went along with it, that would be a loss to local governments. We passed a bill out of here that I feel is going to pass in the House, and that's the Pheasant Stamp Bill. That could be used to fund this sort of thing. Habitat is -- is the one thing that pheasants and other upland game need and like better than anything else. So with that in mind, I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, on the other side, just very briefly, as a farmer myself, of course I like a little tax relief here and there wherever I can get it. But I would point out to those of us assembled here, that under the current farmland assessment law that's in place right now, if you keep something in the grassland cover, you already get a two-thirds reduction off of your assessed valuation, based upon your productivity index. So in other words, no matter where you fall on the productivity index scale, you'll only be assessed at one-third of the actual value. So I don't know if we need seven percent on top of that. You'll have to make that decision for yourself.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR ETHEREDGE:

Senator, my question has to do with the impact that this would

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have on some of our rural school districts, many of which are under very difficult financial circumstances at the present time. Do you -- what would be the -- the net loss to these school districts? Do you have any idea?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Well -- none, because this would be reimbursed by the Pheasant Stamp Act, so the money would be coming from that area, and if the Pheasant Stamp Act doesn't pass or doesn't generate enough money, then we don't do this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in -- in support of -- of this legislation. You know, erosion isn't just the farmers' problem - it's everyone's. Take Lake Springfield, Lake Decatur, all of them. Look what's happening in -- and this really addresses the issue on -- on row-cropping and cultivated land. It's talking about a strip along the end of this that would prevent the soil from moving into the road ditches, moving into the streams, and ending up in our -- in our lakes and our water supplies in the cities and contaminating them and all. And -- and this is -- is really a worthwhile piece of legislation. Doesn't just help the farmer; it helps all of us. And I think it should be passed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce, to close.

SENATOR J.J. JOYCE:

Well, thank you, Mr. President. Senator Rigney, your comments I find quite interesting. I've been to Galena a few times, and as I cross over that bridge and see those big locks and -- and see

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that little tiny stream there - that's down there, I wonder why -- why that stream is so small. When you go into the courthouse there or one of the buildings the historical society has, you see steamships in the heart of Galena, and -- and the reason that they were -- they're not there now is because the trees were cut down for fuel for those steamships, and that's a prime example of what erosion can cause. Now this -- this piece of legislation, as Senator O'Daniel said, will help everybody. And if the money isn't generated through the Pheasant Stamp Program, then it won't be funded. So, I'd ask your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1168 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 32 Ayes, 25 Noes, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1170. Senator Welch. Read the bill.

SECRETARY HAWKER:

Senate Bill 1170.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill is to allow for a landfill to site a landscape composting or nonhazardous solid waste recycling building on their land next to a landfill without having -- going through the permitting process by the EPA. This would, in effect, allow for additional space for the landfill and would encourage them not to put everything in the landfill. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? Question is, shall Senate Bill 1170 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1171. Read the bill.

SECRETARY HAWKER:

Senate Bill 1171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Could you take that out of the record, please?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Out of the record. 1172. Senator Severns. Read the bill.

SECRETARY HAWKER:

Senate Bill 1172.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1172 simply tries to give credit to small businessmen. It recognizes that eighty percent of -- of the existing jobs and eighty percent of the new jobs come from the small business sector. It takes the conservative approach as to what the definition of a small businessman is, using fifty employees or less. It -- it provides a credit that is identical to the credit provided --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Excuse me, Senator. Would you please give the Lady your attention? Please continue.

SENATOR SEVERNS:

It provides -- the credit language is modeled after the Enterprise Zone language that we provide to new businesses. And what this says, quite simply, is that for any small business, meeting the definition of small business, adds two full-time employees above and beyond what they have now after this Act hopefully is signed into law, that they shall be eligible for a five-hundred-dollar tax credit per employee during that taxable year. I'll be happy to answer any questions, and I would like to add Senator Zito on as a hyphenated chief -- as a chief -- hyphenated sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady asks leave to add Senator Zito as -- to 1172. Hearing no objection, it is so done. Senator Mahar.

SENATOR MAHAR:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR MAHAR:

Senator, sounds like an excellent Republican concept to me. My only concern -- our only concern -- and I'm not sure if a fiscal note was filed, but what is the fiscal impact, do you know?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Frankly, there -- there was no fiscal note request on this, so there was not one filed. But I will just say that on the R and D credit, the Fiscal Commission determined earlier that it was -- that it could not be determined, and I suspect that would be the same determination.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you -- thank you, Mr. President. I don't know where the figure -- how the figure was arrived at, but I do have a figure that this would cost the State thirty million dollars.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You'll -- you'll get your opportunity. Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

SENATOR SCHUNEMAN:

Senator, I -- I've not known about this bill until just now. I notice that, according to our analysis, that a small businessperson would be eligible for a one-thousand-dollar credit for each thousand dollars of new investment. Would that apply to farmers?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

No one is excluded who -- who meets the definition of small businessman under these rules.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

So, for each one-hundred-thousand-dollar combine that's sold in Illinois, the State of Illinois now is going to allow a one-thousand-dollar tax credit. Is that -- is that how this would work?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

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SENATOR SEVERNS:

That is not the intent of this legislation, Senator. The intent of this legislation, quite simply, is to provide the small businessman of fifty employees or less an opportunity to have a five-hundred-dollar tax credit to -- for -- any time that business adds two new employees or more. And going back, if I can for a moment, to Senator Karpiel's comment, as -- as I believe she's probably been advised by now, the --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Excuse me, ma'am.

SENATOR SEVERNS:

-- the amount that she was talking about was on a different --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman, on a point of order. What's your point.

SENATOR SCHUNEMAN:

Well, I asked the Lady a question, not for a speech. Is it -- does it apply to farmers or doesn't it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

It does not. She responded.

SENATOR SCHUNEMAN:

Well, Mr. President, if you please, I don't believe she did.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, she did. Senator Severns.

SENATOR SEVERNS:

The -- the language that you're referring to, quite frankly, Senator Schuneman, is also like Senator Karpiel, the original bill. The committee, I mean, the amendment has taken place in the original bill, so that no longer is contained in the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

That's what I wanted to know.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel. You wanted to seek -- you wanted recognition a second time? ... (machine cutoff)... Senator Severns, to close. Question is, shall Senate Bill 1172 pass.

SENATOR SEVERNS:

I -- I think, quite frankly, that constantly we're being told by various different organizations that -- that lobby the capitol that we provide mandate after mandate to the small businessman, and make it tough for that small businessman to keep his or her doors open. And this is a credit that is written in a responsible way, and I would just urge adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall 1172 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 39 Ayes, 12 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1174. Senator Raica. Agreed Bill List. I'm sorry. Senator Raica.

SENATOR RAICA:

Teddy.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well, they didn't mark my Calendar. I didn't know that. 1175. Senator Davidson. What about -- It's on the Agreed Bill List. 1179. Senator Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 1179.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

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Mr. President and Members, this is a measure that we've approved here before, I believe unanimously or close to it, to raise the penalty for reckless driving - the potential penalty, I should say - from a Class B misdemeanor to a Class A misdemeanor. It -- it was felt that it's appropriate to give prosecutors additional discretion to -- to seek the higher penalty in those cases where reckless driving is -- is particularly -- particularly reckless or -- or careless, and particularly where injuries result. I'd be glad to answer your questions, otherwise ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 1179 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1181. Barkhausen. Read the bill.

SECRETARY HAWKER:

Senate Bill 1181.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1181 is a proposal from the technical investigation section of the Department of State Police to make certain cleanup corrections to the nonconsensual eavesdropping law that we passed here last year. This is simply a -- simply a cleanup measure. I will stand here and promise all of you that it will not be used as a vehicle for anything else, no matter what happens to the other bill on the same subject matter

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that is currently before us. I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 1181 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, 3 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1182 is on the Recall List. On top of Page 31. 1184 is on the Recall List. Senate Bill 1196. Senator Smith. Please read the bill.

SECRETARY HAWKER:

Senate Bill 1196.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1196 deals with hysterectomies. The Department of Public Health shall publish a summary brochure describing medically sound rationales for the performance of hysterectomies. The Department of Health shall distribute the summary to the hospitals, public health centers and physicians who are likely to perform hysterectomies, and allow this distribution to others upon requests. Senate Bill 1196 is one of several bills by the sponsor to address women's health issues. Other --

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion?

SENATOR SMITH:

-- bills include Senate Bill 92, et cetera.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Topinka.

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SENATOR TOPINKA:

Yeah. It's a real great bill and very needed, so if we could help it along, that would be super.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Good. The question is, shall Senate Bill 1196 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1198 is on the Recall List. 1199. Senator Rea. Read the bill.

SECRETARY HAWKER:

Senate Bill 1199.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1199 amends the Unified Code of Corrections. It deletes -- through the amendment, it deletes the AIDS testing requirement, and instead, when a person is released on parole, mandatory supervised release, final discharge or pardon, the Department of Corrections shall inform the individual concerning programs of services of the Department of Public Health, to determine whether the individual has been exposed to AIDS. The bill has become the -- and is recommended by the Department of Public Health and Department of Conservation, as amended.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

I assume you meant the Department of Corrections, not the

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Department of Conservation. Yes. I think we all understand that. You originally had this bill to require an AIDS test for all felons who left our institutions. I am under the impression from articles I've read and little reports that seem to drift around, that there is a reasonably high percentage of AIDS in our prisons, and -- and regrettably I -- I suspect, despite the most conscientious efforts of the Department, that it's -- it's going to be a problem. I -- I know with interest your amendment took off the mandatory test, and now, I think, instead of giving them a test, we're going to give them a pamphlet and say, "Good luck," and, you know, "Be careful." I wonder - and I am not a lawyer, although some would accuse me of being a frustrated one - but I just wonder if at some point in the future, we are going to find ourselves faced with a lawsuit by someone who was infected by a felon we had released who was infected who probably had a pretty good idea he was - he or she, I guess one should say to be nonsexist - but didn't know definitely, because he hadn't - he or she had not had a test. I'm wondering why you accepted that amendment. Frankly, with that amendment on this bill, it's pretty meaningless. I think we have an obligation to protect society. I think your original bill made a lot more sense than your bill as amended, and I'd kind of like to know why you backed off.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer, why don't we just talk about the bill as amended? We're on 3rd Reading.

SENATOR SCHAFFER:

I am talking about the bill as amended.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Okay. Senator Rea, you want to respond?

SENATOR REA:

Yes. In -- in fact, they currently do test, by request, if -- they do the testing at the present time by request. So actually,

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this implements and continues the current Department's policy.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

And is therefore meaningless. Obviously, the Department of Corrections came to you and said, "We don't want to do mandatory tests. We do not want -- we do not agree with your bill. Please put this amendment on." Some of us are saying, "What was the justification?" We think you had a pretty good idea the way you introduced the bill, before you were persuaded by the Department. What's their justification for the amendment?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea.

SENATOR REA:

Because many people do not know what the programs and services are of the Department of Public Health, and this way they will be informed as to what those are. And this is a precautionary measure.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Now to get back to my question. Why did you amend your bill to take out the mandatory AIDS test? Why does the Department of Correction -- why are they uncomfortable? What is the justification for not sticking to the -- your guns on the original bill, as introduced?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea.

SENATOR REA:

Because of the cost factor, and it's not necessarily that something that we shouldn't be doing or should not consider at a later date.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Let me -- Senator Rea, let me answer that question for you, if you might. I have the Sexually Transmissible Disease Act, and I had a long conversation with Corrections. The reason that Corrections does not want to do mandatory testing - and I concur with them - is that if you mandatory test then you -- for those who test negative, you have made them fair game for anybody, because you have now, at least, defined who is the safe sex in the institutions, and what you then cause is a tremendous problem in trying to maintain peace in the prison population. There's a greater -- how can I put it? There's a greater way of maintaining the stability if there is an uncertainty about who might be infected and who isn't infected. However, this does not apply to those who are exiting out of prison. And I would think that if there's any real bases for mandatory testing, it would be on the way out, because at that point, the -- the -- whether they're safe or they test positive or negative doesn't have a lot of consequence on what happens in the prison. But I concur with Senator Schaffer; what you've done here is done nothing. In fact, you've deleted - and I got to go back - the bill doesn't show totally what you're changing, but if you've, by your actions, even omitted or deleted the -- the opportunity for the Department of Corrections to check at random, which is the way to do it, then I think you've done more harm than good with this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea, to close.

SENATOR REA:

Senator, in -- in closing, I -- I feel that, you know, sometimes you have to put a bill in the form that you feel is best

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at the time. And I happen to feel that that is the best direction to go, and that this is a start in the right direction and can be very meaningful in making these people aware of those services that are available to them. Many of them are totally unaware of the programs when they leave prison or on parole, whatever the case may be. And this will be a -- a precautionary measure, and I think will be of great assistance, and maybe something that we can build from. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1199 pass. All in favor, vote Aye. All opposed, vote Nay. 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 this question, there are 32 Ayes, 27 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1210. Senator Marovitz. Read the bill.

SECRETARY HAWKER:

(Secretary read title of bill.)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, and Members of the Senate. This bill has been amended, so everybody ought to know...and as amended, the State's Attorneys throughout the State have reached an agreement with the NRA today, on this legislation. All that is in this legislation, right now, is that this allows a FOID Card to be revoked, if...there is a petition presented that the individual who holds that card presents a clear and present danger to himself, or an individual, or the community. If a judge determines, by a preponderance of the evidence, that that individual does present a clear and present danger to himself or

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the community, that card can be revoked. So we're getting at the criminal here. We're getting tough on the criminal here, and this is something that we reached agreement on...with the NRA on...and let me...let me...let me add this: this can only be done after it goes to court, and the court determines after hearing the evidence, that by a preponderance of the evidence, that the individual presents a clear and present danger to himself or the community.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...I'm sorry, discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Well, I am delighted you...the amendment took out the fingerprint part, which was one of the things the NRA objected to, but the other question I have, my understanding was that you'd agreed to work on a language that tightened up, quote, the word, "threat," standard. And, I don't see anything...I don't have the amendment in front of me that was adopted, but I don't see anything, that you have tightened up that word "threat," and I don't know who...who is concerned about that definition, but I'd like to know whether you worked on that, and if you haven't, do we have an agreement from you that you are going to correct that language in the House?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, you do have that agreement, I've just been informed that the State's Attorneys have been talking with the representative of the National Rifle Association on language to tighten that up.

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They agree with the concept. They think that a card should be revoked if someone does present a clear and present danger to the community, or some other person, and we will work on that with the NRA.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson.

SENATOR DAVIDSON:

Well, I understand we'll work on it. I want to know whether we have an agreement that whatever is worked out will be amended onto this bill by the House sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It is my understanding that there is an agreement, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...Senator Davidson.

SENATOR DAVIDSON:

But, you yet haven't answered, will it be put on in the House, in an amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It will definitely be put on in the House by an amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, just to follow up what was just...the dialogue that just went on. I'd like to ask the Senator a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

I understand that the agreement with the NRA is that you take

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this back to 2nd Reading and put an amendment on, and they will support the amendment and ultimately support the bill. Now that's what I understand is the agreement. Now, you having said what you have said, are you willing to do that over in the House?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Absolutely. I made that commitment. Absolutely. No...without reservation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I have a card that was sent in to me, National Rifle Association of America, James T. Hayes. Says, "Fawell: We are working out a compromise on Senate Bill 1210, bill with the State's Attorney, we are not opposed to Senate Bill 1177, Kustra's, which deals with...also with this issue. I believe we have been reasonable. I hope you will support me on eleven hundred to eleven twelve"...so on and so forth. You know, I...it seems to me that that's good enough for me, and I am going to vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close. I beg your pardon...Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator. The thing that concerns me...in...in well, let me ask you first, are you telling us that when we get done with the bill, that it's not going to resemble what we're looking at now?

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If that's the case...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Listen, if you don't want to vote for it, David, don't vote for it. I gave my word. They've been working on it. If you don't want to vote for it, then don't vote for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica. Senator Marovitz may close, if you like.

SENATOR MAROVITZ:

Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1210 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 32, the Nays are 24, one voting Present. Senate Bill 1210, beg your pardon. On that question, the Ayes are 33, twenty...question, the Ayes are 33, the Nays are 24, 1 voting Present. Senate Bill 1210, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading. Senate Bill 1212, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the last bill on this subject, I think. But it's a very serious bill. And it's a very serious topic, that we've seen too

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many incidents of recently. California...just last weekend in Ohio. The killing of people and schoolchildren with semiautomatic assault weapons. This is the legislation that would ban the possession of semiautomatic assault weapons. As you know, the President of the United States has recently come around to support legislation in this area. I have spoken recently with the Governor of our State. He is a hundred percent in support of this specific legislation. This prohibits the possession of semiautomatic assault weapons and semiautomatic shotguns, only when they are used in conjunction with...in conjunction with a magazine in the semiautomatic weapon case of over ten rounds, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 12...well, all you have to do is turn your lights on, folks. Senator Davidson.

SENATOR DAVIDSON:

Senator Marovitz, due to the recent media coverage on the President's ban, my understanding is, no semiautomatic rifle that presently exists, can be denied taking a magazine that will hold more than ten rounds or in the case where the President's order is fifteen rounds, and your saying not more than ten. Now I happen to have an automatic twenty-two which holds fifteen rounds in the magazine. I also could go buy a magazine that would hold thirty rounds, and there's no way to prevent this rifle from taking that magazine. Are you now saying that if I went out and bought, in your case ten rounds, the fifteen-round magazine which came with the gun as standard equipment, I'm in violation of this law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

What is exempted under this law, is a twenty-two caliber

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rifle, which is what you just described. Specifically, is exempted in the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Davidson.

SENATOR DAVIDSON:

Well, I don't own it...but I do have some friends who own a 308, which is a big game rifle and semiautomatic, which has a five-shot clip, but the clip can also be expanded to hold thirty rounds, or forty-five rounds. Would they be in violation of the law if...in this case?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

If you expand the clip to an excessive capacity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

I'm sorry, I just heard extend the clip, and I didn't hear the rest of your...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

If you expand the clip to an excessive capacity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Ladies and Gentlemen, I think you better take a hard look at this bill. I can appreciate what he is trying to do. But I want to tell you, there's more semiautomatic rifles and shotguns that exist today. Admittedly, very few shotguns will hold six shot. In Illinois present law, it can't be chambered for more than three, or carry the magazine more than three, 'cause you have

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to plug the gun. It's illegal to have a shotgun in Illinois if you're out in the field, or carrying, or any way...with a capacity of more than three shots. This bill, in my view, is not necessary, and there is no way under the present manufacturing of any of the semiautomatic rifles that are used for hunting, that you can block it to keep it from accepting a magazine more than ten rounds. So, consequently you're going to have a lot a innocent people who are in good faith out hunting with a semiautomatic rifle, something they've owned for ten, fifteen, twenty, thirty years...would suddenly become a law violator with no reason on their part and innocence on their part. And I know being uninformed is not an excuse, but, you know, the problem we got, you're reacting to two people who should have been in prison, because of their past record, and I agree with you, we should do something to punish the criminal. But not punish the legal gun owner.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Madigan.

SENATOR MADIGAN:

You said that twenty-two calibers were exempted. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

How do you define twenty-two caliber?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I don't know how to define a twenty-two caliber. Twenty-two caliber is a twenty-two caliber.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Well, my question, I think Senator Davidson was referring to a twenty-two rim fire, and assault rifles are twenty-two caliber.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The specific language in the bill, the specific language in the bill says a twenty-two caliber rim fire rifle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Two quick questions. What about the collector, who's out there that has a semiautomatic weapon that qualifies under your provisions here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

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SENATOR MAROVITZ:

This wouldn't affect the collector at all. The collector could have that weapon. There's no prohibition whatsoever. The only time this legislation plugs in is when it's...when the...when the magazine is used in conjunction with the weapon. So having the weapon would not be a violation whatsoever.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Who's going to collect all these magazines now out there that...where do we turn them in? I mean, is that's what's going to happen? If it's unlawful, what happens, if we have to turn all of them in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

There's no provision for turning them in. You just don't use them. There's no provision for turning them in. We're not making...we're not creating an additional burden or any cost on anybody.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you. Well, it says "possession" here, and if you're in possession, you could be sentenced, I think it says, two to five years, ...fined up to ten thousand dollars. Well, then explain it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

First of all, it's a misdemeanor, and if you have one and you know it's against the law, then just throw it out. That's all,

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get rid of it. No one's going to come to your house and collect it. There's nothing like that in the legislation. You can raise the red flag if you want, but there's no one coming to anybody's house to collect anything. There's nothing like that in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. You know, I have been listening to all of these discussions, and I'm basically...am pro-gun, and notwithstanding all of the problems that we've had throughout this country, and with the kids being shot. It's just that this bill makes a little bit of sense. And this bill is being torn apart for really no reason. We're splitting hairs, we're talking about collectors' items. We're talking about...Doc's talking about a ten-shot limit. Doc knows that there's no game in this State that you've got a limit of ten on, and as good a shot as Doc is, and most the Republicans over there...there's no problem, you know, with that. I think this is a good bill. I think that...that something has to be done in this area, and maybe it's not exactly, you know, written the way we all want it, but I'd sure as hell like to see it get out of here and get on to the House, and if there needs to be some changes, let's work on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Well, I guess along that same vein, it seems to me that if you're a hunter, you know...you...we all know what the rules are with shotguns, with rifles, and Senator Davidson was mentioning about a gun owner having a potential for a thirty-round clip. Well, that's a machine gun, and I just don't know where anybody can go hunting for pheasants or for deer or for anything else and they got a gun going off. I wouldn't want to be around in it, and

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God bless the rest of you. You'd better not be around if they start opening up on you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. I'm...I'm sorry for keep asking these questions, Senator, but, you know, I honestly don't know that much about guns, and I'm...I guess I'm getting an education. Let's see, you have exempt rim fire...twenty-two rim fire caliber rifles, right? And that's what...that's what people hunt with?

END OF TAPE

TAPE 8

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Some people...some people hunt with a twenty-two caliber rim fire rifle. Those are exempt from this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Now...and you said that they can have clips of ten shots?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR FAWELL:

Legally?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Ladies and Gentlemen, let me just point out we have another four or five hundred bills to go, and tomorrow is the deadline.

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Senator Marovitz.

SENATOR MAROVITZ:

Only when these guns are used in conjunction with a magazine clip of ten rounds or more, does the legislation plug in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

That's what I mean, you've got...you can put a clip of ten...I mean a magazine with ten shots in them, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR FAWELL:

And the argument is whether you can put in twenty? Is that the argument, Doc? Senator Davidson. Is the argument that he's saying that you can only put ten in? No...I...alright, I'm sorry I'm showing my stupidity, but I honestly, I don't have anyone in my family that hunts. I don't have a gun. I don't hunt. And I'm just...I'm trying...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Fawell, your time's expired. Senator Davidson, why don't you go back there and talk to her? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute.

SENATOR MAROVITZ:

...Thank you, very much, Mr. President. In closing,...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait. Wait. Wait. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

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She mentioned my name, and I got to say it, I didn't know I was going to create all this storm. The only thing I wanted to bring out in this debate was the fact there's nothing that can be done to any present gun, particularly a rifle, that accepts a clip that can limit it to the size of the magazine of ten rounds. That's all the point I was trying to make. I didn't mean to get everybody up on their hind legs. But, that's the point I wanted to make and get it in the record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. We're not in any way trying to get at the legitimate hunter, skeet shooter, sportsman, or anything like that. We're trying to get at those guns with excessive capacity. That's what this is all about. That's what the tragedies have been about, and I hope that this vote will make a statement about how the Illinois Senate feels about those tragedies.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1212 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? Last call, have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 29, 1 voting Present. Senate Bill 1212, having failed to receive the constitutional majority, is declared lost. Senator Marovitz requests Postponed Consideration on Senate Bill 1212. Postponed Consideration. Senate Bill 1217, Mr. Secretary. On the Order of Senate Bills 3rd Reading is Senate Bill 1-2-1-7. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1217.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

There's no guns in this bill. There's no bullets in this bill, either. This is the anti-takeover legislation. I think we can change hats here. This bill limits the ability of certain major shareholders of a corporation from causing it to merge, consolidate or form any business combination with another company in which the shareholder has an interest. It authorizes the corporation to issue rights and options entitling the holders to purchase shares, notes or assets of the corporation. I will make it very brief. This is the -- this is the product of an awful lot of work between an awful lot of people. Among those are the Bar Association and the Retail Manufacturers, who totally support this legislation. I know of no opposition. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis. See there, your light went on, and look what you did. Senator Geo-Karis.

SENATOR GEO-KARIS:

Yeah. I always do that. I didn't know I had it in me. But anyway, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, are you going to have a compromise amendment put on in the House to conform with the -- IRMA and the Chicago Bar?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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I'll say this again, then, for the second time. This bill is the agreement between the Bar Association and the Retail Manufacturers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis. We have a tornado warning, Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

I'll make it very brief. I'll make it very brief. I understand by your bill, Senator Marovitz -- if I understand correctly, your bill will protect domestic corporations, because of an insertion in the original articles of incorporation or an amendment thereto, to prevent this poison pill business. Is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 1217 pass. I beg your pardon. All right. Senator -- Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. -- thank you, Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR SEVERNS:

In Decatur with Staley Co., we had a nonhostile merge take place with Tate & Lyle. What impact, if any, would this legislation have on any future such merges?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

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SENATOR MAROVITZ:

This would allow nonhostile merges, because they would be approved by the board of directors.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? Senator Marovitz may close. Question is -- question is, shall Senate Bill 1217 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 40 -- the Ayes are 51, the Nays are 4, none voting Present. Senate Bill 1217, having received the required constitutional majority, is declared passed. Senate Bill 1221. On the Order of Senate Bills 3rd Reading is Senate Bill 1-2-2-1. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1221.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is a proposal from the former Cook County State's Attorney, Richard Daley. This establishes a private cause of action for crimes or threats committed against a person because of status, or perceived status, as defined under -- under the ethnic intimidation section. I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 1221 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,

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the Nays are none, none voting Present. Senate Bill 1-2-2-1, having received the required constitutional majority, is declared passed. On the Order of -- Senate Bill 1-2-5-7, on the Order of Senate Bills 3rd Reading, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1257.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, as part of our attempt this year to try and see if we can get more people into the nursing profession, this bill would allow the State Board of Education to provide scholarships for nursing education. It is permissive to them. And we tie into that that receiving such a scholarship, the nurse would have to accept employment within six months and continue practicing in Illinois for at least three years, and it has other provisions in here, too, which would be limiting in terms of paybacks and things that would have to be done if they did not see it through. And I would ask for -- for your favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 1257 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 58, the Nays are none, none voting Present. Senate Bill 1257, having received the required constitutional majority, is declared passed. 1258? On the Order of Senate Bills 3rd Reading is Senate Bill 1-2-5-8. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

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Senate Bill 1258.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a subject matter which this Senate has addressed in the closing days of the last Session. It's an amendment to the Pension Code and the Act in relation to the compensation of Members of the General Assembly. It will provide additional compensation of six thousand dollars annually for the General Assembly officers, committee chairmen and minority spokesmen. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1258 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 40. The Nays are 17. None voting Present. Senate Bill 1-2-5-8, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading. Senate Bill 1-2-6-3. Senator Marovitz. On the Order of Senate Bills 3rd Reading, Senate Bill 1-2-6-3, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1263.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.

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Senate Bill 1263 limits the amount of flat monthly utility service fees that the customers can charge to the actual costs of relating to provide the service. We passed this bill two years ago, but it got hung up in the House and didn't pass the House. This bill is primarily aimed at those -- those who live in residences and are on low and fixed incomes. The utility companies asked us to make several changes. All those changes were made. We clarified that the bill applies only to the -- to the residential charge. We made technical changes that were asked for by the gas companies clarifying exactly what is covered in the bill. We excluded telephone companies from the bill, and added a sentence to encourage utility -- the ICC to make any change in a balance reasonable manner. What this bill would do - it would say that in the monthly service charge you can charge what the cost of -- of -- of billing is, and the actual cost of connection, but you cannot charge over and above that, and I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I -- I -- I -- really ask the Body to listen to this one. This is an interesting -- interesting bill, and I think the long and short of a bill like this is going to be -- obviously increased costs for consumers and not a reduction in costs to the low-income users. This is obviously shifting the service charge to the energy portion of the bill. And I want to tell you folks, I'm going to tell you something, they'll be more complaints from this bill should this pass and be signed by the Governor, than any proposal ever made by -- by CUB. Because just as I said on a earlier bill this afternoon, as we shift this to business, as we shift this to the large energy users, this increases their cost of

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doing business. And there's no Commerce Commission to govern their prices. If their cost of energy goes up a penny, they raise, and will have to raise, their charge a nickel. So this is going to come back to the small utility user at a disproportionate level. No mistake about it. Now, what about the farmers in this State? What about the small-business men? The people who can't pass on that extra charge? They simply can't do it, and this will have a disproportionate negative effect upon the farmers of this State. This is a terrible concept. Senator Marovitz, your intent, I know, is honorable and good, but it absolutely is not going to do what you say it's going to do. And this one, above all others, ought to have an astounding defeat on the Floor of this Senate. I -- I urge opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, I certainly agree with the previous speaker. If I understand this bill correctly, what it will do is, it will shift the charge for the kilowatt, for each kilowatt-hour of electricity, from farmers, single family homeowners, and business - I mean to them from high-rise dwellers. I don't see that this is any big necessity for the State of Illinois if we're going to be -- we're going to be helping out people that live in tall apartment buildings at the expense of the rest of the State, a farmer, single family dwellers and of course, to the business community. I think this is a terrible bill, and it should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Did -- did you ask me a question, or am I -- you want -- you calling me to close?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

I -- I think the lady, Senator -- Senator Karpziel, did...
Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. As minority spokesman, I feel that it is important for me to tell you that the Farm Bureau is opposing this bill as well as ICC, but also, as an individual, I have to tell you that I have some concerns about this bill. It will benefit high-rise dwellers, but for those suburbanites, I want to tell you that this will hurt suburban utility users, and it will hurt businesses and also farmers. As I say, the Farm Bureau is against this bill, so I would certainly caution you and urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further -- further discussion? Further discussion? Senator J.J. Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. I am opposed to this bill, but I'm really surprised about the sudden concern for the farmers on that other side of the aisle.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wasn't too keen on this bill in committee either, but I do have a question, Senator. It says for those utilities on -- on one of the fact sheets I have here, "for those utilities which already have reasonable monthly charges, this will have no effect." What is the reasonable monthly charge, below which this would have no effect?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

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SENATOR MAROVITZ:

This is aimed at IP, Illinois Power, and Commonwealth Edison, whose -- whose monthly service charge is far beyond the actual cost.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Keats.

SENATOR KEATS:

Excuse me. While we were talking, I didn't hear the question. This says Commerce Commission members can have other -- I won't say jobs, but accept other things, teaching and whatever? Did -- did somebody ask -- did I miss, -- I'm sorry, we were in the back talking there. This allows the Commerce Commission to be the equivalent to part time?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

A amendment was added in committee so that if a member of the Commerce Commission over and above his full-time duty on the Commission wanted to work on a commission in the evening, on a charity in the evening, wanted to teach law school in the evening, they could do that. As long as it wasn't in conflict with his full-time duties at the Commission.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

Is this salaried, or I mean, like could they be a salaried regular law professor?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

If -- if you were a law professor and taught night school, I suppose that you could do that, because that would not in any way

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be in conflict with his -- with his job at the Commerce Commission, but it does spell out that they couldn't -- that they couldn't do it during the hours where they're -- it's -- it's a full-time job at the Commerce Commission, a full-time day, and they couldn't be getting any pay for jobs during those hours.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, -- Senator Marovitz, do you wish to close?

SENATOR MAROVITZ:

Yeah -- yeah. Thank you, Mr. President. This really has been portrayed as something that it's not. All it says is that the -- that the service charge, which is the biggest complaint that I get from my constituents - not the high-rise dwellers, but the people who live in homes, the residential home dwellers, they're concerned about this - and all this says is that the monthly service charge must be that which is for -- for the actual cost of service. That's all it says. This doesn't talk about the shift of costs anywhere, and this will impact on your senior citizen, your residential, and your fixed-income individual. It affects your homeowners, and it just says the ICC can only allow a service charge which represents the actual cost of service, actual cost. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz. The question is, shall Senate Bill 1263 pass. Those in favor will 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, Mr. Secretary. On that question, the Ayes are 20, Nays 36, none voting Present. Senate Bill 1263, having not received the required constitutional majority, is declared failed. On the Order of 2nd <sic> Reading is Senate Bill 1264. Senator Marovitz. Out of the record. At the bottom of the page, Senate Bill 1271 is

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on the Agreed Bill List. We'll move to Page 32. At the top of the page, Senate Bill 1275. On the Order of 3rd Reading -- Senator Welch. Out of the record. Senate Bill 1278. Senator Welch. Please read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1278.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Last year, we passed a bill that gave the EPA the authority, when a hazardous substance is released or threatened to be released into potable water, to order the owner or custodian of the water supply to take remedial measures. The Municipal League advised me that this was meant to take care of one situation, and that situation, according to them, had been taken care of. Therefore, they wish to take this out of the Statutes. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1278 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 59, none voting Nay, the Presents are none. Senate Bill 1278, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1280. Senator Joyce. J.J. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1280.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This allows third parties to appeal decisions of the county boards to the Pollution Control Board in a landfill siting.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1280 pass. Those in favor will 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, Mr. Secretary. On the question, the Ayes are 50, the Nays are 4, 1 voting Present. And Senate Bill 1280, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1281. Senator Joyce. So read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1281.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce. Take that out of the record. We'll move to Senate Bill 1287 on the Order of 3rd Reading. Senator Jones. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1287.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

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Yeah. Thank you, Mr. President and Members of -- of the Senate. Senate Bill 1287 amends the -- the State Pension Code, and require they leave twenty-five percent of all new investment in State-funded Retirement System be invested in obligations secured by liens or mortgages for low- or moderate-income housing. These investments can be made with financial institutions that agree by contract to invest in moderate- and low-income housing, or commitment to purchase mortgages for low- or moderate-income housing, but these commitments should not exceed twenty percent. If the board determines that the investment will result in lower overall earnings for the Systems or conflict with their fiduciary responsibilities, alternative investments can be made. This is an attempt to get those persons who are employed by the State, who pay into State Pension Systems, who cannot afford housing - this is an attempt to make those funds available to -- to them. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Dudycz.

SENATOR DUDY CZ:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR DUDY CZ:

Senator Jones, I have a note here - a memo that the Retired Teachers Association of Chicago is opposed to this bill, or -- or is that still true?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

This bill was introduced, you see the number. They haven't contacted the sponsor that they were in opposition to the bill, so I, you know -- I really don't know. They haven't -- they haven't

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indicated to me, I would assume that if they were in opposition to the bill, they would have contacted me. I haven't heard from anyone.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR DAVIDSON:

Senator Jones, is this -- says it's required twenty-five percent, and you have some exceptions, but since you were a party as -- with me, being I was the lead sponsor on creating the prudent man rule for the investment of all the Pension funds, which has resulted in tremendous increase in the amount of income to those funds, what does this do? Because in that bill, we now made that prudent person liable - financially liable. What's this do to that person's liability?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well, as I indicated, in order to protect their -- their fiduciary responsibility by seeking and trying to attempt to get the best possible investment, if -- if they -- if the -- if then the board feels that this will be of harm to this System, they can make other investments. I don't see any harm whatsoever.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President and Members of the Senate, I urge all of you to take a good look at this. I -- I can feel support and have compassion for what Senator Jones is trying to do, but maybe he

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hasn't been contacted, but I do know the downstate teachers group - the State -- Retired State Employees Group -- this also now, since Judiciary Retirement and the General Assembly Retirement are all now part of the State Employees Retirement System, you're now all involved in this. I would urge all of you, take a very hard look and vote No on this, because we changed the investment policy through the prudent man rule to be able to get the best return without having any social impact consideration one way or the other, but the best return in the prudent man's judgment, and we made that person liable, because under the old law they weren't liable. I urge all of you to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill certainly has a wonderful sponsor, but it is really a pretty bad public policy. You know, we have, as -- as Senator Davidson just remarked, adopted what I think is the best way that our investment policy should be conducted, and that is what is known as the prudent man rule. The members of the State Board of -- of Investments can make these investments now. Their interest, however, is not in deciding social issues, but rather in deciding where is the best place to invest money so that you and I and all the other State employees will some day have a pension. Now, I want to suggest to you that -- that this bill probably isn't so important to the retired employees as it is to the millions or hundreds of thousands of others who have not yet retired, because the question is going to be whether there's going to be any money there when they retire, to pay the benefits. And if we use pension funds for this year, this social purpose, next year for another social purpose, pretty soon we're not going to be investing the money the way it should be. And I think it's just bad public policy, and I would ask you

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to reject it.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. You know, sometime I wonder when those persons oppose legislation, do they actually take time to read and -- and listen to the remarks that they made. For example, currently right now the pension systems do invest in low- or moderate-income housing across the United States. They currently invest only a small portion in this State, but they invest in other states. What this bill require that they do is invest in this State. They currently are -- are doing this in other states around this country. How come they can't take care of the people right here in the State that's paying the funds? Furthermore, and to protect you, Cal Schuneman, -- Senator Schuneman, if the board determines that the investment will result in the lower overall earnings of the Retirement System or conflict with their fiduciary responsibility, then they can make other investments. So that protection is in there, Cal, so that the Members of this General Assembly and when those other persons get ready to retire that they will have a pension system there available to them. All this bill is doing is make them invest in the State of Illinois, which we have a lot of confidence in, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1287 pass. All those in favor will 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 15, the Nays 35, 2 voting Present. Senate Bill 1287, having not received the

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constitutional majority, is declared failed.

PRESIDING OFFICER: (SENATOR COLLINS)

On the Order of 3rd Reading, Senate Bill 1288. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1288.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. This bill as amended gives broader powers of enforcement to the Director of Insurance to the extent of a suspension of up to six months or a civil penalty up to two hundred and fifty thousand dollars. The Department is required to promulgate rules and regulations establishing standards for the implementation of these penalties. This is language that's been worked out between the Department, the industry and myself. I would be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. While the sponsor of this bill may not be quite as good as the sponsor of the last bill, the bill is a lot -- the bill is a lot better, and so I stand in -- in support of this bill. The Department of Insurance -- the Department of Insurance needs this kind of authority to protect consumers against insurance companies who are not doing what they ought to do. And I -- and I think it's a good idea, and I stand in support of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussions? Senator Berman may close.

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SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1288 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. All who voted who wish? All who voted who wish? All who voted who wish? Take the record, Madam Secretary. On that question, there are 53 Ayes, 1 voting Nay, none voting Present. Senate Bill 1288, having received the required constitutional majority, is declared passed. Senate Bill 1293. Senator Brookins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Madam President. This bill requires the Department of State Police, in cooperation with the IEAPA, the Attorney General's Office and the local State's Attorney, to establish a toxic waste strike -- strike force to investigate criminal violations of the Environmental Protection Act. And hopefully, that we won't have what happened in New York with the -- the rivers and syringes and are polluted and floating up on our beaches and all up in our streams, so that Doc Davidson can fish in comfort. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, I don't fish, I just bird hunt. But I would like to rise in opposition to this bill, Ladies and Gentlemen. This bill

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was before us last year, or in '87, but the Governor vetoed and the Senate upheld his veto. But what he's asking about or asking -- want to be created is a special force that's not necessary. The State Police already have the power to do this now, if it's necessary to do it. Those of you who have been concerned about putting money here and money there and passing changes to the appropriation bills, this will cost a million and a half dollars to create this special strike force, and it would only do something that they already have the ability and the right and the authority to do now. And I urge all of you to vote No.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator J.J. Joyce.

SENATOR J.J. JOYCE:

Thank you, Madam President. Well, any place that they've initiated this law they've brought in more money, you know, in the first year. I think in California they brought in some two million dollars. So I don't think this is going to cost any money, I think this is going to make the State money. And -- and you know, just to find out what's going up and down our highways, I think is very, very important. We have hospital waste. We have toxic waste. We have radioactive waste. And there's not much going on there to -- to make sure that those things are adequately contained and so forth, so I would support this legislation.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins may close.

SENATOR BROOKINS:

Thank you, Madam President. I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1293 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Take the record, Madam Secretary. The sponsor requests Postponed Consideration. I'm sorry, Senator Brookins. On the Order of 3rd Reading, Senate Bill 1294. Senator Smith. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1294 is -- is done every year. It's the general State aid speedup, which will accelerate payments for all the school districts in the State, not just for the Chicago Board of Education, but every school district in the State will benefit from this speedup. The general State aid speedup provisions will not affect the level of the State appropriations. Implementation of the speedup provisions require only a reallocation of payments within the State Fiscal Year. The Governor decided that we'd do this every year, and so we do it through law. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Just to point out that there -- there is a fiscal impact on this bill. In 1985, the Bureau of the Budget estimated that doing this would cost about 13.9 million. Apparently there is no estimate based on current conditions, but we are definitely costing the State of Illinois a few dollars, and until there's a specific revenue enhancement someplace, I would question whether or not we have it to do with.

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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. I'm -- I'm not sure that I agree with the last speaker as far as the cost impact here. The only thing that is going to be changed is that you're going -- the State is going to lose a little bit of interest. And this is the -- the program that has been done on a voluntary basis for a number of years. There's nothing wrong with this bill. And I think it allows planning to take place as far as the expectation of payments of State aid. I'd urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Smith may close.

SENATOR SMITH:

Thank you, Madam President. I merely ask for a favorable vote, because this is sorely needed, and it's done every year.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1294 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, Madam Secretary. On that question, there are 36 Ayes, 20 Nays, 3 voting Present. Senate Bill 1294, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, Senate Bill 1301. Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1301.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

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Well, thank you, Mr. -- I mean, thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1301 is a -- part of a funding package of which two bills, I am told, are on the Agreed Bill List and there are three to come, which is the comprehensive funding mechanism for the health planning policy that we have put forth for the medically unserved areas of this State. In a nut shell, what it does it uses the revenue generated by the current two-percent tax on health insurance policies that are sold by out-of-state insurance companies. That revenue generates about sixty five million dollars. That will then flow into the Medically Unserved Counties Fund, a new fund, so that the following programs would be operational. Twenty-five percent would go into the operational subsidies of community health centers, technical assistance, loans, grants and other related services to community -- communities facing health shortage areas; forty percent into the financial assistance of hospitals located in shortage areas; and five percent as an incentive program to attract physicians and allied health care professionals to shortage areas and nursing, as the case, in pilot grants; and five percent, family practice residency program grants and medical student scholarships. I would ask for your consideration and move adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Further discussion? The question is, shall Senate Bill 1301 pass. Pardon me. Senator, your lights didn't come on. But, Senator Schuneman. Schuneman.

SENATOR SCHUNEMAN:

But I yield to the Minority Spokeswoman.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield. Senator -- Senator Topinka.

SENATOR TOPINKA:

Yes. Thank you, Senator Schuneman and Madam Chairman. I'm

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sorry. I was off the Floor when this came up. I think before we go forward on this, we ought to realize that the fiscal impact of this program is 69.4 million dollars, and I don't particularly know where we are going to get it to implement it. It has some interesting concepts to it. I think it's going to be a problem with what the -- currently, the Illinois Department of Mental Health is -- is trying to do in -- in terms of -- I'm sorry, in terms of what we're having done here. We're keep robbing the -- the General Revenue Fund here on a regular basis. I don't know, you know, after going through the appropriations process and people throwing up their hands right and left and saying, "Well, they're all good programs, and why should we argue about where the money is?" How can we keep promising people things we can't deliver 'cause we don't have the money? It's not like we print the stuff in the basement. So I do call this to your attention, and say this is an awfully expensive bill, and before we vote on this, we better have some idea as to how we're going to pay for it. Otherwise, quit making promises.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank -- thank you, Madam President. Ladies and Gentlemen of the Senate, for those of you who may look at this and think that somehow you're punishing the insurance industry in some way, by taking money away from them and giving it to somebody else, don't come to that conclusion, because what's happening now is that apparently some sixty-nine million dollars that comes from this tax - has been going into General Revenue - continues to go there, and this simply takes the money out and spends it for some purpose other than what we've been spending it. Education, mental health, corrections, all the other needs of the State will be short sixty-nine million dollars. So, I think we ought to be aware of

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-- of what this really does.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Demuzio, to close, for the last time.

SENATOR DEMUZIO:

Well, thank you very much. This in fact is a Democratic package, and for those of you that are concerned about the -- the money, the -- the revenue currently flows into the - as a result of the two-percent tax - currently flows into the General Revenue Fund. This program is one that establishes five different, distinct categories for underserved communities and counties throughout the State of Illinois, which include those counties -- some of those counties include Henry and Knox and Mercer, Warren, Stark. A number of those counties are eligible for this kind of -- of assistance as well. We have concerns with small hospitals that have been closing throughout the State of Illinois. This is a -- an attempt through this five-bill package to address that problem. I think it's a smart thing for us to do in the inner -- inner cities and also in the rural communities, and I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1301 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, Madam Secretary. On that question, there are 30 Ayes, 26 Nays, 1 voting Present. Senate Bill 1301, having received the constitutional majority, is declared passed. Senator Schuneman.

SENATOR SCHUNEMAN:

Request a verification of the affirmative roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

There's been a request of a verification. Will the Secretary

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please read the affirmative vote?

SECRETARY HAWKER:

The following Members voted in the affirmative: Senators Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman, have you -- do you question the presence of any Members?

SENATOR SCHUNEMAN:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR COLLINS)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Strike his name, Madam Secretary.

SENATOR SCHUNEMAN:

That's all.

PRESIDING OFFICER: (SENATOR COLLINS)

On that -- on that question, there are 29 Ayes, -- the sponsor requests -- the sponsor requests Postponed Consideration. Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Madam President. Having voted on the prevailing side, I would move to reconsider.

PRESIDING OFFICER: (SENATOR COLLINS)

Having voted on the prevailing side, Senator Joyce moves to reconsider the vote by which -- I did announce the roll call. On that question, there were 29 Ayes, 26 Nays, 1 voting Present. And the bill is declared lost. Now, Senator Joyce requests -- having voted on the prevailing side, move to -- Senator -- Senator Schuneman.

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SENATOR SCHUNEMAN:

Is there -- is there a Motion in Writing, Madam President?
And -- and did the Gentleman vote on the prevailing side?

PRESIDING OFFICER: (SENATOR COLLINS)

He -- he voted on the prevailing side. Now, again, having voted on the prevailing side, Senator Joyce move to reconsider the vote by which Senate -- Senate Bill 1301 failed. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that motion, there are 31 Ayes, 9 Nays, none voting Present. And the motion prevails. Senator -- Senator -- Senator Philip.

SENATOR PHILIP:

We'd like a verification. And I wish you'd please pay attention to some of the people on this side of the Floor occasionally. Take the blinders off.

PRESIDING OFFICER: (SENATOR COLLINS)

I try very hard to be fair, Senator. The Senator has request -- Senator Philip has request a verification on the motion. Will the Secretary please read the affirmative vote?

SECRETARY HAWKER:

The following Members voted in the affirmative: Senators -- Senators Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip, do you request the presence of any Members? The roll call has been verified. There are 31 Ayes, 9 Nays, none voting Present. And the motion prevails. The -- Senate Bill -- now, the question is, shall Senate Bill 1301 pass. Those in favor

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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, Madam Secretary. On that question, there are 31 Ayes, 25 Nays, none voting Present. Senate Bill 1301, having received the required constitutional majority, is declared passed. Now, Senator -- Senator Fawell.

SENATOR FAWELL:

Madam Chairman, I have had a Motion in Writing, that Senator Dunn signed two days ago, asking for the same type of -- of -- of courtesy. Now if you're going to extend that courtesy to your side, that says, in effect, that if they have lost a bill and somebody else gets up and says, "Well, you know, we want -- we want to take another vote, 'cause somebody came back on the -- on the Floor," then I want the same courtesy extended to me, and I'd like to have my vote -- my bill called right away.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell, we're on the Order of 3rd Reading. We're not on the Order of Motions in Writing. Senator DeAngelis. On the Order of 3rd Reading, Senate Bill 1302. Senator Rea. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill -- Senate Bill 1302.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President and Members of the Senate. The lack of health care in Illinois has reached a crisis proportion. Where this -- in fact, health care has become one of the major problems facing rural Illinois today, as well as the urban areas. We are at the stage where the State must provide a program for the

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medically underserved areas. And that's where this program of bills, RX for Illinois, comes in. And Senate Bill 1302 happens to be one of those bills. Changes are made in the Family Practice Residency Act concerning the eligibility, penalty for not completing the obligation, funding and recruitment. Actually, what it does, the Family Practice Residency Act is expanded to include nurses and other allied health care professionals eligible for scholarships under the Act. The residency requirement is removed for eligibility for scholarships under the Act. And what it -- the main portion of this is that during -- the recipients who do not satisfy the mandate to practice in designated medical shortage areas, will pay back a sum equal to five times the amount of the annual scholarship for each year the recipient fails to fulfill the requirement. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1302 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, Madam Secretary. On that question, there are 58 Ayes, 1 voting Nay, none voting Present. Senate Bill 1302, having received the constitutional majority, is declared passed. Senate Bill 1303. Senator Rea. Read the bill.

SECRETARY HAWKER:

Senate Bill 1303.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President, Members of the Senate. Senate Bill 1303 shall make grants to medically underserved counties for

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reimbursement of physicians' medical malpractice insurance premiums. Grants shall not exceed fifty percent. The -- in fact, there are many areas in -- that are not served today. Approximately fifteen counties in southern Illinois, for instance, lack physicians that are practicing -- that make delivery of babies, due to the high cost of malpractice insurance and the lower income potential. Actually, the Department of Public Aid is seeking to expand a pilot program, which they started in 1988, and this will be a continuance of that. The purpose will be to supplement the Department of Public Aid efforts, and encourage the physicians to practice in the medically underserved areas. Sharing malpractice insurance costs with the physicians is a new and -- and innovative way of -- of getting more physicians to serve in these areas. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DAVIDSON:

Senator Rea, you have any idea what the fiscal cost is going to be? I don't know what it is in your area, but as of two years ago, the malpractice insurance for a physician practicing obstetrics and gynecology in Springfield was a hundred and twenty-five thousand dollars a year, and if we're going to be liable for up to fifty percent of that, I have some idea how many physicians you're going to recruit in areas that don't have them. And too, if they are able to recruit them to be in that county, where are they going to practice? Because most downstate hospitals, at least in the area you're speaking of, of those fifteen counties, you're underserved as far as hospitals

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concerned, due to the atrocious malpractice premiums on their obstetrical wards. I want some idea of what the cost of this going to be, if you have it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President. Actually, Senate Bill 1301 will deal with the cost there, plus the fact that the Department of Public Health does have flexibility in assisting, and we're saying in this bill, that up to fifty percent. I think it's time that, you know, we start pulling this State together. The health care crisis is a real one. Health care in Illinois is becoming a privilege, not a right. We can't take it for one day at a time anymore. One crisis at a time, anymore. Time is running out. Tomorrow is another day.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

I can understand that. The only question I'm asking, is do you have any idea what the fiscal impact is going to be. If we're going to be liable up to fifty percent, and I'm sure the malpractice insurance fee for your area is -- is substantially the same or may -- may possibly be higher than what it was here, and we're looking at say up to fifty percent of a hundred and twenty-five thousand dollars is something like sixty-two thousand five hundred dollars. do you have any idea how many physicians this is going to affect? And how much money we're going to be obligated under on this -- under this bill, if it would become law?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea, on the question.

SENATOR REA:

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Senate Bill 1301 will generate three million dollars. And in fact, again, this will only pay up to that, and a average of fifty percent, and the average cost is about twenty thousand a year.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, some questions of the sponsor, if I may. How do you handle physicians in terms of their residency, but practicing in one of these underserved counties or picking up patients from across the border? I mean, I assume there's going to be some overlap. How are you going to handle that in terms of -- of the malpractice?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Senator, Senate Bill 1303 - the amendment that we put on on the Floor will leave quite a bit of latitude to the Department of Public Health to be able to determine that.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea, to close.

SENATOR REA:

This will be the program of the Department of Public Health, and that's the reason that we placed the amendment on to Senate Bill 1303, to give them that type of latitude.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? The question is, shall Senate Bill 1303 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 45 Ayes, 13 Nays, none voting Present. Senate Bill 1303, having received the constitutional majority, is declared passed. Senate Bill 1304. Senator Rea. Read the bill,

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Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1304.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President, Members of the Senate. Senate Bill 1304 replaces -- actually, the Amendment 1 replaces the bill and requires the Department of Public Health to establish an incentive program to bring nurses to medically underserved areas. There will be a pilot program for FY 1990 or '91 rather, and evaluation after that program, and a report by the Department of Public Health to the General Assembly. This here provides flexibility of the Department to determine the incentives that should be provided. And of course, you know we have quite a shortage of nurses in the underserved areas, and this should help bring them into the underserved areas.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Question of the sponsor, if I may. You refer to a pilot project that -- that needs a report after it is completed, but apparently you don't -- you don't bring it up in the bill earlier. Now, is this a program or a pilot project? Could you be clear as to which one you are doing here?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

You're probably looking at the information initially provided to you by the Department, but the amendment really clarifies this,

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Senator Topinka.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes, sir. According to our staff's evaluation of this, it's the amendment that kind of messes this up, where you're having references to a pilot project, but in the earlier part of the amendment you just referred to a full report. So I think you might have a technically flawed amendment. I mean, it's -- it's just a suggestion on -- on this. I think you do have a problem with this one, technically.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea may close.

SENATOR REA:

I just -- I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1304 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 59 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1304 is declared passed. Senate Bill 1310. Senator Thomas Dunn. Senator Dunn. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1310.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. What this bill would do would be

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to leave in the Dram Shop Fund five million dollars, and when it exceeds that paid by licensees, they would get a credit in the following year. And this was an agreement between Dr. Bob to raise it to five million for the minimum.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Any discussion? Senator Keats.

SENATOR KEATS:

Madam President - not in any way questioning the bill - honestly, we can't hear you. I honestly don't even know what you said. Sorry.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman. Senator Schuneman's light is on. Senator Schuneman.

SENATOR SCHUNEMAN:

Madam President, I think Senator Keats asked a question of -- of Senator Dunn, and he'd not yet replied when I put my light on, but I -- I also want to ask him a question.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR T. DUNN:

I think, Madam President, that Senator Keats' question -- that was not a question but a statement that he could not hear me, if I'm correct. I'll repeat what I said. What I said was that this will maintain five million dollars in the Dram Shop Fund, which was an agreement with Dr. Bob between the Beer Distributors and himself, and the excess amount of money will go back to the licensees in the following year, as a credit.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank -- thank you, Madam President. I -- I'm not aware of the agreement - maybe there is such an agreement - but it seems

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to me that, you know, a lot of -- a lot of businesses in Illinois pay taxes which ultimately go into the General Revenue Fund and are used for other purposes. Why are we for the liquor industry, relieving them of a tax? We at the same time, we're considering all kinds of other taxes around here - income tax on individuals - additional cigarette taxes - every other kind of a tax, and we're going to let the liquor industry off for less than the little pittance that they're paying now? What are we doing here? Regardless of whether Dr. Bob agrees or not, we shouldn't do this.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Dunn, you wish to close?

SENATOR T. DUNN:

Thank you, Mr. President. Well, Senator Schuneman, I would tell you that only slightly more than half of -- of the revenue deposited in the Fund goes by the Liquor Commission, and I would tell you that the Liquor and the Beer Distributors pay as much tax as you do, and they're entitled to a rebate on their license.

PRESIDENT ROCK:

All right. The question is, shall Senate Bill 1310 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? Take the record. On that question, there are 44 Ayes, 13 Nays, none voting Present. Senate Bill 1310, having received the required constitutional majority, is declared passed. Top of Page 33. On the Order of Senate Bills 3rd Reading, Senate Bill 1313. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1313 is a recommendation of the Illinois Hospital Association. Purpose of the bill is to protect the patient's right to determine who gets access to his or her medical records. This is the Uniform Health Care Information Act. This is model legislation recommended by the Council of State Governments. Patients should have access to their medical records to allow them to make certain decisions concerning their own health care, and correct information about themselves. And I would solicit your Aye vote.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Mr. President, I have a question of the sponsor.

PRESIDENT ROCK:

Indicates he'll yield, Senator Kelly.

SENATOR KELLY:

Senator Marovitz, when you talk about this information, does this have anything to do with a person who has been brought in from an accident who's under DUI or drugs or whatever, and there's an accident that's occurring, and this information is not available to the -- the court or to enforcement officers? Has it got anything to do with that?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. It has nothing to do with that. I know the situation that you're concerned with. I agree with you about that situation. This has nothing to do with that.

PRESIDENT ROCK:

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Further discussion? Further discussion? If not, the question is, shall Senate Bill 1313 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1313, having received the required constitutional majority, is declared passed. 1315. Senator Marovitz. On the Order of Senate Bills 3rd Reading, Senate Bill 1315, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1315.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This bill makes the penalty the same for aggravated battery with a firearm and causing great bodily harm. It increases the penalties from a Class 3 felony to a Class 1 felony. It -- it differentiates aggravated battery based on the seriousness of the battery. And I would ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield, please?

PRESIDENT ROCK:

He indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, was this bill amended in any way?

PRESIDENT ROCK:

Senator Marovitz.

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SENATOR MAROVITZ:

Yes.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

The -- the reason being that our analysis indicates some potential problems with it, and let me -- let me see if they're still there. As I understand it, this bill creates a separate offense from the existing aggravated battery charge for those instances of aggravated battery committed with a firearm?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

The -- the problem that I see is a potential gap, possibly just -- just a few types of -- or a few instances where this type of crime would be committed. But our analysis supposes the question, what -- what happens in those situations where an individual beats up on another individual, causing seriously bodily harm by -- by using a -- a firearm, say a handgun, as a blunt instrument?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That would be a Class 1 felony. Increased -- we increased the penalty. It would be a Class 1 felony.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

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Well, I'm not -- I'm not at all sure that it would, because, apparently, as -- as I understand it from our analysis, the aggravated battery with a firearm is defined as requiring the discharge of a firearm, unless that has somehow been changed.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, the amendment has taken care of that by the great bodily harm insertion in the amendment, so that the firearm would not be the -- the -- the determining effect, but the great bodily harm would be the determining effect. That was taken care of by the firearms so that no gap would occur.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1315 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. Senate Bill 1315, having received the required constitutional majority, is declared passed. 1316's on the Agreed Bill List. 1320. Senator Jacobs. On the Order of Senate Bills 3rd Reading is Senate Bill 1320. Read the bill.

SECRETARY HAWKER:

Senate Bill 1320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Ladies and Gentlemen, this bill just deletes a provision in the law that allows wholesalers and brewers to have agreements on the termination of contracts that

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supersede provisions of the act.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1320 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 53 Ayes, 1 Nay, none voting Present. Senate Bill 1320, having received the required constitutional majority, is declared passed. 1321. On the Order of Senate Bills 3rd Reading, Senate Bill 1321. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1321.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill removes the provision allowing a manufacturer, distributor or importing distributor to furnish coasters and trays to a retailer for use in a retail establishment. Ask for its approval.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

Is this a vehicle bill for something?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

But it's not, Senator. This is requested by the Associated Beer Distributors of Illinois. They feel that it puts a number of

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-- of the smaller distributors at a -- a disadvantage, and they feel that -- that there was an intent made of the law in order to make this uniform. It was signs, everything else, and this was just a provision that was left out, and I ask for its approval.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

We're -- we're going to pass a law that says they can't put out coasters? Is that -- is that what you just said, Senator?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Yes, sir, that is what I said.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

You know, the Beer Distributors already have unusual protections here in Illinois. Unusual protections of their business. You know, this -- this really smacks of the old Sunday closing law that we did for the car dealers. You know, this is silly. We shouldn't be doing this sort of thing. I urge a vote against the bill, in spite of the wonderful sponsor.

PRESIDENT ROCK:

Question is, shall Senate Bill 1321 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 25 Nays, 1 voting Present. Senate Bill 1321, having failed to receive the required constitutional majority, declared lost. 1325. Senator Davidson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1325.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

This bill does just what it says, Mr. President. It was introduced at the request of DOT and the State Police. Under the present State law, if a vehicle crosses a structure with -- that -- exceeding the weight limit, they can be ticketed. That doesn't exist in the township or county roads, and this is to correct that. The second part of the bill defines "truck" to correct the problem which came about due to the court decision in relation to a garbage truck or something that was overweight by three thousand some odd pounds, even though it was a trailer truck, and this corrects that definition. Appreciate a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this bill. It's just a clarifying bill, and it just clarifies intent, so I rise in support.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

If I -- if I could just ask a question. How does this -- this pertain to a truck, a garbage truck, the kind that has the -- the roller back and stuff like that in terms of the weight of the garbage on there? Does that -- how does that affect that -- does -- when you get it to township roads and roads other than State highways?

PRESIDENT ROCK:

Senator Davidson.

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SENATOR DAVIDSON:

Doesn't affect it, because under law we passed here a few years back, they're exempt. This had to do with if you had a trailer truck which is not supposed to be covered.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 1325 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 52 Ayes - 54 Ayes, no Nays, none voting Present. Senate Bill 1325, having received the required constitutional majority, is declared passed. 1329's on the Agreed Bill List. 1335. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1335.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1335 is part of the Governor's anti-drug initiative. It amends the School Code, and requires school districts to report student performance data on drug and alcohol abuse curricula in their schools. I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Is there any discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDENT ROCK:

Indicates he will yield, Senator Berman.

SENATOR BERMAN:

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Most of the people that represent your school districts are -- have been lobbying against the report cards and additional reporting. This bill appears to require more reporting. Could you explain to me the -- what appears to be the inconsistency?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I was asked to handle an administration bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Okay. I also see that there's a -- a fiscal note that says this is going to cost one and a half million dollars. I think for those reasons, I would urge a No vote.

END OF TAPE

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PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1335 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 23 Ayes, 28 Nays, 2 voting Present. Senate Bill 1335, having failed to receive the required constitutional majority, is declared passed <sic>. 1336. Senator Barkhausen. Read the bill, Madam Secretary, please. Lost. Failed. That's what I said, I thought. On the Order of Senate Bills 3rd Reading, Senate Bill 1336. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 1336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Let me try again. This is another -- another part of the package. It also amends the School Code. It establishes an annual Governor's Recognition Program for schools, communities and businesses which are deemed to be drug-free or which have exemplary programs to combat drug use. It establishes a grant program for school districts to develop their program in this area, and provides for community planning and implementation strategies. I ask for a more favorable roll call than the last one.

PRESIDENT ROCK:

Discussion? Senator Berman.

SENATOR BERMAN:

Is there a cost to this program?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm looking at our analysis. I see estimated first-year cost of five hundred thousand.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Do you have an estimate of the second-year cost?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

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The bomb whistles are a little disconcerting. No -- no, I don't. I see a first-year cost here of five hundred thousand dollars.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Well, let me suggest that your staff ought to walk down to the second floor, because I think the Governor said he wants to fund this at 4.6 million dollars. And I would just suggest that there's better ways to combat drugs than to spend it on this way, especially to the extent of 4.6 million. I urge a No vote.

PRESIDENT ROCK:

Further discussion? Question is, shall Senate Bill 1336 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 25 Ayes, 31 voting Nay, 1 voting Present. Senate Bill 1336, having failed to receive the required constitutional majority, is declared lost. 1338. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1338.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Here's one everybody might vote for. It's the third in a row of the Governor's initiatives. It again amends The School Code. It empowers school boards to authorize their school officials to, under appropriate circumstances, request the assistance of law enforcement officials in conducting reasonable searches of school grounds and lockers for illegal drugs. I ask for your support.

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PRESIDENT ROCK:

Discussion? Any discussion? Senator Berman.

SENATOR BERMAN:

This is a terrific bill. School boards can already do it, so I guess it's meaningless. I'm going to vote a Yes. It's a great bill, Senator Barkhausen.

PRESIDENT ROCK:

Question is, shall Senate Bill 1338 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 57 -- 58 Ayes, no Nays, none voting Present. Senate Bill 1338, having received the required constitutional majority, is declared passed. 1340. Senator Lechowicz. 1342. Senator del Valle. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1342.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President and Members of the Senate. Senate Bill 1342 permits a sequestered juror to vote absentee; requires absentee ballot applications to be available for public inspection from time of receipt until thirty days after the election; makes it a Class 4 felony to intimidate or influence a person when voting an absentee ballot; makes it a Class 3 felony to knowingly give false information when requesting an absentee ballot. The use of absentee ballot continues to grow, and we want to ensure that there's fair and honest processes in place. I move for the adoption.

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PRESIDENT ROCK:

All right. Discussion? Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. Senate Bill 1342, as amended, is a good bill, and it deserves unanimous support.

PRESIDENT ROCK:

Question is, shall Senate Bill 1342 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 57 Ayes, no Nays, none voting Present. Senate Bill 1342, having received the required constitutional majority, is declared passed. Senator Etheredge. 1347. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill does just exactly as is described on your Calendars. I think, as everyone knows, the designation "state scholar" is an honorary designation. This bill simply makes the students at the Academy eligible to receive this designation. I --

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1347 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 57 Ayes, no Nays, none voting Present. Senate Bill 1347, having received the required constitutional majority,

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is declared passed. Senator Joyce. 1353. On the Order of Senate Bills 3rd Reading, bottom of Page 33, is Senate Bill 1353. Read the bill.

SECRETARY HAWKER:

Senate Bill 1353.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This bill clarifies the type of information the local siting approval applicant shall submit to the local government considering siting approval.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

Only a question. My analysis just says that's what it's going to do. What does it ask for? Just strictly an informational question.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

It -- it's kind of an informational bill. It may be needed later on.

PRESIDENT ROCK:

Discussion? Further discussion? If not, the question is, shall Senate Bill 1353 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1353, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen,

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we have turned the corner. We've got two pages remaining to finish the Calendar, and we've got the Agreed Bill List, which has to be read in its entirety before we can vote. And I'm told - the Secretary informs me - there are ten additional requests for amendments on the Recall List. So if we can get all that done in the next hour or so, we'll be out of here. 1370's on the Recall. 1374 was on the Recall. 1377. Senator D'Arco. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1377.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 1377 allows the issuance of a permit for development and construction of a regional pollution control facility, but makes the permit ineffective until the county boards approves this -- county board approval of the site is granted. This simply provides that a permit is issued by the EPA for a site, but the permit is conditional upon approval by the county board. It's a simple adjustment, and I would ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I just wanted to point out that this wasn't a bill that was agreed to by everyone. The Environmental Council was in opposition. And, I believe, the Illinois EPA is in opposition, as well.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

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SENATOR J.J. JOYCE:

Yes. Thank you. I -- I don't think the bill is so bad. I think that probably it would take a load off of the Pollution Control Board. And I think -- I think it ought to be out there, at least in the House, for the time being.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

This bill in -- in no way applies to me, but since I'm the only one here who's ever been through a Senate Bill 172 process -- it is an extremely difficult process, but it has one huge glitch. The entire point of the 172 process is to decide whether or not the facility works. The number one experts are the EPA, but you're not allowed to talk to them until you've finished the 172 process. It's -- it's just logic that just doesn't make any sense. What this bill does, it just says let the experts tell you a little bit about it, then you make the political decision of whether or not you want to do it. It's actually a pretty logical idea. Puts no constraints or limitations on the board. They can still vote no if they want to. This just gives them an expert to tell them whether the silly thing works.

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator D'Arco, could you just one more time go through what this does? The reason I ask is because the analysis -- my analysis here is kind of goofy.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What the bill says is that no permit for the development or construction of a regional pollution

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control facility may be issued by -- shall be issued by the EPA until the county approves the facility for the particular site being applied for.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Well, isn't that the way it is now?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

No. The way it is now, you get the approval from the county first, then you go to the EPA. So this is just saying that you get the EPA's approval -- the issued -- you issue the permit from the EPA, but it is ineffective. It can't -- you cannot proceed to designate a site - you cannot proceed to do anything, unless the county stamps its seal of approval on the project.

PRESIDENT ROCK:

Question is, shall Senate Bill 1377 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 50 Ayes, 7 Nays, none voting Present. Senate Bill 1377, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1378. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1378.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

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Thank you, Mr. President. This bill provides for the regulation in practice of electrology by DPR. It requires six hundred hours of schooling, and it also requires an examination. The practice of electrology is the removal of excess hair on the human body, and there is a medical risk in this profession if it is not performed adequately and sufficiently and professionally. This profession is -- these people are very much in need of regulation to -- to prevent any kind of medical problem that may arise if it's done incorrectly. And I would ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, this is another licensure bill. Sometimes this place reminds me of the twilight zone. I -- I may have missed -- we've had kind of a hectic schedule, but has this group held their obligatory free reception for us?

PRESIDENT ROCK:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

I'm not sure it would do you any good, Jack, but -- I think they've already worked on you, Jack.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Mr. President, I would just rise to support Senator D'Arco in this matter. I've been contacted by a few people in my district -- women that have attended -- or been treated by operators who obviously didn't know their business, were not qualified, and when they go in to remove hairs off their face and arms, they were left with scars - burn marks and scars. I think this is a very important subject and touchy subject for those women that are

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treated cosmetically, and I think it's something that should be licensed and watched over.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Does this bill have a grandmother clause in it?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Yes. Mr. President, if you -- if you were in the profession for the last three to five years, you qualify if you take an examination.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

...(machine cutoff)...the bill, Mr. President. You know, I really -- I've been around this world awhile, and I don't know that there's any pressing need or danger to the public from, basically, cosmetologists, who have been doing this for years and continue to do it. I really don't think there's any need for this. And I think it's a bad idea to keep licensing more and more professions all the time, so I'm opposed to it on that basis.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I -- I guess this one bothered me -- bothers me more than normal because I am particularly sensitive to hair loss. But, seriously, I hope everybody will take a look at their analysis of

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this bill. What they're saying is for this - I don't think extremely complicated procedure - they're going to require -- they're going to -- first thing they're going to do is grandfather in the two hundred and twenty-five people now in the business, period. And then they're going to say, "If you want to get in this business, you got to have six hundred hours of study." Six hundred hours. I mean, why don't we just pass the law, list the two hundred and twenty-five people, and say for the next twenty years nobody but these two hundred and twenty-five people can practice this "profession" in this State. That's what this bill does. Interestingly enough, it's opposed, according to our analysis, by the electrology schools. I guess they don't want -- they don't think they need six hundred hours. You know, we pass licensure bill after licensure bill. There's only two hundred and twenty-five people of -- that do this in the State. They aren't members of the AFL-CIO. They can't be a big factor in any of your districts. There's no political reason to do this. There's no rational reason to do this. Let's not do it.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Jack, I didn't -- I didn't know they affected you that way. I'm sorry. Mr. President, let me point out a few things here. Number one, the people that are going to be grandfathered in have to take an examination. This is a nationally certified examination, given by the national board, throughout the United States of America. Now let me point something else out to you. Massachusetts has the toughest law in the country, requiring one thousand one hundred hours. But you think that's a lot, right, Jack? You think six hundred hours is a lot of hours, right? Wrong. Cosmetologists, Jack -- you know how many hours they

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require? They require fifteen hundred hours, Jack. You know how many hours estheticians require? They require seven hundred and fifty hours. All other professions require more hours. This -- the number of hours here is the lowest number of hours of any profession that has -- that has been licensed in the State of Illinois. These are actual hours - not semester hours in a school. Jack, help me out, Jack.

PRESIDENT ROCK:

Question is, shall Senate Bill 1378 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 11 Ayes, 42 voting Nay, 1 voting Present. Senate Bill 1378, having failed to receive the required constitutional majority, is declared lost. Senator Welch. 1388. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1388.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 1388 was amended to make it into the bill that enacts Title III of the Super Fund Amendments and Reauthorization Act of 1986 into State law. What -- what this means, is that Illinois will now enforce the emergency provisions of a Federal Statute, and thereby, recapture the money that would be collected in fines. The bill is supported by the Illinois Environmental Council, the Illinois Chemical Industry Council, the Environmental Regulatory Group and the Chamber of Commerce. The bill is, basically, to allow the State Emergency Response Commission more discretion and control over

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releases within the State of Illinois. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1388 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 52 Ayes, no Nays, none voting Present. Senate Bill 1388, having received the required constitutional majority, is declared passed. 1397. Senator Berman. 1398 was on the recall. I'm sorry. Tomorrow. 1400. Senator Hall. 1402. Senator Lechowicz. ...(pause)...On the Order of Senate Bills 3rd Reading is Senate Bill 1400. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1400.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1400 amends an act establishing an advisory committee on medical costs, and utilization of service, membership size and scope of investigation. It expands the membership and scope of the investigation of the advisory committee to encompass health care costs, health insurance and accessibility. Requires a report to the Governor and the General Assembly by 1/1/90. I move for your most favorable support of this.

PRESIDENT ROCK:

Discussion? Any discussion? Senator Davidson.

SENATOR DAVIDSON:

Only that since I'm licensed under this Act, I could have a

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conflict of interest and I wanted to clear the conflict.

PRESIDENT ROCK:

Question is, shall Senate Bill 1400 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 -- 56 Ayes, no Nays, none voting Present. Senate Bill 1400, having received the required constitutional majority, is declared passed. 1406, Senator Marovitz. 1407, Senator Marovitz. On the Order of Senate Bills 3rd Reading, Senate Bill 1406. Read the bill.

SECRETARY HAWKER:

Senate Bill 1406.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Members of the Senate. This bill automatically disallows any party to a dissolution action from encumbering any property, abusing each other, or removing any minor child from Illinois. It specifies the criteria for court order reimbursement to a party for marital property, and establishes the valuation of the property may be determined as of the date of trial. Supported by the Bar Association and by the matrimonial section of the Bar Association. I would solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield. Senator Geo-Karis.

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SENATOR GEO-KARIS:

Our analysis says that this bill will allow reimbursement out of one spouse's marital and nonmarital property, for the other spouse's contributions to the nonmarital property of the first spouse. Can you...is there something in that besides the...I like the bill from what you said, but what about this contribution? Can you explain that, please?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

This...this just allows the court's discretion to distribute that on the basis of equity. And it just allows the court's discretion, increases the discretion of the court to hear evidence and make equitable distribution.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 1406 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes. No Nays. None voting Present. Senate Bill 1406, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1407. Read the bill.

SECRETARY HAWKER:

Senate Bill 1407.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This sets up the entire abatement and recycling fund to take care

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of a serious problem where tires are taking up all of our landfills throughout the State, and where they are spreading disease. In many of these areas there's a mosquito breeding ground that is seriously spreading disease across the State. This sets up the recycling fund so that we could reuse these tires. Recycle them by shredding, use them for asphalt or for other things. And -- and sets up within the Department of Energy and Natural Resources the possibility of encouraging industry to come into our State, to build incinerators, and build physical plants to help in the recycling of these products which are causing a hazard throughout the State. And I would ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1407 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 13 Nays, 1 voting Present. Senate Bill 1407, having received the required constitutional majority, is declared passed. Senator del Valle, on 1411. Senator Brookins, on 1412. Senator Brookins, on 1412. Senator Smith, on 1413. 1415 was on the recall, I'm told. 1416. Senator Smith. On the Order of Senate Bills 3rd Reading, top of Page 35, is Senate Bill 1416. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1416.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

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Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate.
I move to recommit Senate Bill 1416 to Public Health.

PRESIDENT ROCK:

All right. With leave of the Body, Senator Smith has moved to recommit Senate Bill 1416 to the Committee on Public Health. Leave is granted. The bill's recommitted. 1417. Senator Welch. On the Order of Senate Bills 3rd Reading is Senate Bill 1417. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1417.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is amend the Liquor Control Act to eliminate a prohibition against issuing licenses to law enforcement officials, aldermen and members of city councils. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall Senate Bill 1417 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, 11 Nays, 1 voting Present. Senate Bill 1417, having received the required constitutional majority, is declared passed. 1420's on the Agreed Bill List. 1425. Senator Luft. On the Order of Senate Bills 3rd Reading is Senate Bill 1425. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1425.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1425 is a bill that is required and taken a lot of work on the part of a great different many people and groups. There are four provisions that we feel will enhance the educational system - the State of Illinois. We have a title called the Agenda for Cost Effectiveness in Education. What I will do is simply try to explain briefly the four provisions in the bill, and briefly explain what I hope to be ultimately the funding mechanism. The first is the creation of a retired teachers service corporation -- Corps. There are forty-six thousand retired teachers in the State of Illinois. Through the Department of Education, we would like to set up a screening process which would allow them to come back in the system as a supplemental part of our educational system. Another program is -- the program is Parents as Teachers, which in the State of Arkansas has been very successful. Where in fact, the parent does participate as a teacher in certain areas of our society, and has been, as I said earlier, very successful. The Rural School Satellite Instruction Program which is ongoing at, presently, Western Illinois University - we're fully funding that -- or attempting to fund that. And the fourth and final provision is an attempt to develop those students already in the high school systems that are not functioning at the higher levels, to try to train them for secretarial and perhaps lesser type positions that they could fit into our society. There is no funding mechanism in there. Hopefully when it comes back from the Senate <sic> after an agreement has worked out, there will be funding mechanisms. I'll try to answer any questions. If not, I'd ask for a favorable vote.

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PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for one question?

PRESIDENT ROCK:

Indicates he will yield.

SENATOR GEO-KARIS:

Are you going to be using State pension funds for this project?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

I can't -- I can't hear her.

PRESIDENT ROCK:

Are you going to be using State pension funds for this program?

SENATOR LUFT:

State pension funds? No.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDENT ROCK:

Indicates he will yield.

SENATOR KEATS:

Our analysis is a little different than what you're saying, Senator Luft. You're saying that you have taken out the point where you take away the unclaimed property funds that normally go to pension funds - you've taken that out? Okay.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR KEATS:

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Phil. Phil. He's got to answer.

PRESIDENT ROCK:

I thought you said, "Okay." Senator Luft.

SENATOR LUFT:

I'm sorry, Mr. President. I think in fairness to Senator Geo-Karis' question and the question brought up by Senator Keats, the unclaimed property, at -- presently, it's a seven-year designation. There is about twenty million dollars that is generated from that money that goes into the pension systems. Why the funding is out right now, is that we will address this funding mechanism - that I'm talking about right now - but when we bring it from seven to five years, which will generate another twenty some million dollars over and above the twenty million dollars presently going to pension systems. We have to work out a formula in conjunction with the teachers pension people and all the other pension systems to use some of this money for this program, and the rest go into the pension systems. That's what has to be worked out before it can even come back here.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield.

SENATOR FAWELL:

Where -- where does the unclaimed property money go now? Does it go into the pensions now? I'm sorry, but I gather that it goes into the pensions now. You're reducing it back to five years instead of seven, right?

PRESIDENT ROCK:

Senator Luft.

SENATOR FAWELL:

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And you're going --

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

First of all, Senator, it is not even in the bill. There is no funding provision in the bill. I was trying to give an honest answer to Senator Geo-Karis, to say that when it comes back, it may be in the bill. And yes, if it does come back, and all those people within the pension systems agree, we will reduce it from seven years to five years, incorporate the underlying shares of stock which will generate another twenty some million dollars over and above the twenty million dollars presently going in the pension systems. I wish to use part of that money to finance -- to finance the projects that I discussed earlier as set forth in Senate Bill 425 <sic>.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

All right. According to our analysis, the Bankers Association is against what you're trying to do. Now, if it doesn't succeed, what I wanted to know was where are you going to get the money? If it doesn't succeed? Is it general revenue?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Senator, the bankers are not opposed to this. This same provision was in a bill last year. They helped draft the bill. It's the same -- it is the same language that was used last year. I don't know why they would be against it. And to finalize the answer to your question, if there is no money, we will have passed a bill that will not be funded and is not a mandate, so it will just not be anything.

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PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in support of the bill. I think the substantive part of the bill incorporates many things that those of us who spent some time in the classroom know could really work if we can utilize resources we already have. Retired teachers, other students for peer tutoring and parents to help prevent -- prepare their children during the preschool years. I think Senator Luft has spent a lot of time on this. It's carefully thought out. He is working on funding to utilize these volunteer resources, and I believe we should pass the bill.

PRESIDENT ROCK:

Further discussion? Senator Luft, do you wish to close?

SENATOR LUFT:

Thank you, Mr. President. Only to say - and I mean this in all seriousness - when -- when your career has ended in this Body, you will find this may be one of the best pieces of legislation you ever supported, and I would ask for that support at this time.

PRESIDENT ROCK:

Question is, shall Senate Bill 1425 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 44 Ayes, 6 Nays, 3 voting Present. Senate Bill 1425, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1427. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1427.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill was on the Agreed Bill List. It's the Conservation Cleanup Bill. What it does, it changes the references to musselors to resident musselors. It prohibits the possession of electrical or radio frequency transmitting devices used to shock or stun fish. It makes an exception for those holding scientific permits. It amends the Good Samaritan Food Act. And extends the Act's immunity from civil liability to the donors of wild game. I would ask for its approval.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1427 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 56 Ayes, no Nays, none voting Present. Senate Bill 1427, having received the required constitutional majority, is declared passed. 1429. Senator Severns. On the Order of Senate Bills 3rd Reading is Senate Bill 1429. Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1429.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Before I begin -- before I begin, I'd like to request a point of personal privilege.

PRESIDENT ROCK:

State your point.

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SENATOR SEVERNS:

On Senate Bill 1258, I was inadvertently recorded as Yes when I wanted to be recorded as No.

PRESIDENT ROCK:

The record will so reflect.

SENATOR SEVERNS:

Senate Bill 1429 will extend protection to spouses who are victims of criminal sexual assault within marriage. This bill and this specific language was passed out as a part of the Criminal Sexual Assault Act of 1984. In fact, I think Senator Netsch, while she serves along with Senator Macdonald as hyphenated co-sponsors on this bill, I know Senator Netsch was very instrumental in the passage of the Act a few years ago. Fourteen states have already abolished this exemption altogether, while twenty-two states have a partial or limited exemption. Senate Bill 1429 will bring Illinois in line with the language and practice of -- of states throughout the Midwest and many of the southern states. I know of no opposition to the bill, but will be happy to answer any questions.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1429 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 50 Ayes -- 52 Ayes, 4 Nays, none voting Present. Senate Bill 1429, having received the required constitutional majority, is declared passed. 1431, Senator Collins. On the Order of Senate Bills 3rd Reading. Senate Bill 1431, Madam Secretary, please.

SECRETARY HAWKER:

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. This is a very important bill and it...there's...it's been a lot of work over the past eight months that went into this bill, of the Department of Correction...they've been very cooperative; however we did not get the bill as strong as we intended for it to be, but it is most certainly a great beginning into the whole area of relieving the taxpayers in this State of some of the burden for the costs of housing our prison inmates in...in the State of Illinois. As you know, the...the..the whole problem of housing, providing adequate space for inmates, is costing the taxpayers...much more than we can afford to pay, and the...the demand for additional space is continuously escalating, year after year. I was looking at...a television not so long ago, and it was projected that we would need about three additional new prisons...in order to keep up with the demand within the next ten years. And the cost of course is...is...is to a point that we just can't afford it anymore. What the bill does at this point, it...it expands the prison industry to allow the prison industry to engage into private partnership with private business in this State to create more jobs, so that prison inmates can have an opportunity to go out and get jobs...I mean...to...to get jobs and work. In addition to that, for the first time it requires the inmates to contribute part of the salaries that they earn while on these jobs, to be used for...to defray the costs for their incarceration. I think this is very important, because the citizens of this State...is no longer content with inmates going into...may I have some...Senator Netsch, please.

PRESIDENT ROCK:

All right, Ladies and Gentlemen, we're not very far away from the end there.

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SENATOR COLLINS:

This...this...this bill is very important. For the first time, this bill is saying that we join with the people of...of this State who believe that simply because someone commits a crime, is incarcerated, has no more...should not be relieve of his or her responsibility to provide for their basic care and need. So this bill says yes, you work, and yes, you contribute part of the money you earn while you are in prison, to go for your keep. Now, in the original bill, we had also part going to support your family, leaving it up to the discretion of the Department where some of the monies can in fact be sent home to take care...the...the families of those persons when they incarcerated. But more important, it...it...it...it creates within them the..the philosophy that you need to work, and you have to work to support yourself. I would be happy to answer any questions, if not I would...ask for a favorable roll call.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I certainly concur with Senator Collins, which might surprise some people. Quite frankly, she's got a very, very good idea. Why shouldn't an inmate who perhaps is doing some piecework in jail, who's making a salary, take part of that salary and pay for the housing, the clothing and the food? I think it's a good idea; we all ought to vote green.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'm kind of interested to hear the Minority Leader's explanation about paying the inmates a salary. It also says that products and supplies produced or manufactured by the inmates,

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would also be available for sale on the open market. I'm sure this is a great little gem for small business in Illinois. I rise to...in opposition of this bill.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Yes...I also rise in strong opposition to this. Pate, I'm surprised at you. I am very much surprised. I think that maybe they were right last night whenever they had Geo as your...general, because, my goodness, I can't understand you going for this. Let...let me give you an example. As...as Earlean said, this is very important, and that they should contribute. Yes, while...while they're contributing to their care, they're putting someone in the private sector out of work. And when they put someone in the private sector out of work, they're going on public aid, and we're paying twice. This is a bad bill. It...It's happening in my district. It started out going for not-for-profits, now they're doing business in the for-profits, and they are putting people out of work every day that want to work, that want to be out of jail, trying to stay out of jail, and this bill's going to do nothing but put more people in jail, and I think that we ought to defeat it.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I rise in support of this bill. I...I think those arguments are specious. I think for a long time...the...one of the scandals of this State is that the growth industry in state government has been prisons. I think this is a logical thing to do. I think it'll teach these people in prisons the work ethic, the idea that you work a day and you get paid. They can take care of their families. There's absolutely nothing wrong with this,

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and frankly, if some of my friends in organized labor have a little problem with that, well that is too bad. If they'd look a little further down...beyond the length of their nose, they'd see that this is going to save the taxpayers money, cut crime rates, and rehabilitate people like no other program I've ever seen. This thing ought to have fifty votes on it.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Watson.

SENATOR WATSON:

Senator, how does this affect the current prison industries? I mean...we had a couple of comments here...by the previous speaker talking about...putting these people to work. Right now we have a prison industries in this State, and I want to know how does this affect that? I mean what difference is it than what we have already?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

I'm sorry, I didn't hear the question...was it a question? Did he ask a question?

PRESIDENT ROCK:

It was a question, and you indicated you would yield. Senator Watson, try it again.

SENATOR WATSON:

How will this affect the current prison industry system that we now have in this State?

PRESIDENT ROCK:

Senator Collins.

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SENATOR COLLINS:

This...this will expand the current prison industry; it does not change anything that we are doing. It just expands it so that,...currently, now, the inmates can sell to other...mostly State...government, and local units of government, so what we are doing, while we're doing...giving them the opportunity to...to expand out to the open market, at the...at the same time, there are guidelines in here so that it would not enter into unfair pricing competition with the...public sector.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

One other question. Why do we want to allow them to...to sell this on the open market outside the prisons? Why do we want to do that?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Because, if they can sell the products outside on the open market, then the proceeds from what they make on the prison industry goes to further develop rehabilitation programs and to create new jobs. So that those persons who are...who will be paroled and back out into society, would not only have learned a skill and a new work ethic, they will also have saved some money to come back into the community. And I guarantee you, you will see a...a...a drastic reduction in the recidivism rate in this State.

PRESIDENT ROCK:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

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

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PRESIDENT ROCK:

Indicates she will yield.

SENATOR NEWHOUSE:

...The products that are created by the prisoners, will those products be sold on the open market, as has been suggested?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Sure, they will.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Will there be deducted from the price that is paid for the product, the cost of the materials, some cost for the overhead of the institution, some cost for the room and board and so forth?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Definitely so.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

So are you saying to us that there is no real advantage to this in terms of competition ...with the outside that...they don't have an advantageous position?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

I don't understand what your mean by no real...there is a real advantage to doing this. Because to those who think that you are putting other people out of work, that is just not...not...not true at all. We're not putting anyone out of work.

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PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Then if that is accurate, Senator, I suggest to you that there is no unfair competition. That's the point. The issue here is whether or not there ought to be competition, and I think this is a tough call for a lot of us. I understand that. But the...if the question is whether or not there should be open competition in the market, then certainly there ought to be open competition in the market, and I think that very few of us would argue with that concept. The question as to whether or not there is an unfair advantage on the part of the inmates, it's a question that's altogether different, and from what I gather from what the...the proponent of this legislation, there is no such unfair advantage. As difficult as this call is, it seems to me that what we are talking about in effect is making or rather coming closer to assuring, that coming out of these institutions having served their time, we would have some productive citizens on the tax rolls, rather than tax consumers, who might be prone to recidivism at some future point, and become again upon the taxpayers' rolls. For that...for those reasons I think this is a good bill, Senator, and I certainly intend to support it. And I think it ought to get a unanimous consent, and a unanimous support from all those of us who believe in free and open competition; that's what this is all about.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President, I rise in strong support of Senate Bill 1431, and I'm sort of shocked at some of my colleagues on this side of the aisle. Now instead of having a inmate incarcerated in prison, paying anywhere from fifteen to twenty

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thousand dollars per year per inmate, and the inmate lays around for four of five years doing nothing but learning a new trade or learning a trade to go back out there and rob and maim some people. But let those prisoners work; they will learn some skills, and when they get out they can be productive citizens. And also incorporated in this legislation is provision whereby they can take care of their families, so we don't have to take care of them on public aid. But the...talk about unfair...it's not going to be any unfair competition. This is a opportunity for inmates to do some work, and I believe they should...they should grow their own crop, they should be able to feed themselves, and they'll learn some skills. But we should not be...we should not be opposing this legislation, just to have an inmate incarcerated laying there...watching television, As The World Turns, and all those other things. But the Democrats that join my...my good friend on the other side of the aisle, Senator Pate Philip, and give this bill a unanimous vote.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor, if she will yield.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, has this bill been amended?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes it has, the amendment is the bill.

PRESIDENT ROCK:

Senator Schuneman.

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SENATOR SCHUNEMAN:

Well, then to the bill, Mr. President. You know I think we're talking about two different things here. We're talking about a concept, and frankly I tend to agree with the concept that we ought to be doing some training of people that are in prison, and try to get them to be productive people before they come out. But the thing that concerns me about the bill as it's written, it authorizes the...the Department, as I read it, to enter into contracts, leases or any other type of business agreement, not to exceed twenty years. You know, it seems to me that what we ought to be doing here, if anything, is to establish a pilot program somewhere, and see how it works, before giving sort of carte blanche to the Department to go into anybody's business that they might choose in Illinois, and I...and I...I simply think maybe this thing ought to be changed to a pilot program and be limited in some way, rather than just open-ended.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Just a question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield.

SENATOR SAVICKAS:

Senator Collins...I guess I applaud your interests and effort in this. Question I had, if we're...are starting to...employ inmates in these work type programs and...businesses, are they then, if they are injured, entitled to workmen's comp? Is there...will the State be obligated then to pay them if they're injured, while they're performing these...duties?

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

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Senator Savickas, whatever the...the existing law now, inmates work now. We did not change whatever the laws are now; that's what they will be under this bill, because they already work.

PRESIDENT ROCK:

Further discussion? Senator Marovitz.

Further discussion? Senator Jacobs, for the second time.

SENATOR JACOBS:

Thank you, Mr. President, and I apologize for talking the second time, but there was a comment made about not being any unfair competition. And I'm here to tell you it happens in my cities, there is unfair competition, whenever the State is paying for the utilities, they're paying for the electricity, they're paying for the water, and they're paying an inmate two seventy-five to compete with their laundry, who is doing work in the private sector, and this poor Joe who is making four dollars and seventy-five cents an hour is put out of work, and then when this prisoner gets out of prison, when he gets out of prison, he goes to get a job in the laundry, there is no job in the laundry, because of the fact that the prison is doing it. It's a self defeating program and I urge its defeat strongly.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I...I...again I seldom rise a second time, but let me also say that this bill says, in addition to what Senator Jacobs has already alluded to, which is true, it says that the Department shall be permitted to construct buildings on State property for the purposes for which...can I...can I ask you whether or not we're going to be charging these various business and industries any amount of money for their buildings being built on...State property?

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Senator Collins.

SENATOR COLLINS:

That's...that's the...the...the private sector joint venture type projects. For example, the Department indicated that...they used the example if they wanted to establish with a...a small local unit of government for...for example to do recycling to deal with the waste problems, that they would then be able to use private sector dollars to build those recycling plants within those confines, for example, and...which would create new jobs. It's not taking away jobs; this is creating new jobs within the prison industry itself. But allowing them to enter into joint ventures now, not taking away jobs.

PRESIDENT ROCK:

Further discussion? Senator Collins, you wish to close?

SENATOR COLLINS:

Yes, thank you...Mr. President and Members of the Senate. To those of you on this side of the aisle who always talk about support and care and compassionate...compassion and sensitivity to the needs of social problems in this State, this is an opportunity for you to really stand up and be counted. This bill, and I guess to some of you it may not make any difference, but when I go out to visit the prisons and the jails in the State of Illinois, I see there about eighty percent of the incarcerated inmates, minority, mostly males, between the ages of eighteen and thirty-five years old. And that population is growing by leaps and bounds every day. The State of Illinois pays about nineteen thousand dollars per year to incarcerate each of those inmates, about ten times, ten times more than we pay for education. On the other hand, there are thousands of people in Illinois, innocent children on the streets, no place to sleep, no place to be housed, and we are spending that kind of money to...to incarcerate a person, and we want to sit here and quibble about whether or not they should

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work. I think this is a good bill, and I ask for a favorable roll call.

PRESIDENT ROCK:

Question is, shall Senate Bill 1431 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 is 36 Ayes, 18 Nays, one voting Present. Senate Bill 1431, having received the required constitutional majority, declared passed. 1441. Senator Newhouse. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1441.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. -- Mr. President. Senators. This is the bill that we brought back from 3rd to 2nd Reading in order to accommodate the wishes of Senator Lechowicz. We've done that. We've reduced the percentage of -- of the ...(pause)... Mr. President, I'm sorry, I was explaining the wrong bill. This -- this bill authorizes the Department of Human Rights to require State agencies to establish minority executive training programs when they fail to comply with equal, I mean, employment opportunity and affirmative action goals. That is the bill, I move its adoption.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1441 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

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the record. On that question, there are 32 Ayes, 23 Nays, none voting Present. Senate Bill 1441, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1442. Read the bill.

SECRETARY HAWKER:

Senate Bill 1442.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I apologize for having these bill out of sequence. This is the bill that I began to explain. This is a State agency affirmative action bill. There was an objection by Senator Lechowicz as to the percentage that was required in this bill. We've changed it to suit those needs. I know of no objection. Would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Any discussion? Senator Watson.

SENATOR WATSON:

Yeah. This -- this is going a little bit too quick here. I'd just like to ask a question of the sponsor.

PRESIDENT ROCK:

That's in order. Sponsor indicates he'll yield.

SENATOR WATSON:

Thank you. My analysis says that fifty percent of all new hires must be minority. Correct me if I'm wrong.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, that was the original bill. And the amendment was put on to satisfy the objection that you now posit, and we

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satisfied Senator Lechowicz on that. The new language is, "to the highest percentage possible."

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Well then, what does that mean? What's the highest percentage possible?

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

I -- this is the language that -- that -- that satisfied the objector to the bill. I really can't answer the question. I suppose it's better than fifty percent. It doesn't put strict parameters on. That's -- he didn't -- he didn't want to be locked into a percentage that high, so we put this -- the language in to satisfy that objection.

PRESIDENT ROCK:

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. Senator Newhouse, are you, by this bill, presuming that the departments that are out of compliance are out of compliance because they don't want to comply?

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, are you asking me to be judgmental?

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Well, Mr. President, I don't really see that there's a need for -- I mean we have an affirmative action plan. Each department

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has to have a plan and try to meet their goals. I listen in committee when they're -- when they are questioned about their number of minorities they have in their department. A lot of these department heads say that when they hire a minority, you know, employee, that very often they're in such demand they can go elsewhere for higher pay, and that's why they can't keep them on. I think most of the departments are doing the best they can. I think this is a mistake to -- to -- to force this issue on a departments that are probably trying their best to -- to meet their goals. This makes it seem like they are deliberately ignoring their affirmative action plans.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I -- I think since we have some very vague language in there, that says the highest percentage possible, I think it's important that we get some legislative intent here beyond where we are, because obviously, the highest percentage possible is a hundred percent. And we could -- we could get a court order I suppose or a decision based on that. I assume what you're saying is that if a department makes a sincere and conscientious effort, and because of a shortage of any minority person in that particular category, they can only achieve sixteen percent, and they can demonstrate that they've made a sincere -- that that's what you mean.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Newhouse may close.

SENATOR NEWHOUSE:

Thank you, Mr. President. I'm sorry, perhaps a step was skipped over here that -- that I -- I sort of presumed. First of all, the department is found out of compliance by the Human Rights

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Agency. That isn't a determination that's made -- made from some outside source. So the department will be working with that agency in order to achieve whatever it responsibly can. And I think we'll have -- we built that flexibility in so that if it turned out to be fifteen, sixteen -- as long as the department worked with the Agency, and they determine that was what reasonably could be done. That is the issue. That's the explanation. And I hope that satisfies the questions that were raised.

PRESIDENT ROCK:

The question is, shall Senate Bill 1442 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. 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, 26 Nays, 1 voting Present. Senate Bill 1442, having failed to receive the required constitutional majority, is declared lost. 1445. Senator -- I beg your pardon. Sponsor requests further consideration of 1442 be postponed. So ordered. On the Order of Senate Bills 3rd Reading is Senate Bill 1445. Read the bill.

SECRETARY HAWKER:

Senate Bill 1445.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1445 amends the Controlled Substance Act. If you would be convicted of a controlled substance violation - is a Class 3 felony or higher - would make you ineligible for one year for any program, service loan, grant or scholarship. If you were

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convicted for the second conviction, you would be three years with -- with being ineligible. If you were convicted for the third time, you wouldn't be entitled to any State scholarship, et cetera. Be happy to answer any questions. And appreciate a affirmative vote.

PRESIDENT ROCK:

Discussion? Senator D'Arco.

SENATOR D'ARCO:

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

PRESIDENT ROCK:

He indicates he'll yield, Senator D'Arco.

SENATOR D'ARCO:

Pate, under your proposal would you be able to work on that program that you just voted for, concerning services?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Yes. We didn't address that in the bill whatsoever.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Well, I don't understand that. Aren't they performing a service -- aren't -- isn't the State performing a service for this individual while he's in prison? They're allowing him to produce a product that makes them money on an enterprise that the State is providing for this individual. So how could he be eligible if it's a service provided by the State to this individual? You just --

PRESIDENT ROCK:

Senator -- Senator Philip.

SENATOR PHILIP:

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Thank you, Mr. President. We didn't include Corrections. If you'd look at your informational sheet that I have - you may not have it - it -- it names all departments. The Department of Corrections is not included.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Well, let -- let me ask you this. Let's say that this person is in need of a mental -- mental health treatment. Let's say he's -- he's got a -- a mental problem. How is he going to get any service from the State?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Anything that might be life-threatening is exempted, so would not apply at all.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Well, that's terrific. I know a lot of people who have -- have mental health problems, just like people have physical health problems, and they're not life-threatening problems. They're serious problems that these people have. Now under your proposal, that person will not be able to go to a community health center. He will not be able to be institutionalized by a State mental health facility, because, even though he served his time -- because your program prohibits it for one year after he's convicted of a crime. Now, why do you want to do that to people?

PRESIDENT ROCK:

Senator D'Arco, you concluded? Further --

SENATOR D'ARCO:

No, I -- no, I asked him a question.

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PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Well, I'm sorry, Senator D'Arco. You just don't understand it, because the life, health or rehab has been exempted. They're entitled to that under my bill.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Well, Pate, who's going to make that determination? You?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Yeah. The court will make that determination.

PRESIDENT ROCK:

Senator D'Arco, your time has virtually expired. Senator D'Arco.

SENATOR D'ARCO:

All right. So -- so this guy, who has this mental health problem, is going to wait around for -- for who knows how long until the court decides whether he's in -- this is a life-threatening situation and he's entitled to the mental health services of the State of Illinois, even though he's paid his debt to our society. That's what you're doing, and that's not right.

PRESIDENT ROCK:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he'll yield.

SENATOR NETSCH:

Am I right in interpreting this to apply to the following

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circumstance? For example: someone who has been convicted of one of the crimes that you've specified and now is released from prison and has a family of, say, dependent children, and is unable to get a job or have other income for awhile. That person would not be able to get any State assistance that would help the dependent children. Is that correct?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

It's only for the person, not his family.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Yeah. Yeah. But most public assistance goes to the adult. Usually, the Department of Public Assistance doesn't make direct payments to two-year-old kids or something of that sort. I -- I just don't see how you -- it seems to me you are cutting off the potential for support for people who are not even directly the convicted felon.

PRESIDENT ROCK:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I read the bill - unless I am reading it incorrectly - the bill specifically says that for example: a person cannot get services from the Department of Children and Family Services. A person cannot participate in all litany of programs including home health care service, homemaker services, chore and housekeeping, home-delivered meals, education in self-care, personal care services, adult day health care services, rehabilitation services, et cetera. There is an entire list of items wherein the person would not be able to receive any services in Department of Mental

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Health. They would not be able to receive any services from the Displaced Homemakers Assistance Act. On and on and on. I think this is a terrible idea.

PRESIDENT ROCK:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Sponsor yield for a question?

PRESIDENT ROCK:

He indicates he will yield.

SENATOR NEWHOUSE:

Senator, we have a person who's been convicted of a fairly serious offense, and a person who - it appears to me from the description - has some knowledge of the whole drug scene. That person on the streets now, unable to get the kind of services that would ordinarily be available for -- to him or her absent this piece of regulation, is unable to then support either that person or a family. What resource -- what recourse is open other than to return to the same scene where he very possibly could make the kind of dollars to survive and become wealthy? What's the alternative?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Of course, the alternative is not to use drugs and go straight. What -- what we're saying, we're going to deny you certain State programs if you've been convicted. We take it away for one year. If you're convicted the second time - and we're talking about a Class 3 felony, we're not talking about just using it, we're talking about selling it - and the second time we take it away for three years. If you still do it, we take it away if you're convicted a third time, we take it away forever. Now, you know, why should we be giving these people scholarships and some

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of these other things we do, when they -- when they've been convicted once, twice or three times?

PRESIDENT ROCK:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

If this bill were limited to scholarships, I would have no problem with it. But it is much -- I read it much more broadly than that. Are you saying to me, Senator, we're only talking about scholarships?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

It's basically loans, grants and scholarships that come out of GRF. It's not any of the other State programs.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I read the word, "services," here. And services is broad enough to -- that -- and that is cast broad enough to -- to catch almost anything. Are you prepared to remove that term from the --

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Number one, it's up to the court. And -- and secondly, it -- it gives them all the services that they need for life and health.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

I don't intend to keep this up, but the bill says just the opposite, Senator.

PRESIDENT ROCK:

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Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I think they're -- the sponsor's trying to deliver a message, but it's the wrong way to deliver it. I would suggest to you that if this bill passed, after the person who has been convicted of a crime including - and I would point out - some possession of narcotics can be a Class 3 felony. And they want to restructure their life, and do the right thing, and do what we talk about, and wants to enter school, whether it be high school that they dropped out of or even a college - that, I would suggest to you, is a State service - they couldn't get in for one, two or forever. And I think that's exactly opposite of what we always try to do around here, and that is to rehabilitate. And this is not rehabilitation in the strict sense, and it wouldn't be up to the court. You'll have some bureaucrat that says, "Oh! You've been convicted of a -- possession of a -- of a drug. Sorry, we can't admit you to school." This is a terrible approach.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he'll yield.

SENATOR DUDYCZ:

Senator Philip, what kind of felony are we talking about here? Are we talking about drug trafficking felonies of -- of people who are convicted of selling heroin and cocaine to our children? Is that the kind of felony we're talking about?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

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We certainly are.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Mr. President, I don't -- I don't enjoy rising for the second time. Simple possession of an ounce of cocaine is a Class 3 felony. Now you don't have to deliver it and sell it to somebody. And delivery of thirty grams of marijuana is a Class 3 felony, and that's over an ounce. That just above one ounce of marijuana, Ladies and Gentlemen. Those are the crimes you're talking about, as well as the more serious crimes. So he's including lesser and serious crimes here together.

PRESIDENT ROCK:

Senator Philip, you wish to close?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And I would suggest to you, Senator D'Arco, an ounce of cocaine is a lot of cocaine in anybody's book. And I'll tell you, it should be the policy of the State of Illinois to be tough on drugs. And when people get convicted of -- of a Class 3 felony, we ought to do something about it. We ought to do something serious about it. And I happen to think this is a step in the right direction, and it should be our policy.

PRESIDENT ROCK:

Question is, shall Senate Bill 1445 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,

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there are 42 Ayes, 13 Nays, 1 voting Present. Senate Bill 1445, having received the required constitutional majority, is declared passed. 1446. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1446.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. The genesis for Senate Bill 1446 came from an article and a -- came from an article and a discussion I had with Senator Topinka. This bill creates an incentive for hospitals and nursing homes to create bed space for AIDS patients. It's a -- it's a serious problem. It is a reality. All this does is say the big problem is where are these people going to live, and where are they going to die. And this creates an incentive for hospitals and nursing homes to...

END OF TAPE

TAPE 10

SENATOR MAROVITZ:

...create bed space for these unfortunate individuals. It is a major problem in our -- in our State. It's a ten percent tax credit for any hospital or nursing home that will create bed space to care for these people. I think we'll save a lot of money in the long run, and I would solicit your Aye vote.

PRESIDENT ROCK:

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Discussion? Senator Rigney.

SENATOR RIGNEY:

Mr. President, I'd like to ask a few questions of the sponsor for verification.

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR RIGNEY:

The first question, we seem to note, at least on our side, we -- we do not have a clear definition of what AIDS is. Now is it your intention only that it be in the terminal stages of the disease?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well as you know, Senator Rigney, there is -- there is ARC, which is the -- which is the complex and there is AIDS, which is the more advanced disease. We're not talking about ARC here. We're talking about AIDS, which is the more advanced disease which is, in fact, terminal.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Okay. The second question then, it appears that the expenses allowed are for the beds - the room charge. Is that your understanding, also? It's not the general care?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

This is the expense -- includes the expense incurred in providing the beds, which could include other things.

PRESIDENT ROCK:

Senator Rigney.

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SENATOR RIGNEY:

Well then, I guess, maybe the original cost estimate that we had on our side is going to be quite a little more than that, because we were trying to project there was only room cost. But you're saying, everything that makes up the cost in those final days is a part of what you would get a tax credit for, then?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No, we're not talking about the health care itself. We're just talking about the cost of establishing the bed space.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Okay. It seems to me that this thing is drafted in a broad enough fashion that we really do not say that the person has to be in there for the care of AIDS. What about if the person breaks his leg or in there for some other medical reason?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is not at all what we're trying to do. We're just trying to take care of AIDS patients in there, who are dying and have no place else to go and be taken care of. And -- and I'll make that very clear. If you think it needs to be tighter, I certainly will make it tighter. That -- that is not at all my intent.

PRESIDENT ROCK:

Senator Rigney.

SENATOR RIGNEY:

Okay. I think there's maybe a couple problems remaining with the bill. I think basically we got the answers that we were looking for. But, I point out that this is another tax credit

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bill. This time ten percent of this cost of the AIDS beds. I think maybe one of the weaknesses is the fact the more you charge for the room, the more credit you get. If you've got a two-hundred-dollar room, ten percent, you get twenty dollars of tax credit. You know, raise it to three hundred and you get thirty dollars of credit. I'm not sure that that's sending the -- the right signal that we want. Second thing, we have estimated, at least on this side, that maybe the cost is at least a million dollars.

PRESIDENT ROCK:

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Well, this bill is not calculated so that you can charge more for the room. In order to do that, the cost that would be accredited would be the cost that would be equal to every other room in that hospital and that nursing home, and you can't increase the cost for this particular room just to increase your tax credit. And we're not talking about the cost of the -- of the rooms in general, but just of providing the bed space. This is a serious problem. It's one that we all wrestle with, and unfortunately, are going to be wrestling with for many, many years to come. Where do we provide for these people in their last days to live? Nobody wants to take them. This isn't saying that anybody has to. But if a hospital or nursing home wants to set aside a room - a ward - some space for people to die with dignity and who have this terminal disease, we're going to try and create some incentive for them to do that. That's all this does.

PRESIDENT ROCK:

Question is, shall Senate Bill 1446 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 15 Ayes, 36 voting

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Nay, none voting Present. Senate Bill 1446, having failed to receive the required constitutional majority, is declared lost. 1457, the sponsor's going to hold. 1463. Senator Luft. On the Order of Senate Bills 3rd Reading, the bottom of page 35, is 1463. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1463.

(Secretary reads title of bill)

3rd Reading of the Bill.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The subject matter of Senate Bill 1463, when it's stated, usually conjures up all kinds of thoughts and different thoughts in everybody's minds. The subject matter is affordable housing, and the State of Illinois has never enacted any statewide Affordable Housing Act. There's been at least one year's work in this bill. The people that helped put this together were DCCA, IHDA, IDFA, the Board of Realtors are in support of it, and our State's Economic and Fiscal Commission, along with untold number of people. What I'd like to do is to go through here as quickly as I can and tell you the provisions in the -- in a skeleton scale, and then if there's any questions, I would hope that I could answer those for you. But what we've tried to do with this bill is to make it a real comprehensive bill. Most affordable housing bills that we've seen in the past have usually dealt with low income. What we've done with Senate Bill 1463, is to take the final steps and incorporate people that we feel also should be addressed under this subject matter. The first thing we do with Senate Bill 1463 is establish an agency with specific responsibilities for affordable housing. That agency is DCCA, and DCCA provided us the language for this bill,

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to set up the management responsibilities. The affordable housing trust fund is also established, which is financed by the transfer tax -- new transfer tax, that has been approved by the Board of Realtors of the State of Illinois. Originally, I used the existing affordable tax, but the Department of Revenue of the State of Illinois was not very happy with that, so the other day we amended that out and brought forth the new tax to satisfy, I hope to satisfy, their request. We also set up a Housing Advisory Council, which consists of the Bureau of the Budget, the Department of Revenue, DCCA, and those individuals that will be serviced, basically people in the housing communities. One new example that we're using here is what's called a Housing Zone, and this became evident and could be used, for example, in the city of Peoria, where along the Illinois River, which is prime commercial development, we have a housing project called Taft Homes. Taft Homes is in a bad state. We hope to build new homes. We would take down the existing structures, develop commercially, and use potential TIF benefits, or real estate benefits, to buy down interest rates on a developer of a housing project in another part of town. We also expand the direct IDA, develop a first-time home buyers investors plan, expand local government taxing powers with regard to abating taxes to provide affordable housing, create a mechanism for targeting resources for rural housing. So we're not in fact, just addressing big cities, we're talking about rural areas that have as much trouble in housing -- for example, the rehabilitation of old school houses that have been closed, and other thoughts. We create, which I think is extremely interesting, a pilot program for senior citizens. For example, in many communities the senior citizen does not wish to go to a nursing home. We allow that individual to move in with a friend, and the rent that is paid to that individual, the other senior citizen, would not be used as an income source when defining the

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revenue for the circuit breaker. And one statistic that you may be interested in, that thirty to fifty percent of the homeless population in the State of Illinois are veterans. And we are trying to bring forth a pilot project with the Department of Veterans Affairs, with establishing a long-term residential facility to house veterans. I have tried to structure this bill along with the people I've mentioned before, to finally give the Legislature and the Governor and the people of the State of Illinois an affordable housing project, which we hope satisfies the need of all those people in need, and I would try to answer any questions at this point, Mr. President.

PRESIDENT ROCK:

All right. Discussion? Senator Keats.

SENATOR KEATS:

First, a reminder to some of the Members that the Governor's Office was concerned about this bill, and it is concerned about the price effect, etc. But I want to make a statement. Part of the bill's got some real good stuff. But, you know we talk about affordable housing for all the various programs. You know we've had bills offered here that would do that. Part of it deals with manufactured housing, etc. What we have done is made it -- we, through our action and through local zoning and building codes, have made housing so expensive that we've given ourselves a housing problem. There's not a lack of housing in the private sector, there's a lack of housing due to incompetent government. So now what we're saying is, rather than admit the incompetence of some zoning codes and some various other local building codes, rather than concede our own mistakes, we're gonna set up a whole new program to cover up our mistakes. You know, there's manufactured housing out there. There are numerous ways to produce housing dramatically cheaper. And I'll give you an example. As some of you know, I at one time had some business on

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the west side of Chicago. We were going to be building some homes there. The same brick home that in Chicago costs me fifty-five thousand dollars, I could build the same brick home in Schaumburg for thirty-nine thousand. The reason it got to be so expensive in Chicago was because Chicago chose to make its housing too expensive for its residents. When you talk about housing being roughly one-third more expensive just 'cause of the local zoning, that's our problem. Our problem is not that we can't produce housing cheaply; our problem is we refuse to allow it to happen.

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. Senator Luft, before, when we talked about this bill, I'd forgotten that it had gone through the Executive Committee so, I do -- (inaudible) -- talked to me right? -- Its very late to be taking up a very complex and lengthy bill such as this. I am sure there's a lot of very good questions and very important questions to be asked, and frankly, I don't know if anybody cares right now. But I do have a couple of questions, and it was difficult to hear all of your explanation. Are you, as in the original bill, or in the other affordable housing bills, are you increasing the Real Estate Transfer Tax, or just using the revenue from the existing Real Estate Transfer Tax, or did you say you amended that out of here?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

The original bill called for the revenues generated, the ten or thirteen million dollars that are being generated by the transfer tax at this time. That was amended out last week, and we incorporated in the bill a new -- that new provision that was put into the house -- affordable housing, the new transfer tax which

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was approved by the Illinois Board of Realtors.

PRESIDENT ROCK:

Senator Karpziel. Senator Karpziel.

SENATOR KARPIEL:

A couple of more questions. You're now saying the realtors are not opposed to this bill. Did they actually take away their objections to this bill, or is it because they have now supposedly gotten on board with the -- with their licensure bill that included the affordable housing?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

I'm not sponsor of the realtors licensure bill. I discussed this specific bill, Senate Bill 1463, with the realtors. They told me that they were in support of this measure.

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Is there anything in this bill which would allow rent subsidies, because, to follow up on what Senator Keats was saying, there's a lot of property, for instance in -- out in the suburban areas, that could be used for low-cost housing, if we could still get things like Section 8, for instance. If we could have rent subsidies, that would be probably less expensive than developing new housing.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you for asking that, Senator, because, let me tell you what we are doing with Senate Bill 1463. As I stated in the beginning, we're setting up a State agency. Now, if you and I have a development project in our mind for X City, what we would

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do is to bring to the Senate -- to the State of Illinois, Department of Commerce and Community Affairs, our program. And we would be able to sit down with them and find out what alternatives existed to help us, not only build this, but what federal programs, such as you're talking about, could come into play, and this whole thing is designed for one thing - to take a housing unit and reduce the cost to the lowest amount possible, so you could charge the lowest amount available or use a subsidized rent by any other governmental entity to pay for the rent or to buy the property or to do whatever we wish with it.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Well, one more question, Mr. President. You mentioned a housing zone. Is that the way this would work in all instances, you would more or less designate a housing zone for these, or would these just be scattered throughout the community?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Department of Commerce and Community Affairs, and let me go back -- maybe I can give you one that's more famous, that this could apply to the way that I see it. Let's say the west side of Chicago. If those people decide to build a stadium, and there is a commercial development around that stadium, if I were a person looking at this in that municipality, and in government, and I wanted to help those people that were going to be replaced -- I mean displaced, I would simply come to the State of Illinois and I would say, "I would like to create a housing zone. Here is my plan." And I lay out my plan, and you got to remember, none of these benefits are available unless it's approved by the Department of Commerce and Community Affairs, but, I would simply

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say that I know that there's going to be a couple of grocery stores in here, maybe a liquor store, something generating sales tax and property tax. What I want to do is to capture some of that tax out of this zone of the commercial development to buy down the interest rate for development of housing. For an example, if the developer gets an eight percent loan to build two million dollars worth of housing, we could say that you could use up to whatever amount it would take to buy that interest down to five percent.

PRESIDENT ROCK:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I wanted to just make one brief comment to Senator Keats in terms of the point he raised. If it were only the cost of construction itself that made difficult the building of affordable housing, whether in Chicago or other parts of the State, that would be one matter. But there are a lot of other factors that go into that, including the cost of money and the cost of land. So that even if we could change, for example, the building codes to make possible the physical facility that might be more affordable, it still would not solve the problem of -- of being able to supply, literally, affordable housing for people of low to modest income in today's market. Just one brief word about this -- it is probably the most comprehensive of the affordable housing bills that has been presented to the General Assembly. It does reflect the views of a wide coalition of groups that have been interested, not just from the point of view of those who have -- like SHAC, who have worked for affordable housing, but a lot of the business groups who also have come to recognize that a supply of affordable housing is as critical to the economic well-being of a community as many other amenities and many other economic development tools. I would urge support.

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PRESIDENT ROCK:

All right. Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. When I started my presentation, I said that affordable housing created many different thoughts in people's minds. And Senator Keats responded just like I thought he may. Senator Keats referred to, I think, the City of Chicago, when he was talking about the housing codes. I read recently in the Chicago papers where the present Mayor is looking at those housing codes, and I wouldn't be surprised to see perhaps new codes established for affordable housing in the future. But the point that I want to make, is this bill is not for just the City of Chicago. This is a Statewide bill, dealing with the homeless, including the senior citizens, the veterans, and anybody that you can think of that's in need. I think it's a bill that has long been waiting to happen in the State of Illinois. I think we should be proud of the effort of all the people that have worked on this, and I would hope you would give it a favorable roll call and we can move it on to the House.

PRESIDENT ROCK:

Question is, shall Senate Bill 1463 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 19 Nays, none voting Present. Senate Bill 1463, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, tomorrow is Friday, which is the deadline date. We have, I am told, ten bills yet to be on the Recall. We'll handle those in the morning, and they will be then placed on the end of the call to afford Enrolling and Engrossing and the respective staffs an opportunity to view the amendment. So with leave of the Body,

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we'll now proceed to the Order of the Consideration of the Agreed Bill List. Those bills that have been objected to or stricken by objection of five Members have already been removed from that list, so the only question now is whether the bills remaining on the Agreed Bill List shall pass. Senators who wish to be recorded in the Negative or Present on fewer than all of the bills have already indicated their vote, and they will be so journalized. Mr. Secretary, please read the bills on the Agreed Bill List for a third time.

ACTING SECRETARY: (MR. HARRY)

Senate Bill No. 4.

(Secretary begins to read title of bill)

PRESIDENT ROCK:

This -- this is the list that starts on Page 36 on the Calendar. The one with the yellow sheet will be on the Calendar tomorrow. That's the one we're -- we just put together. That's the second list. This is the one that's on the Calendar and you've had in your hands since yesterday. Page 36 on the Calendar. We'll do Recalls in the morning. Page 36 on the Calendar. Mr. Secretary, please read the bills on the Agreed Bill List. The next roll call will be on final passage of all the bills that are being read by the Secretary. Mr. Secretary, please read the bills. For those of you who wish to retire to your office, it will be 9:00 o'clock tomorrow morning at the conclusion of this roll call. Read the bills, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 4.

(Secretary reads title of bill)

Senate Bill 8.

(Secretary reads title of bill)

Senate Bill 16.

(Secretary reads title of bill)

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Senate Bill 27.

(Secretary reads title of bill)

Senate Bill 45.

(Secretary reads title of bill)

Senate Bill 51.

(Secretary reads title of bill)

Senate Bill 52.

(Secretary reads title of bill)

Senate Bill 60.

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Senate Bill 63.

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Senate Bill 85.

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Senate Bill 86.

(Secretary reads title of bill)

Senate Bill 111.

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Senate Bill 113.

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Senate Bill 118.

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Senate Bill 119.

(Secretary reads title of bill)

Senate Bill 125.

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Senate Bill 145.

(Secretary reads title of bill)

Senate Bill 151.

(Secretary reads title of bill)

Senate Bill 171.

(Secretary reads title of bill)

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Senate Bill 181.

(Secretary reads title of bill)

Senate Bill 194.

(Secretary reads title of bill)

Senate Bill 204.

(Secretary reads title of bill)

Senate Bill 219.

(Secretary reads title of bill)

Senate Bill 237.

(Secretary reads title of bill)

Senate Bill 249.

(Secretary reads title of bill)

Senate Bill 260.

(Secretary reads title of bill)

Senate Bill 307.

(Secretary reads title of bill)

Senate Bill No. 344.

(Secretary reads title of bill)

Senate Bill 376.

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Senate Bill 394.

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Senate Bill 395.

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Senate Bill 448.

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Senate Bill 454.

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Senate Bill 457.

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Senate Bill 471.

(Secretary reads title of bill)

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Senate Bill 492.

(Secretary reads title of bill)

Senate Bill 507.

(Secretary reads title of bill)

Senate Bill 508.

(Secretary reads title of bill)

Senate Bill 884.

(Secretary reads title of bill)

Senate Bill 904.

(Secretary reads title of bill)

Senate Bill 911.

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Senate Bill 914.

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Senate Bill 917.

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Senate Bill 925.

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Senate Bill 927.

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Senate Bill 929.

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Senate Bill 933.

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Senate Bill 934.

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Senate Bill 935.

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Senate Bill 937.

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Senate Bill 938.

(Secretary reads title of bill)

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Senate Bill 939.

(Secretary reads title of bill)

Senate Bill 948.

(Secretary reads title of bill)

Senate Bill 950.

(Secretary reads title of bill)

Senate Bill 952.

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Senate Bill 955.

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Senate Bill 960.

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Senate Bill 961.

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Senate Bill 963.

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Senate Bill 976.

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Senate Bill 981.

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Senate Bill 984.

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Senate Bill 986.

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Senate Bill 988.

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Senate Bill 989.

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Senate Bill 994.

(Secretary reads title of bill)

Senate Bill 1002.

(Secretary reads title of bill)

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Senate Bill 1003.

(Secretary reads title of bill)

Senate Bill 1017.

(Secretary reads title of bill)

Senate Bill 1018.

(Secretary reads title of bill)

Senate Bill 1021.

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Senate Bill 1023.

(Secretary reads title of bill)

Senate Bill 1024.

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Senate Bill 1034.

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Senate Bill 1036.

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Senate Bill 1039.

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Senate Bill 1043.

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Senate Bill 1046.

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Senate Bill 1049.

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Senate Bill 1050.

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Senate Bill 1052.

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Senate Bill 1055.

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Senate Bill 1060.

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Senate Bill 1069.

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Senate Bill 1070.

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Senate Bill 1073.

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Senate Bill 1074.

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Senate Bill 1075.

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Senate Bill 1077.

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Senate Bill 1079.

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Senate Bill 1083.

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Senate Bill 1086.

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Senate Bill 1088.

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Senate Bill 1094.

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Senate Bill 1096.

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Senate Bill 1098.

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Senate Bill 1099.

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Senate Bill 1114.

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Senate Bill 1115.

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Senate Bill 1123.

(Secretary reads title of bill)

Senate Bill 1126.

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Senate Bill 1127.

(Secretary reads title of bill)

Senate Bill 1128.

(Secretary reads title of bill)

Senate Bill 1132.

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Senate Bill 1147.

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Senate Bill 1155.

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Senate Bill 1161.

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Senate Bill 1173.

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Senate Bill 1185.

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Senate Bill 1186.

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Senate Bill 1197.

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Senate Bill 1200.

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Senate Bill 1213.

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Senate Bill 1214.

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Senate Bill 1219.

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Senate Bill 1220.

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Senate Bill 1222.

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Senate Bill 1224.

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Senate Bill 1254.

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Senate Bill 1255.

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Senate Bill 1256.

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Senate Bill 1259.

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Senate Bill 1262.

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Senate Bill 1269.

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Senate Bill 1270.

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Senate Bill 1276.

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Senate Bill 1296.

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Senate Bill 1298.

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Senate Bill 1305.

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Senate Bill 1306.

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Senate Bill 1307.

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Senate Bill 1311.

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Senate Bill 1314.

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Senate Bill 1322.

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Senate Bill 1323.

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Senate Bill 1324.

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Senate Bill 1327.

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Senate Bill 1328.

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Senate Bill 1330.

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Senate Bill 1339.

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Senate Bill 1344.

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Senate Bill 1348.

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Senate Bill 1349.

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Senate Bill 1352.

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Senate Bill 1354.

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Senate Bill 1369.

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Senate Bill 1375.

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Senate Bill 1376.

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Senate Bill 1379.

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Senate Bill 1380.

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Senate Bill 1382.

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Senate Bill 1385.

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Senate Bill 1391.

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Senate Bill 1396.

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Senate Bill 1403.

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Senate Bill 1408.

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Senate Bill 1414.

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Senate Bill 1418.

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Senate Bill 1421.

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Senate Bill 1422.

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Senate Bill 1424.

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Senate Bill 1426.

(Secretary reads title of bill)

Senate Bill 1428.

(Secretary reads title of bill)

Senate Bill 1443.

(Secretary reads title of bill)

Senate Bill 1449.

(Secretary reads title of bill)

Senate Bill 1450.

(Secretary reads title of bill)

Senate Bill 1451.

(Secretary reads title of bill)

Senate Bill 1455.

(Secretary reads title of bill)

Senate Bill 1456.

(Secretary reads title of bill)

Senate Bill 1458.

(Secretary reads title of bill)

Senate Bill 1464.

(Secretary reads title of bill)

Senate Bill 1465.

(Secretary reads title of bill)

Senate Bill 1466.

(Secretary reads title of bill)

3rd Reading of the bills.

PRESIDENT ROCK:

All right. The next roll call will be on final passage of the bills just read by the Secretary. Any discussion? If not, the question is, shall this series of bills 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 58 Ayes, no

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86th GENERAL ASSEMBLY
REGULAR SESSION
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Nays, and 1 voting Present. This series of bills, having received the required constitutional majority by record vote, are declared passed. And the record vote of the Ayes and Nays for each bill passed shall be entered in the Journal. If there's no further business to come before the Senate, Senator Lechowicz has moved that the Senate stand adjourned until Friday. Friday, May 26th. Tomorrow morning at the hour of 9:00 o'clock, Ladies and Gentlemen. Please be prompt and we'll move as rapidly as possible. Senate stands adjourned.

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