

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDENT ROCK:

The hour of noon having arrived, the Senate will please come to order. Will the Members be at their desks. Will our guests in the gallery please rise. Prayer this afternoon by the Reverend David Burns, Williamsville Christian Church, Williamsville, Illinois. Reverend.

THE REVEREND DAVID BURNS:

(Prayer given by the Reverend David Burns)

PRESIDENT ROCK:

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

SENATOR TOM DUNN:

Mr. President, I move that the reading and approval of the Journals of Monday, October 30th and Tuesday, October 31st, in the year 1989, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senate Resolution 6-7-6 offered by Senator Lechowicz. It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. Introduction of bills.

SECRETARY HAWKER:

Senate Bill 1484 offered by Senator Lechowicz.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT ROCK:

Rules Committee. Ladies and Gentlemen, if I can have your attention, you will find on your desks a list of recalls. These

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

are bills that Senator Philip and I have determined that we would address in an attempt to accommodate some Members whose amendatory -- amendatorily vetoed bills got shortstopped in the House, and there are other emergency matters. But at -- later this afternoon we will get to the Order of Recalls. We will be beginning on Page 12 on Motions in Writing, and then go back to the Calendar on 3rd Reading for the purpose of recalling these. In the meantime, I am happy to present a number of special guests who will be introduced by Senator Carl Hawkinson, and I would ask for your attention. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. We're happy to welcome today the golf team from Monmouth High School. They're making their annual pilgrimage to Springfield. This is the fifth straight year that they are the State champions of Class A Golf in the State of Illinois, and I'm sure they'll be taking signups for golf lessons later. But it's my pleasure to introduce their coach, Coach Bill Pieper.

COACH BILL PIEPER:

(Remarks made by Coach Bill Pieper)

SENATOR HAWKINSON:

Thank you, Coach. It's now my pleasure to present to you copies of the resolution that we passed this week honoring your outstanding achievement, and I hope to see you back here again next year. (long pause)

PRESIDENT ROCK:

Ladies and Gentlemen, as I indicated and just again reiterated with Senator Philip, we will begin on Page 12 on the Order of Motions in Writing. And we will handle the Motions in Writing that have been filed with respect to gubernatorial action. Then we will go back and begin on the Order of House Bills 3rd Reading and handle this Recall List that every Member has received a copy

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

of. Then we'll do House Bills 2nd Reading. I understand amendments are pending on virtually all the House Bills 2nd. And then we'll go right through the Calendar, and there will be - the Secretary informs me - later on, a Supplemental Calendar which will reflect the filing of conference committee reports by certain Members. There will probably be ten or eleven conference committee reports, so I would not expect that we would work much beyond five o'clock this evening. In the meantime, if I could have your attention, Ladies and Gentlemen. We have with us a very special guest, with whom I had the opportunity to visit at some length in the last week or ten days. He has some unique insights into the Middle East and some unique insights and experience with the only democracy in the Middle East. And I've asked Senators Berman and Carroll - Senator Carroll specifically - to introduce this honored guest, and I would ask for your attention, as he will share with us some of his views with the current state of affairs in Israel. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I need not be long in the introduction in that this is not his first appearance before our Chamber, where he has shared with us some insightful information, as President Rock indicated, on the state of affairs in this important part of the world. The Consul General has served in the diplomatic corps since 1963, carrying several posted positions in India, Copenhagen, Denmark, Washington and New York, having been in the United States before that on behalf of the Jewish agencies, serving in New York and Atlanta. He comes to us to merely share a few thoughts because of questions that have been asked by those of us who serve in political office and are constantly hearing from constituents on a wide range of subjects, one of which is the state of foreign affairs of our nation. So without further adieu, I present to you the Consul

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

General of the State of Israel, Consul General Uri Bar Ner.

CONSUL GENERAL URI BAR NER:

(Remarks made by Consul General Uri Bar Ner)

SENATOR CARROLL:

Thank you, Consul General. He will be on the Floor for a few minutes, if any of you have any questions that you'd like to ask him personally. We appreciate the courtesy. Thank you.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, the hour is approaching one o'clock. If you'll turn to Page 12 on the Calendar. Page 12. We will begin with the Order of Motions in Writing to Override Total Vetoes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The middle of Page 12 in your regular Calendar. Motions in Writing to Override Total Vetoes. Motion's been filed with respect to House Bill 44 by Senator Rock. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that House Bill 44 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by President Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, if I can have your attention. I am moving that House Bill 44 do pass, the Governor of the veto -- the Governor -- the veto of the Governor to the contrary notwithstanding. And my reason is, Ladies and Gentlemen, that we made an attempt - we in this General Assembly made a legitimate attempt, and one that I think ought to be approved into law - to separate and provide real independence for the State Police Merit Board from the Department of State

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Police. If this Merit Board is to truly operate independently, as we think it should, there isn't any question, I don't think, in anybody's mind - certainly not when this bill went through this Assembly of both Houses - that the Merit Board ought not be under the Department of State Police. It ought to have its expenses paid by a direct appropriation from us, not through the Department of State Police. I think this bill made good sense when it went through here the first time, and I think it makes -- still makes good sense. So I would ask, as Senator Rea has asked, that House Bill 44 pass, the veto of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis. Your -- going once. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. -- Mr. President and Ladies and Gentlemen of the Senate, House Bill 44 does not achieve what its supporters purport to -- to go to the legislation. To the contrary, it only causes tremendous administrative and fiscal problems that would threaten the very existence of the ISP Merit Board, and I might tell you, the ISP Merit Board opposes the bill, too. They see no advantages to having their budget in a separate bill. Indeed, the legislation would create serious and unnecessary operational problems. And, in addition, passage of this bill would cost an additional 1.2 million dollars over the ISP Merit Board's FY'90 appropriation of four hundred and fourteen thousand dollars, due to the Board's inability to receive ISP assistance in a variety of administrative chores like background checks of applicants, computer assistance testing and applicant prescreening for particular positions, and no additional funds have been appropriated. Already the ISP Merit Board is an independent entity with a separate budget, whose members are appointed by the

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Governor and whose staff answers only to the members of the board. That bill has been introduced five times in the last seven years. It has failed. It has either failed or it's been vetoed. And it unsuccessfully, excuse me, I repeat, unsuccessfully, this bill addresses a nonexistent problem that is based upon serious misconceptions and erroneous perspectives as to how the ISP Merit Board functions. In short, I feel that this bill accomplishes nothing while creating a multitude of problems, making a great expense to the State, and I ask that we support the veto of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Geo-Karis, we seldom disagree, it seems, anymore, but I certainly disagree about this one. We have made a policy determination and the right one that this State Police Merit Board, if it is truly to function in the way we wish it to function, has to be - ought to be - independent from the Department. The money is simply a transfer. The money is already in the budget. This will just provide for them, and there will be some additional cost. Obviously, they'll need an internal auditor, as every agency does. But the fact is, this will afford them that independence that they so richly deserve. We have asked these folks to do a job and to make sure that the Department operates the way it should. They cannot render that independent judgment while they are still part and parcel of the Department. I think it makes sense, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 44 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 12, none voting Present. House Bill 44, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. WCIA has requested permission to videotape. Is leave granted? Leave is granted. 441. Senator Hawkinson. Channel 2 has also requested permission to videotape. Is leave granted? Leave is granted. House Bill 441. Motion.

SECRETARY HAWKER:

I move that House Bill 4-4-1 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in -- in support of the override attempt on House Bill 441. This is a bill that I have spoken with most of you about in the last day or so, and of course, the administration and many of the Departments have spoken to you against it. And I think there's been a lot of misinformation floating around about potential cost of this bill. Simply put, this is legislation that's originated out of Peoria, Illinois, and it's been passed by this General Assembly many times and passed overwhelmingly by the House and by the Senate this spring. It was on our Agreed Bill List here. It passed out of Executive Committee 14 to nothing. What the bill does, simply, is say that in the special assessment process - that all of us are familiar with - if the municipality is going to put in street lights or repair the street lights on the street on which you live, right now the property owners along that street will pick up the share that benefits their property for that street light or

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

that curb and gutter. This is a matter of fairness. If that street light or that curb and gutter happen to benefit a parcel of State land along with residential land, the State will pay its share of that special assessment. The State will be entitled to all notices and to protest the assessment through the local improvement board or the circuit court, and it will be protected the have all the rights of any other property owner. This simply states that the State will pay its share. There's been some confusion and suggestion that perhaps this would change the special assessment process and make it apply to State highways, and that perhaps a State sidewalk that happens -- or a sidewalk that's to be constructed along a State highway would force IDOT to pick up the cost of that sidewalk. That is absolutely an absurd possibility. It is in no way the intention of this legislation to change the special assessments, process one bit. A highway or a street is not benefited property under the definitions of special assessments, and that's an area would not be lawful under this bill. I would ask for your support. And I would move that the House override the Governor's veto, and that House Bill 441 pass, the veto of the Governor notwithstanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I believe one of the problems with this legislation is somehow we built in an assumption that when a State has a facility, that somehow that is a burden to local government. I've watched the process around here for quite a few years, and it seems like we're always competing for other lake, another prison, another college or something. I think to start the precedent here that somehow that we are a burden to local government, I don't think will really wash. I think we do not collect taxes from each other and yet this is the process that we are about to begin. I



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

think the Governor was correct in his -- in his veto, and furthermore I -- I'm simply at a loss to determine how you might determine value increases that are called for in this legislation. I don't think that can be done either. So I think it's kind of a bad concept to make the State a taxpayer to local units of government. Maybe we ought to take our facilities and pull them out of there. Maybe nobody wants them anymore, but I doubt if that's the case.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Hawkinson may close.

SENATOR HAWKINSON:

Well, thank you, Mr. President. Just briefly, to respond to the suggestions of the opponent, this bill in no way suggests that any property is a burden to a municipality. The State property under this bill is no more a burden to a municipality than any home owner's property. By especially assessing a home owner, we're not saying that that home owner's property is a burden to the municipality. We're simply saying, as a matter of fairness, that if you put in a street light or you put in a curb and gutter along a street, that every property that is benefited ought to pay their fair share. The individual home owner shouldn't have to pick up the street light for the State facility across the street. The State ought to pay its share, just like any other home owner. I would ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 441 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 18, 1 voting Present.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

House Bill 441, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. House Bill 795. Senator Joyce. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move that House Bill 795 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Jerome Joyce -- Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This bill -- the intent of this bill was to provide a modest benefit to those who risk their health and safety by exposing -- by exposure to attacks by residents of State-operated mental health facilities. The cost of this bill BOB estimates at a million dollars but, in actuality, two-thirds of that money would come back. This puts those folks in the same category as law enforcement officials, firemen and corrections employees. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Well. Thank you Mr. President, Ladies and Gentlemen of the Senate. I -- I rise in opposition to this bill, and I would like to have you note what is being proposed here. This is a very significant expansion of a -- of what has been a State policy up to this time, where special consideration has been given to those State employees who are responsible for the protection of the rest of our society. In other words, we're talking about giving benefits now to employees of the Department of Mental Health that have been reserved to -- primarily to the Department of Corrections in the past. What we're saying here, in effect, is

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

that those patients in our mental institutions are the -- are as dangerous as those people who have been sentenced to our prisons. I think this is something that we really should not do. As a matter of fact, what is being proposed to be enacted here is a -- an issue that was discussed in -- during the collective bargaining process in the past. This benefit could not be one during the collective bargaining process, so what we're looking at here an in run around that process, and we're trying to legislate that which could not be -- could not be obtained otherwise. I stand in opposition to this motion, and I would urge everyone else to do likewise.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Joyce, you wish to close?

SENATOR J.J. JOYCE:

Thank you, Mr. President. Well, I am told that it was not part of the discussion in collective bargaining, and to say that this is demeaning or what have you to the residents of our mental health facilities is just not correct. You know, contrary to being demeaning to those residents, it simply acknowledges the basic fact that employment in such facilities can be - and sometimes is - dangerous to the staff. And that is basically all we're doing. The cost is very minimal, but it is something that I think we owe the people that -- that work in the mental health institutions. And I would certainly ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 7-9-5 pass, the veto of -- to the Governor to the contrary notwithstanding. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 38, the Nays 18, none voting Present. And

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

House Bill 795, having received the required three-fifths vote is declared passed, the veto of the Governor to the contrary notwithstanding. Senator Etheredge, for what purpose do you seek recognition?

SENATOR ETHEREDGE:

I -- Mr. President, I would request a verification of the affirmative votes.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Etheredge has requested a verification. All Senators will be in their seats, please. The Secretary will read the affirmative votes.

SECRETARY HAWKER:

The following Members voted in the affirmative: Berman, Brookins, Carroll, Collins, Daley, D'Arco, DeAngelis, del Valle, Demuzio, Dudycz, Ralph Dunn, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Keats, Kelly, Lechowicz, Luft, Madigan, Marovitz, Netsch, Newhouse, O'Daniel, Raica, Rea, Schaffer, Severns, Smith, Vadalabene, Watson, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge, do you have any questions?

SENATOR ETHEREDGE:

Yes. Senator Marovitz?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz? Senator Marovitz? Senator Marovitz?  
Senator Marovitz is right here in the well. Further questions?

SENATOR ETHEREDGE:

Yeah. Senator Zito?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Zito? Senator Zito in the Chambers? Senator Zito?  
Strike his name, please, Madam Secretary. Further questions?

SENATOR ETHEREDGE:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senator Berman?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman? Senator Berman's in the back telephone booth.  
Further questions?

SENATOR ETHEREDGE:

Senator Jacobs?

SENATOR JACOBS:

Senator Jacobs standing in the back. Further questions?

SENATOR ETHEREDGE:

That's it.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The roll's been verified. There are 38 Ayes, 18 Nays, none voting Present. House Bill 795, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. The middle of Page 12 is House Bill 1559. Senator Hall. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that House Bill 1559 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by Senator Hall.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I called this again, because I think some people the other day didn't really truly understand what we're talking about. The Governor appointed a task force and sent it into the City of East St. Louis to study the problems and the plights. And serving on that was Senator Fawell and Senator Watson and a number of other legislators, and it was suggested the following. It -- and that's the genesis of House Bill 1559. It simply creates the

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Financially Distressed Municipality Act, to be administered by the Illinois Development Finance Authority, upon request by a municipality. IDFA conducts a survey to determine if the municipality is distressed. There's a list of criterias that must be met before the municipality is declared distressed. The bill establishes within IDFA a program to provide emergency assistance to distressed municipalities. A system must be used for the payments of current expenses only, not past expenses. Emergency assistance is repealed on 6-30-92. And there is a repayment provision included in the bill. The State Comptroller must set aside all or part of the amounts of various municipal taxes and municipal portions of State taxes that are to be distressed to a municipality for repayment to the Illinois Department of Finance Authority. This bill passed out of here last spring with 42 votes. And I would just like to explain that right now there's not gas for police cars. On nights, a city of fifty some thousand people or fifty-five thousand people, they got one police car. Other police cars do not have radios. Fire departments do not have fire equipment. We had a church down there, a week or so ago, burn because when the firemen got to the fire, their equipment wouldn't work. This is a vitally needed thing. Here's a city, now, where the assessed valuation has dropped from over three hundred million to down to thirty-eight million. And you can see the big problems that we have. Now the Governor came to our area. And from the results of this, this is why that is. And I don't understand why he vetoed it, but I would ask that you would again give us the same favorable roll call that you gave in the spring. So I ask your most favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Collins.

SENATOR COLLINS:

Thank you very much, Ladies and Gentlemen of the Senate. And I

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

-- I hear everyone talking, because you -- you don't think that this bill is important. But we have a responsibility here, notwithstanding the circumstances surrounding the management of that city by the local government officials, to protect the health and safety -- Senator Netsch, I hear you through my microphone. I can't hear. We do have the responsibility - and -- and God help us if we're not here for that - to protect the health and safety of the innocent women and children and senior citizens and people of East St. Louis. And I'm talking about fire protection, police protection and sanitation -- health and sanitation. That is our responsibility. Now if we're here for anything else, then I don't think this Body is living up to its responsibility that we were elected to serve the people of Illinois. It doesn't matter that it's East St. Louis; it can happen anyplace. If there was an earthquake or some other kind of disaster, this Body would come to the aid of those people there. And that's what this bill is doing. I don't care whether you like the sponsors or not, we need to, at least -- at least, take care of those basic needs of those people in East St. Louis. And I say we just cannot afford to ignore it. Because if something happens down there - like a real fire emergency, and a lot of people are killed and maimed - I don't know how you're going to go to bed and sleep. Maybe you can, but I can't. And I think we ought to vote this bill out of here.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I was on the East St. Louis Task Force, and I do understand the problems that they have down there, and have supported legislation that would try and correct some of these problems. Unfortunately, Representative Younger's bill is not going to be the one that's going to do it. It's got three big

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

problems with it. First of all, the bill states that the IDFA should issue bonds so that these problems can be solved. The problem is that this agency doesn't have that authority, unless the bonds have an adequate and dedicated repayment mechanism. In East St. Louis they don't have that kind of mechanism. Second, the provisions of the bill demand withholding of the funds collected by the State and due to the municipality. The problem with that is that East St. Louis is a home rule city and we don't have that authority to withhold those funds. Third, the bills says that we should monitor the city through new data collection agency, which is really outside the powers and the duties of the IDFA. I understand what she's trying to get at. The problem is that this bill is not going to work. We just plain don't have that authority in that agency. There is another bill that has been signed by the Governor which will start the process that will bring East St. Louis back into compliance and that will assist the City. This bill isn't it. I strongly recommend that you override -- that you -- that you sustain the Governor's veto - sorry about that - and -- and let's continue working to a satisfactory solution to East St. Louis' problem. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Hall, you wish to close?

SENATOR HALL:

Thank you. First, I would like to pay my thanks and praise to both Senator Watson and Senator Fawell for serving on this. Senator Fawell, it means that the municipality would agree -- the City of East St. Louis would agree for their funds to be withheld. This is something. You don't know what it is unless you live in a place like that, where you board like you're in the -- in -- every home has boards at their windows. We have the highest infant mortality rate in the nations. We have the highest tax rate of



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

any cities in the State of Illinois on property taxes. And yet, we got a deficit of some millions. This is vitally needed. The municipality has agreed for this to happen. And so therefore, it's going to take - and the only people can do it are you people here - the only ones to see that a -- that a city's going to go under. You are the last source that they can appeal to, and that's why we're appealing to you right now. And I can't pay enough praise to Senator Fawell and Senator Watson for serving on that committee. And they did it along with others. But all you have to do is walk in that -- think of fire trucks without gas - fire trucks without equipment - police without radios in their cars. It's unbelievable that a city of over fifty some thousand people have one police car on at nights. Just think of that. I'm telling you, this is a much-needed bill. And I appeal to you. Please do not turn this bill down; it's vitally needed. I ask for your favorable support of this bill.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 1559 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, please, Madam Secretary. On the question, the Ayes are 32, the Nays are 25, none voting Present. House Bill 1559, having failed to receive the three-fifths vote, is declared lost. Motions in Writing to Override Total Vetoes is House Bill 2346. Senator Rock. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that House Bill 2346 do pass, the veto of the Governor to the contrary notwithstanding.

Filed by President Rock.

PRESIDING OFFICER: (SENATOR LUFT)

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. For those of you who have read the veto message, let me refresh your recollection. The Governor says in his -- in his message, "while the goals of House Bill 2346 are laudable," and you will recall that House Bill 2346 authorized a State program of technical assistance and matching grants for lake restoration and watershed management for all the inland lakes across Illinois. It does not apply to Lake Michigan, but it applies to all those small lakes in northern and western and central Illinois and southern Illinois. And the Governor vetoed it because, he says, "I vetoed a hundred thousand dollar appropriation to the Illinois EPA as a result of inadequate increase in the cigarette tax." I suggest to you that this program is a good one. It passed this Body with -- with a substantial majority. Passed the House. And it was one of those programs that the Governor, back in July, targeted when he was requesting, and obviously requesting, an additional eight-cent increase on the cigarette tax. Now as soon as we returned to Springfield, I think it's fair to say that there was virtually no support for an additional tax increase for cigarettes or for any other tax, it appears. And so now we have to sort through what the Governor did. And the fact is, there is -- there are existing resources. And this is a program that has been delayed too long. And it was put into place as a result of what we know is a diminishing of the Federal Clean Lakes Grant Program. The Feds are backing off of this, and we in Illinois have enough inland lakes and watersheds that we ought to start planning. And that's all this does. It is a good program, and one that earnestly deserves your support. And so I would ask an Aye vote, and ask that House Bill 2346 pass, the veto of the Governor to the contrary notwithstanding.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

I rise for the purpose of supporting President Rock on this particular motion. And to my colleagues on this side of the aisle, you'll recall we voted on this yesterday, and there wasn't just too much support on this side, but I hope that you'll maybe take a second look at it. First of all, we've got to realize what we're doing here. We are creating a lake management plan. I think many of the lakes in Illinois either now or very soon will experience problems, primarily with problems of siltation. A lot of these problems, very frankly, are beyond the control of the various lake associations. What we're doing here is setting up what I think is a rather logical and control program to address systematically the problems of these various lakes. We set up a priority system for State assistance to these various lakes. And I think we also should point out, in closing, that there own self-help will be the cornerstone of this program. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Rock, do you wish to close?

SENATOR ROCK:

Thank you, Mr. President. I appreciate Senator Rigney's remarks. This is an extremely important program, and one I suggest that the Governor overlooked with the hope of perhaps resurrecting the tax question. We know there's no hope of resurrecting that question, and I would ask your support for this most worthwhile project aimed at the preservation of the inland lakes across Illinois. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 2346 pass, the veto of the

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On the question, the Ayes are 52, the Nays are 6, none voting Present. House Bill 2346, having received the required three-fifths vote, is declared passed, the veto of the Governor to the contrary notwithstanding. Middle of Page 12. We're now going to Motions in Writing, Override of Item Vetoes. First bill on the list is House Bill 850. Senator Demuzio. Read the motion, please, Madam Secretary. Senator -- Senator Demuzio. I'm sorry.

SENATOR DEMUZIO:

Mr. President, there are three motions on the Calendar. I wish they'd skip the first two and -- and call the third.

PRESIDING OFFICER: (SENATOR LUFT)

All right.

SECRETARY HAWKER:

I move that the item on Page 49, lines 26 through 28, of House Bill 8 -- House Bill 850 do pass, the item veto of the Governor to the contrary notwithstanding.

Filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. The first two motions were -- were separated. The third motion that -- that I'm offering restores the entire seven hundred and fifty thousand dollars, which would, in fact, be for the adult education which was stuck into the DCCA budget this past semester, and it, in fact, will go to the State Board of Education. The restoration of the seven hundred and fifty thousand will go to community colleges and public schools and some regional offices of education to -- and also some -- to

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

administer adult education programs. Want to point out that the, you know, the reason that I've decided to do this, quite frankly, is because if you look at the adult education record over the last number of years, particularly if you look at the figures for 1988, you'll see that they can document over twenty-nine million dollars in savings to the State of Illinois, from welfare programs alone, during the last four fiscal years, and it seems to me that this is one of the programs that we ought to be funding if we're having that kind of savings and if we're having that kind of -- of success with the State Literacy Program, with the Welfare Reform Package, with component for Project Chance and things of that nature. So I would urge my colleagues to take a serious look, and ask for the overriding of the -- or the restoration of the seven hundred and fifty thousand dollars.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Demuzio and I have -- have discussed this issue and -- and both feel very strongly about the funding of adult ed. And I have personally agonized over this motion for two or three days, quite frankly, and talked with adult ed people, and I have come down on the side that perhaps a better way to handle this might be to reject this motion, and perhaps in the Supplemental, as we work this afternoon on that document that will be presented tomorrow, work out a compromise on this issue at a -- at a lower level. I would suggest to the Body that the adult ed level now stands at the SBE request which is not bad, and I would suggest to you, also, that perhaps a bit more money is needed, but I believe with the pressure on the budget now, it would be better if we would reject this motion, go into conference this afternoon, settle for a smaller amount as other areas are, and get the additional

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

funding for adult ed that way. Therefore, I would reluctantly suggest that...

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion?

SENATOR MAITLAND:

...defeat this motion.

SENATOR LUFT:

Sorry. Further discussion? Senator Demuzio, to close.

SENATOR DEMUZIO:

Senator Maitland had informed me of that -- of his notion some -- about an hour ago, I guess, and I don't really quarrel with what he's saying. However, I do believe that, with respect to the supplemental that, you know, Lord only knows what is going to take place in it. And I do know that if we get this seven hundred and fifty-seven thousand dollar additional appropriation for adult ed, which I think everybody in here is for, in terms of adult education, because we hear so much about it these days. It just seems to me that perhaps we ought to proceed along these lines that take an affirmative vote, and proceed from there, and I would ask the Members of the Senate to put an affirmative vote with respect to this motion, please.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall the item on Page 49, lines 18 through 28, pass, the item veto of the Governor to the contrary notwithstanding. 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, please, Madam Secretary. On the question, the Ayes 43, the Nays 14, none voting Present, and the item on Page 49, lines 18 through 28 of the bill, having received the required three-fifths vote, is declared passed, the item veto of the Governor to the contrary notwithstanding. The bottom of Page 12 is House Bill 1850 <sic>

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

(850), Motion in Writing to Override. Senator Joyce. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

I move that the item on Page 56, lines 8 through 11, of House Bill 850 do pass, the item veto of the Governor to the contrary notwithstanding.

Filed by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would just tell you that this is the hundred thousand dollars that is for the Lake Management Study that Senator Rock just explained and passed. So I would move that the -- that the item on Page 56, lines 8 through 11 of House Bill 850 do pass, the item veto of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the item on Page 56, lines 8 through 11 pass, the veto to the Governor to the contrary notwithstanding. 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, please, Madam Secretary. On the question, the Ayes are 43, the Nays 11, none voting Present, and the item on Page 56, lines 8 through 11 of the bill, having received the required three-fifths vote, is declared passed, the item veto of the Governor to the contrary notwithstanding. Top of Page 13. On your Calendar, top of Page 13, Motion in Writing to Restore Item Reductions, is House Bill 8-5-9. Senator DeAngelis. Out of the record. Motions in Writing to Override Specific Recommendations, House Bill 211. Senator Newhouse. Senator Newhouse. Read the motion please, Madam Secretary.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SECRETARY HAWKER:

I move that House Bill 211 do pass, the Specific Recommendations of the Governor to the Contrary Notwithstanding. Filed by Senator Newhouse.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. House Bill 211 is intended to aid financially distressed cities. I urge this Body to override the Governor's amendatory veto, which attempts to eliminate from Membership the presiding officer of the municipal governing body as a financial -- on the financial oversight commission. Elimination of that officer would be contrary to the democratic process. Involving of the chief officer, as originally intended, would assist future implementation of a new financial plan. Representative McNamara is the original sponsor of this bill, and has expressed a deep concern over the plight of certain municipalities in a letter distributed to you yesterday. The original votes on this proposal were 99 - 13 in the House, and 49-9 in the Senate, and I would ask that we do the same vote on today. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I rise to oppose this bill. I have a letter in my hand from the bonding companies, and let me just read a little bit about what they are saying is the problem with this bill. It says, "The difficulty posed by the bill is that it permits a moratorium on contract payments, rather than providing support to correct the faults overcoming financial constraints. The absence of creditors' rights makes the bill one-sided, and the bill will frustrate cost-efficient intergovernmental cooperative



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

efforts." And then it goes on to say, "If the principles of contract obligations may be so easily overturned as by this legislation, they are principles which cannot support sound investments. Joint action agencies, self-insurance pools, bond bank borrowing and joint purchasing pools are all adversely affected." If we start doing this, our bond rating is going to go zip. I would strongly suggest this is not the way to solve the problems of these kinds of communities. We have passed a bill which is in the works right now to try and -- and bring these communities that need this kind of help back into financial soundness. That bill has been signed by the Governor. I think we should continue in that direction, and over -- and -- and not override the Governor's veto.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Newhouse, you wish to close?

SENATOR NEWHOUSE:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 211 pass, the specific recommendations of the Governor to the contrary notwithstanding. 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, please, Madam Secretary. On the question, the Ayes are 30, the Nays are 25, none voting Present, and House Bill 211, having failed to receive the three-fifths required vote, is declared lost. Motions in Writing to Override Specific Recommendations is House Bill 2405. Senator Jones. Senator Jones in the Chamber? Next order is House Bill 2693. Senator Watson. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

I move that House Bill 2693 do pass, the specific recommendations of the Governor to the contrary notwithstanding. Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. House Bill 2693 is some legislation that we introduced to prohibit the performance of experimentation, research and transplantation of fetal tissue. The -- the law prohibits -- or the Act actually prohibits the sale and use. The Governor agreed with the provisions in regarding the sale, but he did not agree with the provisions in regarding to the outlawing of it -- of the use of aborted fetuses for research and transplantation. One thing that this bill does not do, and it does not restrict a woman's right to an abortion. There is nothing in this legislation that would prohibit that individual from a legal abortion. There was some concern about this legislation when we first discussed it about the impact this might have on miscarriages and stillborns, and those situations are exempted from the legislation. So having the Governor's Veto Message before me, and the concern that I have for -- for the unborn and for this type of practices, I would like to override the Governor's veto, and would be glad to answer any questions or concerns you may have about this legislation.

PRESIDENT ROCK:

All right. Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Watson, I don't know a great deal about this subject

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

matter. Is there any federal legislation that you are aware of on this subject?

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

No, because there is experimentation being done now, and so, having said that, I guess there would be no federal legislation.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, it would seem - and I look deferentially upon the sponsor and others concerned about this issue, because I don't know a great deal about it - but it seems to me if we are going to wade in and regulate in an area which really has national ramifications, and a health matter where we haven't gotten any direction from -- from an agency with credibility - say of the National Institutes of Health or the -- the drug regulators in the Food and Drug Administration or wherever it might be - it would -- it would seem to me ill - advised to - on a piecemeal state-by-state basis - to be passing regulations on this subject, when those with greater expertise in our own agencies haven't done so.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator Watson, I -- I hate to tell you this, but you are wrong. There is federal legislation. I originally voted for this bill, and I have been really torn, and -- and undecided until yesterday how I was going to vote on this bill. I made several phone calls. One of the articles that I was given by -- by the lobbyist for the pro-life group was an article that quoted a doctor from Cleveland -- from the Cleveland Memorial

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Hospital. I called up the Cleveland Memorial Hospital to find out if he was there. I found out that this gentleman was no longer there, and has not been there for nine years - a Dr. Schwartz. He is now at Brown's University. I was told, though, by the head of the pediatrics department, that -- that the information and the kind of things that were done up until five years ago can no longer be done, that in order to use any kind of tissue of any kind, whether it's from the fetus or whether it's from an adult, is now covered by a very, very stringent federal law. I then called up the University of Chicago, and I talked to a Dr. Tapathy, who is in the process right now of trying to discover the cure for congenial <sic> glaucoma. These are babies that are being born with glaucoma and they become blind soon after birth, and she told me that if we indeed take this measure, we will not be able -- she will not be able to continue her research in the State of Illinois. Let me tell you what I have been told that the federal regulations consist of. First of all, every university, every college and every hospital that does research and uses human tissue, must, first of all, appear in front of a board that is set up by the federal government, and they have to explain exactly what they are going to do. How they are going to do it. Is this a confidential -- is the confidentiality rules kept to? Is the psychological process of the -- of the parents being looked after? They have to have a copy of the Informed Consent Law that the parents are asked to sign before they even get the tissue. Whether again it is done -- it is a fetus or it is a -- an adult, that tissue has to go to a pathologist, who also has to look at all the forms. The federal government constantly comes in and looks and makes sure what they are doing is ethical and is necessary. Every year there is an annual review of these experiments. There is a lot of controls. They are very difficult to contain. Many times their experiments are refused. If they do

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

agree, the -- they are kept under very, very close scrutiny. I am afraid that if we continue on with this bill, and if we -- if we override the Governor's veto, what we are going to do is we are going to condemn a lot of children to illnesses such as this congenial <sic> glaucoma, and I personally will not take that kind of responsibility. I will not allow a child who possibly will lose his sight, because I decide that I can't vote for this kind of measure. I strongly urge that we do not override the Governor's veto, and allow our universities to continue on with this very necessary work.

PRESIDENT ROCK:

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in favor of an override to the Governor's veto of House Bill 2693, and in so doing, I rise not to accuse, not to point a finger, but to express my grave reservations about putting the State seal of approval on the use of fetal tissue resulting from the abortive process for experimental purposes. If we do this, are we not putting the unborn at even greater risk than the unborn is already? Are we not, in effect, saying that the ends justify the means? Are we not, in effect, saying that if what many of us believe to be inhumane is okay if done for humanitarian reasons? Where does this kind of question lead a young girl who is pondering -- who is agonizing over a decision as to whether or not she should have an abortion? She goes to her physician and the physician says, "Well, that's really up to you, but I can tell you this: that if you do abort this child, it will be used for good purposes. It will be used for scientific purposes. You will, in effect, be perhaps aiding and helping mankind." Are we not in so doing - if we do this, and if we go this route - are we not tilting the scales in favor of abortion? I fear we are. Are we

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

not providing the abortionist with a powerful, additional tool with which to ply his trade? I fear that we will be doing that. So I would caution you, my colleagues, about putting a facade or perhaps a plaster coating of, if you want, scientific reasons, covering this whole abortion question with reasons why it's good, it's justified - putting a mask on the whole business that I don't believe it deserves. As far as the use of fetal tissue - and I am closing with this - it strikes me, and I have really no real scientific justification perhaps for what I am going to say, but this bill, in its present form, does not prohibit the use of fetal tissue of the stillborn child. I just have a feeling that the scientists already have access to enough fetal tissue under present conditions to do the kind of experimentation they seem to feel they have to do, without us going this extra route. So I would implore you, with all the sincerity that I have, to ponder this question in your hearts and your minds before we say, "Okay, abortion; okay, if done for good reason." I would remind you that that is precisely what was done in Nazi Germany many, many years ago - that kind of reasoning, and it led to disaster. I don't want to see it happen in this country. I would urge you again to think, to ponder, and I would urge you to override the Governor's veto of this bill.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I think that Senator Hudson was right in saying that we should think and ponder upon this particular act, because I think it sets the pace for just medicine, and how we are going to practice medicine in the State of Illinois, where we are going to direct our attention, research and all sorts of public benefits for the future. I think the Governor addressed the major problem in this

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

bill when he went after the profit motive, and he removed it in his veto, because I think all of us can agree that this is something that should not be done. We should not be trafficking in this kind of thing, and by removing that profit motive, I do think that, indeed, we have addressed that issue. But if the goal is to restrict abortion in this bill, there are far better ways at doing it than gutting the very foundations of medical research which would help to protect the very same babies that anti-abortion supporters would seek to protect, because in this particular bill, if -- if it is overridden, we cannot go on in the State of Illinois, and through our teaching hospitals that go throughout the State of Illinois, in terms of trying to find what are genetic disorders that do indeed produce spontaneous abortions for those people who would choose to -- to have a pregnancy come to term and have children. Likewise, can we deny that medical research using renal fetal cells in the past, wrought us such things as polio vaccines, things that have made life significantly better for all of us, and most specifically to our children. I mean, I can remember as a child when polio was the AIDS of that generation, because youngsters were affected right and left, and we've beat that rap by being able to do research in this type of a fashion. In general, I think we can see that the research that has gone on now is applicable to -- to conditions like Alzheimer's disease, and Parkinson's disease, glaucoma, diabetes. It -- it has so many opportunities for all of us. It's not comparable to Nazi Germany, and I think the comparison is ill ill-taken, and does not dignify, as it should, what went on during World War II. This is not some kind of a conspiracy that's going on by some kind of a crazed dictator trying to wipe out races of people or anything like that. It is strictly medical research. If I may address Senator Hudson's specific question on spontaneous abortions. They are not enough. The timing for them is usually

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

not appropriate for medical experimentation, and furthermore, they are usually spontaneous abortions because there is a genetic problem or something else that has caused this to occur, making those type of aborted fetuses unusable for any type of medical research. So it's a nonargument in this bill. If this bill passes, I think that we -- we really undercut what -- what is now going on in universities all over the State of Illinois. In opposition already are the University of Illinois at Chicago, as well as at Champaign, Northwestern, University of Chicago, Rush-Presbyterian-St. Luke's Medical Center - they are very much involved. I would hate to see them stop now. This has far broader implications, and I would hope that we would sustain the Governor's veto.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I completely concur with Senator Topinka's remarks, and just think, when you can use fetal tissue to save a child who's been burned, and save its life - are we going to prevent that? Because that's what this override will do, and I don't think we should do that. I certainly feel that when the bill prohibits the use of any fetal tissue which has resulted from abortion for the purpose of research or transplantation, we are going too far. Of course, the bill has already -- the Governor has already sustained the fact that we cannot have the offering of contracts or inducements of parents of one unborn child for the purpose of procuring an abortion, so he has covered that. I think we better use our common sense and reason, because we need to keep experimenting if we are going to save little people's lives or help people who have Parkinson's disease, Alzheimer's and diabetes, and so forth, and save youngsters when they have terrible burns, and where fetal



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

tissue like this is important to save them. I speak against the override.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I supported this bill when it passed this spring, primarily because of the provision that had to do with the sale of fetal tissue, but I really have been in a quandry about this matter since the -- the sponsors and the proponents of the bill have decided to take the position that they have, because I think we are in a posture now where they are, in fact, taking a risk of perhaps losing what I thought was the most important part in the bill. It seems to me that -- and that being the prohibition upon the sale. I really believe that the effect of this bill will have nothing to do with the number of abortions performed. The abortions are going to take place. The question is, whether or not that fetal tissue will serve any worthwhile purpose, and it seems to me to override the Governor's veto would, in this case, be a bad mistake, because the results of those abortions, whether you like them or not - whether you approve of them or not - the results of those abortions do produce some tissue which can prove to be a -- a meaningful supply of tissue for medical research, and we should not be against that. I think the motion should be defeated.

PRESIDENT ROCK:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to endorse the comments of my colleagues, Senators Topinka, Geo-Karis and Schuneman. The action of the House Rules Committee, I thought, precluded the necessity of getting into pro-choice, anti-choice debate in this Session, but I guess I was wrong. But

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

let me suggest to those people that are seeking an override of the Governor's veto on this bill, in Illinois today, abortions are still legal. We have not addressed that issue in this override Session. That will be on our agenda, I am sure, in the spring. This bill -- this motion on this bill is an attempt to do through the back door what anti-choice elements are -- have been prevented from trying to do through the front door. Ladies and Gentlemen, let me suggest that, regardless of our position on choice and anti-choice, that we address that issue straight up in the spring, and reject the backdoor approach. One of our great contributions that this State makes to the entire world is our medical research facilities in Illinois. This bill undermines those wonderful constructive efforts of medical research. The Governor was right to the point in his remarks, and let me quote just two sentences. "House Bill 2-6-9-3 prohibits the use of any fetal tissue which has resulted from abortion for the purpose of research or transplantation. There have been numerous instances where fetal tissue have been invaluable to the development of important research and medical advances." And he cites the fight against polio, and he talks about Parkinson's disease and Alzheimer's disease and diabetes. Should we prevent legitimate research into those crucial areas of universal concern? I say No, we should not prevent legitimate research. I say, vote No on this motion.

PRESIDENT ROCK:

Further discussion? Senator Fawell, for a second time.

SENATOR FAWELL:

I apologize for rising a second time, but I just wanted to set the record straight. One of the other things that I was told by the University of Chicago and the hospital in Cleveland is that there is no contact between the universities and the clinic that performs the abortion. All the tissue must go to the pathologist. The pathologist is the one who, because he has a number code, gets

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

the permission, after the abortion has taken place. There is no sale, there is no money passed between the universities and the pathologists. All fetal tissue and placentas, by law, must go the pathologist, and so if he doesn't -- if it isn't being used by the university, the pathologist must, by law, destroy the tissue, usually through incineration. So we are not talking about convincing women to have the abortion because it's going to do somebody else some good. That's just not the case.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Watson may close. Oh, I am sorry. I didn't -- Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. My light had been on for some time. I urge that we sustain the Governor's position on this bill - not surprisingly - and I second a number of the points that have been made. Let me just add two more. One is that I think the record is actually unclear, Senator Watson, as to the status of fetal research under federal law at the present time, and I am reading from a news report of Tuesday, October 17th, which says that, "In a major victory for anti-abortion forces and a setback for medical researchers, the Bush Administration is preparing to extend a ban on fetal tissue research. An extension of the nineteen-month-old ban had been recommended by Doctor James Mason, Assistant Secretary for Health in the Health and Human Services Department." And third, the ban itself - the ban on government-funded medical research - has been in effect since March, 1988, at which time it was imposed by an assistant secretary. So there is some question whether this bill is even appropriate if the federal law indeed is as suggested here. Secondly, and this also was further reported at that time, and had been previously an extension of the nineteen-month-old -- oh, I am sorry. In extending and recommending extension of the ban, the administration would be

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

overriding the views of numerous scientists, as well as two committees convened by the National Institutes of Health to study the issue. The ban has, in fact, blocked research on a variety of medical problems, including possible treatments for numerous disorders ranging from diabetes to AIDS to Parkinson's disease, so I think we are left with at least two facts. One, there is some confusion about the status of the federal law, and secondly, whatever that status, it has been recommended by committees of the National Institutes of Health that indeed fetal research should be permitted to continue so that we can have the advantage of what can be learned from it on important and killing diseases that affect our people. I would urge sustaining the Governor's veto.

PRESIDENT ROCK:

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

END OF TAPE

TAPE 2

SENATOR WATSON:

Yes. Thank you, Mr. President. I appreciate the remarks of everyone, regardless of your position on the issue, but there are some things I think need to be cleared up. This obviously is not an easy issue. Not -- not -- at all. And I'm sure, Senator Fawell, that there is some good that comes from the use of fetal tissue and experimentation and transplantation. I'm sure that there is some good that comes from that. But does that make it right? Now, that -- that to me is -- is the issue. Profit-taking -- and that -- and Senator Topinka and Senator Schuneman, certainly the Governor, in what he did - that's not the

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

issue now. If we don't pass this, everything goes down, and we have to start over next spring. So I think that the fact that we have this before us now, and the issue of -- of experimentation and research on fetal tissue, we should override the Governor's veto. The polio vaccine issue is one that I find quite -- if I recall, abortions were illegal back when the polio vaccination and vaccine was invented. So I don't know how this issue could be intertwined with that particular point. And Senator Berman, we're not -- we're not restricting abortions. We're not -- in any way is this a restriction of a woman's right to have an abortion. Not at all. That is not the issue. This is not a pro-choice, pro-life issue. It really, truly isn't. It should not be a litmus test as to how this General Assembly is going to ultimately approach the issue of abortion. What we're talking about here is what is ethically and morally right. Senator Schuneman, you made the remark that abortions are not on the increase as a result of experimentation and research. And we have found, and we had testimony in committee, before your committee of which you are a member, by Dr. Greg Brewer, who is a neuroscientist <sic> at SIU School of Medicine, who testified that those that are doing research need some direction, ethical and moral direction. And he testified that abortions do increase as a result of the incentive -- possible incentive of having an abortion so that that fetal tissue could be used for experimentation. Again, I -- and counselors, any number of counselors who counsel with women, have told us that the fact that an aborted fetus could be used for research, and maybe some good could come from this, has actually led that individual and that woman to an abortion, because she takes the attitude and that -- that some good's going to come from this. If we possibly outlaw this, prohibit it, then that alternative it not available to her, and there's a good possibility she may not have an abortion. I really -- you know,

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

it's not an easy issue. We -- we all have our - probably our minds made up. But it truly is not a pro-choice, pro-life litmus test. This is only doing, in my eyes, what is right, and I would appreciate your support.

PRESIDENT ROCK:

Question is, shall House Bill 2693 pass, the specific recommendations of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 28 Nays, none voting Present. And the motion fails. Ladies and Gentlemen, if I can have your attention, we will turn now to Page - with leave of the Body, turn to Page 5. We'll begin at the beginning of the Calendar, and we will deal with those matters that have been brought to the attention of Senator Philip and myself. A number of Members have amendments. The procedure will be that we will go down the list of House Bills 3rd Reading, handle the amendments that are offered on the Recall Sheet, and take up the bills for final action tomorrow, after everyone has had an opportunity to take a look at the amendments. Then we will, after 3rd Reading, we will go immediately to 2nd Reading, and then handle the balance of the Calendar, and by that time, we will have, or perhaps it's already out, a Supplemental to hopefully conclude our business. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Pursuant to the discussion with you, Mr. President, and Minority Leader Philip, I would ask leave of the Body that Senators Hall, Severns, Welch, myself, Senators Maitland and Etheredge be given leave to attend a conferees with the House on the Supplemental Appropriations and we request of the Members that we not be

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

verified. We will be listening to the speaker and asking our seatmates to vote us bill by bill.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, you have heard the request. We have a number of Members that have been called to a conference committee, or a pre-conference committee meeting with respect to the supplemental appropriation, which is extremely important, and obviously should be handled tomorrow. And the request is that they be recognized as being present in the building, but while not on the Floor, and not verified off for that purpose. Without objection, it appears leave if granted. We'd ask you only to hurry back. ...(machine cutoff)...Maitland, for what purpose to you arise, sir?

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Before I leave the Floor and while you're on Page 5, I have asked for and received permission from Senator Philip, that I'd be the lead sponsor on House Bill 602. That's the bill that contains the -- the rewrite of the School Aid Formula that we put on that bill last - this spring. And that will read Maitland dash Philip.

PRESIDENT ROCK:

All right. The Gentleman has asked leave to be shown as the chief hyphenated sponsor of House Bill 602. Without objection, Madam Secretary, leave will be granted. All right. Senator Newhouse, are you ready on 713? On the Order of House Bills 3rd Reading, Madam Secretary. We'll begin on the Order of House Bills 3rd Reading. I am told that the -- there's yet another amendment coming up on 158, so we'll get back to it as soon as the sponsors of the bill and/or the amendment indicate to the Chair that they're ready. But we will proceed down the line, and I'd call your attention to the list of Recalls that everybody has been provided with. We'll begin then on the Order of House Bill 3rd

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Reading, the middle of Page 5, with House Bill 713. Senator Newhouse seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bill 2nd Reading is House Bill 713, Madam Secretary.

SECRETARY HAWKER:

Floor Amendment No. 1 offered by Senator Newhouse.

PRESIDENT ROCK:

Senator Newhouse, on Amendment No. 1.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. This makes technical changes in the referendum requirements for the construction of for school buildings, or for office facilities. This is a cleanup. Senator Hawkinson -- Hawkinson, I think we're all cleared on that. I'd -- I'd appreciate a favorable adoption.

PRESIDENT ROCK:

All right. Senator Newhouse has moved the adoption of Amendment No. 1 to House Bill 713. 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. Page 6, Ladies and Gentlemen. Senator Dunn, on 1514. Do you wish that read and moved, or called back, or are we just going to hold it? It is on 3rd. Yeah. Just sit? Okay. 2045. Senator Keats. Middle of Page 6, Ladies and Gentlemen. On the Order of House Bills 3rd Reading is House Bill 2045. Senator Keats seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2045, Madam Secretary.



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Keats.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

This is - I forgot whether it is 776, or 778, it was one of the bills that the Governor had amendatorily vetoed, and was held up in the House Committee. What it does, it's passed the House and Senate. It says that it establishes ways for the General Motors dealers and for other dealers to protect and authorize what their franchise is in terms of maintenance et cetera. Again, a bill we had passed before. I can answer some questions, but we are simply giving it another chance.

PRESIDENT ROCK:

All right. Senator Keats has moved the adoption of Amendment No. 4 to House Bill 2045. 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. Senator Jones, on 2079. Senator Jones seeks leave of the Body to return House Bill 2079, Madam Secretary, to the order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2079, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Smith.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

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

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senate. I merely want to state that Senate Bill 709 is amended to House Bill -- 2079. Deletes everything after the enacting clause. This amendment to House Bill 2079 is <sic> amendatorily vetoed by the Governor and accepted by the Senate in vote -- by a vote of 57 to 2 <sic> (0). And I ask...

PRESIDENT ROCK:

All right. Senator Smith has moved the adoption of Amendment No. 1 to House Bill 2079. 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. Senator Savickas. 2117. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2117, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas, on Amendment No. 1.

SENATOR SAVICKAS:

Yes. Mr. President, the proposed amendment is to the Illinois Highway Advertising Control Act, and it's a proposal to bring the zoning limits of communities as they existed in 1959 up to the 1989 standards and limits. And I would move its adoption.

PRESIDENT ROCK:

Senator Savickas has moved the adoption of Amendment No. 1. Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think this is an amendment that we

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

should all look very carefully at. We have just recently had a court decision in DuPage County, Senator Philip. Senator Philip, DuPage County and -- and other counties where billboards are limited by municipalities. I believe, from what I have been told, that this -- this will allow billboard companies to extend their powers in municipalities as far as size and location. Am I wrong, Senator Savickas? This is what staff just told me.

PRESIDENT ROCK:

Gentleman indicates that he will yield. Senator Savickas.

SENATOR SAVICKAS:

Senator Fawell, this bill, or this amendment, in no way is intended or will authorize the State or anybody to over - oversee local authority in the placing of signs. It is - the purpose is to bring it up to the 1989 standards in the zoning, to grant opportunities for the erection and placement of advertising in areas that have been annexed and properly, locally zoned for this purpose, prior to September 21st of 1959. And those communities designed more stringent land use relative to the outdoor advertising will not be required to relinquish any local control under this proposal. In fact, this more clearly defines their areas of domain. This is, you know, in the passage of thirty-one years, Illinois businesses that had desired to promote more cost-effective advertising and find suitable locations will be afforded that opportunity. There is a problem with IDOT that in the past, because - since 1959, because they have a complex enforcement obligation. Many areas that are now annexed, there are no proper designation of a zoning district boundaries, or even municipal boundaries, regarding the Federal Act for signs. This will give those municipalities and those communities their authority over any of -- any enactment of the sign ordinances.

PRESIDENT ROCK:

Senator Fawell.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SENATOR FAWELL:

Thank you very much. I've just been handed by the staff what this bill does. And basically, let me read you what -- the comment that IDOT sent over. It says, "The end result of this amendment will be a tremendous number of new billboards being constructed in the collar counties. While this will have no effect on the City of Chicago, a huge number of new signs will be constructed in unincorporated and in incorporated areas of DuPage County and Suburban Cook County. The billboard companies will be able to have signs erected in downstate areas where they never could before. According to IDOT, the -- the metro-east area particularly, will be targeted by the industry for a large number of billboards. In addition, many existing billboards that are currently illegal signs will become legal." I don't think this is the kind of thing that we want to do. We -- we just managed to keep our -- our highways cleaned. We're going to be able to -- they're going to be able to erect signs along interstate highways. I don't think this is really what we want to do, and I would strongly suggest we oppose this amendment.

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

I was just going to ask if this amendment has been distributed, because I don't have it on my desk, but I guess if there's already an analysis written about it, that's -- we'll take that that it has been. I would ask for a roll call vote on this amendment.

PRESIDENT ROCK:

That request is in order. Further discussion? Discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

Yes, Mr. President. This -- purpose of this amendment, as I

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

said, was to allow the Illinois Highway Advertising people to - to have some conformity to set up a system that -- of zoning - proper zoning, not in competition with local, municipal, or local county authorities. They would have the final say-so. The State would have an updated - not a 1951 - order, and IDOT would not be working under 1951 or 1959 rules and regulations on what is properly zoned for the signs. Senator Fawell touched on an important point - that we have existing billboards that have been grandfathered in. And they will stay there, and stay there forever. Yet the State Highway Department has no real authority over them, because they were grandfathered in. They -- they follow no local zoning ordinances. They follow no state ordinances. This would at least give them authority for further regulations of those existing and those that go up. When the Federal Act was enacted -- was enacted to prevent desecration of national highways, it was enacted to promote orderly, effective control of uses of spaces adjacent to these highways. And this is what we hope to do with this amendment - to allow the State Department of Transportation, our local communities to have an orderly control, effective control, of these adjacent spaces to our highways. And I would move its adoption.

PRESIDENT ROCK:

Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 2117. A roll call has been requested. Those in favor of the amendment 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 30 Ayes, 23 Nays, and 1 voting Present. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

3rd Reading. Senator Schaffer. Top of Page 7, Ladies and Gentlemen is House Bill 2576. Senator -- Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2576, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 4.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill is now starting to collect a number of pieces of legislation - most of it cleanup. I think some of it responds to the House's way of handling amendatory vetoes. Let me go through the first amendment. The first amendment deletes the title and everything after the enacting clause, and it does the following: includes Senate Bill 787, which was Senator Vadalabene's, which increases the cost of -- obtaining a motor vehicle title from three to five, and this is the two-dollar charge for the acquisition development of bike trails for the Department of Conservation. This is one of the bills that got trapped. House Bill 1085, which, in the Senate was sponsored by Senator Welch, creates the Used Tire Management Program and provides that fifty cents of that fee that was mentioned earlier in Senate Bill 787 would go for that. And it clarifies that the one dollar and fifty of each of the fees would go toward the bike trails. According to the the Secretary of State, this would raise about seven million dollars annually for the two purposes.

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of amendment No. 4 to House Bill 2576. Discussion? If not, all in favor, indicate by

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

saying Aye. All Opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 5, please.

SENATOR SCHAFFER:

Last spring when we passed the legislation on the Sears -- is to keep Sears in the State, one of the things that was done was to move that area in - near Hoffman Estates into the Metropolitan Water Reclamation District. Apparently, the language was in error, and the legal description of the Sears property was incorrect. This language merely corrects the legal description of the Sears property, so that it can be annexed into the Metropolitan Water Reclamation District. I am told that none of the municipalities, including Hoffman Estates, opposes it, and that the Water -- Reclamation District supports it.

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 5 to House Bill 2576. 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:

Amendment No. 6 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

This amendment also expands the boundaries of the Metropolitan Water Reclamation District to include a residential development which I believe is called Gratz Corner. I have no idea where that is. It's located in Palatine. I am told the City of Palatine and the district are in agreement on it.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 6 to House Bill 2576. 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:

Amendment No. 7 offered by Senator Davidson.

PRESIDENT ROCK:

Senator Davidson, on Amendment No. 7.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this amendment puts House Bill 2123, which is sponsored by myself and Senator Carroll, to protect the confidentiality of information submitted by employees relating to suggestions made to the State Employees Suggestion Award. There was another amendment put on that the Governor amendatorily vetoed about paying thirty days on a State Employees Insurance Act. The House did not act on this. All this -- this controversial language is now gone, and all it does -- this amendment -- is protect the confidentiality information submitted by the employees related to suggestions made to the State Employees Suggestion Award. Move the adoption of the amendment.

PRESIDENT ROCK:

Senator Davidson has moved the adoption of Amendment No. 7 to House Bill 2576. 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. 8 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen, on Amendment No. 8.

SENATOR BARKHAUSEN:



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Mr. President and Members, Amendment No. 8 to House Bill 2576 is the substance of Senate Bill 1182 as it was approved by us in the spring and then again with our acceptance of the Governor's specific recommendations for change two weeks ago. Again, this is an instance where our acceptance of -- of the recommendations for change, even though in our minds completely technical in nature, led the bill to be placed on the Speakers Non-Compliance Calendar. Briefly, the substance of the bill relates to driving under the influence of drugs. It was a measure that passed 51 to 3 in the spring in the Chamber, and we unanimously moved to accept the Governor's specific recommendations for change. I'd be glad to answer your questions, and would otherwise ask for adoption of the amendment.

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 8 to House Bill 2576. 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. All right. The Chair has been informed that there are still additional amendments being prepared and/or copied for distribution for 158. So that we will ask leave of the Body to come back to that one. With leave of the Body, we'll -- we'll skip over for the moment. Senator Philip is conferring on House Bills 2nd Reading. So let's skip over to Page 8 on the Calendar, for the purpose of Senate Bill 752. Senator Schuneman. Demuzio. Nobody cares. Ladies and Gentlemen, again, if I can have your attention, during this momentary lull, we'll handle Secretary's Desk, Concurrence. There has been a request to go to Senate Bill 7-5-2. Madam Secretary.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SECRETARY HAWKER:

House Amendments 1 and 5 to Senate Bill 7-5-2.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 752 is a cleanup bill to the underground storage tank provision that was passed by the Legislature last spring and is now law. Senator Demuzio, I believe, was the principal sponsor of Senate Bill 64, which accomplished those purposes. The purpose of Senate Bill 752 is simply to make some technical changes in that bill, and does not in any way change the basic provisions, or the intent of Senate Bill 64 as it passed in the spring. The two specific areas of -- of revision address changes in the Motor Fuel Tax Law that were recommended by the Department of Revenue and also in the Environmental Protection Act. I think this bill is agreed upon by all the parties, including the Department of Revenue, the Illinois Petroleum Marketers, the Illinois Petroleum Council, and EPA. So I would urge adoption -- passage of Senate Bill - or concurrence, I guess. This is a Motion to Concur with the House Amendment to Senate Bill 752.

PRESIDENT ROCK:

All right. Senator Schuneman has moved that the Senate concur with House Amendments 1 and 5 to Senate Bill 752. Discussion? If not, all in - the question is, shall the Senate concur in House Amendments 1 and 5 to Senate Bill 752. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, -- 57 Ayes, no Nays, none voting Present. Senate does concur in House Amendments 1 and 5 to Senate Bill 752, and the bill, having received the required constitutional majority, is declared passed.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Top of Page 9. On the Order of Secretary's Desk, Non-Concurrence is House Bill 1621. With leave of the Body, Senator Demuzio will handle that for me, Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 3 to House Bill 1621.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Yes, Mr. President. I move to refuse to recede from the adoption of Senate Amendment No. 3, and ask for a conference committee.

PRESIDENT ROCK:

All right. Senator Demuzio has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 3 to House Bill 1621, and that a conference committee be appointed. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Marovitz, are we ready for 2nd Reading? All right. Ladies and Gentlemen, if I can have your attention, with leave of the Body then we will go back to the Order of 2nd Reading, Page 7, at the top. As I am sure everyone is aware, there are three bills. Senate Bill 1487, sponsored by Senator Marovitz, Senate Bill 1609, sponsored by Senator Weaver, and Senate Bill 2733, sponsored by Senator Karpziel. ...(machine cutoff)...with leave of the Body, we'll get back to 1487. Senator Weaver, are you ready on 1609? On the Order of House Bills 2nd Reading, Madam Secretary, is House Bill 1609. Read the bill, please.

SECRETARY HAWKER:

(Secretary reads title of bill)

2nd Reading of the Bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SECRETARY HAWKER:

Senator Weaver offers Amendment No. 1.

PRESIDENT ROCK:

Senator Weaver, on Amendment No. 1.

SENATOR WEAVER:

Thank you, Mr. President. This amendment becomes the bill, and it makes a number of changes to the General Obligation Bond Act, and also the Metropolitan Civic Center Support Act. This is at the request of the administration, and it would change the bond program so that it continues to function smoothly. And also, without this amendment, we would not be able to sell any of the civic center bonds in the amount of about ninety-nine million dollars. Also, the following changes are - has a ten-million-dollar authorization in the water resources category. This was to take care of the appropriation supplemental package. It makes adjustment between the various bond categories in the Transportation Bond Act. It clarifies language in the General Obligation Bonds to be paid from Capital Development Funds. And many of these are technical in nature. It clarifies language to allow any amounts paid as reimbursement of prior bonds in the Metropolitan Civic Center Support Act. It clarifies language so that we'll be able to sell that ninety-nine million dollars to construct the various civic centers. It changes language to allow crossover funding of bonds to increase the present value of the savings upon refunding. Most of these are technical in nature. If there's any questions anyone has, I'll try to answer them for you. Otherwise, I move adoption of Amendment No. 1 to House Bill 1609.

PRESIDENT ROCK:

All right. Senator Weaver has moved the adoption of Amendment No. 1 to House Bill 1609. Discussion? Senator Luft.

SENATOR LUFT:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Thank you, Mr. President. It was my understanding, and I thought the understanding was with the sponsor, Senator Weaver, that there would be more amendments to be offered to the bill. Those amendments are not drafted yet, and I was wondering what the Senator's objective is.

PRESIDENT ROCK:

Senator Weaver, what's your pleasure?

SENATOR WEAVER:

Well, I think probably the best approach, Senator Luft, was to go ahead and move it to 3rd and bring it back on recall tomorrow for your amendments, and certainly gave you time to get your amendments in order. I'd be happy to do that, if that's the consensus.

PRESIDENT ROCK:

I think that's fair solution. All right. Senator Weaver's moved the adoption of Amendment No. 1 to House Bill 1609. 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:

Amendment No. 2 offered by Senators Keats, Welch and Berman.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Okay. What this amendment does -- deals with the Township Open Space Act. The only change it makes is it allows an open space district in Northfield Township in Cook County who is leasing land from the Catholic Church on a ninety-nine-year lease -- lets them pay the bonds over forty years instead of twenty years, which makes sense on a ninety-nine-year lease. That's the only change it makes. I'd appreciate your affirmative support.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

All right. Senator Weaver's moved - I mean Senator Keats has moved the adoption of Amendment No. 2 to House Bill 1609. 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:

Amendment No. 3 offered by Senators Keats, Welch and Berman.

PRESIDENT ROCK:

Senator Keats. All right. That - Gentleman asks leave to withdraw that amendment, Madam Secretary. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Karpziel. 2-7-3-3. On the Order of House Bills 2nd Reading, middle of Page 7, is House Bill 2733. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2733.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Karpziel, on Committee Amendment No. 1.

SENATOR KARPIEL:

Could we take this out of the record for just a minute and come back to it?

PRESIDENT ROCK:

Sure.

SENATOR KARPIEL:

Thank you.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Take it out of the record. All right. Ladies and Gentlemen, I understand a copy of the Supplemental Calendar has been distributed. Supplemental No. 1. We are perilously close to the end here. So there are six conference committee reports and one motion in writing on the Supplemental Calendar. My suggestion is we deal with those, and then we will see if those who have matters on 2nd Reading are prepared to go. Supplemental Senate Calendar No. 1. We'll get back to 2nd Reading. Trust me. We'll get back there. Senator Demuzio. Supplemental Calendar No. 1, Conference Committee Report. Senator Lechowicz. Senator Marovitz. Senator Demuzio. Senator Lechowicz. Senator Savickas. All right. Just again, Demuzio, Lechowicz, Marovitz, Demuzio, Lechowicz, Savickas will be the next order of business. We have six Conference Committee Reports, or seven, I guess. In the meantime, Senator Kustra, for what purpose do you arise, sir?

SENATOR KUSTRA:

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

PRESIDENT ROCK:

State your point, if you will.

SENATOR KUSTRA:

In the President's Gallery, we have a group of people who I would like to introduce. And first let me point out that November is the month which the State of Illinois will be honoring epilepsy foundations across the State. And in the gallery are some winning kids of 1989-1990. Kids who are being recognized specially by epilepsy foundations or associations across the State, and I would like to recognize four of those young people who are with us today. First of all, from the Lincoln Land Epilepsy Association, Angela Maxwell. Angela, why don't you stand up as we call your name. And the Epilepsy Association of Southwest Illinois, from Swansea, Illinois, -- Anna Klingelhoefler. Anna, you want to stand up? And from the Epilepsy Foundation of Greater Chicago, Howie

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Preston of Riverside. And from the Rock River Valley Epilepsy Association, Kelly Albano from Rockford, Illinois. And those are their parents and the staff of those foundations along with them. If we could all welcome them to the Senate.

PRESIDENT ROCK:

The Senate says welcome to our guests. Welcome to Springfield.

PRESIDING OFFICER: (SENATOR LUFT)

Supplemental Calendar No. 1. Conference Committee Reports, House Bill 168. Senator Demuzio. Read the report, please, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 168.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I want to point out that the Supplemental Calendar indicates it is the First Conference Committee Report, but the Secretary has indicated the correct version that this is, in fact, the Second Conference Committee. House Bill 160, I think when it left the Senate, has had a stormy time in the House, because we had put the the downstate Rx Package on it. Conference Committee No. 2 takes off all of the controversial parts and leaves in permitting liquidated damages and agreements between private organizations and students for loans, or grants for medical education or recommendations to medical schools. Its intent is to promote private organizations to assist medical students financially, in return for specialized services after graduation. It was a bill that was put forth by the Illinois Farm Bureau. It is now supported also by the State Medical Society. I've no -- no -- no known opposition.

PRESIDING OFFICER: (SENATOR LUFT)



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 168. 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, please, Madam Secretary. On that question, the Ayes are 54, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 168. And the bill, having received the required constitutional majority, is declared passed. Conference Committee Report No. -- House - on House Bill 1192. Senator Lechowicz. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 1192.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1192 is an agreement between the University of Illinois and the Department of Mental Health, and they have reached an agreement on legislation which authorizes a transfer of the Institute of Juvenile Research in the Illinois Institute for Developmental Disabilities to the University of Illinois. This legislation is embodied in the First Conference Committee Report on 1192. There is no objection between the Department, university, or the ten conferees. And I'd be more than happy to answer any questions, and ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1192. 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,

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

please, Madam Secretary. On the question, the Ayes are 58, the Nays are none, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 1192. The bill, having received the required constitutional majority, is declared passed. Conference Committee Reports, House Bill 1-6-9-5. Senator Marovitz. Senator Marovitz. Senate Bill 370. Senator Demuzio. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 370.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Conference Committee - the First Conference Committee Report -- originally, when this bill was before the Senate, it had a couple of provisions. One was the fencing bill, the Fencing Act, which was dropped out of that -- that -- that version was dropped out that in this Conference Committee Report. And now, it now only deals with a new Act with respect to sustainable agriculture of the Sustainable Agriculture Act. We debated that a number of times during the Session, there is a supplemental appropriation that is coming to us from the House to fund it, and I would ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 370. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 53, the Nays are none, none voting Present. And the Senate does adopt the Conference Committee Report on Senate Bill 3-7-0. And the bill, having received the

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

required constitutional majority, is declared passed. Conference Committee Report, Senate Bill 4-7-2. Senator Lechowicz. Read the motion, please, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 4-7-2.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 4-7-2, the Conference Committee Report, implements recommendations that the House Special Committee on Patient Care concerning the quality of care of mentally ill and developmentally disabled patients in both State-operated and private long-term care facilities. Basically, the concept of this was incorporated in House Bill 1571, and what the Conference Committee did, it took all the Governor's recommendations that he requested on 1571 and put in this Conference Committee. This is at the request of the Department of Mental Health. I know of no -- know of no objections. All conferees signed on. I recommend an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 472. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1. The Senate does adopt the First Conference Committee Report on House Bill 472. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 1075, Madam Secretary, please.

SECRETARY HAWKER:

First -- First Conference Committee Report on Senate Bill

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

1075.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, I would move the adoption of the First Conference Committee Report on Senate Bill 1075. It incorporates the substance of House Bill 1128 that was amendatorily vetoed by the Governor. The House ruled the amendatory veto noncompliance with House Rule 46.1(b). This - when DOA and DORS established the co-payment rules for the Community Care Program, the poverty level was four hundred and twenty-six dollars a month. All income received through Social Security by CCP clients above this level was paid to DOA and -- and DORS for furnishing services. The four twenty-six level has not been increased for inflation, or changes in the poverty level, in the past seven years. In determining a client's co-payment for Community Care Services, DORS and DOA shall not consider any income that is equal to or below the federal poverty standard, and the co-payment level shall be modified to reflect any change in the federal poverty standard. That's all it does, and I would ask your support for the adoption of the First Conference Committee Report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on Senate Bill 1075. 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 56, the Nays are none, none voting Present. The Senate does adopt the First Conference Committee Report on Senate Bill 1075. And the bill, having received the required constitutional majority, is declared passed. House Bill 2048, the Motion to Accept the Specific Recommendation for Change, Madam

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Secretary.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to House Bill 2-0-4-8 in manner and form as follows:

Amendment to House Bill 2-0-4-8.

Filed by President Rock in Acceptance of Governor's Recommendations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2048, as it left this Chamber, was a technical change to the State Vehicle Registration Taxes and Motor Fuel Tax Distribution Formulas. I am sure everybody was painfully aware there previously were three or four different formulae that had been added on over the course of the last ten or eleven years, and frankly, it was a little confusing. So with the help of the Department of Transportation, we folded them all into one as a technical change. The bill was intended and was, in fact, revenue neutral, and so met with majority approval in both Houses and the Governor. Then, we passed, if you'll recall, late in the Session, the Motor Fuel Tax increase, and this had to be adjusted to reflect that Motor Fuel Tax increase. I know of no objection. I think the Governor did what was right. The Department is in favor of it, and I would urge an Aye vote on my Motion to Accept the Governor's Specific Recommendations for Change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2-0-4-8, in the manner and form just stated by Senator Rock. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The specific recommendations of the Governor as to House Bill 2-0-4-8, having received the required majority vote of Senators selected, are declared accepted. (Long pause) All right. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In an attempt to accommodate the Members who have amendments either being drafted and copied or both. There are a couple of items on 2nd Reading that we will have to get to, and we are attempting to get to 1-5-8. I'm told that there are still, yet, amendments -- pending. In the meantime, I would suggest that we ask -- and I'll ask leave to go to the Order of Secretary's Desk, Resolutions. Members, I have one on there, and I -- I'm sure other Members have one -- ones they wish to call. If we could just do that order, the more we can do today, the less we have to do tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. With leave of the Body, we'll go to Page 8, Secretary's Desk, Resolutions. Is leave granted to go to that? Leave is granted. Secretary's Desk, Resolutions. Senator Maitland. Is Senator Maitland on the Floor? 1-7-7. Senator Luft. Senate Resolution 177, Madam Secretary, please.

SECRETARY HAWKER:

Senate Resolution 177. No committee amendments. Senator Luft offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft. Take it out of the record. Senator Luft. 179. 233. Senator Marovitz. 342. Senator Kustra. 355. Senator Joyce. 635. Senator Joyce. 635, Madam Secretary. Senate Resolution 6-3-5.

SECRETARY HAWKER:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senate Resolution 6-3-5. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is a resolution that we passed in the Executive Committee yesterday requiring the Senate Executive Committee to conduct a prompt and thorough inquiry into the conduct of the Department of Nuclear Safety during the site selection process of a low-level nuclear waste site. I'd be happy to answer any questions, if there are any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator -- Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I rise in opposition to the resolution. We had quite a long hearing on this yesterday in the Senate Executive Committee. And while there are some valid points in the resolution, the one part that bothers me is that -- and the Governor's office, is that while this investigation that this resolution calls for will be taking place, the whole process of site selection for the low-level radioactive waste facility will be stopped, according to this resolution. I think that's an unwise thing to do. We have certain milestones that we have met with the Federal Government before and -- and if we miss these milestones, there are penalties involved. I'm not saying that it is imminent, and that we would have -- that we would be shut down entirely, or if we don't proceed, but it would have everything come to a halt, and everything come to a standstill that we've been doing on this site selection up to this date. As most of you know, I am sure the Governor has set up an investigation headed by Seymour Simon -- ex-Supreme Court Justice Seymour Simon to look into some of the problems that are cataloged in this resolution. I think that's a good idea, and I don't even think that it's such

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

a bad idea that the Senate Executive Committee also do an investigation, but I don't think that the process should be stopped while these investigations are going on. This is too important an issue to play around with. We have one site that has been looked at quite a bit. There's s another site that we still need a great deal done on, and I think stopping the process is the wrong way to go.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. I rise in support of passage of this resolution. I am now a co-sponsor of this particular resolution, and certainly, one of these sites has a direct impact on -- on my district - certainly the one in Martinsville in Clark County. I did not go on this resolution as a matter taken very lightly, and I did not go on this resolution with the intent to bash the Department of Nuclear Safety. I felt for some period of time that there should be some kind of legislative input to the siting process. And I -- I view this more in the area of paralleling what the Governor has done in the appointment on changing the siting process and appointing Judge Simon as the hearing officer. So for a lot of reasons that I think are very valid -- if you all remember, last spring we did pass in the Senate Appropriations I Committee, the establishment of a subcommittee to investigate the Westinghouse and Batelle Contracts. That subcommittee never convened. So we never really had a forum to at least go somewhat into the siting process. And I think that we put the Department into just a very untenable position of being judge, jury, financier, and -- and hearing officer, and actually the entity that would select the site. For all of those reasons, I would urge your support and adoption of the resolution.



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Joyce may close.

SENATOR J.J. JOYCE:

Thank you, Mr. President. There are a lot of reasons we why should do this. And I might say that this investigation is not in competition with the Governor's Seymour Simon proposal. The administration - the administrative branch proposing a hearing on the safety of the two sites is one thing, but what the Legislative Branch is doing, is investigating the process by which we got these two sites. And the Director of Nuclear Safety, I think is the one that's the big hangup here. One of the reasons that we should stop this process and do it in a timely fashion is some of the things that have been said to Members of this Body, as well as to people in general in the areas that are affected. The credibility of the Department is -- is under severe strain. At the Director's confirmation hearing, he was asked a direct question by the President of this Senate and gave an answer that he refuted, or contradicted yesterday. We are talking about -- Senator Karpel, you have an amendment that's coming up, I believe, that -- asking for another thirteen million dollars to feed into the process at the Department of Nuclear Safety. Now that thirteen million dollars is going to go right into the rate base of all you utility payers, and it's going to go to Chemnuclear without a contract being bid, or without anybody saying anything. I don't think we want to vote on something like that. Also, it was said yesterday, Senator Karpel, this question asked by you: "Dr. Lash, I would like for you to clear up something that is rather confusing. A previous person was testifying. I think that was Mr. Thompson. It was John Thompson said that if we do not meet the milestone by January 1, 1990, that nothing would happen as far as us losing access to the three present disposal sites. That confused me, because it is my

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

understanding that if we do not meet the -- the January 1st, 1990 milestone, that we will, in fact, lose access to these sites." Director Lash: "Senator, you are right, and Mr. Thompson is wrong. If we do not meet the January 1, 1990, milestone, the generators of waste in Illinois will not be permitted to send their waste to the three operating disposal sites." But the question, that - the statement that John Thompson made was that he said there's another way, rather than submitting the application, and that is the Governor to certify, in a letter to the NRC, that we will meet those qualifications. That's all the Governor has to do. It's not going to slow anything down. It's not going to do anything but just keep things going on as they are. This -- this credibility problem. Also, Senator Schaffer, you asked a question. I have it somewhere. Yesterday, Senator Schaffer: "The involvement, uninvolved, reinvolvement of the surveys in this process. I have a lot of respect for the professional expertise and the integrity of the surveys. What is your version of the scenario in which they were involved? Somehow, they were uninvolved, and now I guess, they are reinvolvement. How do you - what's your version of the particular situation? Director Lash: "Well, it is my belief that from the very beginning they have been heavily involved in a variety of ways, and that they were never uninvolved." Well, I have a letter here dated December 9th, 1988. "To Mr. J. J. Camera, Assistant Director of Business Affairs, University of Illinois: In accordance with Article 6 of Contract Number 1-2-4-5 and so forth between the Department of Nuclear Safety and the Board of Trustees of the University of Illinois, through the Illinois Geological Survey, and the Illinois State Water Survey, I hereby provide the notice that the aforementioned contract is terminated thirty days from the receipt of this letter. If you have any -- questions, please contact John Cooper of our office. Sincerely, Terry R. Lash, Director." Now they --

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

they say - the Geological Survey people say - that their contract was terminated by DNS January 9th, and that they - while they did -- while they did submit monthly memos, they were not allowed on the site from August of 1988 through June of 1989. And this is the first time the survey has ever been banned from a site. Now those are just some of the problems with the Director we have. The credibility is -- is awful. And that reflects on us here. I -- I think that Seymour Simon being involved in this -- fine, if he wants to be the Director of Nuclear Safety, it's fine with me. But why are we going to spend another twenty million when we've spent thirty to fifty - no one is really sure - to continue on a course where we might find out that -- that two sites involved may not be suitable? And then where are we going to be? We spend sixty -- fifty to sixty million, or however many million, and we'll really be in a mess. We ought to know before we go into these things whether or not these sites are safe, and reasonable. But you know, it just seems to me that we are in such an untenable mess here that we ought to pass this resolution, do an investigation into it, and get on with it - with the process of siting this facility. Nobody in this Chamber wants a facility sited any worse than I do. But the way we are going about it is atrocious. The people in those areas have no faith in the agencies, they have no faith in government, and that's a shame, because it need not be that way. So I think that we ought to pass this resolution. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, Senator Joyce has moved the adoption of Senate Resolution 635. Those in favor will vote Aye. Those opposed will 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, the Ayes are 33, the Nays are 24, none voting Present. The resolution is adopted. Senator

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Karpiel, for what purpose do you arise? Senator Karpiel. Senator Karpiel.

SENATOR KARPIEL:

Verify the Aye vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel has requested a verification of those Members who voted in the affirmative. The Secretary will read the names of those who voted in the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, 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, Topinka, Vadalabene, Welch, Woodyard, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Karpiel, do you question the presence of any Member who voted in the affirmative?

SENATOR KARPIEL:

Yes. Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll has leave to be -- to be -- I thought we were not going to verify the...

SENATOR KARPIEL:

I -- I wasn't in on the negotiations on that. I didn't know. Okay. Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman is on the Floor.

SENATOR KARPIEL:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas is near his seat. Not in it, but near it.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SENATOR KARPIEL:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jeremiah Joyce on the Floor. Senator Jeremiah Joyce on the Floor? Strike his name.

SENATOR KARPIEL:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR KARPIEL:

Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs is right here in the front row.

SENATOR KARPIEL:

That's all. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On a verified roll call, there are 31 Ayes, 24 Nays, none voting Present. Senate Resolution 635 is adopted. Senate Resolution 641, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 641.

No committee amendments.

Senator Philip offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this resolution does is commit - amendment - create a study committee in regards to security barns. What this amendment does is make it bipartisan. It appoints two more public members, one appointed by the President of the Senate, one by the

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Minority Leader, and allows the President of the Senate to appoint the chairman. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Philip has moved the adoption of Amendment No. 1 to Senate Resolution 641. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(machine cutoff)... All right. Senate Resolution 641. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Resolution 641 calls for the creation of a Senate Select Committee as was just outlined by Senator Philip in Amendment No. 1, for the expressed purpose of examining and reevaluating the need for detention barns at the Illinois race tracks. We are, I am reliably informed, the only State in the Union that has this requirement, and I think in deference to the fact that the horse racing industry is a very large and profitable one in our State, it's worth another look at this, and it calls for this committee to report its findings and recommendations back to us on or about April 1st. And I know of no objection, and I would solicit a favorable roll call in favor of Senate Resolution 641, as amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Resolution 641 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

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Present. Senate Resolution 641, having received the required majority vote, is declared passed. Senate Resolution 646, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 646.

No committee amendments. No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. Senate Resolution 646 has to do with the Pittson strike in Virginia. And back earlier, Chairman Bill Clay of Congress, established a Subcommittee on Labor-Management Relations. At that time, I asked the committee to find out what was occurring, as far as the violations that were being reported. They sent a committee there that spent a couple of days gathering facts, came back with a report. And it was very evident that in that report that there were violations of the federal labor regulations, and this report has been now submitted back to Congress. And this resolution would ask that they adopt this report, and that they do further studies in trying to correct the action. I would move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Davidson.

SENATOR DAVIDSON:

Just leave to become a hyphenated co-sponsor of this resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is leave granted? Leave is granted. Further discussion? If not, Senator Rea has moved the adoption of Senate Resolution 646. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Resolution 646 is

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

adopted. Senate Joint Resolution 103. Senator Hawkinson. Madam Secretary. 1-0-3.

SECRETARY HAWKER:

Senate Joint Resolution 1-0-3.

No committee amendments, and no Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Joint Resolution 1-0-3 is co-sponsored by myself and Senator Luft, at the request of communities in our district who seek to have the new Franklin Street Bridge named after the Honorable Robert H. Michel, United States House of Representatives Minority Leader. And I would ask for the adoption of the resolution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Hawkinson, you've spent a lot of money for this plaque, and this may take roll call, here. Is there discussion? If not, the question is, shall Senate Joint Resolution 1-0-3 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 54, the Nays are none, none voting Present. Senate Resolution -- Senate Joint Resolution 1-0-3 is adopted. All right. If you'll turn to Page 5 now, with leave of the Body, we will proceed on Page 5 to House Bills 3rd Reading. Leave is granted. House Bills 3rd Reading is House Bill 158. House Bills 3rd Reading is House Bill 1-5-8, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Schaffer, Welch, Watson, Holmberg and J.J. Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs has sought leave of the Body to



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

return House Bill 158 to the Order of 2nd Reading for the purpose of an amendment. Is that correct? All right. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 158, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Schaffer, Welch, Watson, Holmberg and J.J. Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, these - this amendment includes several provisions which I will characterize as cleanup provisions. I'd like to go through them and give you some idea from whence they came. The first provision is a provision at the request of Senator Welch, which would amend the Municipal Code to give municipalities the authority to refuse to zone for sand and gravel quarries. Apparently we granted the authority to the counties, but nobody thought that it would need to apply to municipalities. Apparently there's a situation in Senator Welch's district where this is a problem. The second one, I'm told, is either Senator Demuzio or Holmberg, I'm not quite sure of what the connection is. Amends the Fire Protection District Act to specify that audits would be performed annually. The third one, I believe, Senator Zito has some interest in, the Municipal League and Winston-Strawn are requesting language to amend the Municipal Code to clarify that thirty-year contracts for garbage and refuse incineration facilities shall not begin until operation commences. I guess it's for the Village of Crestwood. Next provision, I believe, is for Senator J. J. Joyce. Amends the Forest Preserve District Act to delete the provision that petitions for disconnection from such district shall include whether the district shall remain liable for a proportion share of the bonded indebtedness. This language

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

would not remove the territory's liability for the bonds, but would remove the statement from the petition. The provision that I've been interesting -- interested in is the technical amendment needed to change the deadline for petitions for incorporating a municipality. Currently the law states that the deadline is January 1st, 1990, but due to an effective date on some other legislation we passed this year, which is July 1, 1990, the two periods conflict, and this changes it to July 1, 1990. And Senator Watson, lastly, has a technical amendment to make clear a number of - the number of members for the board of the Collinsville Civic Center Authority. There is also some language in there to create the -- Salem Civic Center Authority, thereby moving us closer to having a civic center everywhere.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Not quite. Senator Schaffer has moved the adoption of Amendment No. 1 to House Bill 158. Is there discussion? If not, those in favor will indicate by saying Aye. Those opposed, Nay. The Ayes have it. It's close. Further Amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. What Amendment No. 2 does is allow civic centers that have received the maximum, under law, of twenty million dollars, to exceed that limit. As a result of the appropriations that we made last year for new civic center monies, there were four or five civic centers that would exceed that amount, and they would be in the Peoria, Will County, Rockford, possibly DuPage County, in Schaumburg and the Quad Cities. So I would try to answer any questions. Otherwise, I would move for the adoption of the bill.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

My understanding, and I heard you read off a couple of the civic centers -- do we know which ones are at this limit? I heard you say three. Are there more than the three? You're saying potentially, nine. Do we know who they are, just out of interest?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Those at the limit are Peoria, Will County and Rockford. DuPage County, Schaumburg and the Quad Cities could be, if they receive money in the spring.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Luft has moved the adoption of Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Fawell and Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This amendment contains two provisions. The first affects DuPage County only, and would bring our filing fees in line with the filing fees of Cook County. And the second part is -- clarifies that all property belonging to any downstate forest preserve district shall be tax-exempt. And I will be glad

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell has moved the adoption of Amendment No. 3. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Amendment No. 4 to House Bill 1-5-8 addresses a problem with -- that many civic center authorities in the State experience - two in my district, to be specific. If in fact, the civic center owns property that is not contiguous to the -- to the civic center site, it cannot be utilized -- the State money cannot be utilized. In -- in Melrose Park's particular instance, we have several parcels that are not contiguous, but would like to develop and turn into parking facilities for the civic center. And because of industry and commerce property being totally surrounded, it is impossible to comply with DCCA's regulations. So that's why we've offered the amendment, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito has offered the - moved the adoption of Amendment No. 4. Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Zito, as you probably know, I'm minority spokesman on

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Local Government, and I've been told that basically, what you are planning on doing with the Melrose Park Civic Center Authority is to build a municipal police station. Is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

That's -- that's not my understanding.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Our staff tells me that this request comes from the Melrose Park Civic Center Authority, which intends to use civic center funds to build a municipal police station, and since this is not presently allowed under the law, I wonder if you could possibly find out and -- and.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, I -- I don't understand what the question was from Senator Fawell. All I can tell you again in explanation, Senator Fawell, is that our civic center authority in Melrose Park, and there are several others, by the way, that are landlocked. There is - we are in an industrial park where we have industry and commerce completely surrounding the civic center authority. That property that is owned by the civic center authority in that specific parcel is completely developed. There is no more room to utilize the grant that this General Assembly gave to the Village of Melrose Park. That Civic Center Authority in Melrose Park does own other parcels of property that are not contiguous. And the law simply says, as DCCA related to me, that if, in fact, you're not developing on that -- contiguous property, you can't utilize the money. They have several other parcels. They'd like to

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

develop those other parcels for the betterment of the community and surrounding communities, and that's what this amendment is asking to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I'm sorry, Senator Zito, it still does not answer my question. Will you guarantee me that this Melrose Park is not going to use civic center funds to build a police station? I mean, you know, can you answer that yes or no?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

It's not my intention, Senator Fawell, but I'm not on the Civic Center Authority. I don't know what their plans are for it. They told me that they would like to develop some property for parking and various other facilities for the Civic Center Authority. I'm -- I'm not -- that was never broached to me, no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz. I -- I beg your pardon.

SENATOR LECHOWICZ:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait -- wait -- wait, I beg your pardon, Senator Lechowicz, the Lady was not done. Senator Fawell.

SENATOR FAWELL:

Well. I'm sorry, you know, Senator Zito, to do this to you. But frankly, if you don't know what it's being used for, I honestly don't think we ought to pass this, because it, you know, that's the information that was given to me. You're going to build a police station. We can't build police stations under

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

this, and I would suggest we vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Zito, does this only apply to Melrose Park?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

No. The language would apply to any Civic Center Authority.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

And basically, you're saying that if they own property - the Civic Center Authority owns property - which is not contiguous, and if they want to develop that property, they would be able to do so under this provision and with no restrictions. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, you're correct until you say no restrictions, and then it falls back under the -- the Act. But basically, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I'm going back to the -- if there's zoning restrictions, if it complies to the local zoning, this does not exclude any local zoning provisions, and as far as the Act, I believe that the Civic

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Center Authority would have to make the recommendation and approve the development of any parcel. The only difference on this one is, you know, the only thing you're changing is it doesn't have to be adjacent -- directly adjacent. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Precisely correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President -- Mr. President and Ladies and Gentlemen of the Senate, I don't believe that this is really a bad provision. Basically what you're saying is that a civic center that owns property and it is not contiguous, or has been developed and there's adjoining owner of property and you own the piece behind them, if you want to put in a -- a facility, you're able to do so. I don't know of any civic centers that have built police stations, nor do I know of any intentions, but I know I sat down with Jim Reilly this morning in reference to McCormick Place and what they intended on doing, and they don't have contiguous property. There is other pieces of property in that -- in that area that is not owned by the civic center. And they intend on developing those additional pieces. I think this is a good amendment and should be adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I think -- Senator Lechowicz has adequately presented Senator Zito's attempt. And I'd like to rise to say that I think they're right, because in some areas where the civic center is basically landlocked by other buildings. I'll



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

give you an example: in a community that may want to open a theater, maybe two or three blocks away, and there is property available, why should you restrict a civic center, or prevent them from doing that? I think, Senator Zito doesn't say anything about a police station in this bill. It just gives every civic center in the State of Illinois the right to go on -- go beyond its present boundaries, and its present physical facilities and expand if the money is available.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Zito may close.

SENATOR ZITO:

Thank you, Mr President and Members. Again, any time a civic center authority has a plan to utilize money, that has to be submitted, as I understand it, to the Department of Commerce and Community Affairs for approval. If what Senator Fawell says is true, and that's not my understanding, but if any civic center authority wants to build a structure that is not in compliance with the civic center authority, DCCA will never approve the plans. That's not my concern with this bill. There are a number of approved building facilities that DCCA does approve for. But in Melrose Park's instance, and McCormick Place, and some of your other civic center authorities that have no other contiguous -- contiguous property, we'd like to utilize some of the other property that the civic center authority holds that is not contiguous. Those plans - all plans - have to be approved by DCCA. If DCCA doesn't like what Melrose Park and McCormick Place is doing, they can reject it, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito's moved the adoption of Amendment No. 4. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Amendment No. 5 offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

END OF TAPE

TAPE 3

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is -- this Amendment No. 5 is strictly the same riverboat gambling bill that you voted on in the spring. And we are at a little bit of a wit's end over in the House, so we felt it we would put it on this bill we could get it through over there. Let me -- let me just give you a couple of items why I think you should vote for this. First of all, there is today -- this morning, Deadwood, North Carolina, beat Illinois to the punch, and they have riverboat gambling in Deadwood, North Carolina, I mean North Dakota. But more importantly -- South Dakota, wherever it's at, it's in the Dakotas -- the real issue that -- that is here, however, is there is a first-user advantage to whoever passes riverboat gambling and gets on the river first. There's a first-user advantage. That first-user advantage is -- is recognized so well that Connolly - the developer from Pittsburgh - came to Davenport and said he's willing to put ninety million dollars of investment into that community, because of the first-user advantage. We don't want to knock Davenport out of that ninety million dollars, but we sure want to knock them out of the first-user advantage, and ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs has moved the adoption of Amendment

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

No. 5. Is there a discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And quite frankly, Senator Jacobs, I've been very sympathetic to your riverboat gambling. In fact, when it was over here, I voted for it more than once. And -- and you know what the problem is over in the House; it's not our problem, it's their problem. There's an argument between the Speaker of the House and the Minority Leader. And if we put this amendment on that 158 will be dead. And I am suggesting, Senator Jacobs, that you find another conference committee or another bill to put it on. And I hope that everybody on this side of the aisle would just say No, and I will ask for a roll call, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I'd just like to echo Senator Philip's concern. And I, too, have been supportive of at least some of the versions of riverboat gambling, and I do not have a great philosophical problem. But my every instinct tells me that any bill we send over to the House at this stage of the game with riverboat gambling on it, is dead on arrival. And we will probably not even be able to get a conference committee going. And I admit that I think are fifteen or twenty of us now that have relatively small issues on this bill that will be in jeopardy. And I don't know if there is another bill over that could be used. I'd be more than happy to cooperate. Is there anything under my sponsorship that you want to strip and use? Fine. But this particular bill is carrying a lot of little freight cars, and I think you are going to head us for one massive derailment with this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SENATOR SCHUNEMAN:

Thank you, Mr. President. Some questions of the sponsor, if he will yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I haven't had a chance to look at your amendment. But some questions occur to me, if we are going to vote on the amendment, now, that I would like to have answered. Does the bill -- how many riverboat licenses does this provide for in the first, second, third year and so on?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

The same as it did when it went out in the spring. There will be five licenses the first year, five licenses in the second year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Are those licenses confined to any particular waterways? First of all, is it only rivers? Only rivers?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

The way it is written, it is all navigable bodies of water. And that they are expressly limited to the first year to ford of the Mississippi. One of the Illinois rivers south of Marshall, and in the second year, one in the Will County and the other four anywhere in the other state.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

In future years, then there is another set of five, is that -- is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

That was the second year of five. There is just five to start with, and if -- if there is an economic advantage of doing it, five are available the next year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Can more than one riverboat be operated on one license?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Yes. What we have said is each license is eligible for twelve-hundred-passenger capacity. So it is conceivable that a person could have two six-hundred boats, or one twelve-hundred boat.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

What are the bet limits in the bill now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

The bet limits are -- are -- you can purchase five hundred dollars worth of chips, and you can bet unlimited on each individual bet.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

I didn't hear all of your answer, I am going to ask you to repeat that, but, as I remember the original bill, there was a five-dollar bet limit with a total two-hundred-dollar limit per excursion. If -- that's apparently been changed, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

No, Senator. We -- we had talked about that, and that was one -- I think the first bill -- the first time we voted on this thing, I think we might have had a five-dollar bet limit. This bill has been changed so many times, and its back to its form that it went out. It's in the same form of no bet limit as it went out in June.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Sorry, this is kind of an important issue, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, if he's moving you, fine. Senator Schuneman.

SENATOR SCHUNEMAN:

The -- the other question I had, I guess, has to do with the economic development aspect of riverboat gambling. As I understand it, there is a limit in this proposal for the period of time during which the riverboat could operate. In other words, it must be during those months of the year when the waterway is navigable, and that the balance of the year, they can't operate the gambling facility. If that's the case, then what happens to all the employees of all the hotels, the employees of the riverboat industry, during those five or six months, at least, that they are out of operation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SENATOR JACOBS:

Senator, my concern is more involved with the eight months that they are going to be working, and with the eight months that they are going to be contributing to the economy of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I appreciate that, but I -- obviously then, under your scenario, there will be employment for eight months. I don't know that that necessarily will work, but -- the other question I had has to do with some reports that I have seen in the Quad-City papers. Those developers that are ready to go into Iowa -- and have made proposals to go into Iowa -- I know that in at least one case, a developer indicated that if Illinois passed a gambling bill, it would so dilute the amount of business that would be available, that he would pull out on the investment. Now I am not sure where all that is now, Denny, and could you respond to that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Yes. I -- I think there is two things to answer to there. Number one, you hit on it yourself that -- ready to go into Iowa. These people are jockeying for any position they can get. They would love -- the Iowa developers and the State of Iowa would love to keep this bill an Iowa bill only. They, by their own volition, have said, that the Quad Cities would go from 1.8 million visitors a year to four hundred and thirteen thousand visitors a year if Illinois were to pass riverboat gambling. That indicates to me that Illinois is going to pick up 1.4 million visitors. I think that is a pretty good argument for it.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Just one final comment, or question, to you and that is that those discussions in Iowa, I believe, do not contemplate the possibility of the same kind of facility in other parts of Illinois, Rockford, Peoria, Chicago -- I think that a lot of those projections of jobs in the Quad Cities comes from the belief that this would be a Quad-Cities-only project, and that isn't -- that isn't what we are passing here or being offered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs.

SENATOR JACOBS:

Well, first of all, the Iowa bill is not a Quad-City-only bill either. You have some developers in Iowa who have done a pretty good job of selling that idea. You have developers -- if you look at the study that was just conducted, in fact, the rest of Iowa is going to siphon off 2.5 million visitors from Davenport, Iowa. So their bill in its own is not a Quad-City-only bill. I just think that we're missing the boat if we don't do something on the economic development aspect. And no, in answer to another question you had earlier, in regards to the -- the hotel, the people who work for the hotel, even though the gaming may be down during that period of time, that's no reason to assume that the -- the employees are going to get laid off. That -- that makes very little sense.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. It seems that this is really getting to be a hot potato, and since I don't have anything left in House Bill 158, I -- I'm going to relinquish



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

the sponsorship of this to Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request of Senator O'Daniel to be removed as the sponsor of House Bill 158 and substituted by Senator Luft. Is leave granted? Leave is granted. Okay. Further discussion? If not, Senator Jacobs, you may close.

SENATOR JACOBS:

Thank you. In closing, Mr. President, I would just state that I hope that we in the Senate show a little more class than they've shown in the House, and we vote on this issue as an economic development issue, and not use it as a political football. And I ask those on this side of the aisle, and my friends on the other side of the aisle, for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs has moved the adoption of Amendment No. 5. Those in favor will indicate by saying Aye. I'm sorry. Those opposed, Nay. Opinion of the Chair, the Ayes have it. Senator Philip. Senator Philip, it was such a long time ago, I forgot about it. Senator Jacobs has moved the adoption of Amendment No. 5 to House Bill 158. 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 24, none voting Present. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator -- President Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock, on Amendment No. 6.

SENATOR ROCK:

Thank you, Mr. President. An earlier amendment addressed itself to a request from DuPage County. This is a request from the County of Cook, and it would authorize the County, through

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

its retirement fund, to subsidize in part the health insurance premiums of retired employees of the County and the Cook County Forest Preserve. There is also built in, obviously, a State Mandates Act exemption, and I would move the adoption of Amendment No. 6.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock has moved the adoption of Amendment No. 6. Senator Fawell.

SENATOR FAWELL:

Thank you very much. I just wanted to tell our side of the aisle the staff has looked at this and it seems to be fine.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Senator Rock has moved the adoption of Amendment No. 6. 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 Senators Luft, Demuzio and Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 7 has a little history to it that I feel I that must tell you. There are two federal prisons to be built in the State of Illinois. One in my area and one in the Demuzio-Watson or Watson-Demuzio area, and there was -- the property was to be purchased with federal CDAP grants through DCCA. We now are told by the State Department of Commerce and Community Affairs that DCCA cannot use CDAP grant monies, because the federal government cannot qualify for their own CDAP monies. Therefore, the commitment to purchase the property for these is now coming through general revenues, and the technical amendment that must be adopted to allow this to happen is the one that I am offering now, which allows local governments

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

to receive grants for public facilities. The law now allows for private facilities. For example, if this was a private prison being built, you could grant money for that purpose, but the law does not allow for public facilities. Therefore, this only allows for public facilities to be the recipients of dollars for federal prisons and industrial parks. I would move for the adoption of the amendment, and try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft has moved the adoption of Amendment No. 7. Is there a discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 7 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Arlington Race Track Property Tax Abatement. All it does is roll back the real estate taxes for Arlington Race Track to before the fire. Move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip has moved the adoption of Amendment No. 8. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 8 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Sorry. Senator Marovitz, for what purpose do you arise? Senator Marovitz.

SENATOR MAROVITZ:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

For the purpose of announcement, Mr. President. In the President's Gallery are thirty ladies brought down by Mrs. Gault from Temple Shalom in Chicago. They've come to view the Legislative process, and I would like for them to rise and be recognized by the Illinois Senate. The Ladies from Temple Shalom.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise? Welcome to Springfield.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, it appears that as the hour of four approaches, we are down to the last two items. Those bills that were earlier deferred, on House Bills 2nd Reading. They are now subject to amendment and move -- in order to be moved to 3rd to be in passage stage tomorrow. So with leave of the Body, once we finish those two things, then we -- we are effectively finished for the day. Senator Philip and I have discussed, and have suggested, that we will come in at nine o'clock tomorrow morning, with the obvious hope that we will be through by noon, or shortly thereafter. Senator Karpziel, on 2733. With leave of the Body now, we are on House Bills 2nd Reading. Earlier we took out of the record House Bill 2733. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 2733.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Karpziel, on Committee Amendment No. 1.

SENATOR KARPIEL:

Yes. Thank you, Mr. President. I was not ready before, because this was actually Senator Maitland's amendment, and I

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

didn't have a copy of it at the time. This amendment is agreed to by all parties, its a cleanup of the IRAPP program, and it does three basic things. It eliminates the Duplicate Energy Assistance Fund and DCCA will use its existing federal grant funds for the non-AFDC portion of the program. It directs the transfer, subject to appropriation of GRF for this program, into the AFDC Energy Assistance Fund, rather than the Energy Assistance Fund. And it directs the deposit of federal reimbursement into the GRF, rather than the Energy Assistance Fund. I ask for your approval.

PRESIDENT ROCK:

All right. Senator Karpiel has moved the adoption of Committee Amendment No. 1 to House Bill 2733. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendments adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Karpiel offers Amendment No. 2.

PRESIDENT ROCK:

Senator Karpiel, on Amendment No. 2.

SENATOR KARPIEL:

I withdraw Amendment No. 2, but, Mr. President, I would like to ask if we can perhaps recall this tomorrow, back to 2nd Reading, if necessary.

PRESIDENT ROCK:

That request is in order. She'll recall it tomorrow. So, no further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senator Welch, let's withdraw that amendment, subject to recall tomorrow, please. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Senator Marovitz, are we ready to go? All right. On the Order of House Bills 2nd Reading is House Bill 1487. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1487.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Marovitz, on Committee Amendment No. 1.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. Committee Amendment No. 1 was adopted yesterday in the Judiciary Committee. It requires the Attorney General to consult and advise local State's Attorneys of any Statewide Grand Jury investigation involving their counties. It also allows the municipality to receive a portion of the proceeds derived from the Narcotics Profit Forfeiture Act, if its employees participated in the investigation or arrest. And it earmarks - and this is very important - fifty percent of the proceeds that would go to the municipality to be used for drug treatment, drug education and drug prevention programs. I ask for adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of Committee Amendment No. 1 to House Bill 1487. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Barkhausen offers Amendment No. 2.

PRESIDENT ROCK:

Senator Barkhausen, on Amendment No. 2.

SENATOR BARKHAUSEN:

Mr. President and Members of the Senate, Amendment No. 2 follows on and attempts to, we think, improve upon one of the provisions in Amendment No. 1, which is designed to increase the cooperation between the Attorney General in convening a Statewide Grand Jury and -- and prosecuting an offense where an indictment is brought by a Statewide Grand Jury by in addition to having the Attorney General provide notice to the State's Attorney in the county in which the proceedings are convened, to require that in the case of a subpoena, that any any subpoena of a witness to appear before the Statewide Grand Jury must be consented to in writing by the State's Attorney in whose jurisdiction the subpoena is to be served. In addition, this Amendment No. 2 would further provide that the State's Attorney must sign any indictment of a Statewide Grand Jury before its return for a -- for an offense alleged to have occurred in -- in that State's Attorney's jurisdiction. I'd be happy to answer any questions, and would otherwise urge the adoption of Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Barkhausen has moved the adoption of Amendment No. 2 to House Bill 1487. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Thank you very much, Mr. President. This amendment, if adopted, would defeat the entire effort at drug enforcement and at getting at the profits of drugs, because it would allow any State's Attorney to veto the subpoena and the investigation of the Grand Jury convened by the Attorney General. If we want to get at drugs and drug -- drug profits, we want to vote against this amendment, because it allows any State's Attorney to stop that investigation, and we don't want to stop drug investigations. We want to get at the drug investigations and at the profits. So I would urge a No vote on this amendment.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen, you wish to close?

SENATOR BARKHAUSEN:

In response, Mr. President and Members, the -- the language of the bill as introduced by Senator Marovitz does provide that the State's Attorney remains the primary prosecutor. We are concerned that, even though we feel the committee amendment somewhat improves the original version, we -- we believe that there is great potential for conflicts between the State's Attorneys and the Attorney Generals, particularly in situations where they might both be - without intending to be in conflict with each other - they might both be proceeding to investigate the same criminal conduct. There could be instances where either the Attorney General's Office or the State's Attorney's Office decides to grant immunity, and that's probably the greatest potential for concern where -- where decisions to grant immunity by one or the other could be in conflict with -- with each other. For that reason, we feel that it makes sense not only for notice to be given to the State's Attorney, but for there to be actual consent in writing by the State's Attorney both in the cases of subpoenas and in the -- and in the actual bringing of an indictment and subsequent prosecution.



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDENT ROCK:

All right. Senator Barkhausen has moved the adoption of Amendment No. 2 to House Bill 1487. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 29 Nays, and the amendment fails. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

To request a verification of the negative vote.

PRESIDENT ROCK:

That request is in order. Senator Barkhausen has requested a verification. Will the Members please be in their seats? Madam Secretary, please read the negative vote.

SECRETARY HAWKER:

The following Members voted in the negative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, J. E. Joyce, J. J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

Senator Barkhausen, do you question the presence of any Member?

SENATOR BARKHAUSEN:

Senator Alexander.

PRESIDENT ROCK:

Senator Alexander on the Floor? Strike her name.

SENATOR BARKHAUSEN:

Senator Berman.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senator Berman on the Floor? Senator Berman on the Floor?  
Strike his name, Madam Secretary.

SENATOR BARKHAUSEN:

Senator Newhouse.

PRESIDENT ROCK:

Senator Newhouse on the Floor? Senator Newhouse is in the  
phone, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Jones?

PRESIDENT ROCK:

Senator Jones on the Floor? Strike his name, Madam Secretary.

SENATOR BARKHAUSEN:

Senator Lechowicz?

PRESIDENT ROCK:

Senator Lechowicz is in his seat. All right. The roll has  
been verified. The Gentleman does not question the presence of  
any other Member. On that question, there are 29 voting Aye, 27  
voting No, and none voting Present. The amendment is adopted.  
Senator Marovitz.

SENATOR MAROVITZ:

I'd like to verify the affirmative, please.

PRESIDENT ROCK:

All right. That request is also in order. Senator Marovitz  
has requested a verification. Will the Members be in their seat?  
Madam Secretary, please read the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen,  
Davidson, DeAngelis, Donahue, Dudycz, Ralph Dunn, Etheredge,  
Fawell, Friedland, Geo-Karis, Hawkinson, Hudson, Jones, Karpiel,  
Keats, Kustra, Macdonald, Madigan, Mahar, Maitland, Philip, Raica,  
Rigney, Schaffer, Schuneman, Topinka, Watson, Weaver and Woodyard.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Question the presence of any Member, Senator Marovitz?

SENATOR MAROVITZ:

Thank you, Mr. President. Could -- could Senator Berman be put back on the roll call? He's here in his seat.

PRESIDENT ROCK:

I asked if you could question the presence of any Member on the affirmative roll.

SENATOR MAROVITZ:

Okay. Senator Jones.

PRESIDENT ROCK:

Senator Jones on the Floor? Strike his name, Madam Secretary. I beg your pardon. We are -- we are attempting to verify the affirmative roll call. All right. Senator Jones on the Floor? Strike his name, Madam Secretary.

SENATOR MAROVITZ:

Senator Maitland.

PRESIDENT ROCK:

Senator Maitland was given leave earlier, as was Senator Carroll.

SENATOR MAROVITZ:

Senator Watson.

PRESIDENT ROCK:

Senator Watson on the Floor? Senator Watson's in the phone booth.

SENATOR MAROVITZ:

Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis is on the Floor.

SENATOR MAROVITZ:

Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz is in the aisle.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

SENATOR MAROVITZ:

I request no one else, other than reinstating Senator Berman.

PRESIDENT ROCK:

All right. Madam Secretary, Senator Berman has returned to the Chamber. Reinstating him in the roll call. On that question, the roll has been verified. There are 28 Ayes, 28 Nays, and the amendment fails. Further amendments.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 3 is -- is quite straightforward. It would simply -- to permit the Statewide Grand Jury convened by the Attorney General to bring an indictment for any felony that is discovered in the process of investigating the crimes -- drug-related crimes that are set forth in the bill. An example of this might be if, in the process of investigating drug-related activity, it came to light that one or more of the individuals had a -- say a contract out to assassinate another individual that -- that in that instance, the Attorney General could bring an indictment for that particular offense. I think it is, as I say, quite straightforward. I'd be glad to answer your questions, and would otherwise urge your adoption.

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 3 to House Bill 1487. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I -- I would rise in opposition to this amendment. This further expands the purview of this legislation, which was aimed at getting at drugs and drug profits, and all this would do would be to further have a

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

possibility of a turf battle between the Attorney General and local State's Attorneys. There was no State's Attorney in the Judiciary Committee that came forward in opposition to this bill in its present form dealing with drugs. There was no State's Attorney that offered any additional suggestions, that wanted any -- anything additional, and it was made very clear in the Judiciary Committee that this bill is intended to get at drugs, drug profits, drug dealers. That's what this bill is all about. And if anybody wants to try and scuttle the bill, that's what this amendment is all about - trying to scuttle the bill, and go way beyond what the intent of the bill is - to deal with drugs and drug profits. The State's Attorneys have the power to do what this amendment does. They're not looking for any help outside their original power. They're not in favor of this amendment. Nobody came in in the State's Attorney's office in opposition to the bill, and I would rise in opposition to this amendment.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. -- Mr. President and Ladies and Gentlemen of the Senate, I -- is the speaker gonna tell -- the colleague on the other side gonna tell me that a drug-related murder shouldn't be involved in here? Then -- then there's no purpose to this bill except it is a political football, if you're gonna allow that to be taken out. I speak in favor of the amendment.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Senator Barkhausen indicates he will yield.

SENATOR FAWELL:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Senator Barkhausen, could you tell me approximately how many State's Attorneys actually came in in favor of this bill?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm told that -- I'm told that there were four. I think their -- their hesitation to support this, and I want to make very clear in -- in response to any statements about any of us trying to scuttle the bill, that there may be a few of us on our side of the aisle that have some misgivings, but I -- I support the concept, as I always have. I do think, though, that the reservation of some of the State's Attorneys to support this goes to what we were attempting to do in Amendment No. 2, in that they envision that there will be situations where the investigations brought by the Statewide Grand Jury may -- may conflict with some of their own activities, particularly with the granting of immunity, but I don't think -- I -- I can't speak for them, but I don't think that they would have any problem with this amendment that -- which simply allows a Grand Jury to proceed to bring an indictment where evidence is uncovered of crimes perhaps related to, but in addition to, the -- the range of crimes that is specified in this bill.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Marovitz, for the second time.

SENATOR MAROVITZ:

I'm sorry, Mr. President, to rise a second time, but a statement was made that I think requires some clarification. If in the case of investigating drug racketeering or drug trafficking, a -- a murder was -- was discovered, all that has to happen, and should happen, is that evidence turned over to the local State's Attorney. And the local State's Attorney, within

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

his jurisdiction, prosecutes that. That's what the law's all about. The local State's Attorney will prosecute any other crimes uncovered in that county that go along with the investigation. Now that's what -- that's what's going on now, and there's no need to -- to -- to expand that and take that away from the State's Attorneys. Let's let the State's Attorneys, who are elected to do that job, let them do that job, and any crimes regarding murders or other felonies, regarding the drug investigation should be turned over the State's Attorney's, and let them prosecute it as they're doing now, and as the job requires.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis, for the second time.

SENATOR GEO-KARIS:

Sorry to speak for the second time. Then why -- then what's the purpose of the bill, if you want to go back to the State's Attorney? I -- I could -- what -- what you're doing is making a political fiasco out of this. Why don't you include drug-related murder, and let the Attorney General really earn his keep at it?

PRESIDENT ROCK:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Only to respond that the last argument against this amendment could be equal rationale for not having the bill in the first place, and only having an investigating agency and then turning the amendment -- the information over to the State's Attorney. If it's necessary for the drug offenses, and it uncovers other evidence of other crimes that are intertwined with that investigation, so that the same evidence will be necessary in the prosecution of the case, I don't think it makes much sense to have separate prosecutions, and therefore I would rise in support of the amendment.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you. I agree with Senator Marovitz. If you really want to kill this bill, put this amendment on. It is highly impossible and totally unrealistic to assume that a Statewide Grand Jury could, in fact, be involved with every crime connected to drugs, because you know, and I know, that almost all -- the majority of crimes that are committed in this State are drug, somehow, connected. So it would be impossible - impossible - for this grand jury to function in that capacity to that scope. So I say we should defeat this amendment.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen, you wish to close?

SENATOR BARKHAUSEN:

I simply ask for a favorable roll call.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 3 to House Bill 1487. 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? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 Nays. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 4 goes to what we believe was a fairly glaring omission in the original version of this bill. In 1988 the General Assembly, after several years of debate, passed a limited nonconsensual eavesdropping law, known as the Wire Tap Law, for the limited purpose of authorizing State's



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Attorneys to make application to circuit courts for permission to use this investigative device in certain -- certain drug crimes. We, by virtue of this amendment, we would broaden the existing Wiretap Law only in this respect, rather than being limited to the drug crimes that were specified in the original law. This amendment would broaden it to include all of the drug offenses for which the Attorney General would now have the power to convene a Statewide Grand Jury and to bring a subsequent indictment. In addition, since we would, by this bill, give the Attorney General the power to do these things, we feel that the Attorney General or his assistants, his or her assistants, in addition to the individual State's Attorneys, ought to in the first instance be authorized to request the courts to authorize this investigative -- the investigative use of the wiretap in the first instance. I would again ask for a favorable roll call on this amendment.

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 4 to House Bill 1487. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. I would ask for a ruling from the Chair. It seems to me this -- this amendment is not germane to the basic subject matter of the legislation. I would ask for a ruling from the Chair.

PRESIDENT ROCK:

The Chair is prepared to rule that Amendment No. 4 is indeed not germane, for the reason that it deals with the subject of wiretapping which is a separate distinct section of the Code of Criminal Procedure, as opposed to the bill under consideration, which is the Statewide Grand Jury Act. So the Chair is ruling, Senator Barkhausen, that Amendment No. 4 is not germane, and therefore, out of order. Senator Barkhausen.

SENATOR BARKHAUSEN:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Mr. President. I would appeal the ruling of the Chair, and briefly, in doing so, would point out, as you know, that the original measure does contain provisions relating to Chapter 38, which is also the subject matter of the proposed amendment, and I would simply suggest that your ruling is not -- I'm not sure, entirely unprecedented, but mostly so, in that any time that one amendment pertains to the same Chapter of the Illinois Revised Statutes as the original measure, I've never -- I don't remember a ruling of this kind, and would therefore appeal your ruling.

PRESIDENT ROCK:

All right. That request is in order. The Gentleman has appealed the ruling of the Chair. The Chair has ruled that Amendment No. 4, as presented, is nongermane, and therefore out of order. The question is, shall the ruling of the Chair be sustained. Those in favor of sustaining the ruling will vote Aye. Opposed to the ruling will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes and the Nays are 29. Having failed to receive the necessary three-fifths negative vote, the appeal fails, and the ruling of the Chair is sustained. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Amendment No. 5, and I proceed at this -- proceed at this point in the face of what I fear is a distinct possibility of a similar ruling on this amendment, but Amendment No. 5, Mr. President and Members, would extend the range of crimes for which the Attorney General would have the powers given to him in this

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

bill, to include, in addition to drug-related crimes and money laundering, the crime of official misconduct. We feel that this is important to include, because we have, alas -- we have seen too many instances when drug crimes implicate public officials of one kind or another, be they law enforcement officials or other types of public officials, and we feel it is important to include within the scope of the powers given to the Attorney General by this bill, the power to convene a -- a Grand Jury and to indict for this particular serious offense. And I would ask for a favorable roll call.

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 5 to House Bill 1487. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. This amendment, Mr. President, goes well beyond the original purview of the -- of the legislation. I think for that reason I would renew -- I would make the same motion as in the last one. I believe this is nongermane to the original limited scope of the legislation.

PRESIDENT ROCK:

All right. Senator Barkhausen, the Chair is again prepared to rule that Amendment No. 5 is nongermane. The bill, as introduced and as comes to us from the committee, dealt with a very limited subject matter. And so the Chair rules that the amendment is nongermane. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I again would appeal your ruling, and would simply make the point that the amendment does directly apply to the bill. And that it broadens slightly the powers that a Statewide Grand Jury would have. It -- it -- it is germane, and I therefore ask for an appeal of your ruling.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

All right. The Gentleman has again appealed the ruling of the Chair. The Chair has ruled that Amendment No. 5 is nongermane, and therefore out of order. The question is, shall the ruling of the Chair be sustained. Those in favor of sustaining the ruling of the Chair will vote Aye. Opposed to sustaining the ruling will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 29 Nays and none voting Present. Having failed to receive the necessary three-fifths negative vote, the appeal fails, and the ruling of the Chair is sustained. Further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator Geo-Karis.

PRESIDENT ROCK:

Senator Geo-Karis, Amendment No. 6.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, my amendment does three things. It requires the State's Attorney of any county for which an offense sought to be investigated by the Statewide Grand Jury is located, consent to the formation of the Statewide Grand Jury. Second point - it requires the Attorney General to prosecute all indictments returned by the Statewide Grand Jury, unless the State's Attorney concerned agrees to prosecute. Currently, the -- the Attorney General could dump indictments on a State's Attorney. And the third item is -- requires the Attorney General to pay the cost of a Statewide Grand Jury convened by them and the cost of prosecution undertaken by them. Currently, the local county must pay for the Grand Jury, until reimbursed by the State, if ever. Also, the bill does not now provide for the cost of prosecuting their cases, so the county would pay for it. And I ask for the favorable vote on this one.

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

PRESIDENT ROCK:

All right. Senator Geo-Karis has moved the adoption of Amendment No. 6 to House Bill 1487. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This amendment specifically requires a State's Attorney to specifically, and in writing, opt in to the purview of this bill. Well now, if you want to get at drugs, if you want to get at drug racketeering, if you want to get at drug trafficking, why in God's name would you -- would you give a State's Attorney an opportunity to say, "No, we don't want to get involved in this drug prosecution. We don't want to get involved at getting at the profits, or the racketeering, or the trafficking." That's what this amendment's trying to do. It'll -- it will allow State's Attorneys to say -- turn their heads, and say, "We're not gonna get involved in the prosecution. We don't want to go after the traffickers or get at the profits." That's what this amendment does. You can shake your head all you want, but this amendment says the State's Attorney in writing must specifically agree to opt into the prosecution. Well, if that's what you want to do, then you don't really want to get at drug trafficking.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

One comment, just to lower the partisan tone a little bit. If you really think the State's Attorneys of this State aren't interested in prosecuting drug trafficking, I don't think you know the hundred prosecutors in this State. Let me merely say, Republican or Democrat - whether it was Rich Daley or his predecessors - to allege that our State's Attorneys aren't concerned about drug trafficking is an insult to every one of

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

them. I just think -- and I understand the partisanship, but I wouldn't demean the chief law enforcement officer of every county in this State with that kind of cheap partisan rhetoric.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

A question of the sponsor, please.

PRESIDENT ROCK:

The sponsor indicates she will yield.

SENATOR DeANGELIS:

Senator Geo-Karis, does this amendment in any way attempt to perhaps prevent a State's -- the Attorney General to interfere with an ongoing investigation which might be occurring, and his involvement and might very -- might, in fact, disrupt that, and therefore, lose the opportunity of prosecuting someone for drug trafficking?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

That's exactly why I have that amendment, because if there's an ongoing investigation, and the Attorney General interferes with it and it goes blotto, then whose fault is it? And what this is trying to do is stop something like that.

PRESIDENT ROCK:

All right. Any further discussion? Further discussion? Senator Geo-Karis, you wish to close?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the Attorney General should be able to help with the local State's Attorney, and they will help him. And I think my amendment is right, because if you're going to have added expense, it -- it shouldn't be borne by the county that is willing to do the case,

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

without the Attorney General. If the Attorney General's going to get into it, the expenses should come out of his appropriation, too. I ask for a favorable roll call.

PRESIDENT ROCK:

Senator Geo-Karis has moved the adoption of Amendment No. 6 to House Bill 1487. Those in favor of the amendment will vote Aye. Opposed, vote Nay, and the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, and 29 Nays, and none voting Present. The amendment fails. I beg your pardon. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Verification, please, of the negatives.

PRESIDENT ROCK:

That request is in order. Senator Geo-Karis has requested a verification. Will the Members please be in their seats? Madam Secretary, please read the negative votes.

SECRETARY HAWKER:

The following Members voted in the negative: 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, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDENT ROCK:

Senator Geo-Karis, do you question the presence of any Member?

SENATOR GEO-KARIS:

Berman.

PRESIDENT ROCK:

Senator Berman on the Floor? Senator Berman on the Floor? Senator Berman is on the Floor, Senator...

SENATOR GEO-KARIS:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

Jeremiah Joyce.

PRESIDENT ROCK:

Senator Joyce is on the Floor.

SENATOR GEO-KARIS:

Jeremiah Joyce?

PRESIDENT ROCK:

Seated next to Senator O'Daniel.

SENATOR GEO-KARIS:

Thomas Dunn.

PRESIDENT ROCK:

Senator Tom Dunn is in the aisle.

SENATOR GEO-KARIS:

Okay.

PRESIDENT ROCK:

All right. The role has been verified. On that question, there are 29 Ayes, 29 Nays, none voting Present. The amendment fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 7 offered by Senator Philip.

PRESIDENT ROCK:

Senator Philip, on Amendment No. 7.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I'm -- I'm gonna reach way, way back in history, and I can remember when Bill Scott was the Attorney General. He was down here for Statewide Grand Juries. I can also remember, not so long ago, Tyrone Fahner down here for Statewide Grand Juries. And for some reason, it wasn't a partisan issue, and, of course, they did not prevail. Either of those two Republican State's Attorneys -- U. S. Attorney Generals did not prevail with their Statewide Grand Juries, for, in my judgment, a lot of good reasons. And quite frankly, this has gotten in to be a partisan issue, and it



STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

shouldn't be. If Statewide Grand Juries are right, we ought to do it because it's right. We shouldn't be doing it because our candidate for Governor thinks it's gonna get him elected. It's a bad idea. It's a bad policy. What I suggest to take this out of politics and make it nonpolitical, is change the effective date. What this amendment does is change the effective date to November 7th, 1990. I move the adoption of Amendment No. 7.

PRESIDENT ROCK:

All right. Senator Philip has moved the adoption of Amendment No. 7 to House Bill 1487. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, let me just make it very clear what this amendment does. The effective date in this bill is July 1, 1990. That's when this bill becomes effective - when we try and go after drug traffickers, and drug racketeering, and drug profits. This amendment delays the effectiveness of going after those racketeering people, those traffickers and getting at the profits to election day. Well, I don't know if -- if we have a drug problem, I don't know why we want to delay this four or five months. I mean, if it's gonna be effective on July 1, it doesn't matter if we elect a Democratic Attorney General or a Republican Attorney General, it's gonna be effective, and we're gonna go after drugs on July 1, 1990. Why wait five months to get after drugs? That -- this makes no sense. We both want it to be apolitical. Let it be apolitical on July 1, 1990, and get at the drug profits then.

PRESIDENT ROCK:

All right. Senator Philip has moved the adoption of Amendment No. 7. You wish to close, Senator?

SENATOR PHILIP:

Well, I would suggest this, Senator, if it's so important, why don't you have an effective date the minute the Governor signs it?

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

You don't do that though, do you? Well, I'd say it's a shame this has gotten to be a partisan issue. It should not be a partisan issue. And you know, and I know, today the Attorney General of the State of Illinois can go to any county and ask any State's Attorney to convene a Grand Jury. He has never done it in seven years. And you know what? Tell me a State's Attorney who's got the courage to say no to the Attorney General. There isn't one out of the hundred and two that would say no to him. And if, in fact, a local State's Attorney said, "No," he can go into court and ask for a court order. So he can do it today. If he's a great drug prosecutor, he can start tomorrow.

PRESIDENT ROCK:

The question is the adoption of Amendment No. 7 to House Bill 1487. 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 28 Ayes, 30 Nays, none voting Present. Amendment No. 7 fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senator Philip.

PRESIDENT ROCK:

Senator Philip, on Amendment No. 8.

SENATOR PHILIP:

Thank you Mr. President and Ladies and Gentlemen of the Senate. This is a sunseting of the Statewide Grand Jury after two years - July 1, 1992. I'm assuming it's going to pass. I'm assuming the Governor's going to sign it. I don't know whether it's going to work or not. But I tell you one thing, we ought to come back and review it. And if the Attorney General has done a good job, and it's worked well, we ought to continue it. If it has not, we ought to let it sink and fade away.

PRESIDENT ROCK:

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

All right. Senator Philip's moved the adoption of Amendment No. 8 to House Bill 1487. 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:

Amendment No. 9 offered by Senator Hawkinson.

PRESIDENT ROCK:

Senator Hawkinson, on Amendment No. 9.

SENATOR HAWKINSON:

This is the amendment we discussed in committee yesterday. I raised the question about the granting of immunity and the potential danger of an investigation at the State level with a Statewide Grand Jury granting immunities unbeknownst to a State's Attorney, which might jeopardize an ongoing county grand jury proceeding or police investigation. My suggestion in this amendment would require the -- the Attorney General to consult with and gain the acquiescence of the local State's Attorney before granting immunity. And I would ask for its adoption.

PRESIDENT ROCK:

All right. Senator Hawkinson has moved the adoption of Amendment No. 9 to House Bill 1487. Discussion? If not, all in favor will indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 10 offered by Senators Marovitz and Berman.

PRESIDENT ROCK:

Senator Marovitz, Amendment No. 10.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This amendment was also discussed in the committee, and it seemed to be the sense of the entire committee, and maybe Senator Hawkinson will correct me if I'm wrong, it seemed to me the sense

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

of the committee that this is what the committee wanted. This -- originally the bill would have allowed prosecution of drug trafficking in any county. Concern was expressed in committee that such a provision might lead to capricious decisions regarding venue. Some members of the committee believe that there should be at least some connection with the offense and the county which the crime would be prosecuted, and people in that county ought to be able to come in and witness the prosecution in that particular county. So this deletes the provision allowing drug trafficking in any county, and allows prosecution of drug trafficking in the county where the drugs or the assets from the crime were used, acquired, transferred or distributed, and where the criminal enterprise conducted any activity in further of that. So we're gonna limit this to the specific county where the drug activity occurred, and I would ask for adoption of this amendment.

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of Amendment No. 10 to House Bill 1487. 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. 11 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No. 11.

SENATOR MAROVITZ:

Okay. This -- this is, I believe, the final amendment, unless the Secretary shakes her head. I believe this is -- this is not the final amendment, huh? Okay. This is it. This is the final amendment, and this is also a sunset amendment, and this sunset -- this bill on January 1st, 1993. So in effect -- it will only -- it will be in effect for two and a half years. There is a sunset amendment on there now for January 1st, '92. This makes it

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

January 1st, '93. It'll give it a couple of years to see if it works. If it doesn't work, it'll be out. But the fact is, it gives it a change to work and gives us a change to get at trafficking, racketeering and profits. This sunsets the entire bill on January 1, 1993, and I solicit your Aye vote.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 11 to House Bill 1487. 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, I think we have effectively concluded our business. The Chair is always happy to recognize the presence of the Chief Executive, the Governor of this State. Welcome, Governor. We have one more request from a Member, if you will turn to Page 9. There has been a request to go to the Order of Non-concurrence for the purpose of putting a bill in the conference committee. Page 9 on the Calendar. If there is no objection, with leave of the Body, we will move to that order to pick up House Bill 1359, Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 1359.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I would move for non-concurrence on House Bill 1359, to send back to conference committee.

PRESIDENT ROCK:

All right. Senator Rea has moved that the Senate refuse to

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

67th Legislative Day

November 1, 1989

recede from Senate Amendment No. 1 to House Bill 1359, that a conference committee be appointed. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Any further business? Senator Philip, anything further to come before the Senate? Nine o'clock tomorrow morning. All right. Ladies and Gentlemen, the Senate will stand adjourned until nine o'clock tomorrow morning, and it is my fond hope that we can be out of here shortly at noon, or shortly thereafter, so I'd ask everybody to attempt to be prompt. We will begin, obviously, on the Order of Motions, and then move immediately to 3rd Reading on the Calendar. Senator Vadalabene then moves that the Senate stand adjourned till Thursday, November 2, at the hour of 9:00 a.m. Nine o'clock tomorrow.

STATE OF ILLINOIS  
86TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

NOVEMBER 01, 1989

HB-0044 VETO ACTION	PAGE	4
HJ-0156 RECALLED	PAGE	72
HB-0168 CONFERENCE	PAGE	56
HB-0211 VETO ACTION	PAGE	23
HB-0441 VETO ACTION	PAGE	7
H3-0713 RECALLED	PAGE	39
H3-0795 VETO ACTION	PAGE	10
HJ-0850 VETO ACTION	PAGE	20
HB-1192 CONFERENCE	PAGE	57
HB-1359 REFUSE TO RECEDE	PAGE	117
HB-1487 SECOND READING	PAGE	94
HB-1559 VETO ACTION	PAGE	13
H3-1609 SECOND READING	PAGE	51
HB-1621 REFUSE TO RECEDE	PAGE	51
HB-2045 RECALLED	PAGE	40
HJ-2048 VETO ACTION	PAGE	60
H3-2079 RECALLED	PAGE	41
HB-2117 RECALLED	PAGE	42
HB-2346 VETO ACTION	PAGE	17
HB-2576 RECALLED	PAGE	46
HB-2693 VETO ACTION	PAGE	25
HB-2733 SECOND READING	PAGE	92
HB-2733 OUT OF RECORD	PAGE	54
SB-0370 CONFERENCE	PAGE	58
SB-0472 CONFERENCE	PAGE	59
SB-0752 CONCURRENCE	PAGE	49
SB-1075 CONFERENCE	PAGE	59
SB-1484 FIRST READING	PAGE	1
SR-0177 OUT OF RECORD	PAGE	62
SR-0635 ADOPTED	PAGE	62
SR-0641 ADOPTED	PAGE	69
SR-0646 ADOPTED	PAGE	71
SR-0676 RESOLUTION OFFERED	PAGE	1
SJR-0103 ADOPTED	PAGE	72

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT ROCK	PAGE	1
PRAYER - REVEREND DAVID BURNS	PAGE	1
JOURNAL - POSTPONED	PAGE	1
INTRO OF GUEST - COACH BILL PIEPER	PAGE	1
INTRODUCTION OF GUEST - CONSUL GEN. URI BAR NER	PAGE	3
SENATOR DEMUZIO - PRESIDING OFFICER	PAGE	4
SENATOR LUFT - PRESIDING OFFICER	PAGE	11
PRESIDENT ROCK - PRESIDING	PAGE	26
SENATOR LUFT - PRESIDING OFFICER	PAGE	56
SENATOR DEMUZIO - PRESIDING OFFICER	PAGE	59
PRESIDENT ROCK - PRESIDING	PAGE	92
ADJOURNMENT	PAGE	117