

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

30th Legislative Day

May 21, 1991

PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by Pastor Mike Roberts, First Baptist Church of Fairmont, Fairmont, Illinois. Reverend.

PASTOR MIKE ROBERTS:

(Prayer by Pastor Mike Roberts)

PRESIDENT ROCK:

Thank you, Pastor. Reading of the Journal, Madam Secretary. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that the reading and approval of the Journals of Wednesday, May 15th; Thursday, May 16th; and Monday, May 20th, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senators Demuzio and D'Arco, Co-Chairmen of the Senate Committee on Assignment of Bills, reports the -- the assignment of the following House bills to committee: Agriculture and Conservation - House Bills 204, 314, 508, 620, 921, 1464, 1769; Consumer Affairs - House Bills 1968 and 2523; Elementary and Secondary Education - House Bills 97, 282, 475, 670, 778, 827, 843, 1238, 2433 -- pardon me, 2423; Energy and Environment - House Bills 610, 706, 957, 1137, 1199, 1449, 1514, 1522, 1813, 2020, 2250, 2325, 2338, 2352, 2374, 2536 and 2589; Executive - House Bills 317, 751, 812, 877, 919, 927, 933, 943, 945, 1251 -- pardon

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me, 1323, 1556, 1576, 1615, 1949, 2085, 2240, 2378 and 2538; Finance and Credit Regulations - House Bills 67, 989, 1379, 2014 and 2134; Higher Education - House Bills 240, 1249, 1573, 2314 and 2360; Insurance, Pensions and Licensed Activities - House Bills 118, 125, 133, 254, 391, 495, 968, 970, 971, 1040, 1204, 1299, 1407, 1466, 1481, 1483, 1528, 1604, 1618, 1692, 1856, 1864, 1948, 2051 and 2094; Judiciary I - House Bills 276, 358, 431, 878, 1285, 1440, 1462, 1463, 1564, 1594, 2358, 2366, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441 and 2456; Judiciary II - House Bills 3, 367, 434, 466, 786, 840, 1108, 1589, 1609, 1675, 1676, 1687, 1951 and 1955; Labor - House Bills 143, 1776, 1811 and 2100; Local Government - House Bills 16, 407, 408, 410, 559, 746, 791, 838, 889, 965, 1383, 1478, 1827, 2380, 2417 and 2495; Public Health, Welfare and Corrections - House Bills 739, 1000, 1139, 1764, 1832, 1854, 2013, 2040, 2160, 2234, 2281, 2293 and 2466; Revenue - House Bills 1256, 1376 and 2072; State Government Organization and Administration - House Bills 12, 452, 526, 875, 879, 1461 and 2355; Transportation - House Bills 1165, 1296, 2067 and 2602.

PRESIDENT ROCK:

Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 404 offered by President Rock and all Members.

And Senate Resolution 405 offered by Senator Davidson. They're both congratulatory.

PRESIDENT ROCK:

Consent Calendar. -- from the House.

SECRETARY HAWKER:

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

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

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Senate Joint Resolution 55 with House Amendment No.

1.

Passed by the House, as amended, May 17, 1991.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. The Senate Joint Resolution 55, Amendment No. 1, was apparently amended for the benefit of the House to come back at six o'clock last night. I would move the concurrence with House Amendment 1 to Senate Joint Resolution 55.

PRESIDENT ROCK:

All right. Senate Demuzio has moved that the Senate do concur with House Amendment No. 1 to Senate Joint Resolution 55. It was an amendment to the adjournment resolution. All in favor of the Motion to Concur, indicate by saying Aye. All opposed. The Ayes have it. Senate does concur in House Amendment No. 1 to Senate Joint Resolution 55, and the Secretary shall so inform the House. If I can have your attention, Ladies and Gentlemen, the Chair would like to advise the Membership that Mr. Rudy Kink from the General Assembly Retirement System has agreed to make himself available all day today, up until about 3:30, in the President's Podium Ante Room. So -- so those of you who have questions or inquiries about the status of the General Assembly Retirement System, that pertains to you, please feel free to consult with Mr. Kink during the course of the day. With leave of the Body then, we'll move to Page 42 on the Calendar. Page 42 on the Calendar. On the Order of House Bills 1st Reading. House Bills 1st Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill 69 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 164 offered by Senator Cullerton.

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(Secretary reads title of bill)
House Bill 293 offered by Senator J.J. Joyce.
(Secretary reads title of bill)
House Bill 298 offered by Senator Luft.
(Secretary reads title of bill)
House Bill 406 offered by Senator Luft.
(Secretary reads title of bill)
House Bill 516 offered by Senator Mahar.
(Secretary reads title of bill)
House Bill 572 offered by Senator Hawkinson.
(Secretary reads title of bill)
House Bill 780 offered by Senator Etheredge.
(Secretary reads title of bill)
House Bill 859 offered by Senator DeAngelis.
(Secretary reads title of bill)
House Bill 899 offered by Senator Kelly.
(Secretary reads title of bill)
House Bill 931 offered by Senator Luft.
(Secretary reads title of bill)
House Bill 990 offered by Senator Marovitz.
(Secretary reads title of bill)
House Bill 1091 offered by Senator Lechowicz.
(Secretary reads title of bill)
House Bill 1166 offered by Senator Luft.
(Secretary reads title of bill)
House Bill 1186 offered by Senator Fawell.
(Secretary reads title of bill)
House Bill 1225 offered by Senator Fawell.
(Secretary reads title of bill)
House Bill 1243 offered by Senator Luft.
(Secretary reads title of bill)
House Bill 1429 offered by Senator Luft.

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(Secretary reads title of bill)

House Bill 1487 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 1488 offered by Senator Lechowicz.

(Secretary reads title of bill)

House Bill 1497 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1668 offered by Senator Raica.

(Secretary reads title of bill)

House Bill 1850 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 1857 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2118 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 2138 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 2309 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 2385 offered by Senator Philip.

(Secretary reads title of bill)

House Bill 2422 offered by Senator Severns.

(Secretary reads title of bill)

House Bill 2491 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 2579 offered by Senator Luft.

(Secretary reads title of bill)

And House Bill 2643 offered by Senator Welch.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Committee on Assignment. All right. Ladies and Gentlemen, if

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I can have your attention. We will begin on Page 2 on the Calendar on the Order of Senate Bills 2nd Reading, and we will move through 2nd Reading, calling those bills that the sponsors wish addressed. And then we will go immediately to Senate Bills 3rd Reading and begin where we left off yesterday in the nine hundred series with Senator Rigney's bill and continue on 3rd Reading for the balance of the day. The appropriations bills will be called first thing tomorrow morning. I would only advise the Membership - I'm sure they're aware - that Friday is the deadline and today will determine, in my judgment, the length of Friday or if there's to be a Friday at all, in terms of Session. So I would admonish the Membership to be ready and ready to move. Madam Secretary, top of Page 2 on the Order of Senate Bills 2nd Reading is Senate Bill 10. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 10.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Berman offers Amendment No. 1.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The Amendment to Senate Bill 10 is a cleanup bill to make it just a pure vehicle. It is our intention to move this bill to 3rd today and tomorrow bring it back on Recall. We will have an bill -- an amendment tomorrow to address the voting process in Chicago school reform. So, I move the adoption of Committee Amendment No. 1.

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PRESIDENT ROCK:

All right. Senator Berman has moved the adoption of Amendment No. 1 to Senate Bill 10 with the understanding the bill will be recalled tomorrow. All in favor of the adoption, 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. On the Order of Senate Bills 2nd Reading is Senate Bill 11. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 11.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Elementary and Secondary Education offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Berman, on Committee Amendment No. 1.

SENATOR BERMAN:

Thank you. Amendment No. 1 is the amendment adopted in committee. It is an itemization of what I call the miscellaneous items addressing several aspects of Chicago school reform. Copies of this are available, and it has approximately eleven items including - let me just mention a few of them - things such as the student member of the LSC's in the high school's having the right to vote; the process of addressing nonactive LSC members and about a dozen other items. I move the adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Berman's moved the adoption of Committee Amendment No. 1 to Senate Bill 11. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's

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adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

I just -- thank you, Mr. President. I just want to state that this bill will also be recalled for the opportunity for amendments tomorrow, hopefully.

PRESIDENT ROCK:

All right. 3rd Reading. Senate Bill 15. Senator Kelly. Senate Bill 22. Senator Brookins. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 22.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Brookins, on Committee Amendment No. 1.

SENATOR BROOKINS:

Yes. Thank you, Mr. President. Committee Amendment No. 1 removes the pedalcycles from the bill.

PRESIDENT ROCK:

Senator Brookins has moved the adoption of Committee Amendment No. 1 to Senate Bill 22. Discussion? Senator Woodyard.

SENATOR WOODYARD:

Yes, Mr. President, thank you. And to the Members of the

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Senate, this is -- this bill - and I hope you all are paying attention - is a mandative <sic> motorcycle helmet bill. And the committee amendment deletes or exempts or takes out of the bill the fact that pedalcycles would be included in it. In other words, the bill is now saying in it, with this committee amendment, that you wouldn't have to wear a motorcycle helmet with a pedalcycle or a scooter or something like that. And I rise in opposition to that committee amendment. The reason being - if this bill is good enough for all other people riding motorcycles, why not the pedalcycles? And so, I would -- I would certainly oppose the amendment.

PRESIDENT ROCK:

Further discussion on Committee Amendment No. 1? Senator Brookins, you wish to close?

SENATOR BROOKINS:

Thank you. I merely ask for a favorable vote in this. We feel that the pedalcycles go so slow and - et cetera - that there is a minimum of danger in the hitting of the heads on concrete and et cetera. And I ask for a Aye vote.

PRESIDENT ROCK:

All right. Senator Brookins has moved the adoption to Committee Amendment No. 1 to Senate Bill 22. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The amendment is adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senators Woodyard and Watson offer Amendment No. 2.

PRESIDENT ROCK:

Senator Woodyard, on Amendment No. 2.

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SENATOR WOODYARD:

Thank you, Mr. President. Would you have the Secretary read the LRB number on this, please?

PRESIDENT ROCK:

I will indeed. Madam Secretary, please.

SECRETARY HAWKER:

It ends in CTmcam.

SENATOR WOODYARD:

Does this end in 4CT -- Tmcam, did you say?

SECRETARY HAWKER:

Yes, it does.

SENATOR WOODYARD:

Withdraw.

PRESIDENT ROCK:

Withdraw that amendment. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Woodyard and Watson.

PRESIDENT ROCK:

Madam Secretary, will you read the LRB number on that one?

SECRETARY HAWKER:

It ends am01.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Seemingly, the -- the thrust and the support -- the major support of this bill has come from the City of Chicago, and this amendment's rather simple. It would restrict the mandate just to the City of Chicago for -- for motorcycle helmets. And I would urge its adoption.

PRESIDENT ROCK:

Senator Woodyard has moved the adoption of Amendment No. 2 to

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Senate Bill -- Senate -- Senate Bill 22. Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I oppose this amendment. It's an unfriendly amendment, and I don't know why my colleague is doing this. It's my understanding that we allow Senators to put bills in the orders which they want to pass them. But any event, I can attest that there is just as much danger and cost in downstate areas in riding motorcycles as there is in the City of Chicago. Here in Springfield alone we're paying over a hundred thousand dollars a year just to keep one person in a hospital in Wisconsin because he fell off a motorcycle without wearing a helmet. So I ask for a No vote on this amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 2? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. I also rise in opposition to the Gentleman's amendment. I think that this issue has been voted on in the past few years. People know their position on -- on the bill. And I think if you're against the bill, you should vote against it on 3rd Reading. But to take an amendment to a Vehicle Code provision which -- and have it apply to only one part of the State is really an absurd proposition. We don't have different traffic laws in different parts of the State. The fact is that the bill, if passed and when passed, will save money for the State, and it'll save lives and it should be applicable Statewide. So, I -- I would ask people to simply not vote for this amendment. If you want to vote No on 3rd Reading, I understand that, but this is not a wise policy to adopt this amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 2? Senator Watson.

SENATOR WATSON:

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Yes. Well, thank -- thank you, Mr. President. Well, I rise in support of this Gentleman's effort here. We -- if you've looked to see where motorcycle riders live, the vast majority of the motorcycles live in what we consider downstate Illinois, outside the City of Chicago. Most -- and the vast majority of those people - they don't want this legislation, Senator. So, if you're going to -- if we're going to do something about it, then let's do it in your community, where you think it ought to be done - not something that you want to force down the throats of the people in our area. So I rise in support of the Gentleman's amendment, and certainly hope the Membership will also.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I guess -- I'm going to rise in -- in opposition to this amendment. You know, these amendments that are going to be put on this bill, it appears to me that it's making it a lot easier for a lot of people to vote for this bill. And I think -- I don't support the bill, nor -- nor do I support these amendments. So I'm sort of in a 'twixt and between at the moment. I suppose I'm just going to rise to support all the amendments that are going to go on.

PRESIDENT ROCK:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. To the Members of this august Body: When the opportunity came for us to mandate Statewide insurance, we accepted it. When the opportunity came to mandate passenger seatbelts for the entire State, we accepted it as being the most logical thing to do. When we had the opportunity and were mandated to accept child restraint seats because it was good for the children, we accepted it. Helmets for the entire State is

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good, not just for one locality. That's very foolish. To ride over the entire State, to enter the borders of Cook County and then jump out and buy a helmet - how silly can that get? This is a bad amendment. I hope we would vote against it.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. Regarding this amendment, I think that if the City of Chicago wishes to enact an ordinance that would put this restriction, I think they have that right. Rather than limit the helmet usage for the people that live in the City of Chicago -- it defeats the purpose of the intent of the bill, because those who live in the suburban area or downstate can drive through the City and not be protected, and they would be just as vulnerable as those currently driving through the City. I would vote -- or urge a No vote on this amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 2? Senator Woodyard, to close.

SENATOR WOODYARD:

Thank you, Mr. President. Well, by now certainly everybody knows what -- what this amendment does. It certainly limits the bill just to the City of Chicago. And as far as the claim that we don't do things differently in the -- for the City of Chicago and -- as to downstate Illinois, we very definitely do in a lot of cases. And, quite frankly, we don't want this bill in downstate Illinois. If you guys from Chicago want it, this amendment will take care of you. And I would urge its -- its adoption.

PRESIDENT ROCK:

All right. Senator Woodyard has moved the adoption of Amendment No. 2 to Senate Bill 22. Those in favor of the amendment will vote Aye. Opposed vote, Nay. And the voting is

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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 20 Ayes and 30 Nays. Amendment No. 2 fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Woodyard and Watson.

PRESIDENT ROCK:

Senator Woodyard, on Amendment No. 3.

SENATOR WOODYARD:

Withdraw.

PRESIDENT ROCK:

The Gentleman asks that it be withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 37. Senator Tom Dunn. 42. Senator Dunn. Read the bill, Madam Secretary, please. Ladies and Gentlemen, we're in the middle of Page 2 on the Order of Senate Bills 2nd Reading, Senate Bill 42. Madam Secretary please.

SECRETARY HAWKER:

Senate Bill 42.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Organization and Administration offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Dunn, on Committee Amendment No. 1.

SENATOR T. DUNN:

Thank you, Mr. President. Amendment No. 1 becomes the bill. Amendment No. 1 is a duplication of House Bill -- the administration's House bill concerning sick leave and an individual who resigns and then receives a lump sum payment, and then comes back to work within thirty days - and this prohibits

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that.

PRESIDENT ROCK:

Senator Dunn has moved the adoption of Committee Amendment No. 1 to Senate Bill 42. Discussion? If not, all in favor indicate by saying Aye, all opposed. The Ayes have it. The amendment's adopted. Further Amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 106. Senator Smith. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 106.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Smith offers Amendment No. 1.

PRESIDENT ROCK:

Keep it down to a mild roar, if we can. Senator Smith, on Amendment No. 1.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen. Amendment 1 to Senate Bill 106 - the bill merely requires doctors to provide sound care of their patients when hospitalized. The amendment is supported by the Medical Society and --

PRESIDENT ROCK:

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Senator Smith has moved the adoption of Amendment No. 1 to Senate Bill 106. 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. 109. Senator Smith. Senator Smith.

SENATOR SMITH:

Senate Bill 109, I would like to Table.

PRESIDENT ROCK:

All right. Senator Smith has moved to Table Senate Bill 109. Discussion on the Motion to Table? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. 109 is Tabled. 116. Senator Tom Dunn. We're going to do the appropriation bills first thing tomorrow morning, at the request of the Chairman and Minority Spokesman of the Appropriations Committee. 144. Senator Rea. 146. 147. 175. Senator Dunn. Fiscal note has been requested. 195. Senator Severns. We're at the top of Page 3. 214. Senator Cullerton. On the Order of Senate Bills 2nd Reading, top of Page 3, is Senate Bill 214. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 214.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Cullerton, on Committee Amendment No. 1.

SENATOR CULLERTON:

Mr. President, I'd like to Table Committee Amendment No. 1, because I think that subsequent amendments will replace it.

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PRESIDENT ROCK:

Senator Cullerton has moved to Table Committee Amendment No. 1 to Senate Bill 214. Discussion on the Motion to Table? If not, all in favor, indicate -- saying Aye. Opposed, Nay. The Ayes have it. The motion carries. Amendment No. 1 is tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Fawell offers Amendment No. 2.

PRESIDENT ROCK:

Senator -- I'm sorry. Senator Cullerton.

SENATOR CULLERTON:

Mr. President, I'm sorry. One amendment that I thought was filed has not been filed. So, I'd like to take the bill from the record at this time.

PRESIDENT ROCK:

Take it out of the record. 226. Senator Smith. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 226.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 271. Senator del Valle. 294. Senator Macdonald. 299. Senator Daley. Has the fiscal note response been filed yet?

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All right. Bottom of Page 6. Page 6 on the Calendar, Ladies and Gentlemen. Again, for those of you who arrived a little later, a gentleman from the General Assembly Retirement System will be spending the day in the Podium Ante Room to answer your inquiries concerning the General Assembly Pension System. Please feel free to avail yourself of his services and his advice. Bottom of Page 6. On the Order of Senate Bills 2nd Reading is Senate Bill 378. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 3-7-8.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Committee Amendment No. 1 was strictly a -- a -- and -- well -- what does Amendment No. 1 -- Committee Amendment No. 1 strictly crossreferenced provisions of the bill amending the Open Meetings Act. It was strictly technical.

PRESIDENT ROCK:

Senator -- Senator Jacobs has moved the adoption of Committee Amendment No. 1 to Senate Bill 378. 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 committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jacobs offers Amendment No. 2.

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PRESIDENT ROCK:

Senator Jacobs, on Amendment No. 2.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 2 puts some limitations on the -- the freedom of information as requested by the Gaming Board, which states that that portion of deliberation for decisions - whether is discussed any personal financial information pertaining to an applicant; commercially-sensitive information which, if publicly disclosed, could give an unfair advantage to an applicant or licensee's competitors; and prior, ongoing or prospective administrative or criminal investigations pertaining to -- pertaining to an applicant or licensee. And ask for its adoption.

PRESIDENT ROCK:

Senator Jacobs has moved the adoption of Amendment No. 2 to Senate Bill 378. 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. 380. Senator Berman. Top of Page 7. 405. Senator Severns. 424. Senator Berman. On the Order of Senate Bills 2nd Reading, top of Page 7, is Senate Bill 424. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 424.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

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No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 443. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 443.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Cullerton, on Committee Amendment No. 1.

SENATOR CULLERTON:

Mr. President, we're in the midst of negotiations on this bill. The committee amendment made the bill a shell, and I think it's appropriate that we adopt the amendment and then continue our negotiations.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of Committee Amendment No. 1 to Senate Bill 443. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 478. Senator Tom Dunn. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 478.

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(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Dunn, on Committee Amendment No. 1.

SENATOR T. DUNN:

Thank you, Mr. President. Committee Amendment No. 1 establishes an economic criteria to be used by the Gaming Board to determine whether or not different areas ought to receive a gaming license and they use criteria such as unemployment, the unemployment for ten years, jobs lost in the last fifteen years, et cetera. There's about twenty-four items of criteria.

PRESIDENT ROCK:

Senator Dunn has moved the adoption of Committee Amendment No. 1 to Senate Bill 478. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Amendments from the Floor?

SECRETARY HAWKER:

Senator Thomas Dunn offers Amendment No 2.

PRESIDENT ROCK:

Senator Dunn, on Amendment No. 2.

SENATOR T. DUNN:

Thank you, Mr. President. This Amendment is intended to allow local governments, rather than applicants, to decide whether an area should have a single or a multiple license.

PRESIDENT ROCK:

Senator Dunn has moved the adoption of Amendment No. 2 to Senate Bill 478. Discussion? If not, all in favor, indicate by

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

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 482. Senator Maitland. There's been a request for a fiscal note. 484. Senator Severns. 485. Senator Schaffer. 497. Senator Luft. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Before we leave that page, could we go back to 399? Senator Newhouse is not here, and I'm a hyphenated co-sponsor. I'd like to move that bill.

PRESIDENT ROCK:

Yes, indeed. There's -- there's a request for a fiscal note. Has that been responded to?

SENATOR DEMUZIO:

Yes.

PRESIDENT ROCK:

It has been responded to. All right. With leave of the Body, we'll go back to the top of the page. On the Order of Senate Bills 2nd Reading is Senate Bill 399. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 399.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Demuzio, on Committee Amendment No. 1.

SENATOR DEMUZIO:

Thank -- thank you, Mr. President. Committee Amendment No. 1 makes technical changes and adds some language that would provide

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greater financial incentives for the use of the contracts for in-state, private universities versus out-of-state universities. This is the bill that creates the Future Education Account as requested in committee. I would move adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Demuzio has moved the adoption of Committee Amendment No. 1 to Senate Bill 399. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 497. Senator Luft. 520. Senator Macdonald. 520. -On the Order of Senate Bills 2nd Reading, we're at the bottom of Page 7, Ladies and Gentlemen. The bottom of Page 7, is Senate Bill 520. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 520.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Elementary and Secondary Education offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Macdonald, on Committee Amendment No. 1.

SENATOR MACDONALD:

Yes, Mr. President. Committee Amendment No. 1 did a number of things. It deleted the language, first of all, that said, "no child shall be penalized for failure to participate in any

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activity that the child is excused from by this Section." So, that part is deleted from the bill. Secondly, it changed the second page of the bill by restating Section 20 regarding -- regarding the movie Section, and it just merely said that wherever parental labels are in place by the movie industry, that parents should then give parental permission to view such movies. So, that was changed. The amendment further removed the requirement that at least one public library have copies of public school materials. That would have been entirely impossible, and I did not accept the bill without the understanding that that would be removed. The amendment totally removes all civil penalties found in the two Sections of the bill where civil penalties are addressed. The amendment also restates the provision that materials used by public schools shall be made available for inspection before and during their use and state that materials should be maintained by schools in school libraries, if such libraries exist, during the hours the school is open. It makes also technical changes in renumbering those Sections to make them track. So, that's what the committee amendment did. I did file a fiscal note on this bill, which the Secretary of the Senate has, and I would like to read that at this time, if I may. Says, "Senate Bill 520, as amended, creates the Parent and Student Civil Rights Act regarding participation in school activities and the viewing of movies with unfavorable ratings. The legislation requires that each school with a central library make available for public inspection all instructional materials. The legislation also establishes certain guidelines regarding the creation of advisory committees for textbook review. The proposed legislation establishes certain guidelines for the creation of textbook advisory committees. The legislation does not mandate the creation of these committees. Hence, there would be no fiscal impact upon the local districts resulting from this component of

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the legislation. Some duplicating costs could be incurred as schools would be required to place all instructional materials in school libraries. However, the extent of this duplicating effort cannot be determined by the State of the <sic> Board of Education." So, that's the fiscal note. I also have filed another amendment.

PRESIDENT ROCK:

All right. Senator Macdonald has moved the adoption of Committee Amendment No. 1 to Senate Bill 520. 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 committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Macdonald offers Amendment No. 2.

PRESIDENT ROCK:

Senator Macdonald, on Amendment No. 2.

SENATOR MACDONALD:

Yes. Amendment -- Amendment No. 2 is -- removes a Section that was objectionable to the movie/picture industry and now makes this bill what they consider to be a constitutional bill. And that changes Section 20 to read, No unemancipated minor shall be allowed, as a part of any school activity, to view any movie that is not produced and distributed solely for educational or instructional purposes without the prior written notification or his parent or -- guardian. No unemancipated minor shall be required to view any movie if a parent or guardian files a written objection to the minor's participation. Refusal to participate shall not be reason for suspension or expulsion of a pupil. Also, in order to address the objections by - I think it was Senator

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Etheredge - we have now said that, as a part of this amendment, that the library may -- the original language said that they must maintain copies and now we say that they make them available. Many schools do not have libraries -- school libraries. So, we just say now that the material, if they have a library, shall be available so that parents may go and not interrupt classroom and may -- may review, in -- in a quiet place, the materials that are available in the schools. So that's what the second amendment does, the Floor amendment. And I would move for its passage.

PRESIDENT ROCK:

Senator Macdonald has moved the adoption of Amendment No. 2 to Senate Bill 520. Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think we should pay attention to this Floor amendment that was Macdonald is asking to be put on. It expands 520 in one instance and modifies it slightly in another. Basically what it is saying is that now if students are going to see a movie in their classroom or anyplace in the school that has not been produced specifically for instructional purposes or educational purposes, they must -- the school must notify the parents. Any of you who have walked through a school building as children have watched a variety of films will know how much this will interfere with the educational process. The second point, although somewhat better than the original bill, still puts a further restriction on what can happen in the classroom - that they may -- parents may, upon request, ask that the requested material be available for public inspection in the library. It doesn't say the classroom, as Senator Macdonald has mentioned. It says in the library. Some schools do not have libraries. Even those that do often do not have equipment on which to produce some of the material for parents' inspection. For instance, they may not have computer -- computers in the library in order to play

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computer software that the children are using. They may not have VCRs in the library in order to play a videotape that the parents are asking to see. This is a very expensive amendment and an amendment that interferes with the classroom process. I would ask that we have a roll call and that we defeat it.

PRESIDENT ROCK:

Further discussion on Amendment No. 2? Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor, please.

PRESIDENT ROCK:

The sponsor indicates she will yield, Senator Collins.

SENATOR COLLINS:

Senator Macdonald, one of the real problems that we had with this bill was how would it be administered and in the difficulty in doing that. Now let me ask you this - on this amendment, what if I took my students on a field trip to some museum or to some other kind of conference and they showed a movie there that wasn't necessarily, in my opinion, would be considered as an X rated or undesirable movie, how would I know and how would I get the parents' permission -- I mean, how could the parent view that movie before they saw it, and then how could I get the parent permission to do that? Because much -- much of -- a lot of education and a lot of reviewing films goes on outside of the classrooms when -- when you take students out on field trips. The other question I'd like to know - what age limit or is there an age limit?

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

I didn't get the last part of your question, Senator. The last sentence or so.

PRESIDENT ROCK:

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Senator Collins.

SENATOR COLLINS:

Whether or not there is an age limit. Are we talking about from zero through twelfth grade?

SENATOR MACDONALD:

There is no age limit. And, Senator Collins, we have changed the rating system that was the part of this Floor amendment. There is no longer any reference to the voluntary rating of movies by the movie industry. If you, as a teacher, are going to take your students on a field trip, I would presume that you would know before you go what -- if you were going to view movies. This merely says that if -- if -- if children are to view movies that are other than instructional movies - that is if they are -- have been produced by the movie industry for entertainment - that the parents merely be notified that -- that -- that their children are going to be there. It then puts the responsibility on the parent to say whether or not. They do not automatically anymore - with the Floor amendment, they no longer automatically have to give approval. It's just if they don't want their children to view this material or a movie on a field trip or so forth, that they shall say so.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. I -- I have to join with Senator Holmberg. I really -- Senator Macdonald, I still think, as I said in committee - I know you're trying to make this bill acceptable, but what you've done here, you've - on one hand, you've made some modification, but you've made the bill, I think, back to what it was in the beginning when we were in -- in -- in committee. The same kinds of things that's objectionable now in this amendment were the same objections that we had in -- in committee. And I just think,

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again, you should -- you know, this is a local problem that your school district is having and you ought to try to resolve it there, and we should defend this -- defeat this amendment.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. I don't see anything wrong with this amendment. By adding the words "educational or instructional purposes", that just about covers about everything the school does anyway. And I don't -- the cost factor on this is very modest. I can't see where this could run into any big dollars, but it would prevent some very unusual films from being shown, at least bring attention to the matter. So, I don't see where this is a big deal, and I'm favoring the amendment.

PRESIDENT ROCK:

Further discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield. Senator Berman.

SENATOR BERMAN:

Senator Macdonald, the key to this amendment is the words "produced and distributed solely for educational or instructional purposes." How -- if I'm a teacher, how do I determine if a movie fits that description?

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

If a movie has been produced by the moving picture industry for entertainment - commercial entertainment, Senator, that is not instructional material. Now, that doesn't mean that it could not

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be used in the classroom. I am not saying that. I am only saying that where those movies are used, that the parents be notified that the movie is going to be shown, that any movie that is -- that -- that has been produced for entertainment by the moving picture industry. This is their language. This is what they suggested to remove their objections, and they -- then the notification is given. It is not required, as the bill formerly did, that the parents had to send a note whether or not they wanted to. It is now, only if it is objectionable, they send a note to have their child not participate in that particular program.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you. May I suggest, and I think it's very important for each of us to pay attention to this amendment - I would suggest, Senator Macdonald, every year literally tens if not hundreds of thousands of students are taken on field trips to the Museum of Science and Industry in Chicago and the Field Museum in Chicago. As part of those tours, there are motion pictures shown. They would fit your description of commercially-distributed, because there is a charge for adults to see those. Now, for example, the Museum of Science and Industry has a program, The World About Us, which is a wonderful pictorial scene. It's 360 degree filming. Adults pay. School tours see that program - they don't pay. Under your bill, every child that would go to the Museum of Science and Industry would have to get prior approval from their parent because that film is commercially produced. And I read to you, it says, "if it is not produced solely for educational or instruction purposes," then you need prior written notification. You are imposing a terrible burden on the schools, and you're denying the opportunity for children to see good, educational,

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informative films. I know what you want to try to do, but I think you've gone too far in this language. And the movie industry doesn't understand what this language really does. I think -- I think it has to be defeated.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Will the sponsor yield for a question?

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Jacobs.

SENATOR JACOBS:

Senator Macdonald, I have to concur with what Mr. Berman -- Senator Berman has just said. But let me ask you, in the case of a documentary, let's assume that we have a firearm safety film, or if we have a film on World War I or World War II which are strictly documentaries, but are not produced solely for educational or instructional purposes - would they be able to view those films without parental permission?

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

In my opinion, no, Senator Jacobs. Those would be considered where they are documentaries, safety films and so forth. Now, what -- what the intent of the moving picture industry was, in developing this amendment, was to say that where the pictures are for -- the -- the viewing is for entertainment -- now, I -- I have to respond also to what you said about Senator Berman's request. Parents already have to give permission to go on field trips. Also, these other movies are not commercially produced for entertainment. And -- and that is -- there is a fine distinction there.

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PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you. Well, Senator, I think that, you know, what you're trying to do is fine, but, you know, the way I look at this, even sex education films that are promoted strictly -- produced strictly for educational or instructional purposes would be automatic under this legislation, as I see it, and there's a lot of people who have concerns with that. I think that Senator Berman hit it right on the head. I think you could do exactly what you're trying to do with this amendment if you would knock out lines 5, 6, 7 and 8, and just go with the part of the paragraph that says "no unemancipated minor shall be required to view any movie if a parent or guardian files a written objection to the minor's participation." I think that does it all. And I don't see the need for the first part of that paragraph, and I think we should vote No because of that.

PRESIDENT ROCK:

Further discussion? Now that Senator Jacobs has concluded, WAND-TV has requested permission to shoot some video. Is leave granted? Leave is granted. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator -- will the Senator yield for a question?

PRESIDENT ROCK:

Senator Macdonald indicates she will yield. Why don't you walk over and ask her? Yes.

SENATOR FAWELL:

Just being polite.

PRESIDENT ROCK:

I understand.

SENATOR FAWELL:

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Senator, when we talk about movies - for instance, there is a -- a commercial film, such as Hamlet, which I viewed in my living room not too many weeks ago - what you are basically saying is, if they want to see Hamlet -- show Hamlet in the school, all they would really have to do is just send home a note in effect saying, "We are going to see Hamlet during the next English period." And if a parent would object, they would in turn have to write back and say, "We object and we don't want our child to see this."

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

That's exactly right, Senator Fawell. That's all this amendment does.

SENATOR FAWELL:

And -- and when we are talking about, for instance, material that we might see on Channel 11 in Chicago, PBS, which is not a commercial station, Civil War that was recently shown, that is not included in this amendment, am I correct? We are not talking about that kind of material --

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

If -- if this film -- if this film was produced for entertainment purposes for moving -- moving picture theaters, for commercial entertainment, then it would be included.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

I happen to know a lot of the teachers now do tape material from Channel 11, which is instructional - that's what the purpose of that particular station is. And one other thing, there is nothing in this amendment that mandates that an advisory committee

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must even be set up. Is that correct?

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

That's correct.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

To the amendment then: I -- you know, I think this has -- has improved the bill considerably. I think it has cleared up some of the ambiguities that were of concern to a number of my people, and I would suggest we adopt the amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 2? Senator Macdonald, to close.

SENATOR MACDONALD:

Yes. I would just suggest that the way we have changed this bill as dramatically as we have, both by the committee amendment and by the ensuing amendment, the Floor amendment, I would say that this bill now removes the objections and -- and I will be, I understand, getting a letter of support from the moving picture industry who feel that this is a fair and logical way to go with the -- what could have been called censorship and might have been struck down as unconstitutional. And, secondly, we make it much more simple for parents to view the materials in the schools, and I think that met two of the major objections that we heard in committee. So, I urge your support for this amendment.

PRESIDENT ROCK:

Senator Macdonald has moved the adoption of Amendment No. 2 to Senate Bill 520. A roll call has been requested. 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

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 23 Ayes, 29 Nays and Amendment No. 2 fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 3.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 3 removes the provisions of the bill that deal with the curriculum oversight committee. The curriculum oversight committee consists of teachers, parents and school board members that decides what textbooks should be used by the school. What the bill does is mandate that each school set up a committee and who the members are. This amendment will change that. And the reason is that each year school boards continue the tradition of local control by working with administrators and teachers to determine which curriculum and books to offer which are in the best interest of school children and their ability to learn. Communities that don't like the curriculum or don't like the textbooks being offered already have a remedy that's available to them other than an oversight committee. That remedy is appearing at school board meetings and running for the school board itself. The amendment is supported by the Illinois Education Association. I'd be glad to answer any questions.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 3 to Senate Bill 520. Discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President. Senator Welch, I think there is some misunderstanding here. There is no mandating for these committees to be set up, and this merely says that wherever the -- the local

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administration set up these committees, that one-third of those committees shall be parents. So that -- that does fly in conflict with your description of what this amendment does. So, I would resist this amendment and say that it is certainly contrary to the whole thrust of this bill. And I would like to also say that there was a radio show that was held, and for eight hours they took testimony -- or they took telephone calls asking parents -- or asking the public whether they thought that parents should be involved in the curriculum. That eight hours of questioning or six hours - whatever it was, showed ninety percent of the listening audience - I think it was WLS 8.90 - and the first hour when they even mentioned specifically this bill, it was twenty to one in favor of having parents be involved with expressing opinions. And we are only requiring one-third. This is not a predominant or a -- a deciding factor. One-third parents certainly is not fifty percent of fifty-one percent. So, I urge you to oppose this amendment and defeat it, because it, in fact, really is the essence of this bill.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he <sic> will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, you heard Senator Macdonald say that the only that they will have the advisory committee is if there -- there is one.

Am I correct?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

That's correct. I misstated the requirement.

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PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Then, Mr. President and Ladies and Gentlemen of the Senate, I rise to speak against this amendment. I think we should let this bill go on its course and let the people decide in the Senate, because we've had a lot of feedback on it. I don't think this amendment will do anything, because as Senator Macdonald stated earlier and Senator Welch acknowledged, it's only if there is an advisory committee made by the school board. So, let's go on with the show and let's defeat this amendment.

PRESIDENT ROCK:

Further discussion? Senator Watson, for what purpose do you arise, sir?

SENATOR WATSON:

Yes, thank you, Mr. President. A point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR WATSON:

Mr. President, in the Republican side in the gallery we have a group -- school group from my district, Shiloh School from St. Clair County with Don Frailey and several students from the -- from the school. I'd like to welcome them to Springfield.

PRESIDENT ROCK:

Will our guests please stand to be recognized. Welcome to Springfield. All right. Senator Welch has moved the adoption of Amendment No. 3. Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Try to make it brief. I rise in opposition to Senator Welch's amendment. I cannot, for the life of me, understand the reluctance on behalf of some of our Members to see some additional input from the parents of the school

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children who are, in some cases, well -- to see these parents have a chance to have some input as to what is going on in the schools. Some years ago, we in Hinsdale underwent a very bitter experience revolving around this very thing. Some of us were asking that, please, listen to some of our parents as to some of the programs that were appearing in our schools, and we got shut out. I mean by the board; I mean by the administrators and so forth, because we were busybodies that really had no business whatsoever as to what was going on in our schools. And I think the bottom line here - and all Senator Macdonald is trying to say is - in a modest way, please let the parents have something -- some insights and something to say about what is taking place in the classroom. It seems to me to be reasonable, something that we all ought to be able to support. And I -- I would urge the defeat of Senator Welch's amendment, and the passage of Senator Macdonald's bill.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

I also rise in opposition to the amendment. The first one obviously being I do not understand why we don't want parents involved in the school system they pay for. If you want to know what will cause the growth of the private system and get those kids out of the public system, you just keep shutting those parents out, and I guarantee you, you will get them out of the public system. But, more importantly, let me raise an issue of greater significance. I don't care if you're for or against the bill. The issue is not whether you're for or against the bill. The issue is it is Senator Macdonald's bill. She doesn't want the amendment. If you don't like the bill, vote it -- against it. If Senator Welch would commit to us that if this amendment goes on, he will support the bill, well, then maybe we should consider it. But if you're simply offering amendments to mangle a bill that you

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wouldn't vote for in under any circumstances anyway, that's unfair. Why not allow the Senate sponsor to have her bill in the shape she'd like; and, if you don't like it, vote No. But don't mangle the bill with amendments that then take away the thrust of what that individual Legislator is trying to do. So, I rise in opposition to the amendment; first, because parents should be allowed, and second, the Senate sponsor ought to have a right to have her bill in whatever shape she wants. And if you don't like it, vote No.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Welch, to close, on Amendment No. 3.

SENATOR WELCH:

Thank you, Mr. President. The gist of the last two speaker's arguments is that, if we don't pass this bill parents will be shut out of schools. Well, I don't know what school you folks have been going to, but in my school I happen to be in contact with the school board and the teachers a lot. They're people who live in our community. I see them all the time. They are always ready to talk to me and any other parent who has a kid in that school. To say that we have to have this bill so parents are involved either shows that the parents aren't showing up at school boards or aren't talking to their teachers. School boards are elected. They're not foisted upon us by a foreign government. All you gotta do is show up at the school board meetings. These are people who are professionals. If you're saying that you want to change all of the textbooks because you think you have a better idea, well maybe we should talk to the professionals and let them have their opinion. That's why we hired them. That's why they got training. And that's why they're running the schools. To say that parents aren't involved if this bill doesn't pass is absolutely ridiculous. Parents are involved if they'd just get

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out there and get involved themselves. I would move for adoption of the amendment.

PRESIDENT ROCK:

Question is, the adoption of Amendment No. 3 to Senate Bill 520. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 30 Nays, and Amendment No. 3 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 544. Senator Maitland. 586. Senator Savickas. 588. Senator Raica. 595. Senator Raica. 673. Senator Collins. 702. Senator Jones. Read the bill, Madam Secretary. Ladies and Gentlemen, we're at the top of Page 8. On the Order of Senate Bills 2nd Reading is found Senate Bill 702. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 702.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Jones, on Committee Amendment No. 1.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 provides for a one-year extension for the Insurance Code, the Articles which will sunset on December 31st of this year, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Committee Amendment

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No. 1 to Senate Bill 702. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senators Madigan and Philip offer Amendment No. 2.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Amendment No. 2 is offered to correct what we feel is an error on the part of the previous amendment, and feel that a one-year extension is simply not adequate and that we're offering a ten-year extension of the Insurance Code. So far this year, in the Session, we have not had any bills that deal with revising any of the Articles -- any of the fourteen Articles of the Insurance Code, which indicates to me that we don't have any major problems with this Code as it stands today. If there is a problem, I think we ought to offer a bill to correct whatever problems there are. While we may not totally agree that a ten-year extension is necessary, we certainly don't agree that a one-year extension is adequate. And that's basically where we're coming from on this amendment, and be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan has moved the adoption of Amendment No. 2 to Senate Bill 702. Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong opposition to this amendment, and I have

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discussed this at some length with Senator Philip, and I would ask the Gentleman to consider withdrawing it. The fact of the matter is, the Insurance Code sunsets this year. That is to say the Assembly is directed to revisit all the provisions of the Insurance Code. And what Senator Jones has rightly suggested, by virtue of Amendment No. 1, is that this is a particularly busy year. With the budgetary problems and the specter of reapportionment hanging over all our heads, this is not the time to indulge in academic exercises about whether or not the Illinois Insurance Code ought to be revisited. So, he has wisely said we'll put it off for one more year. But to take it out of the hands of the General Assembly and say it's not going to be revisited until ten years from now. I dare say neither Senator Jones nor you nor I will be around to visit it. I don't know why you want to extend it out ten years, and I'd ask you to reconsider. And if indeed you pursue it, I would urge a No vote on Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator -- Senator Madigan.

SENATOR MADIGAN:

Well, I don't know that I -- thank you, Mr. President. I don't know that I disagree with the previous speaker on that. However, we do have a process where we can introduce a bill to correct any flaws. And I again reiterate that no bills were introduced this Session in this Chamber dealing with revising the Code. So -- and, yes, we do have a lot of things to do this Session. Certainly, a lot of things to do. And I don't know why we have to say that one year -- and do all of this work during that one-year period of time, is something that we ought to be dealing with. Perhaps, as I said, perhaps ten years is too long, but we don't feel -- just simply don't feel that one year will give us an adequate time, with everything else that we've got to

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do, to deal with this total rewrite or a proposed total rewrite of the Insurance Code. And -- and I would ask for --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Jones.

SENATOR JONES:

Yes. I rise in strong opposition to this amendment. As I indicated to the Minority Spokesperson when we discussed this issue, the Insurance Code do sunset at the end of this year. This one year extension will give us ample time as a committee and as a Body to look at the Insurance Code, to see whether changes are necessary. And if we decide, after we hold those hearings, we want to give them additional time, we can do it. But to come in and give a blanket ten-year extension with no hearings -- the Insurance Committee, as well as the House, want to hold public hearings to have input from the public; input from the Members of this Body. So, I urge rejection of the amendment to Senate Bill 702.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I, too, rise in very strong opposition to this amendment. If you all recall two years ago we passed mandatory liability insurance, which made the insurance industry in this State really kind of a quasi-utility. And for that reason, to talk about now not having any rules or regulations for another ten years, I think that's just irresponsible and unfair to the citizens of this State. Which we -- what we -- what Senator Jones has done, as Senator Rock said, I think has provided ample time for us to delay this whole process so that we'll have -- deal with the critical issues at hand this year and we will have time to -- to work on those changes and to review the whole system of regulations to see what

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it is that we need to do to protect the citizens of this State. To ask for a ten-year extension is absolutely ridiculous, and we most certainly should not allow it to happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MADIGAN:

Thank you, Mr. President. Just before I close, I would like to correct the previous speaker in that the insurance industry did not propose mandatory auto insurance. That was something that the insurance industry should not be given the credit for. We had another bill here a little bit that's on the Calendar that the sponsor of this bill chose to extend the sunset on that bill from another ten years when, in fact, the expiration of the sunset date was in 1993 - something that we didn't even have to deal with at all. So, in closing, I would just ask for adoption of this amendment and also request a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Madigan has moved the adoption of Amendment No. 2 to Senate Bill 702. 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 27, the Nays are 29, 1 voting Present. Amendment No. 2 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 714. Senator del Valle. On the Order of -- all right. 716. Senator Marovitz. 720. Senator del Valle. 725. Senator Berman. On the Order of Senate Bills 2nd Reading is Senate Bill 725, Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 725.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Berman offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill deals with the State Urban Education Partnership Grants. In committee questions were raised as to expanding the definition and being more specific as to the types of school districts that would qualify and that's what Amendment No. 1 does. I move the adoption of Amendment No. 1 to Senate Bill 725.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Berman has moved the adoption of Amendment No. 1 to Senate Bill 725. Discussion? If not, 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)

3rd Reading. 726. Senator Berman. 746. Senator Collins. 750. Senator Joyce. 764. Senator Marovitz. Page 8. 776. Senator Jones. On the Order of Senate Bills 2nd Reading, bottom of Page 8, Senate Bill 7-7-6. Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 776.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jones offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Amendment No. 1 is merely technical and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 7-7-6. Discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Leave to withdraw No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones seeks leave to withdraw No. 2. Leave is granted. Amendment No. 2 is withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Amendment No. 2 allows the appointment of board members by the Governor upon advise and consent of the Senate, and I move its

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adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 2 to Senate Bill 7-7-6. Discussion? If not, 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 Senator Madigan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Amendment No. 3 changes the sunset date from the year 2002 to 1992, as apparently the mood of the Chambers is to only have a one-year extension on this, rather than a ten-year extension. So, I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Madigan has moved the adoption of Amendment No. 3 to Senate Bill 7-7-6. Is there discussion? Senator Jones.

SENATOR JONES:

Well, you know, it -- it's getting to silly time now, you know, but this is rather ridiculous. And I have the utmost respect for the Minority Spokesperson on the Insurance Committee, but this amendment is more or less an attempt to gut the bill, and I -- I recommend that we kill this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Madigan may close.

SENATOR MADIGAN:

I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan has moved the adoption of Amendment No. 3 to Senate Bill 7-7-6. Those in favor will indicate by saying Aye. Opposed, Nay. In the opinion of the Chair, the Noes have it.

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Amendment No. 2 -- sorry, Amendment No. 3 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 7-7-8. Senator Jones. Senate Bills 2nd Reading, Senate Bill 7-7-8, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7-7-8.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 783. Senator Daley. 789. Senator Cullerton. Page 9. 804. Senator Smith. 821. Senator Raica. 823. Senator Daley. On the Order of Senate Bills 2nd Reading is Senate Bill 823, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 823.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee -- Committee -- the Committee on Consumers Affairs offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President, Members of the Senate. Committee Amendment No. 1 simply -- simplifies the requirements of -- of a displayed warning sign.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Daley offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President. Amendment No. 2 provides home rule exemption for ordinances established prior to 7/1/91. This amendment would exempt tobacco control ordinance for Buffalo Grove, Elk Grove, Chicago and Woodridge.

PRESIDENT ROCK:

Senator Daley has moved the adoption of Amendment No. 2 to Senate Bill 823. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley, on Amendment No. 3.

SENATOR DALEY:

Amendment -- Thank you, Mr. President. Amendment No. 3 states that no person shall be disciplined or discharged for selling tobacco products or accessories to anyone who provides adequate identification providing his or her age of twenty-one years or older.

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PRESIDENT ROCK:

Senator Daley has moved the adoption of Amendment No. 3. It's Senate Bill 823. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley, on Amendment No. 4.

SENATOR DALEY:

Thank you, Mr. President. Amendment No. 4 allows tobacco product samples or coupons to be distributed at any county fair or festival provided that proper identification is -- is presented providing that the person is eighteen years or older.

PRESIDENT ROCK:

Senator Daley has moved the adoption of Amendment No. 4 to Senate Bill 823. 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. 5 offered by Senators Jacobs and Luft.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 5 strictly provides technical changes in the bill. It adds a home rule provision to establish consistent public policy on the subject matter throughout the State, grandfathers in any existing ordinances and the preemptive provision is modeled after the one contained in the Clean Indoor Act. And I ask for its approval.

PRESIDENT ROCK:

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Senator Jacobs has moved the adoption of Amendment No. 5 to Senate Bill 823. Discussion? Senator Daley.

SENATOR DALEY:

Thank you, Mr. President. I stand in objection to this amendment. One of my concerns is, in the amendment is a -- deals with -- the main concern is the ability for minors to purchase tobacco products. I believe it's in the bill -- in this amendment that they can obtain them at work sites. However, I believe that the Senator -- Senator Jacobs will try to work that out later on. But I -- I do stand in objection to this amendment, because I believe we addressed in it a previous amendment, Amendment No. 2.

PRESIDENT ROCK:

All right. Further discussion? Further discussion? Senator Jacobs has moved the adoption of Amendment No. 5 to Senate Bill 823. Further 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. 833. Senator Jacobs. Top of Page 9. 863. Senator Savickas. 886. Senator Smith.

END OF TAPE

TAPE 2

PRESIDENT ROCK:

Read the bill, Madam Secretary, please. We're in the middle of Page 9, Ladies and Gentlemen. On the Order of Senate Bills 2nd Reading is found Senate Bill 8-8-6. Read the bill, please.

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SECRETARY HAWKER:

Senate Bill 8-8-6.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 8-8-7. Senator Smith. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 8-8-7.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 8-8-8. Senator Smith. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 8-8-8.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 8-8-9. Senator Holmberg. 8-9-4. Senator Schaffer. Read the bill, Madam Secretary, please.

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SECRETARY HAWKER:

Senate Bill 8-9-4.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 9-4-6. Senator Welch. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 9-4-6.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Welch, on Committee Amendment No. 1.

SENATOR WELCH:

I would move to Table Committee Amendment No. 1.

PRESIDENT ROCK:

Gentleman has moved to Table Committee Amendment No. 1 to Senate Bill 9-4-6. Discussion on the Motion to Table? If not, all in favor of the motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and Committee Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Welch offers Amendment No. 2.

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PRESIDENT ROCK:

Senator Welch, on Amendment No. 2.

SENATOR WELCH:

Thank you, Mr. President. This is an amendment recommended by the Department of Public Health. It deletes exposure level and management plan cost, as requirements for the removal of asbestos in schools. It also allows school boards to remove asbestos if it is determined to be in the best interest of the school and the community. I would move for adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 946. 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. 948. Senator Welch. Page 10, Ladies and Gentlemen. Top of Page 10. Direct your attention to the top of Page 10. 976. Senator del Valle. On the Order of Senate Bills 2nd Reading, top of Page 10 is Senate Bill 976. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 9-7-6.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator del Valle, on Committee Amendment No. 1.

SENATOR DEL VALLE:

I move to Table Committee Amendment No. 1.

PRESIDENT ROCK:

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Gentleman has moved to Table Committee Amendment No. 1 to Senate Bill 976. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Committee Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator del Valle offers Amendment No. 2.

PRESIDENT ROCK:

Senator del Valle, on Amendment No. 2.

SENATOR DEL VALLE:

Thank you, Mr. President. Floor Amendment No. 2 spells out the language to be used on the wage assignment forms and also includes other provisions.

PRESIDENT ROCK:

Senator del Valle has moved the adoption of Amendment No. 2 to Senate Bill 976. 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. 978. Senator del Valle. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 9-7-8.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

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Senator del Valle, on Committee Amendment No. 1.

SENATOR DEL VALLE:

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

PRESIDENT ROCK:

Gentleman has moved to Table Committee Amendment No. 1 to Senate Bill 978. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Committee Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 9-9-3. Senator Dunn. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 9-9-3.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 1002. Senator Carroll. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1002.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Organization and Administration offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Carroll, on Committee Amendment No. 1.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Committee Amendment No. 1 is at the request of both the Department of Central Management Services and the Office of the Comptroller. It changes the directions for developing rules from Central Management Service to the Office of the Comptroller at the request of both, and makes some definitional adjustments as well so that there can be specific references to the various components of what are good services, when is a bill due and owing, et cetera. And I would move adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Carroll has moved the adoption of Committee Amendment No. 1 to Senate Bill 1002. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Carroll offers Amendment No. 2.

PRESIDENT ROCK:

Senator Carroll, on Amendment No. 2.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Again, at the request of the Office of the Comptroller, it was determined that if the interest payment was twenty-five -- under

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twenty-five dollars, the cost of processing was greater than the value to the person receiving the check. So that they ask that if it's under twenty-five dollars it would not be automatic, but had to be requested. I would move adoption of Floor Amendment No. 2.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 2 to Senate Bill 1002. 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. 38. Senator Smith. 1051. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1051.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Cullerton, on Committee Amendment No. 1.

SENATOR CULLERTON:

Mr. President, I'd like -- wish to Table Committee Amendment No. 1.

PRESIDENT ROCK:

Gentleman has moved to Table Committee Amendment No. 1 to Senate Bill 1051. Discussion on the Motion to Table? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

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PRESIDENT ROCK:

Amendments from the Floor?

SECRETARY HAWKER:

Senator Cullerton offers Amendment No. 2.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 2.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. This is a -- amendment that's come as a result of negotiations with the utilities and the -- and the Realtors. The bill deals with the situation when a landlord doesn't pay their utility bill and it results that the tenant is left without any utility service. So what the bill now does is that the -- establishes that the termination of utility service by the landlord is unlawful. It extends the notice period from five days to ten days that the -- that the landlord must give the tenant -- or the utility company gives the tenant to let them know that -- that the service is going to be cut off. Gives the utility company the option of seeking a receiver of rents for payment, and if the prevention efforts fail, it provides for certain penalties in favor of the tenants to be assessed against a landlord. And again, as I indicated, this was agreed to by the representatives of the -- of the Realtors. So I move for its adoption, be happy to answer any questions.

PRESIDENT ROCK:

...(machine cutoff)... Senator Cullerton has moved the adoption of Amendment No. 2 to Senate Bill 1051. 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. 3 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 3.

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SENATOR CULLERTON:

Mr. President, apparently Amendment No. 2 was the one that I -- Amendment No. 3 is the one I wish to adopt, and I believe I just adopted Amendment No. 2. So perhaps I should move to Table No. 3 -- I'm sorry, Table No. 2 and adopt No. 3.

PRESIDENT ROCK:

All right. The Gentleman, having voted on the prevailing side, has moved to reconsider the vote by which Amendment No. 2 to Senate Bill 1051 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Cullerton now moves to Table Amendment No. 2 to Senate Bill 1051. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Motion carries. Amendment No. 2 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 3.

SENATOR CULLERTON:

Yes. Amendment No. 3 is the one that I just explained, and wish to adopt Amendment No. 3.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 3 to Senate Bill 1051. 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. 1053. Senator Cullerton. Read the bill, Madam Secretary, please.

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SECRETARY HAWKER:

Senate Bill 1053.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Cullerton, on Committee Amendment No. 1.

SENATOR CULLERTON:

Move to Table Committee Amendment No. 1.

PRESIDENT ROCK:

Gentleman has moved to Table Committee Amendment No. 1 to Senate Bill 1053. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Cullerton offers Amendment No. 2.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 2. Senator Cullerton.

SENATOR CULLERTON:

Yes. I believe that this amendment was proposed, again, as a result of negotiations with utility companies that -- it just simply says that nothing in the Section affects the relationship between utility company and its customers. I move for the adoption of Amendment No. 2.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 2 to Senate Bill 1053. Discussion? All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further

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amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 3.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. This amendment also is a result of negotiations with the Legal Assistance Foundation -- as well as the bill, and the Realtors - deals with the situation of shared meters, and what the amendment does - the amendment, in effect, becomes the bill, prohibits the rental of individually metered units with service in the tenants name unless the meters measure only the utility service to the individual tenant or the landlord gives notice to the tenant that the tenant is indeed paying a utility bill that might be for the common areas. Also says that if there's a change in the payment of utilities during the term of the lease that there must be sixty days notice of those changes, if they want to go from a master meter to an individual meter. And there's also remedies and penalties if the landlord is discovered to have violated these provisions. So I would move for the adoption of Amendment No. 3.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 3.
Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN.

Will the sponsor yield?

PRESIDENT ROCK:

Indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Cullerton, as I recall in committee there was -- there were considerable misgivings expressed by both the Realtors and representatives of the various utilities. Is -- is this -- I know

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we've already adopted one amendment, but are all amendments you're proposing basically agreed-to amendments by -- by both of those groups?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Amendment No. 2 specifically said that utilities are not involved with this dispute. It's a dispute between the landlord and tenant. And then, as I indicated, Amendment No. 3, that we're discussing right now, worked out with Greg St. Aubin of the Realtors, and they have signed off on this amendment.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Does Amendment No. 3 not -- not affect the utilities? Were they a part of any of these discussions, or are they -- their interest totally removed from the bill?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

With the adoption Amendment No. 2 they're -- they're totally removed from the bill, and -- this only affects landlord-tenant relationships.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I just have a question. Did I -- did I hear you say that you have to give sixty days notice if you're going to terminate? Does that mean that I, as a consumer, have to give sixty days notice to either the landlord or to the utility company that I -- to discontinue my service?

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Senator Cullerton.

SENATOR CULLERTON:

No. We're talking about a situation where a landlord wants to go from a master-metered utility service to a individually-metered utility service. In other words, right now, there's one electric meter for the whole building, the landlord wants to break it down into individual meters, so that he can charge the tenants individually. In that situation, there shall be sixty-days notice given to the effected tenants.

PRESIDENT ROCK:

Further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Cullerton, this bill still only applies to your large apartment complexes with master meters, doesn't it?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

No. I think that it applies to any building where there's a master meter. If -- and all we say is that if there's a master meter that covers more than one unit, that if they want to switch to an individually metered unit that they shall give notice to the tenants -- sixty days notice.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, Senator Cullerton has moved the adoption of Amendment No. 3 to Senate Bill 1053. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Further amendments?

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No further amendments.

PRESIDENT ROCK:

3rd Reading. 1067. Senator Rea. 1092. Senator D'Arco. 1104. Senator Karpziel. Read the bill, Madam Secretary, please. We're at the bottom of Page 10, Ladies and Gentlemen, on the Order of Senate Bills 2nd Reading is found Senate Bill 1104. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1104.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 1133. Senator Raica. Top of Page 11. 1144. Senator Maitland. 1150. Senator Cullerton. Top of Page 11. Senate Bill 1150. 1167. Senator Fawell. Senator Fawell. Senator Fawell.

SENATOR FAWELL:

Mr. President, we are waiting for an amendment that's been agreed to by the banks and the -- and IRMA. I wonder if we could come back to that as soon as it is filed.

PRESIDENT ROCK:

Saturday. 1212. Senator Raica. 1220. Senator Severns. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1220.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

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Any amendments from the Floor?

SECRETARY HAWKER:

Senator Severns offers Amendment No. 1.

PRESIDENT ROCK:

Senator Severns, on Amendment No. 1.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 simply comes as a result of the hearings that the Senate Government Organization and Administration Committee had on economic development policy. It merges the High-impact Training Assistance Program and the ITP Program in with the Prairie State 2000 Authority. The discussions will continue between Director Grayson and Director <sic> Dennis Sienko. And I would urge adoption of this amendment.

PRESIDENT ROCK:

Senator Severns has moved the adoption of Amendment No. 1 to Senate Bill 1220. Discussion? Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President. As minority-spokesman, I -- do you have copy or two that we could look at, please?

PRESIDENT ROCK:

Indeed. Senator Severns moves the adoption of Amendment No. 1 to Senate Bill 1220. Further 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. 1231. Senator Marovitz. Middle of Page 11. 1-2-3-1. 1-2-3-5. Senator Jacobs. Read the bill, Madam Secretary, please. Fiscal note has been requested, and not yet filed. 1274. Senator Watson. 1282. Senator Philip. Read the

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bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1282.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 1284. Senator Geo-Karis. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1284.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Geo-Karis offers Amendment No. 1.

PRESIDENT ROCK:

Senator Geo-Karis, on Amendment No. 1.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 1 is an amendment that is supported by the Illinois Coalition Against Domestic Violence, and I urge its favorable approval.

PRESIDENT ROCK:

Senator Geo-Karis has moved the adoption of Amendment No. 1 to Senate Bill 1284. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

Senator Hawkinson, I'm sorry, for what purpose do you arise, sir? All right. 1285. Senator Watson. 1315. Senator Philip. 1317. Senator Weaver.

SECRETARY HAWKER:

Senate Bill 1317.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Carroll offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll. Is Senator Carroll on the Floor? Senator Weaver, as I recall we were in this same posture yesterday. Senator Carroll on the Floor? Well, again, why don't we have leave to come back to it. Is leave granted? Leave is granted. Come back to it next week. 1321. Senator Severns. Top of Page 12. Page 12. 1328. Senator Luft. 1331. Senator Smith. On the Order of Senate Bills 2nd Reading, top of Page 12 is Senate Bill 1331, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1331.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Smith offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment to Senate Bill 1331 requires Public Health to use existing federal funds to support programs currently in operation. Therefore, I move for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith has moved the adoption of Amendment No. 1 to Senate Bill 1331. Is there discussion? If not, those in favor will indicate by saying -- Senator Topinka.

SENATOR TOPINKA:

If I may ask a question of the sponsor, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Topinka.

SENATOR TOPINKA:

Does this now remove Public Health's objection?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Yes. It does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith has moved the adoption of Amendment No. 1 to Senate Bill 1331. 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)

3rd Reading. 1338. Senator Collins. 1349. Senator Joyce. Page 12. 1349. J.J. Joyce. 1352. Senator Holmberg. 54. Senator Holmberg. 1392. Senator Welch. 1403. Senator Joyce. On the Order of Senate Bills 2nd Reading, middle of Page 12,

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Senate Bill 1403, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1403.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1408. Senator Berman. 1424. Senator Raica.
1434. Senator Vadalabene. 1435. Senator Marovitz. 1437.
Senator Welch. 1440. Senator Dunn. 1454. Luft. 1459.
Marovitz. Bottom of Page 12. On the Order of Senate Bills 2nd
Reading, bottom of Page 12, Senate Bill 1459, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1459.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz moves to Table Committee Amendment No. 1 to
Senate Bill 1459. Is there discussion? If not, those in --
indicate Aye -- saying Aye. Those opposed, Nay. The Ayes have
it. Committee Amendment No. 1 is Tabled. Further committee
amendments?

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No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Marovitz offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Amendment No. 2 incorporates Amendment No. 1, which you just Tabled, which is technical and takes out certain other provisions that Members have come to me and said they wanted to eliminate. It eliminates the provision specifically criminalizing possession of a firearm or ammunition on behalf of a person who's ineligible to possess a firearm. It eliminates the provision regarding the requirement to keep records of transfers and the requirement to delinquish the documentation -- to relinquish such documentation to a peace officer without warrant or notice. It eliminates the requirement that a person notify law enforcement officials within twenty-four hours of the firearm being lost or stolen or destroyed by act of God. It eliminates many of the provisions that Members had said to me they thought were not necessary in the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1459 -- sorry -- Amendment No. 2. Is there discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 13. 1461. Senator Marovitz. On the Order

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of Senate Bills 2nd Reading, top of Page 13, is Senate Bill 1461,
Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1461.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1462. On the Order of Senate Bills 2nd Reading,
Senate Bill 1462, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1462.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Marovitz offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.
Amendment No. 2 limits the prohibition of -- for persons released
on bond from possessing a firearm to only those persons charged
with forcible felonies.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 1.
Is there discussion? If not, those in favor will indicate by
saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is

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adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1465. Senator Dunn. 1472. Senator Smith. On the Order of Senate Bills 2nd Reading, Senate Bill 1-4-7-2, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1472.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1473. Senator -- I'm sorry. Senator Smith, for what purpose do you rise?

SENATOR SMITH:

I -- I move to Table 1472. I want to Table that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

1472? All right. Senator Smith has moved to Table Senate Bill 1472. Senator -- those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Bill 1472 is Tabled. All right. 3rd Reading. If you'll turn over to Page 19. Back on the Order of 3rd Reading. Middle of Page 19. Senator -- I'm sorry. Senator Weaver.

SENATOR WEAVER:

Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

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Senator Carroll said that he was withdrawing the amendment to 1317.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well that'll sure speed up the process, Senator Weaver. Before we get to the Order of -- of 3rd Reading, there was leave to go back, bottom of Page 11, to Senate Bill 1317. So with leave of the Body, we will return to that Order of Business. Page 11. Senate Bills 2nd Reading is Senate Bill 1317, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1317.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Okay. Back to Page 19. Page 19. On the Order of 3rd Reading is Senate Bill 922. Senator Rigney. On the Order of Senate Bills 3rd Reading is Senate Bill 922, Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 922.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any -- I'm sorry. Senator Rigney.

SENATOR RIGNEY:

Mr. President, there are fifty-seven different provisions in State law for backdoor referendums, and the signup time for those - to circulate the petition varies anywhere from ten days up to sixty days. Furthermore, the number of signatures required varies

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anywhere from five percent up to twenty percent. What we're doing with Senate Bill 922 is trying to strike a happy medium for all of those various provisions to say that hereafter backdoor referendums would have a thirty-day signup period on the petitions and the petition requirement would be ten percent of the registered voters.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Question of the sponsor, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Carroll.

SENATOR CARROLL:

Senator Rigney, in going through some of the examples within the legislative proposal you'd actually make it harder for the people to use a backdoor referendum than existing law. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Senator Carroll, this is a middle of the road, what I call a compromise kind of a position. I think it's probably justified when we realize that such things as a downstate forest preserve district would have a two and a half percent requirement, thirty days to sign up and then we look at some of the others that have just a ten-day period to sign up. There just all over the lot. The county highway hard road tax is sixty days to circulate a petition. So it cuts both ways and if you're going to standardize this thing, I think you've got to come to some kind of a middle of the road position.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

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SENATOR CARROLL:

Well, at a time, Senator Rigney, I think when we're saying that people should be more involved with the kind of taxes they pay, it seems to me that we would not want to say that the voters could reject one by petitioning with one percent of the electors, as existing law, for example on airport bonds and you're now changing it from one percent to five percent. And you're changing it from those who voted in the last election to all registered voters. So you're like -- you're doing like ten to fifteen times the signature requirement just in that one issue. The same is true in the -- in certainly the other bond issues, and I would think that we would want more citizen -- encourage citizen participation, rather than to say to those who pay the taxes, "We're going to make it tougher on you to have your feelings hurt".

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll, that was not a question. Further discussion? Senator Rigney may close.

SENATOR RIGNEY:

Well, Mr. President, I see no justification to have fifty-seven different provisions in State law for backdoor referendums. There's no one place you can go and get a standardized answer for the procedures for backdoor referendums, and I think what I have proposed is a reasonable compromise. It's a middle of the road position and I think it's high time that we did something of this nature in State law, because the whole situation with backdoor referendums is unbelievably complicated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 922 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 45, the

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Nays are 7, 3 voting Present. Senate Bill 922, having received the required constitutional majority, is declared passed. 930. Senator Marovitz. 933. Senator Marovitz. 938. Senator Leverenz. On the Order of Senate Bills 3rd Reading is Senate Bill 938, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 938.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President, Members of the Assembly. I would like to present this bill. It would add four Members of the General Assembly to the Capital Development Board, increasing the Board from seven to eleven. Answer any questions you might have, and to ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Fawell. Ladies and Gentlemen, if we -- we could break up the conferences, we've got a long way to go today. Senator Fawell.

SENATOR FAWELL:

Senator Leverenz, as a freshman legislator, I just want to know if you feel that you have to be put on this committee in order to -- in order to have this bill passed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

I would be very happy to serve and provide oversight to the Capital Development Board, and handle any projects that might be in your district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Donahue.

SENATOR DONAHUE:

Senator -- thank you, Mr. President. Sorry, I've got them talking in both ears. I rise in opposition to this legislation and feel very strongly that the Capital Development Board -- don't laugh -- the Capital Development Board should not be a political body. It has some very serious business to deal with and politics should not be interjected into that body like it is here on the Floor of the Senate. So I would rise in opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, -- Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Leverenz, the Gentleman -- Senator Etheredge.

SENATOR ETHEREDGE:

Senator, who wants this bill? What -- what did -- may I ask, what prompted its introduction?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz.

SENATOR LEVERENZ:

The sponsor, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, thank you very much. I -- I rise in -- in opposition to this bill. I mean, what is being proposed here - and I hope everyone takes a very good look at it, is a very significant change in public policy. Here we have an agency, which is a portion of the executive branch of our State government, and we're proposing that Members of the Legislature sit on this Board. I --

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I am not an attorney, as everyone knows, but it seems to me that there are even some constitutional issues that might be raised by this -- by the passage of this bill. I -- I think it is a bad idea, and I would -- urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Leverenz may close.

SENATOR LEVERENZ:

Well I thank the previous speaker, but to explain, there are other states that have the same membership, so it would be nothing new for Illinois. Inasmuch as this Capital Development Board, let me explain also what prompted this. I thought there was really no need for the Capital Development Board, and the thought was to put the whole thing in the Department of Central Management Services, which does a much better job than the Board has in the past at building buildings for the State, relating to the cost per square foot in construction. To provide some oversight is what this bill does. Serving on the Audit Commission for a few years we found out that it's what's inspected that gets done, not what is -- what's expected that gets done. And I would certainly ask for your Aye vote to pass the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 938 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all -- this -- this is -- Senator D'Arco, this is his first bill. Have all voted who wish? Last call. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 29, none voting Present. Senate Bill 938, having failed to receive the required constitutional majority, is declared lost. 942. Senator Holmberg. On the Order of Senate Bills 3rd Reading. 944. Senator Dunn. Bottom of Page

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19. On the Order of Senate Bills 3rd Reading is Senate Bill 944,
Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 944.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. We currently require continuing education for real estate license holders, and in many instances those cases -- or those classes are taken by attorneys when they go through three years of law school. This bill would exempt attorneys from the continuing education.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

Was everyone listening to this bill? It says a lawyer doesn't have to take the continuing education requirements. I understand the point of what the speaker is saying in terms -- or the sponsor is saying, in terms of attorneys may have taken these courses in law school. But remember there are other people who would take these course, certain of our universities offer real estate courses, et cetera, where they are taken as undergraduates - community colleges, universities - lawyers would not be the only group who would have taken some of these courses. To exclude one group when the other ones could have taken the same courses too, seems unfair. If you want to exempt everyone -- everyone who's previously taken these courses, that would be fair, but to exempt one interest group and not all interest groups, does sound to me as perhaps being less than -- less than fair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR T. DUNN:

Well, thank you, Senator Keats, but that would be like you practicing taking out garbage. So I -- I think that, you know, the fact of the matter is, Senator Keats, that an individual has spent seven years in getting a law degree, and for that individual to have to take the courses that are outlined in the continuing legal education, and to compare that to an individual who has not had that education and chose not to have that education, is really not a fair comparison. To say that -- that an attorney who has passed the Bar exam, I think if you'll check around with some on your -- your fellow legislators you'll find that Senator Barkhausen took the test behind you and didn't even have to study for the exam and passed it on the first time. So what we're saying is that these courses are already taken by attorneys, and to require them to put in six or nine hours of -- of continuing education is -- is really a waste of time for that individual.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 944 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 35, the Nays are 20, 1 voting Present. Senate Bill 944, having received the required constitutional majority, is declared passed. Page 20. 740. Senator Rea. Top of Page 18. I'm sorry. I beg you pardon. Page 20 -- 20 is 950. Senator Collins. Okay. 9-5-0. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 950.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Collins.

SENATOR COLLINS:

Thank you. The bill is very simple. It simply requires school boards to develop discipline policies that would prohibit corporal punishment. I would be happy answer any questions. I know of no objections to the bill. If not, I would just request a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 950 pass. Those in favor -- well, Ladies and Gentlemen, let me just point out, all you have to do is turn your light on and you'll be recognized. Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I'm afraid that there is some opposition to this bill. If you'll look at your -- your committee report, there were several No votes on this in committee. This takes all, you know, discipline away from the teachers in the schools. It -- I wish I had a copy of the bill here, which I don't, but it is telling the school board -- it sets a school board discipline policy and it says that you cannot cause intentional harm to students. Well, I think that's pretty vague. First of all, we're mandating that they have a policy, which they probably do anyway. We're taking away local control again. And secondly, this intentional harm and you can't slap a child. What if a teacher just would go up and sort of knock a kid, and sort of, you know, backhand a kid in the shoulder or something. Is that -- is that causing intentional harm or is that just a teacher trying to have discipline and control the students? I just think that this bill goes too far, and it says you can't do paddling. I don't think many people have objection to that, but this slapping students, causing intentional harm, all of those kind of phrases, I think, are very vague and we don't want to have to mandate to

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the school districts this kind of vague language where they would be opening themselves, I believe, to perhaps a lot of lawsuits. And I would suggest a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you very much, Mr. President, Members of the Senate. I agree with -- with the previous speaker. It is -- yes, corporal punishment is permissible in Illinois, but yes, indeed, school districts do allow children, on the request of parents, to be exempt from -- from corporal punishment. This is something that's fundamentally wrong to do to local school districts. Where do we go from here? Senator Karpel has indicated the vagueness of the bill - that's true - and that's what's wrong with this. Teachers are having a difficult time now, around this State, maintaining discipline in the classroom and we're taking away from the school district the right to maintain discipline in the classroom. Senator Collins may disagree with that, but this is just a first attempt to do that, and I think the bill ought to be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there further discussion? If not, Senator Collins may -- Senator Weaver. Beg you pardon. Senator Weaver.

SENATOR WEAVER:

I -- thank you, Mr. President. I have some concerns about this. I noticed in our local paper where one of our high school coaches in a P.E. class shoved a student and charges were filed against the teacher. They took it to the grand jury and last week the grand jury indicted this teacher. I'm sure the school -- school board has policies for behavior for teachers and -- and -- for also students, but this bothers me a little bit that, you know, someone can go to the grand jury and file a charge against a

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teacher in a P.E. class for shoving a student. I don't know where we're going with this. It really concerns me. This -- this teacher's been on the faculty of Urbana High School for more than twenty years, and now he's charged by the grand jury for injury to a student, or misconduct or something. I -- I think this is better left up to the local school boards to enforce these policies and give guidelines. So this bothers me a little bit and I -- I think maybe we're a little premature in giving direction to the school board that -- or mandating to the school boards.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Let me first respond to the first speaker, Senator Karpziel, who did not understand what slapping is. And I'd like to have your attention, please, because I think I -- I'll ask Senator Keats who is sitting beside her to slap her and then she will understand what slapping is. We understand what slapping is. We also understand what intentional harm is. This bill is very simple and I'm sure that the committee, the coalition who put this bill together is very much concerned about the abuse that goes on in the classroom. There was an episode which showed that there's some teacher's method of discipline was to make students sit in very painful, painful positions for sustained periods of time. There are teachers who, in fact, slap kids up the side of the head with their hand and then their fist as a means of discipline. And -- and it most certainly does not do any good, except develop more hostility in -- in a child, and I think it's most acceptable knowledge is that that kind of punishment is not fair and it is not productive. As a matter of fact it is counterproductive. Let me just name some of the people who are -- are supporting this

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legislation and have been working for a long time. Maybe it is vague. If it's vague, then we can clear it up in the House, but it is not vague in the sense that people don't know what slapping is or people don't understand what intentional harm is. The -- the Academy of Pediatrics in Illinois, the Illinois Chapter, the League of Women Voters, the Illinois Public Action for Children, Illinois Department of Children and Family Services, Child Abuse Prevention Services, National Association of Social Workers, Greater Chicago Council for Prevention of Child Abuse, Illinois PTA, Illinois Mental Health Coalition and United Charities. All of these people who deal with children and who work with children have no problems with this legislation and I don't think we should either. And I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 950 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 18, the Nays are 34, 1 voting Present. Senate Bill 950, having failed to receive the required constitutional majority, is declared lost. 961. Senator Joyce. 965. Senator Leverenz. 985. Senator Keats. On the Order of Senate Bills 3rd Reading, Senate Bill 985, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 985.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you. This legislation was suggested to be by, believe it or not, a paralegal at Mayer, Brown and Platt, and they'd asked

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that we sponsor this - and passed out of the Education Committee on a vote of 11 to 2 with an amendment that was requested and we have now added on the Floor. This allows a student to essentially opt out of dissection. There are all kinds of safeguards so they are warned that if they do this, in the long run there could be consequences in terms of science courses, but it does allow them to opt out and it -- they have a right just to say, "Hey, that's not something I want to do." It's a very limited bill. It's not a broad one at all, and with an amendment requested by Senator Collins, it tightened up that the student would know exactly what happens. I would request your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill -- Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I -- this might have broader application than those that object to this type of thing. That was never my favorite part of biology class either. Are you requiring some other extra work that gives the student the same kind of knowledge if they opt out, so they don't just sit around, but they have to do some other program in place of this kind of activity?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

The answer is, we do not specifically define it, but it does, in the amendment and the bill, say the teacher has the right to do that. If the teacher feels it appropriate, they can do it. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? If not, the question is, shall Senate Bill 985 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 27, the Nays are 15, 3 voting Present. Senate Bill 985, having failed to receive the required constitutional majority, is declared lost. 988. Senator Jacobs. On the Order -- all right. 989. Senator Joyce. J.J. Joyce. Senate Bills 3rd Reading, Senate Bill 989, Mr. Secretary, please. ACTING SECRETARY: (MR. HARRY)

Senate Bill 989.

(Secretary reads title of bill)

It's the 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. Senate Bill 989 deals with the large scrap piles of tires we have in this State. It would require ENR to develop a pilot program to deal with these large tires -- large piles of tire -- a million tires or over. Currently, there is nothing on the books about that. To fund this, Senator Philip and I are working on a different bill that -- that he is sponsoring. I'd like to move this along in -- in hopes that we can come up with some way of dealing with this in the future.

PRESIDENT ROCK:

Gentleman has moved the passage of Senate Bill 989. Discussion? If not, the question is, shall Senate Bill 989 -- I beg your pardon. Senator Schuneman. Please, Ladies and Gentlemen, all you have to do is put you light on. Senator Schuneman.

SENATOR SCHUNEMAN:

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I though my light was on, Mr. President. Sorry.

PRESIDENT ROCK:

It -- it was not.

SENATOR SCHUNEMAN:

Senator, our analysis may be wrong, but it refers to tire piles in excess of a million tires. Is that what your bill addresses or are you addressing the thousands of places where we store tires in Illinois in amounts less than a million in each location?

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Yes. Currently the bill says a million, and there are three piles with over a million tires in this State. Once we get the money if -- if we can pass the other bill, then we can address the rest of those thousands and thousands of tire piles.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, don't you think it would make more sense to -- to require them to come up with a plan to deal with the entire problem, rather than only the large problem in maybe three locations? I don't know where these three locations are, but I know that in my district we've got a couple of instances of very serious - large collections of these tires that need to be removed and -- and no money to -- to have them removed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. -- well, it does do that. It -- it would set up a permanent program to deal with all of these tires. And I -- I guess once you did one with a million you could do one with a

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couple hundred thousand. I -- I'm -- I'm more concerned -- well, I -- I -- I am concerned that if one of these piles catch on fire with a million tires, you know, I don't know how much contaminant that's going to create for the State of Illinois.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Although I love the merits of this bill, you know, there are private companies in this country at this moment who do this exact thing. They're on publicly traded stock. Some have been fairly successful, some less. The reason they don't operate in Illinois, is our regulatory climate is so bad that they can't come into Illinois 'cause they can't make a living. Senator Joyce's bill is an excellent idea. But truthfully, I don't know that we ought to have the bureaucracy doing it, the bureaucracy's what's kept the private sector from doing this. In truth, what I would ask is, we ought to say let's make it possible for the private companies to do this, so the State doesn't have to pay for it. They could do it, if it were not for the positions taken by the regulatory agency -- State of Illinois. A meritorious idea, but I don't think that socialism's a good idea. Let's make it possible for private people to do it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce, to close.

SENATOR J.J. JOYCE:

Well. Thank you, Mr. President. I -- this will help private people get involved in it. I -- I haven't seen any private people come to the State of Illinois, and do this. I've seen some come along and -- and -- with some sort of a program and then it kind of just goes away. So I think if we get this on the books and -- and hopefully we can get this funded, and -- and we can deal with all of the tires we have laying around the State. Ask for --

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 989 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, 1 Nay, none -- and 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 9-9-8. Senator Daley. Gentleman from Cook, Senator Jones, what purpose you seek recognition?

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. I rise on a point of personal privilege to give a warm welcome to the Fernwood Elementary School students, their teachers and parents who are here witnessing democracy in action and money for schools. Let's give them a warm welcome.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Will you please rise and be recognized by the Senate. Welcome to Springfield and -- and the Senate, as well. Have a good day. 9-9-8. Senator Daley. 1001. Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1001.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is the bill that we've debated over the years in -- in the Senate. It says that wherever local siting approval for any new regional pollution control facility - it has to be ratified by referendum if the site was annexed by the approving municipality within the previous five years. This is the old landfill bill where the cities go out and annex many acres

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of land and -- and put a landfill on it and this just says that they have to go back for a referendum.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Cook, Senator Macdonald.

SENATOR MACDONALD:

Yes. I rise in opposition to this bill. We've debated this bill over the last couple of years, and I am afraid that it isn't much better this year than it has been in the past. It makes it almost impossible in some areas for us then to site any landfills with this requirement, and so I would ask for your denial and rejection of this particular piece of legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Gentleman from Cook, Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR RAICA:

Senator Joyce, I know that you're very familiar with the problems that Senator Savickas and I have had in Bedford Park, and although that's not a landfill there, all this is doing, I think by what you're saying, is that the people within those communities will have the -- have the right to say yes or no pertaining to a landfill in that community.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

It would, if they annexed property, to site that incinerator or a landfill. You see, if -- if -- well, in your case it's a little different, but yes, they would have a referendum of the people.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

Under your bill then, if the city has annexed a landfill, then under your bill, you would require a referendum from -- from the whole county when the city annexes a landfill, is that what you're saying?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

No, Senator. When the city annexes land and then puts a landfill on it. Not if they annex a landfill. It's if they annex land to put a landfill on, then it would have to go to a referendum.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you not interfering with a municipalities rights to control their own destiny?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Well this is letting the other people control their destiny as well. What happens in some cases is that you can take a small community who decides to -- that this landfill operator is going to bring in millions of dollars to their community, go out and annex a couple of thousand acres in a county and site a landfill there. Now the rest of the folks around that landfill have nothing to say about it. In fact, if it's a five-member board,

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three people can site that landfill. Now, say something happens in that landfill, something bad, that little community isn't going to have the revenue - and it also isn't going to have the revenue to explore all the possibilities of what can happen there - if something bad happens, they aren't going to be able to clean it up. If newer technology comes along and the landfill operator decides to leave, and he leaves, leaving that landfill half full, then that community isn't going to have the capability, economically or any other way, to deal with it. So it goes back to the county and the county's going to have to deal with it. So what we're doing is letting those folks in the county have a say on this, if indeed, this community is reaching out, annexing property to site a landfill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I rise in opposition to this bill. First of all, I think we must remember that we already have in law Senate Bill 1172, which provides that before there can be any local siting for a landfill, there -- there has to be -- there have to be hearings. And I can tell you it happened in my town, and after we had the hearing, and then we had the environmental reports made by competent experts, we denied the siting. So I think you're -- transgressing into other governments rights to conduct their own destiny, and I think there's plenty of -- plenty of recourse under the present laws to -- to stop landfill siting without this bill, and I oppose this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Bond, Senator Watson.

SENATOR WATSON:

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

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR WATSON:

Senator, is there siting regulations that differ for hazardous waste sites than they do for landfills?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Yes. For some there is. For hazardous waste sites. Yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Well, thank you. The reason I asked that is a community in my district, Centralia, which is located in the southwestern portion of Marion County, was fighting a hazardous waste site location, which was approved by the county board, which most of those county board members were far removed from the Centralia area, they -- they were going to approve it and as a result forcing it onto the community of Centralia and the citizens. And with -- with really no approval or no input from the community. Now, I realize that this probably has nothing to do with that, but my concern is how do we -- or will this have an impact on the community -- vicinity -- to be able to determine or have a say or a voice in a siting of a landfill that's within, I guess, a mile and a half of the community.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, I -- I don't think this bill addresses that, but what that community should do is annex it and then they'd be the ones in control of it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Gentleman from St. Clair, Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If you have a city like I have, where -- that over forty-some thousand people have left in the last twenty years, these people come in and they want to put landfills everywhere around there. So unless there's some say-so that people have - is what Senator Joyce is saying, that you're left out because everybody -- they need jobs, they need things and they paint those pretty pictures. So here's a very fine community there. If this bill goes into effect it'll help us be able to stop this kind of shenanigan. I strongly support this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from DuPage, Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. Senator, I realize what you're trying to do, and -- and I can see that in some parts of the State this would be beneficial. In some parts of the State -- I am for local control, -- which is what you're trying to get at here, there's a different problem in -- in my area -- my part of the State, in DuPage and Kane and Lake and -- and some of those counties, in that it is the county that wants to put the landfills in, and I'm afraid that with a bill like this you have a little municipality, a little town, like say Plano in Kane County that annexes property and then the county board -- the county forest preserve commission or whatever comes in and says, "This is where we're putting our new mega-dump," as it's been billed. And then they have to have a countywide referendum. Well, of course, the rest of the county thinks it's a wonderful idea to put that landfill in -- outside of Plano and -- and -- and that's where it goes. So when you have -- when you're putting in place a countywide referendum in making these decisions in some parts of

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the State I think it's going to be very detrimental because the counties are going to be passing these referenda.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce, to close.

SENATOR J.J. JOYCE:

Thank you. To respond to that. If -- if this municipality, Plano, has annexed this property, the county can't come in there and do that. They can't put it in another municipality's -- can't site a landfill in another municipality's area. They just can't do that. That's the way the law is now and this does not change that. But I -- to the bill: I -- I would ask everyone to give consideration to this. We have, in this Chamber, day in and day out passed legislation where you can't put a landfill in a forest preserve. You can't put one in a park district. You can't put one in a conservation district. And tell a lot of your counties you can't put a landfill anywhere. And now when it comes back down to downstate Illinois where -- where the landfills are going to be, you're trying, if you vote against this bill, to stop us from having a just a semblance of protection, because right now the way these landfills are being sited is a run around of Senate Bill 172. It took a while for the -- for the folks to figure out how to do it, but now they've figured out how to do it, and that is you have a little community go out and annex some property and then you stick a big ol' landfill in there. Well, it's a great deal, but the county's going to end up being the manager or the guardian of this landfill if something goes wrong with it, because that municipality isn't going to be able to afford it. So with that in mind, you're -- I think you would be giving some protection to the people in downstate Illinois where these landfills are going to be and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1001 pass. All in favor, vote

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Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On this question, there are 30 Ayes, 17 Nays, 5 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1003. Senator Carroll. 1015. Senator Brookins. 1025. Senator Jones. 1045. Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1045.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President. Senate Bill 1045 seeks to address two problems that are faced by the State's attorneys, particularly in the larger counties of this State. The first problem has to do with defendants who have made a demand for trial and are therefore covered under speedy trial, and subsequent to the demand, while out on bond or otherwise commit another offense. The State's attorneys have, in some instances, had a difficult time getting their hands on these defendants in order to try them within the time allotted under the first offense in which they have previously made that demand, and so what this bill would provide is that for those particular defendants who have committed a subsequent crime post their demand, that the demand period would start anew. The second part of the bill has to do with those situations where the defendant defense counsel are engaged in some sort of gimmickery to delay the trial, in which they have elected to waive their jury and seek a bench trial, and then at the appointed time for the bench trial they seek to withdraw their jury waiver and have their matter tried by a jury. The original

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bill provided that the defendant could only do this with the consent of the State's attorney. That provision has been withdrawn by amendment, because there were some serious questions as to its constitutionality. And under the amended version the defendant will be permitted to waive his jury trial -- to withdraw his -- his jury waiver if it will not be necessary for witnesses to return who appeared on trial date or timely notice has been given to the prosecution or there has been good cause shown for a jury trial. If there're any questions, I'll be happy to answer those questions, otherwise I would ask your support at this time of SB 1045.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Question is, shall Senate Bill 1045 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1046 is being held at the request of the sponsor. 1058. Senator Cullerton. Cullerton. Please read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill -- Senate Bill 1058.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

1058. The Gentleman from Cook, Senator Cullerton. Out of the record at the request of the sponsor. 1059. Senator Jones. Please turn to Page 21. 1066. Senator Berman. Out of the record. 1068. Senator Rea. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1068.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Gentleman from DuPage, Senator Hudson, what purpose seek recognition? Okay. Fine. Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1068 would provide that part-time employees receive a proportionate share of fringe benefits currently given by the same employer to their full-time employees. In order to be eligible for this program and employee must work for an employer who has over five hundred employees, an average of twenty-five hours per week, and eight of the prior twelve months before and the benefits covered under this are the proportionate share of pension, health insurance, HMO's, vacation, child care and sick time. The Illinois Department of Labor would be responsible for administering the Act, and I would ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from DuPage, Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, in spite of my sincere respect for the sponsor of this bill, I must rise in opposition. Now I think Senator Rea has done a good job in explaining the provisions of it. But just so that you'll be sure you understand - Senate Bill 1068 would say that any employer with over five hundred employees must provide pro rata benefits to part-time workers on the basis of benefits paid to full-time workers. Well pro rata really when you boil it down, is also called wage supplements. And this means, as he has already explained to you, that the employer would, for these part-time employees, be forced by mandate to pay insurance and pension benefits, health services, child care services, vacation time, et cetera, for any of these employees who've worked an average of

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twenty-five hours a week for eight months, I think it is, in the prior year. Well, what's wrong with this idea? Well, what's wrong with it is, number one, it will be an administrative nightmare for these -- these businesses to keep track of all of this. But in addition to that many of them are going to say, rather than keep all of these records and do this, which they estimate will increase their benefit costs, maybe up as high as forty percent, they simply will eliminate these part-time jobs, or they will see to it that they don't hire these people over twenty-five hours a week. In other words, they'll cut back on the hours or eliminate the jobs entirely. And this would seem to be a real shame, because many of these part-time workers choose to work part time because it fits into their schedule. Either they -- they work and spend some of their time at home, or they're doing other things with their time and the part-time aspect of their employment is very essential and vital to them. So it -- it -- it just seems like a -- an idea that shouldn't -- shouldn't come about. Frankly, shouldn't be put into effect. The net effect will be, I'm afraid, that it would hurt -- it would hurt the very people that it is -- that it is designed to help, either by eliminating their jobs, cutting down on their hours, and therefore, destroy what the sponsors of the bill, maybe well-intentioned, have in mind to do. So I would urge, Ladies and Gentlemen, that you give this very careful consideration and after having done so, vote No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Jefferson, Senator O'Daniel, what purpose you seek recognition?

SENATOR O'DANIEL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Proceed.

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SENATOR O'DANIEL:

In the President's Gallery, right above your Podium, there's twenty seventh grade students from the Allendale School in Wabash County with their superintendent, Mr. Burkett, one of the teachers and also one of the parents, but before we welcome them, I'd like to make you aware that these youngsters' school was totally destroyed in the 1989 tornado in January, and as a result of the General Assembly and Governor Thompson, they now just recently dedicated the new facility. Help me welcome them to -- to the Senate.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Will our guests please rise and be recognized. Welcome to Springfield. Welcome to the Senate. Thank you. Now back to Senate Bill 1068. Gentleman from Cook, Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR RAICA:

Senator Rea, is there anything else involved in this other than getting these people a wages -- I'm mean, your intent of the bill. I mean, is there anything else involved that -- rather than getting these people the benefits of those full time?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator -- Senator Rea.

SENATOR REA:

No, this is the total intent of the bill. Is what it says.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. To the bill then: I have some

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reservations and nine times out of ten I vote with -- with the unions on such matters. However, I know a lot of people who work part time and they know fully well that when they are hired part time that they are not receiving the benefits, but they are rather getting more of the money. If I can just -- like nurses for instance, there's a lot of nurses that work for the -- for organizations, that may come in and make like eighteen to twenty dollars being part time and they get no benefits, but they do it specifically for the pay. I do not think that this is a way to get part-timers to become union members, because if you wanted to have a bill to do that, I would go on as a co-sponsor with you. My concern is that a lot of these people that are earning money part time would be eliminated from doing so, because they would just eliminate those positions. And that's what my concern is. There are mothers and fathers that have to go around their schedule and work two maybe three time -- three jobs, and they do so knowingly and willingly. They know they are not receiving full-time benefits, but they need the extra income, and that's the reason why they're working. I think this would really -- some may say, hurt business, but it's going to hurt a lot of people in at least my district, and Senator Rea, I think some in your district that are doing this just out of the need to have more money and I do not think this is the way to go, and I'd ask everybody to seriously consider this bill and vote No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Well. Yes, Mr. President and Ladies and Gentlemen of the Senate, kind of to -- to pigeontail here on -- onto what Senator Raica is saying. This is going to affect my district very much, and especially because I have a lot of women who are working part time, especially single mothers and they want the pay. And I'm

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very concerned that this particular legislation is not only going to affect part-timers in general, but very specifically women. I've been in this position and under these circumstances, I could not have or possibly would not have been hired. And I can remember back to needing that paycheck, and I really feel that you may be hurting the same people you want to help with this bill and I think all of us really ought to consider this before we go forward with this concept.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Seems to me that this is one of those bills that two or three years from now we'll be trying to figure out how to undo, if it indeed passes. Every time any of us goes into a McDonald's or any other fast food establishment, just think of those hundreds and thousands of kids who are depending on this kind of an employment, and think of all the employers who are on the borderline of profitability who will now find their wage rates going up forty or fifty percent. This is the time to stop this kind of generosity, if you please, and to think through who this will really hurt and who it will really harm.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR SCHUNEMAN:

Senator Rea, this is the first I have seen of this bill, but it apparently seeks to provide benefits to part-time employees.

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Would the employer be required to carry health insurance, pension benefits and so on on these people, or does the bill simply provide that the employee would receive the cost of those benefits?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea. Senator Rea.

SENATOR REA:

Yes. Senator, the -- the employer would be required to carry -- if the -- if there's over five hundred employees, also if the average -- if the employee average over twenty-five hours per week, and also in the prior year if they've worked eight of the twelve months.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

To the bill: Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR SCHUNEMAN:

The bill presents one problem that I can see and that is that health insurance benefits are generally based on the presumption that you are insuring people who are working full time, and therefore, have a higher than average health level. When you begin talking about part-time people that does not necessarily apply. So it seems to me that one of the hazards in this might be increased health insurance costs for employers. The other thing I want to point out is that in my district, I have a number of employers who are larger than five hundred -- have more than five hundred employees and one of the biggest problems is that they're sending their work to foreign factories. Now does this -- does this bill apply to those workers in Taiwan and other places throughout the world that are replacing American workers?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea.

SENATOR SCHUNEMAN:

Well, I posed that as a question, Mr. President, but I know the answer. Of course it doesn't. Of course it doesn't. And so what -- what we probably really have here is a part-time employment reduction Act that by imposing benefits of this kind upon employers, we simply force them to send more and more of their jobs overseas. And I think this is a step in the wrong direction.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea, to close.

SENATOR REA:

Thank you, Mr. President. This is a -- a fairness bill. This is a -- it does not apply to all part-time employees. Those that are working twenty-five hours or more a week. This in fact -- and also have worked eight out of the twelve months in the prior year. This also - in Illinois there's -- according to the nineteen ninety-one figures, which were provided to me by the Illinois Department of Labor, that there is seven hundred and forty employers in Illinois with five hundred or more employees. So in all fairness and, as far as the State it would -- there would be just a very few in numbers by -- of Illinois employees according to the Illinois Department of Labor and I think this is a fair bill and certainly would ask for your support, because these people work just as hard as the full-time employees and it's not

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like covering the whole ball field of -- of all part-time employees. There are specifications here. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1068 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 3 Ayes, 48 Nays, 2 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. With leave of the Body, we'll go back 1066. Hearing no objection, Senate Bill 1066. Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1066.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill addresses the Parentage Act dealing with paternity cases and it clarifies the time period in which blood tests that have been taken and offered can be objected to and the clarification as to the right to call expert witnesses. I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 1066 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1074. Senator Rea. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 1074.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Senate Bill 1074 authorizes a supplemental State aid payment to any school district which has fewer than two hundred students in average daily attendance and an assessed value of coal property in 1990 which is less than in 1989, and did not implement the coal assessment specifications of Section 20-K of the Revenue Act of 1939. This is for one year only and affects four small school districts. This is a very important piece of authorizing legislation that is needed to prevent the educational system in those four small schools from deteriorating and would ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 1074 pass. All in favor -- all in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 32 Ayes, 21 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 1091. Senator Jacobs. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1091.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Ladies and Gentlemen of the Senate. This is the Quad-City Interstate Metropolitan Authority Act. Two years ago we authorized entering into a compact with the State of Iowa, and this is the enactment legislation for that Authority. This has a companion bill in the House, which just passed 106 to 1, this morning. It's identical to the bill recently passed in Iowa; it has to mirror Iowa's bill as closely as possible and there are some frontdoor referendums on some sales tax increases. I'd be happy to try to answer any questions, if anyone has any.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 1091 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, received the constitutional majority, is hereby declared passed. 1097. Senator Etheredge. Out of the record, at request of the sponsor. 1101. Senator Karpel. Doris. Out of the record. 1119. Senator Madigan. Please read Senate Bill 1119.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1119.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Logan, Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 1119 has to do with reinsurance companies and is suggested legislation from the National Association of Insurance Commissioners, or the NAIC. It's technical in nature, but

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basically what it does, it establishes a minimum standards for reinsurance companies so that the Department of Insurance can adequately rate insurance companies when they're claiming the reinsurance either as an asset or reducing their liabilities. I'd be -- I know of no opposition to this, I'd be glad to try to answer any questions that anybody may have.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Any discussion? The question is, shall Senate Bill 1119 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 1125. Senator Brookins. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1125.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This bill requires the Department of Aging vendors to perform a cost audit verifying that they meet the guidelines required. A twenty-seven percent administrative cost split, and a seventy-three percent employee wage and benefit cost split. There is no cost to the State of Illinois. The Department is in agreement with this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR DAVIDSON:

My analysis says that it could be up to a million and a half cost to the Department for CPA firms to do this audit, and it's already being audited now. It's totally unnecessary. The Department of Aging already verified an audit to the funding requirements and community care providers to ensure they adhere to the seventy-three/twenty-three split. Why do we need this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

We put an amendment on the bill and your reading prior to the amendment and this is the Department of Aging's amendment which takes the cost away. There is no cost to the City of Chicago -- or to the State of Illinois. No cost at all. And the Department of Aging is in favor of this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

Well, I -- I'm sorry, I was unaware of the amendment that removed the cost to the Department. But who is going to pay the cost if there's going to be an audit?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

The vendors in which it is already a part of their responsibility to do and should have been doing it all the time.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, some of these providers are pretty small concerns and it appears that what is being required by this bill is a CPA audit which I know to be an expensive thing in many instances. Are the providers at the present time required to provide a CPA audit?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

No. The answer to your question is no, but they must follow the guidelines, so they must be able to prove that they do, or are all following the guidelines. And this bill causes them to have to follow the guidelines that has already been established by the Department of Aging.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

It appears from our analysis that -- that this bill would force someone to get a CPA audit. And the State isn't going to pay for it, I assume the provider has to pay for it. Is that -- is that the way it will work?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

There will be some cost to the providers whatever a provider does is -- whoever you have to do some work, there is some cost. We all understand that. And what I am saying to you is certainly, yes, the answer to that question is yes. But it is something that they must do already or should be doing and they have not been doing it. And this bill will cause them to have to have those records.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I'm not sure that what we are doing here is the right thing. Maybe somebody else can shed some light on this. My concern is that for some of those very small providers around this State who are not currently being required to furnish a CPA audit, may in fact be required by the terms of this bill. So that's my concern.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, so as to clarify some of this. When this started life in committee, there was indeed a cost to the State. There is no question that that cost, in terms of auditing, has been shifted to local providers. So I think that people can make their decision one way or another, there will be, indeed, a cost. I would like to call to your attention though, that the concept of a CPA audit may not be all that bad. And I can sight a specific instance in my district and on the border of my district where indeed we have had a major problem of this nature that's currently under investigation and one of the single biggest problems we face is that there is no auditing of the records and there is no financial recording system or anything that accommodates the bills for the State Police, the Department of Mental Health and other to be able to -- to get into. So you might want to consider it on merit, as opposed to the finances, but obviously that's your decision to make.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins, to close.

SENATOR BROOKINS:

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Thank you, Mr. President. Often -- often homemakers and -- and chore and housekeepers are not receiving wages guaranteed under the Department of Aging. This is just to see that they get the proper wage, and I ask a favorable wage.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 1125 pass. All in favor, vote Aye. All opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 30 Ayes, 24 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Gentleman from Bond, Senator Watson, what purpose do you seek recognition?
SENATOR WATSON:

I hate to do this, but I'd like to ask for a verification.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Verification has been requested. Would the membership be in there seats. Please verify the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Mahar, Marovitz, O'Daniel, Rea, Rigney, Savickas, Severns, Smith, Topinka, Vadalabene, Welch and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson, any question of the affirmative vote? Watson, please.

SENATOR WATSON:

Yes. Mr. President, you did read Carroll as a Yes vote and he's on the board as not voting. Is that light out or -- or -- were -- your mistake -- all right. Senator Daley.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Daley's in his chair. Daley's in his chair, Senator Watson. Would you leave Watson on, Ma'am

SENATOR WATSON:

Jeremiah Joyce, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Jeremiah Joyce. How is the Gentleman recorded? Senator Jeremiah Joyce on the Floor? Senator Joyce. Please remove him. Back to the phone, please remove him. Anyone else? Senator Brookins leave -- asks leave to put it on postponed consideration. Okay, Senator Brookins asks leave to put it on postponed consideration. Postponed consideration on 1125. 1127. Senator Woodyard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1127.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Edgar, Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This is one of the ethanol bills, and it rather tracks the legislation passed in Washington. It extends the exemption on the sales tax, the two percent presently exempted, from 1993, it's present sunset date to the year 2000, and that's what the bill does. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Cook, Senator Cullerton.

SENATOR CULLERTON:

Yes. When is it scheduled to expire now?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton.

SENATOR CULLERTON:

So if we were to -- not to pass this bill this year, we could still consider it next year and have plenty of time to extend it, correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

That is correct. But my reason for introducing this legislation this year is because we know there's going to be a dramatic expansion, hopefully a dramatic expansion of the ethanol industry, due to the Clean Air Act, and this certainly would provide the incentive that I think is needed in the ethanol industry to start construction of some of those new plants to produce ethanol.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton.

SENATOR CULLERTON:

And how much money is not collected by -- as a result of having this exemption?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Approximately twenty-two million dollars a year.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Well, I just want to remind the Body that there's one other thing that this bill does do and it loses about twenty-six million dollars a year revenue for us.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I rise in favor of this bill. We've got to look at alternate resources for energy. We certainly need to do something. We are not going to have to be dependent on the Middle East all the time. I certainly urge your favorable consideration on this bill. I think there is nothing wrong with it. We've got to do something, and let's do it now.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Savickas.

SENATOR SAVICKAS:

Well I disagree as -- as this being alternate energy, but I do feel that the perception of taking twenty-one or twenty-two or twenty-six million dollars from the State Treasury at a time when all of our school districts are in trouble; all of the social programs that we have supported are in trouble; where we have to cut throughout the State -- cut not only wages, but employees and the perception here that we're going to continue at an unnecessary time -- a -- continue a twenty-one to twenty-six million dollar gift to the ethanol companies, when it's not even needed at this time. I think it's the wrong message to send out there and I think at this point we should just wait till 1993 and see the State's economy at that point.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the Senator yield for a question? Senator, do you have any idea if indeed this turns out to be this bonanza that -- that apparently the farmers are -- are looking for. What kind of gain to the economy we could get if this indeed

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works?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will. Senator Weaver.

SENATOR WEAVER:

Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I'm sorry. Did you have a question, Bev? Senator Woodyard.

SENATOR WOODYARD:

Well, I can only tell you that presently we are using, in the United States, about three hundred and twenty-five million bushels of corn to produce ethanol. Of that, the State of Illinois produces about seventy percent of that. With the passage of the Clean Air Act in Washington, it looks like we're going to have to raise the ethanol production up to where we will need between six-hundred-million and eight-hundred-million bushels of corn. Now if you stop and think that to build some of the new anhydrous ethanol plants that are being built today, they cost about two hundred and fifty million dollars to build. And -- and all we're saying with this type of bill is that we're sending a strong message to the ethanol producers and the ethanol industry that we want those plants located, and that expanded production located here in the State of Illinois, and that's the reason for sending this kind of message.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Gentleman from Tazewell, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I rise very strong support of Senator Woodyard's bill. I hope you understand and realize and listen to Senator Woodyard when he said what ethanol is going to be in this country, thanks to the Clean Air Act and the -- the efforts of the Federal Government. You also have to realize that

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this is a competitive industry and obviously states like Iowa and Nebraska, the two major competitors that ethanol has, the two major -- have incentives such as the ones that we are offering here or at least trying to continue. Also remember that, I think, went out of here with fifty-eight or fifty-nine votes, a bill that provided incentives for an ethanol plant in Southern Illinois. So this is extremely important. It's a major effort for this area and for the State of Illinois and I'd hope we give this -- an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Champaign, Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I certainly have supported the ethanol program since it's inception. But I think some of -- what bothers me a little bit is the fact that ethanol seems to follow pricing -- seems to follow the price of gasoline, and not the price of corn. And it -- I just wondered Senator Woodyard, in your opinion, how much over these period of years has the farmer received increases in corn prices or what has ethanol done to increase the price of corn over these years of subsidy?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Well, thank you, Mr. President and Members of the Senate. I should have mentioned that in my opening remarks. It's estimated nationwide that -- that this has amounted to about five cents per bushel on a bushel of corn. My farm is located within about seventy miles of Decatur, and it's estimated when your within about a hundred miles of a major ethanol producing plant that it adds about fifteen cents a bushel to corn, which means that there is less subsidization from the federal government on deficiency payments on -- on grain, and so it very definitely has a -- has

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had a positive effect on the agricultural economy and I think with this expansion were looking at, we're -- we're going to see a lot more of that and that money that the farmer gets where the dollar actually starts certainly flows back in to an awful lot of other retail outlets. We spend our money on the new combines and -- and the tractors and the washing machines if we have it to spend, and I happen to think that this is one way of promoting that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

Well. I guess I -- I relate back to June -- the period of June to October of last year where ethanol went up thirty-two cents a gallon and corn went down sixty-five cents a bushel. There just doesn't seem to be any comparison as to the price of ethanol and the price the farmer gets for -- for his corn. This -- this is what concerns me.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I apologize for rising a second time, but I think it is important to point out to Senator Weaver that the price of corn doesn't necessarily tell you the true and whole story, because what your dealing with here is different grades of corn. You are creating a market for a low grade of corn that may not even sell on the market for anything. Ethanol can be produced with a corn of a very low grade, and consequently you've not only opened a market for the top grade of corn, which Senator Joyce may be able to explain better than I, but you have created a market for, and a higher price for a corn of lower grade, so it is extremely important to the farmer and I don't think you can just look at what the price of corn does based on the top grade of corn. Thank you.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Kankakee, Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I rise in strong support of this also. As Senator Woodyard pointed out it's -- it's five to six cents a bushel that this does increase the -- the price of corn. It also creates twenty-two hundred and fifty new jobs that Illinois will be -- will have the benefit of and -- and for all you folks -- downstate Illinois and -- and rural Illinois can certainly use those jobs. There's -- there are so many pluses with ethanol that it is -- it is beyond me why the debate about this is going on, but I -- I guess I can figure it out. All I want to say to you is, that when you look at the -- the price of oil and gasoline and the price of corn the -- one of the reasons that corn -- that the -- the ethanol was not going down in the price is because the ethanol -- the people that produce gasohol don't set the price at the pumps, the oil companies do. So that's why the price isn't down. You know -- it just seem to me that when we figure out the true cost of oil, the cost that we have to spend overseas protecting our oil interests - seems to me that this is just the cheapest way to go and it's the best way to go. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. We should be trying to find ways to encourage the use of corn in Illinois. This bill is intended to do that. Twenty-five percent of the population of this State lives in rural Illinois. Rural Illinois is in economic difficulty right now. If there's some way we can help that part of the State, we ought to do it. I think this is a step in the that direction.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Logan, Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I rise in support of this bill, and just to add when we talk about employment opportunities and what this could create and does create, I would like also to point out that in the co-generation of these ethanol plants that I know of one plant who -- one ethanol plant that is directly responsible for employing or purchasing the production of twelve hundred coal miners in the State of Illinois. So I think that should be kept in mind also when we talk about this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I was a supporter of the ethanol program, but I think that the timing of this bill is wrong. This bill will take effect January 1 of 1993. There is a twenty-one-million-dollar hit by this bill on the General Revenue Fund of the State. There's five-million-dollar hit on local revenue by this bill. I don't know what the impact of the recession or the economy is going to be twenty months from now. I think ethanol is an important product and an important industry in Illinois. But there are other important demands upon us. And I'm not ready with -- when we hear from many of the people that are standing up in support of this program - especially on the Governor's side of the aisle, when we talk about the needs for revenue, and cutting human service programs this is not the time, in May of '91, to decide that we want to give up twenty-one million dollars of General Revenue starting January of '93. Let's debate this bill a year from now, because I'm not willing, at this time, to say that the

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schools and Public Health, and Children and Family Services can do without this money. So I'm going to vote No today and I urge my colleagues to vote No today. Let's discuss it a year from now.

PRESIDENT ROCK:

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in strong support of this legislation, you know, not that it's going to do all that much for the price of corn, because once two and a half gallon of ethanol's removed from a bushel of corn, seventy-five percent of the feed value is still there. But I think, you know, we have to be serious about doing something to the -- for the environment and this morning the Tribune was beating up on -- somewhat on Senator Joyce and -- and the legislation, but I think, you know, it has to have a positive effect on -- on the environment. Maybe not that much on the ozone but, I think it's -- it's something that we have to do if we're really serious about being less dependent on -- on foreign sources of energy. You know, it's just something -- it's time we -- we moved on this thing and it's not going to be threat to -- to big oil. We aren't going to produce enough petroleum products in this country to satisfy our needs anyway, so, you know, I think it's a step in the right direction and we should be supporting this.

PRESIDENT ROCK:

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

SENATOR WOODYARD:

Thank -- thank you, Mr. President, Members of the Senate. Now I know that this bill has been well debated by this time, but you must keep in mind we are not presently collecting this -- this two percent at this time. And all we're doing is tracking the federal legislation on their exemptions by extending this to the year

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2000. The one issue that has not been mentioned in debate - we've talked about the environmental things and we've talked about the financials and we've talked about the job creation, but there's another thing and it was called Desert Storm. Do you realize how fragile and how dependent we are on importation of crude oil? And certainly the production and expansion of the ethanol industry will lessen our dependence on -- on crude oil and for all of those reasons I certainly hope you will join with me in -- in passing Senate Bill 1127.

PRESIDENT ROCK:

Question is, shall Senate Bill 1127 pass. Those in favor will vote Aye. Opposed vote Nay, and the voting in 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, 20 Nays and 2 voting Present. Senate Bill 1127, having failed to receive the required constitutional majority, is declared lost. The Gentleman has requested that further consideration of Senate Bill 1127 be postponed. 1139. Senator Ralph Dunn. 1143. Senator Marovitz. 1164. Senator Keats. 1168. Senator Fawell. On the Order of Senate Bill's 3rd Reading, the bottom of Page 21 is Senate Bill 1168. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President and Members of the Senate. This is a very simple bill. All it says is, that it is not a violation of public policy to agree in a premarital agreement that

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a dissolution of marriage may not be granted for the parties on the grounds of irreconcilable differences. This was language that was suggested to me by an attorney who is a member of the marriage committee on the Illinois Bar Association. I'd be glad to answer any questions.

PRESIDENT ROCK:

Any discussion? Discussion? If not, the question is, shall Senate Bill 1168 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting in open. All voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 44 Ayes, 8 Nays and 2 voting Present. Senate Bill 1168, having received the required constitutional majority, is declared passed. 1200. Senator Severns. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. This bill, as amended, would address the current differential in rates between any class of ratepayer. As amended, it says -- and the amended language was offered by Illinois Power and Commonwealth Edison -- it says that, "No class of ratepayer shall assume more than one hundred and twenty-five percent above and beyond another class of ratepayer." There is still some concerns, which I believe to be legitimate, expressed by Illinois Bell and I've agreed, and it -- the latest conversation being today, to work with them to address those concerns. With the amendment and with that agreement I believe that the major objections to this bill

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have been removed. It is, in fact, a bill that is fair. It says that, "No class of consumer or residential or industrial customer should assume more than a hundred and twenty-five percent of any given rate hike." I believe it's an acceptable compromise. I would be happy to answer any questions and would urge a favorable vote.

PRESIDENT ROCK:

Is there any discussion? Discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes. Mr. President. I rise in opposition to this particular piece of legislation, because this bill would make increases across the board and not based on actual cost to serve each customer class. The results of the bill would be one of classes of customers subsidizing the cost to serve another class of customers. This could have an extremely dire effect on industrial and commercial utility rates and impede the utilities ability to offer competitive rates and retain and attract new businesses and industries, so I urge your No vote on this bill.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Would the sponsor yield for a question?

PRESIDENT ROCK:

Sponsor indicates she will yield. Senator Maitland.

SENATOR MAITLAND:

Senator, do you have any idea or does the staff have any idea how many different classes of ratepayers there might be in -- that the commerce commission has to consider?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

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Thank you, Senator Maitland. Yes, that -- when it comes to -- when it addresses the electric and gas utilities, we're talking about two classes in some instances, and three classes in other instances. When you're talking about classes like -- I mean -- a utility of the phone utilities, you are talking about several classes and those are the legitimate concerns that I believe Illinois Bell has raised and those are the legitimate concerns that I intend to address with them as we work the bill through the process. I've given them that commitment and I intend to keep it.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- I agree with you with the -- in the telecommunications area there are mega classes. But there are also many in -- in electric and gas as well. A lot of them. And what -- what -- what concerns me here - I believe you view this to be a proconsumer bill, I -- I think I've heard that talked about. When in fact it may well not be at all. It may not be at all. You could be imposing -- you could be imposing artificial increases on homeowners by this very bill. That is absolutely a possibility, because there are more classes than I believe you think there are. Secondly, without question -- without question our move has been away from cross subsidization. If you go back to the time when we dealt with the rewrite in 1985, that was at issue, to a great extent. This bill moves away from that, and I think the very thing you are trying to do could come back and hurt -- hurt all of us. And finally to suggest that by addressing some of the concerns that you spoke about early in your debate -- in -- in your opening, what -- what -- what they are really saying, I think, is they are attempting to make what they -- the utilities think is a bad bill, maybe a little bit better. There is no agreement on this from -- from any of the utilities. Indeed --

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indeed -- indeed the -- the language taking it to a hundred and twenty-five percent was suggested to make again a very difficult bill perhaps slightly better. But I think this is a bad concept and one that ought to be defeated.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor, if she'll yield.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I believe -- I believe this bill only applies prospectively to -- to rates. Is that correct, and only to the increases?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Senator Schuneman, it -- it does go back for a two-year period.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, my concern is similar to that of Senator Maitland's, you know, we all want to look after our consumers. The problem I see with a bill of this kind is that by setting strict percentage limits, we may in fact do just the opposite. I think, in my district, for example -- Senator Severns, in my district, Northwestern Steel and Wire Company is the largest single customer of Commonwealth Edison. Their electric furnaces use humongous amounts of power. They enter into agreements with Commonwealth Edison, and I presume they represent one of these classes that

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you're -- you're seeking to address in this case and if, in fact, these percentages are not correct, then the rest of the consumers may wind up paying too much of the cost for Northwestern or the other way around, in which case Northwestern is forced to raise prices and lose customers and lose employees, and I -- I'm just questioning whether or not we really know, here in the legislature, enough about the cost of generating power to set up these precise limits that you have contained in the bill.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Watson.

SENATOR WATSON:

Senator, are you familiar with what is called interruptable rate?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Living in the Illinois Power service area, I'm very familiar with it.

SENATOR WATSON:

Very good. Then how does this impact that?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

That is made under contract. This bill would not affect that.

PRESIDENT ROCK:

Is that it? Senator Watson.

SENATOR WATSON:

Well then -- well I'd -- I'd like verification of that remark

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from our staff if possible, because that is a critical item in my district and not only in my district, but for this State, because many State facilities are on the interruptable rate program, which is an incredible savings to the taxpayer, and if we're going to -- to impact that then -- then this is certainly a bad idea. And Carlisle Syntec which is in my district is on the interruptable rate and they -- they save thousands of dollars because of that contract they have with Illinois Power and that -- they create about two hundred and fifty jobs for people in my area, so if this has no impact, Senator then fine, but if it does I'd -- I'd like to know more about it.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Severns may close.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I would like to take just a moment to respond briefly to a comment that Senator Maitland made, and then subsequently a concern by Senator Watson, and by Senator Schuneman. This language is, in fact, the language that Barb Lillyman, the lobbyist for Illinois Power, brought to me following the hearing in the Senate Energy and Environment Committee. They opposed the bill in committee. I said to them point blank "bring me some language, I'm willing to work with you". Barb Lillyman brought this language and said, and I quote "this is a result of language that Illinois Power and Commonwealth Edison have worked out, they will withdraw their opposition as a result." I accepted their language in good faith. It goes well beyond what I wanted it to go. It says simply that, "Consumers, nor residential, nor commercial or industrial shall accept an unfair burden." To Senator Watson's concern, Illinois Power wouldn't have provided the language, they wouldn't have signed off on the language, if it did what you suggest that it does. It does

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not do that. The fact of the matter is, to Senator Schuneman and all Illinois Power Customers, for the last ten years customers have had rate increases doubling that of our industrial base. This bill guarantees that no class will receive an unfair burden. It's a reasonable bill. It's a result of compromise language offered by the utility companies. I've assured Illinois Bell, again this morning, that I intend to work with them. They've taken that agreement. I would urge a favorable vote. Thank you.

PRESIDENT ROCK:

Question is, shall Senate Bill 1200 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting in 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? All voted who wish? Take the record. On that question, there are 27 Ayes, 21 Nays, 7 voting Present. Senate Bill 1200, having failed to receive the required constitutional majority, is declared lost. 1201. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1201.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is in response to a recent Illinois Appellate court ruling that said that the current support statutes - that is dealing with child support - do not allow support orders to use a percentage of the obligor's income. People under -- courts were under the impression that this was allowable. The bill simply says that it's per order, can be stated in terms of percentage of the

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obligor's income and the courts should also specify a method for determining if -- if the dollar amount - whether it should be the dollar amount or a percentage. This does not affect the employers who are obligated to deduct money for support orders. That would still as stated in terms of a specific dollar amount, so it shouldn't effect any employers. Only is those situations where an obligor is paying himself or herself and there might be a -- say a cost of living increase built into their wage, rather than having to come back to court to keep on increasing the obligation, the court could order a certain percentage of the -- of the salary. So I'd be happy to answer any questions and appreciate a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President and Members of the Assembly. I happen to have served on the Child Support Commission and I know one of the biggest problems that we've got is the gentleman who does not have a weekly wage that's the same and consequently when they come into court quite often the amounts of money that they say that they have earned, is well below what we would expect a gentleman of that caliber to be earning. For instance, we have had doctors, and we have had lawyers, and we have had accountants who work for themselves, that have come in and said well, you know, last year I really didn't earn anything, in fact I lost money and therefore you can't hit me very hard for my child support. I think a bill like this might correct some of that. It's not fair for the children of those men to be suffering because of the fact that we played -- they played some games with their income. I think this is a good bill. I think it should be supported and I think this is a good step in remedying the problem that has been existing for a long time, as far as child support is

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concerned, and I -- I would suggest that we all vote a yes.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President. A question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Cullerton, I -- I supported the bill in committee and probably will here again, but I'm not sure I understood what I took to be your statement regarding it's lack of impact on employers obligated to withhold wages and salaries. Why does or doesn't it have an impact on them?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

You may remember there was some testimony in the committee by an employer group, as I recall, that said what happens in our case where we are -- an employer, we have a court order to give X number of dollars per month and now if the court order has changed to a certain percentage of income, we have to sit around and figure out what the new amount is every time that there is an increase in the -- in the pay. And the witness said that -- the proponent of the bill said that that was not an intent to the Act, that the Section of the bill that was amended, did not amend that Section that dealt with employer's obligations to withhold salary and that therefore would not adversely affect business at all. In -- in a situation like that a percentage, whether it was a withholding - an automatic withholding, the percentages would not be used. There would have to be a specific dollar amount that would be specified. It's only in situations where the obligor is paying himself or herself, where this percentage would be

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applicable.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I believe you also said something that I didn't really gather from -- from looking at the language of the bill that the -- that the obligation of the ex-spouse paying -- paying support or maintenance would -- would either be stated in dollar terms or as a percentage of income, but not necessarily both. I may be misquoting you, whereas the language of the bill says, "provided that the order may also state the support level in terms of a percentage." So couldn't -- couldn't the court place in the order both an -- both an obligation to pay in dollars terms and also a percentage and couldn't the court also say, you know, a dollar amount or a percentage amount, whichever is greater?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes. I believe you're correct and that is possible that the court could do that. They could say -- it could be a specific amount, as well as a percentage. In no -- in neither case will it -- will it be -- whichever one is greater -- and I think that would -- that would be what is contemplated by the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

The other -- the other thought that I had - and maybe these are questions that should have been raised in -- in committee and something that you might want to think about as the bill makes its way through the process, are those situations, I think particularly of professionals, but maybe not limited to professionals who make substantial amounts of income that aren't

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part -- part of their regular periodic pay, but maybe they get paid in the form of a bonus, at the end of the year, which, you know, in the case of some investment bankers it might be eighty percent of what they make on an annual basis, is in the form of a bonus. So maybe this should say somewhere, "The percentage of the obligors annual income," so that that -- so that that amount somehow gets included in the basis upon which ones obligation is calculated.

PRESIDENT ROCK:

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

SENATOR CULLERTON:

I ask for a favorable vote.

PRESIDENT ROCK:

I'm sorry -- I'm sorry wait a minute. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The last line of questioning suggests two other thoughts to me. What happens on the down side if income is declining or there is a layoff? Does that change the way we do things now in any way?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Well the language of the bill just says that the court may specify a method for determining which amount shall apply. So I assume what the court would do is say you owe a dollar amount, and you also -- can be a percentage -- but if -- but if the percentage should ever be less than the dollar amount, you still owe the dollar amount. That's what I would anticipate a court doing.

PRESIDENT ROCK:

Senator Hawkinson.

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SENATOR HAWKINSON:

Secondly, how would this apply to deferred compensation, 401K plans and the like where the payer can actually reduce income on tax purposes by -- by deferring income, is that potential escape valve taken into account here, in your definition?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Well, you know I -- I don't believe it -- it effects -- whatever the current law is - and I'm not familiar with what it is, but whatever it is this bill is not going to affect that, because all we're saying here is that it's a response to an appellate court case where they said, you know, the literal reading of the Statutes says it has to be in a dollar amount. Judges had been saying, percentages, and so we want to allow for the court to have the leeway to say you -- you can put it in terms of a percentage. So with regard to your question, I don't know what the law is with regard to the current deferred payment situations.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

But percentage, in the mathematical equation, means percentage of something and I guess I'm asking, what is that something defined as, is it gross income? Is it adjusted gross or does it just say income?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

It just says income and I think that that's something that the court would delve into when they issue the order.

PRESIDENT ROCK:

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

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SENATOR CULLERTON:

Ask for a favorable vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1201 pass. Those in favor, vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 48 Ayes, 8 Nays, 1 voting Present. Senate Bill 1201, having received the required constitutional majority, is declared passed. Top of Page 22. On the Order of Senate Bills 3rd Reading is Senate Bill 1202. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1202.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Mr. President, Ladies and Gentlemen of the Senate, this is an Audit Commission bill. What they've found out that even though it says that in 1988, every county or municipality should have some disaster plan, and yet there are many who do not have that. So to draw the attention to some, this bill was -- was introduced. And that's the purpose of it. So I know that if you read that it says that it prohibits providing state and federal relief money to a county to cope with a particular disaster. So -- but I know you want to ask some questions, so I'll just stop at that.

PRESIDENT ROCK:

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like a question of the sponsor, please.

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PRESIDENT ROCK:

Sponsor indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

Senator Hall, is your intent of this to encourage or give an incentive or a reason for the counties to develop a plan. Is that the whole purpose of it?

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

That's the purpose of it. Members of the Audit Commission sitting here and we've been trying to encourage these people and that's the real reason, because disaster, and you know what's going on this day, that seems the atmosphere's changing. You have a number of tornados or earthquakes or whatever happened. There's an amendment that's here that's going to be put on over in the House and the idea is that it looks like that you just can't encourage these counties to come along with some form of disaster plan and that's -- to answer your question, that's exactly what this bill is intended to do.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Donahue.

SENATOR DONAHUE:

Well, I think I agree with your reason for this and the intent. The bill just doesn't do that. And actually what happens is that right now if a county that didn't have a plan in, they would be -- and -- and if this bill were law, the county would be prohibited from receiving any money. You couldn't get money into the county for the county purposes nor for individuals or businesses that were harmed, whether there's federal money or State money. And I -- I don't think we really want to do that. And I -- I also would like to say that it's my understanding that the amendment that you're going to put on in the House was filed

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in the Senate and you withdrew the bill. Can you give me a reason why you withdrew the amendment that you have that's going to go on in the House?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

You're exactly right. The purpose and the person who drew this amendment was not a member of the Audit Commission, and this -- this bill was introduced by the Audit Commission and people who are not legislators come along and want to amend the bill -- and until the other members of the Audit Commission get an opportunity to look at this amendment. And they say they will deal with it when it gets over in the House. We have a lot of people around here that, in different agencies, they have interpretation after the legislature introduces some law and what we have said, and they do that in many agencies, say, "Well if this needs to be done, get a hold of your legislature and have the bill drafted." We have this amendment and this amendment is suppose to take care of the matter that -- what you have. So that's why it was withdrawn yesterday.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Donahue.

SENATOR DONAHUE:

I'm -- I understand where you're coming from as far as the Audit Commission, but you know, if you had the bill and you had the right amendment it's nice to be able to vote on that and to see what it is, because this could get over to the House and maybe it won't be amended. I would just -- I -- I totally agree with your intent, but I would just encourage a Present vote on this side of the aisle, because the way the law -- the way this bill reads right now -- our counties if they didn't put a plan in would not be able to see one dime of federal or State money.

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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea.

SENATOR REA:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR REA:

Senator Hall, I -- I represent several counties in my district and some of the counties may not have their plans submitted yet or they may have their plans submitted and it -- it may have been filed, but has not been approved. Now, if there should be a disaster and that means that they would not be able to collect at the present time, but would the -- as the bill reads -- but would the amendment that you are proposing to put on in the House, will that take care of this type of situation?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

My understanding is that, I think -- and the reason why that it was withdrawn yesterday, like I told the Senator there, is that I'm not sure that this amendment absolutely takes care of everything. So the Audit Commission people, in saying that if the bill comes over and this is the amendment that does that, then they will add this amendment on. The purpose is, as I've stated, that here we have so many communities who refuse -- with this Act -- after all this time and that was the reason why this bill -- it's just to get people to do this. This bill, it says if you are going to get their attention and you get their attention. Hopefully that this amendment may do that, but after all, I'm only one member of the commission and the other audit members say that they -- the Audit Commission said they want to take a look at this and they'll do that when it's over the House.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you. I -- I think the concept is good and by working on an amendment that should help take care of and alleviate the other problem, I certainly would support this legislation and hopefully then the amendment will cover the areas, at least we'll have a chance then to act on it again as it comes back for the concurrence. So I -- I certainly will support it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank -- thank you, Madam President. I serve on the Legislative Audit Commission with Senator Hall. And I know what he's trying to accomplish here. I think, Senator, you agree with some of the critics of the bill that the bill is not in final form. I wonder if -- if we might be able to move the process along in one of two ways. Either, first of all, if you would agree that the bill will be amended when it gets to the House, to make it prospective - that is that it will not become effective for two years or three years or something like that to give counties time to comply with the law. I think that's one solution. The other solution would be to take the bill out of the record and amend it here in the Senate with that kind of an amendment. But apparently a lot of Members are concerned about passing the bill out of here in its present form. So I would suggest to you that if we have time and I think we have and can get leave to take the bill out of the record, amend it, so that it has a future effective date to give counties time to comply, I think that the objections to the bill would disappear.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

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SENATOR HALL

Well the chairman -- we have one on this -- in the Senate and we have one over in the House. And both of them say that they certainly -- that if this doesn't happen we assure you that it is not our intention or anybody's intention to shut somebody off if a disaster occurs. We've just been trying to get their attention. Sherman King was over here and he assured me and he says that if it doesn't do what it think it does, then the bill will not move.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR SCHAFFER:

If a major tornado were to sweep through St. Clair County, killing several hundred people and injuring thousands, and prior to that event through some disagreement -- political disagreement between the county board and the sheriff or whoever, the county had been unable to come up with a plan or submit a plan, and by the way, a lot of these delays have to do with ego fights. Do you think it would be fair for us to leave those children and people without housing without any aid? My objection to your bill, Senator, is that you -- you've come up with an incredible stick. You ought to punish the people who are negligent, not the innocent. If the county governments have failed to comply with the law we ought to find an appropriate manner to get their attention, not to attack the -- the people who are injured and mamed in disasters. The whole direction of the bill, in my opinion, is wrong. You can delay it for ten years or twenty years, but if you still punish the innocent as your final solution, why I think I am against this. I would hope you would

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not only give the counties a reasonable time to comply, although frankly they have had more than enough time, but to find a mechanism to get their attention that doesn't involve leaving little children without care on the streets after a major disaster. I don't think that is consistent with what we in the Senate want to do.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hall.

SENATOR HALL:

We got the time. I can put the amendment on tomorrow and pass it out of here Friday or Thursday, as far as that's concerned. The only thing is that they haven't had a chance to look at it, but we can put the amendment on and then if they -- if that doesn't cure it, then we will take it off and see what they do in the House. So just take it out of the record for the time being. We will put the amendment on...

PRESIDING OFFICER: (SENATOR COLLINS)

Take the bill out of the record.

SENATOR HALL:

And we will see what happens. But I can't guarantee that that amendment -- this amendment does everything you think it should have.

PRESIDING OFFICER: (SENATOR COLLINS)

Senate Bill 1208. Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1208.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

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Madam President, and Members of the Senate. This bill came from the Landowners/Sportsmen Relations Committee, in relation to try and address a problem on trespass. We amended this bill the other day to answer questions that was asked in the Ag Committee concerning about -- if someone was out hunting on your land or fishing or just out hiking, that they would have to have a copy of written permission. The amendment that we adopted last Friday - I believe it was - takes care of that and that the conservation officer would only -- only address that person who is out there on a request from the landowner or the tenant. And we -- from what all the lawyers of the Department of Ag and Department of Conservation and the people who've worked on this amendment, this would take care of the problem which was asked in the committee. This addresses a problem which happens under the present situation - trespass comes under the Criminal Code and not under the Conservation Code. It's been very difficult to get people -- a law enforcement officer who is not a conservation officer to respond to someone who is trespassing under the items that I just mentioned. This came out of the committee -- this was one of the concerns brought by all those on the committee and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Jerome Joyce.

SENATOR J.J. JOYCE:

Yes. Thank you, Madam President. I -- I appreciate your -- your concern here Doc. And I -- the thing that worries me and I'd like to ask one of the lawyers in our group about this, is if I'm the farmer and you're the hunter and I let -- give you -- I write out on a piece of paper that you can go hunting on my property and you're tracking a rabbit and he's in this snow encrusted field and you go over a tile that is broken and it's washed out and it doesn't have -- you know -- and you fall through the snow and

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break your neck, and I have written out a sheet of paper saying that I give you permission to hunt there. Are you going to be able to sue me and do a better job of it, because you have this piece of paper that says I gave you permission to be there?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

Senator Joyce, we addressed that problem two years ago. Out of this same committee we passed a bill where you're not liable unless it would be a willing and wrongful act. And what you just described is not a willing and wrongful act by either the landowner, and/or the tenant and that bill passed in '89. We did put an amendment on it and -- I forgot the words that satisfied the Illinois Trial Lawyers at that time. That bill is now law and if someone's out on your property, even with your permission they cannot sue you for liability for any normal accidents. If it was an willing and wrongful act, then I understand from the lawyers they could. But we -- we addressed that problem in '89.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Madam President. I -- I -- I know we did and I -- I know the trial lawyers agreed to it, but that doesn't give me a very good feeling either, that they trial lawyers agreed to it and said that, you know, "We're not -- gee, we won't sue you." I -- yeah trust me, Howie says, -- I'd just be very reluctant to put my name on a piece of paper and give it to someone who is going out on my property to hunt. That's the thing that bothers me. I -- I think I might tell you, "Yeah, go ahead," and then if you broke your neck, I might not even recognize you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea.

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SENATOR REA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR REA:

Senator, if -- if I'm out and I have written permission from a property owner to hunt on his property and I get lost and happen to get on someone else's property - even though they may not care - and I do not have a written statement with me, and a Conservation police officer comes along and -- is it likely, first of all, that that Conservation police officer will write me a ticket? And -- which then means, if he does, then is it my responsibility that I would have to chase down the person that -- that -- whose property I was lost on - even - and it might be an absentee landlord, or out-of-state, -- and would have to maybe then take the day off from work or whatever to appear in court in defense of it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

Well, what you described, no the Conservation officer would not, because I know what the amendment was we had drafted last week to address questions which were asked in committee, is the Conservation officer can only -- only act on a violation if there's been a request from the landowner or the tenant, and what you just described there'd be no request from the landowner or the tenant in asking that Conservation police officer to address you or give you a ticket. It has to be on a complaint by the owner or the tenant.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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Thank you, Madam President. Just in clarification as I understand from looking at the language of the bill, as amended, to address concerns of Senator Joyce, there is no writing -- initial writing required from the owner, is that correct, Senator?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

That is correct.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. -- Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point, please.

SENATOR WATSON:

Thank you. I'd like to take this opportunity to introduce a school group from my district from the Trinity Lutheran School in Centralia. They are located in the back on the Republican side of the aisle and I'd like to welcome them here to Springfield.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise and be welcomed by the Senate. Welcome. Further discussion? If not, Senator Davidson may close.

SENATOR DAVIDSON:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1208 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 49 Ayes, no Nays, 1 voting Present. Having received the constitutional majority, Senate Bill 1208, is declared passed. Senate Bill 1209. Senator Barkhausen.

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Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1209.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President and Members, Senate Bill 1209 would add, as an aggravating factor to the Illinois death penalty Statute, situations where a defendant might be incarcerated in a Department of Corrections facility, at the time of the murder and while committing an offense, punishable as a felony, or while engaged in a conspiracy or solicitation to commit such an offense, intentionally killed an individual or counsel commanded, induced, procured or caused the intentional killing of the murdered individual. This is meant to address what might be a very few situations where gang-related activity in our prisons results in a murder and it is my feeling that individuals involved in this kind of activity that result in the death, particularly of an employee of a DOC facility, or even of an inmate, under the circumstances that I described ought to be eligible for the death penalty. It wouldn't -- it would not involve or potentially be used in all that many situations, but I do think in those situations where it might be used, in my opinion, more than justify the imposition of the death penalty. I'd be happy to answer your questions and otherwise would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall Senate Bill 1209 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that

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question, there are 48 Ayes, 4 Nays, 1 voting Present. Having received the constitutional majority, Senate Bill 1209 is declared passed. Senate Bill 1218. Senator Carroll. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1218.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. The bill does exactly what the Calendar says. It creates the Revenue Anticipation Note Act of 1991 and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1218 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1218, is declared passed. Senate Bill 1219. Senator Mahar. Read the bill, Mr. Secretary. Out of the record, please. Senate Bill 1224. Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1224.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

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Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1224 prohibits the Department on Aging from eliminating services to elderly who currently receive services in the Community Care Program. Aging is trying to eliminate services to approximately about eighteen hundred elderly.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President and Ladies and Gentlemen of the Senate, you know, I do appreciate the intent of this bill and -- and I know that all of us are trying very hard to hold the various services together that we can for the State of Illinois. However, with bills from last year that we have not been able to pay that are close to seven-hundred-million dollars - some days the Comptroller dutifully notes to us that, you know, we're down to twenty-five million and less to be able to pay bills we're pulling these things right and left. I think we should call to your attention that this bill has a fiscal impact of 2.9 million dollars. We don't have the money to pay for this at this time. And on that basis and that basis alone, I would request that maybe we hold this bill at this time, or certainly vote against it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith, to close. Senator Alexander.

SENATOR ALEXANDER:

Thank you, Madam President. I rise in support of this book -- bill. The analysis says that this Department has traditionally, over the past eight years, allowed to lapse - to be returned to the coffers to the State of Illinois some 52.9 million dollars. And for the amount of two point plus dollars <sic> to keep these seniors in this program who were grandfathered in, who are now on the borderline of being taken out, 2.9 million dollars versus the fifty-two million that they continuously -- traditionally had been

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lapsing back to the State, is no price for us to pay to keep these persons covered with this care. I rise in support of this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith, to close.

SENATOR SMITH:

Thank you, Madam President. I merely want to say that it is necessary to provide services to keep the elderly out of the nursing homes and I urge that you would support this bill by voting for it.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1224 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 28 Ayes, 28 Nays. The -- the sponsor is requesting postponed consideration. Senate Bill 1233. Senator Butler. Senate Bill 1234. Senator Berman. Senate Bill 1229. Senator Philip. Senate Bill 1243. Senator Weaver. Read the bill, Mr. Secretary.

END OF TAPE

TAPE 4

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1243.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Weaver.

SENATOR WEAVER:

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Thank you, Madam President. Senate Bill 1243 is a vehicle for possible use should United Airlines choose Chanute Air Force Base for their new activities on rehabilitation. I'd appreciate moving it on and keeping it alive.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1243 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 53 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 1243 is declared passed. Senate Bill 1253. Senator Philip. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1253.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1253 amends the Public Utility Act. It says when a municipal government puts on a franchise tax, it will have to collect that franchise within the corporate boundaries. Be happy to answer any questions. I'd ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1253 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 42 Ayes, 8 voting Nay, 2 voting Present. Having received the required constitutional majority, Senate Bill 1253 is declared passed. With leave, we'd like to go back to 1219. Senator Mahar, they've

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found your bill. Senate Bill 1219. Senator Mahar. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1219.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Yesterday this bill was on the Agreed Bill List. It is off today. It was sought to be knocked off by the Department of Mental Health, and that disappoints me from a couple of aspects. First of all, they didn't have the courtesy to come to me and tell me of their intentions. Secondly, let me share with you what I told them as late as last Wednesday. Senator Kelly and I had a number of bills last Session that dealt with revisions in the Mental Health Code, and they passed unanimously from both Bodies. A part of that bill dealt -- or those bills dealt with informed consent, or the right of patients in mental health facilities to be aware and understand the treatment they're getting. This spring, the Medical Society came to me and said that this bill is, the way they see it, is far more encompassing, and they asked to work with me and the Department to come up with suitable language so that, in private facilities, they could implement the intent of the bill. Now, for some reason, the Department has not come forward to be part of the solution. I would hope that we would send this bill out unanimously, and maybe they'll get the message and grace my doorstep with their presence. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

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Yes, a question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR KELLY:

Senator Mahar, you're right. You and I have worked on this issue very closely, and the Commission that revised the Mental Health Code made certain recommendations. Have you talked at all to those people to see if they have any burning opposition to this? I know the Department's opposed to it. But it seems like it's a good idea, but I'm just wondering if you've discussed this with Mark Heyrman, or anybody with the Commission.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

No, Senator, I have not, for the very simple reason that the intent of the Commission to apply these standards to public mental health facilities will continue. There was -- there's no intention on my part or the Medical Society to change that whatsoever. What we're looking to address is how we're going to implement informed consent in the private facilities. And I think that their concern is very reasonable and something that we can easily work out.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR LEVERENZ:

The first amendment - I think which is the only amendment on there - does it do the following: removes from private physicians and private facilities the statutory obligation to warn of the

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side effects of a particular medicine that they be may be treating a patient? In other words, they'll tell you what it will do good for you, but then this removes the mandate to tell a patient what the bad side may be. Is that the effect of Amendment No. 1?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Yes, Senator, that is the effect of Amendment No. 1, and we put that on strictly to move this bill through the process. There is no intention for that to be the final factor. But let me just advise you that the way the legislation is and the way the law is, as was passed and signed into law by the Governor, it far exceeds what the Mental Health Commission wanted. If you go into a hospital today and you maybe have your leg broken and you're seeking treatment, you're going to go through a very cumbersome process to get that medication, even if it's as simple as a valium. Valium very well may be considered a psychotropic medication under the legislation that was passed last year. Now, the Medical Society and the hospitals are not looking to evade this. They want to be able -- they feel informed consent is a very appropriate part of their process. But we're looking to make it suitable and easily implementable <sic> in private facilities.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

My further question would be -- it is that this would remove the statutory law that says the doctor has to tell you not only the good parts but the bad effects of a particular medicine. That's very similar to saying, this is a good bill, and for all of these reasons. And sometime someone might forget to explain the bad parts of a bill, but that's forgivable. You don't have to eat the bills we pass. But is the State Medical Society in favor of

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removing that which I think is good? Are they in favor of that?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

The State -- the Illinois State Medical Society is in favor of informed consent. They believe that their patients have the right to know the treatment that they are getting and the effects of that treatment. And no matter what happens, as we go through the legislative process, will the public facilities be affected by this. The public facilities - we have procedures, statutory procedures in place. They will remain in place. What we're going to focus in on, hopefully, is how we -- the mechanism for getting the patients -- informed consent for the patients and redefining psychotropic medication so that it applies to those clients or patients that are mentally ill and developmentally disabled.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

I then strongly urge every person in the Body to think twice about even allowing this to see the light of day, because I would liken it to the camel that gets its nose under the tent - you'll see then hump one and hump two. This only deals with one form of medication. Any time that we take away statutory language that makes an obligation for a doctor to inform you not only of the good things a medicine may provide, but the bad side effects that you may experience - that would be tragic. I would urge a red vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar, to close. I'm sorry. Senator, you have to turn your light on. Senator Marovitz.

SENATOR MAROVITZ:

Just -- I just was picking up the end of the debate, and I

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just want to clarify. Would this -- if we pass this legislation, would this mean that there would be two standards of treatment -- informed - maybe not treatment - but two standards of information given to patients at -- whether they were in a public hospital or a private hospital? The standards for informing a patient, giving patients information, would be different in public hospitals versus private hospitals?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

In the -- the goal of this legislation is to apply - and I think that's a very good point - is to apply a specific set of standards -- set of standards to those mental health patients, whether they be mentally ill or developmentally disabled or dually diagnosed, and in public mental health facilities - that is in place. What we want to do in private facilities is to do the -- virtually the exact same thing, but let the private facilities develop a mechanism for implementing that. What we do in the State versus what we do in the private sector - those are two different things, two entirely different things. And you're applying it to hospitals that may not even have mental health patients in them.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Are the -- the law today - without your bill - does that mandate in the private hospitals that patients be informed similarly as they are in private -- in public hospitals?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Exactly.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

So, my last comment. This would then change the obligation on the private hospitals.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Yes, it would.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Mahar, to close, for a second time.

SENATOR MAHAR:

Well, thank you. Thank you, Mr. President and Members. Let me just reiterate very briefly for the last time that what we did last year, which is -- came from the Commission to revise the Mental Health Statutes that was commissioned by the former Governor, our previous Governor in the State of Illinois -- the intentions of that Commission to apply standards through many different areas in mental -- public mental health hospitals in the State of Illinois, went into effect, is law, and there is absolutely no attempt to change that. What we're trying to do is assist in the implementation of informed consent in the private -- private sector hospitals. I think the Medical Society and the Hospital Association are making a very reasonable attempt to work with us and the Department of Mental Health to accomplish this goal. I think it's easily attainable, and I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1219 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 42 Ayes, 8 Nays, 1 voting

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Present. Having received the constitutional majority, Senate Bill 1219 is declared passed. Senate Bill 1267. Senator Hudson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1267.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson.

SENATOR HUDSON:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1267 is a Bureau of the Budget proposal to improve the General Revenue Funds in light of the State's present economical -- economic crisis, pardon me. It amends the Build Illinois Act by stipulating that payments, from the large business loans, be deposited into the General Revenue Fund. In addition, 1267 permits the Governor to direct the Comptroller and the Treasurer to transfer money from the Large Business Attraction Fund to the General Revenue Fund. Now that's fairly straight forward. If there are some questions, I would be happy to attempt to answer them. I think it's a good bill. It came out of the -- out of committee on attendance roll call. I know of no real opposition to the bill, and would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Madam President, Ladies and Gentlemen of the Senate. I'd like to pursue Senator Hudson with this -- with this question. This would require deposits from the Large Business Funds to be deposited into the General Revenue Fund, rather than into the Large Business Attraction Fund. I assume that that's because the Large Business Attraction Fund is -- is now defunct or

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there are no -- no obligations. But I would like to ask you, the receipts that -- that get into the -- to the Large Business Attraction Fund - does it not come from the Purposes Fund out of the Build Illinois Program?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson. Senator Hudson.

SENATOR HUDSON:

Senator, we're having a little discussion here. I'm stalling for time is what I'm doing.

PRESIDING OFFICER: (SENATOR COLLINS)

Do you want to take it out of the record? We don't have time.

SENATOR HUDSON:

Not particularly.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

Let me rise in opposition to it then. Yesterday, we sent out of this Body, 59 to nothing, a bill that would utilize the Surplus Use Tax money, that was flowing into the Purposes Fund, to put together a water and -- clean water program and school district construction bond fund program with those proceeds. What you are doing now is that this bill, by virtue of taking this money out of the Purpose Fund, and I assume that that's where it comes from, is now going into the General Revenue Fund. I don't think that's what we want to do. I think that we, as fifty-nine Members of the Senate yesterday, spoke very loudly and clearly that we did not want this to happen - that those monies should repose and -- and stay into that Purposes Fund and ought not to be transferred into General Revenue. And I suggest to you that this is -- Senator Woodyard, if you're -- if you're listening to my voice, and apparently, you're not, I don't think this is what we want to do, Senator. And I would ask that perhaps you take this bill out of

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the record so that we could pursue this.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson.

SENATOR HUDSON:

Senator, my understanding is that by transferring this money, we are saving the State ten million dollars. Now it seems to me that what we're doing here is moving in the direction of fiscal responsibility in light of the straights that we find ourselves.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

That's my point. How are we going to save the State of Illinois ten million dollars. I mean -- that's a good one. The fact of the matter is, is that this money is the money that's going to be utilized to fund the -- the -- the clean water projects that we passed yesterday. And you are taking that money now out of the Purposes Fund and, in effect, transferring it to the General Revenue Fund. So, we're trying to do the opposite. I don't think you want to do this. I assume that the administration has -- has built this ten million dollars into its budget somewhere. I -- I assume that's what you're talking about. And I don't think this is a very good idea. And I don't think that if -- by voting for this means that we're taking away all -- and stripping out all of the revenue that we were counting on yesterday to fund those bond projects. I don't think we want to do this.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson. Senator Hudson, to close.

SENATOR HUDSON:

Well, Senator, what I get from my handlers over here seems to indicate that these are repayments.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Hudson is closing -- to close.

SENATOR HUDSON:

Okay.

PRESIDING OFFICER: (SENATOR COLLINS)

The -- are you taking it out...

SENATOR HUDSON:

We will -- Madam President, we will proceed with the bill up or down.

PRESIDING OFFICER: (SENATOR COLLINS)

Then the question -- then...

SENATOR HUDSON:

And I simply would close, Madam President, with an urge for an Aye vote on this measure.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1267 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 29 Ayes, 28 Nays, none voting Present. Having failed to receive a constitutional majority, Senate Bill 1267 is declared lost. Senate Bill 1270. Senator Barkhausen. Senate Bill 1272. Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1272.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam Secretary and Members, Senate Bill 1272 comes to us from the Secretary of State's Office. It amends the Vehicle Code to make the penalties for repeat offenders for those guilty of

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driving while having illegal drugs in their system, the same as the penalty we now have for repeat offenders for driving under the influence of alcohol. It was an agreed bill in committee. I know of no opposition, and I ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1272 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Having received a constitutional majority, Senate Bill 1272 is declared passed. Senator Welch.

SENATOR WELCH:

Madam President, when we voted on Senate Bill 1253, I was off the Floor. Had I been on the Floor, I would have voted Aye. I'd like the record to so reflect that.

PRESIDING OFFICER: (SENATOR COLLINS)

The record will so show. Senate Bill 1283. Senator Hudson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1283.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson.

SENATOR HUDSON:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is a bill that, as far as I know, pertains to a certain portion of DuPage County principally. It's an initiative of the DuPage Forest Preserve. The Forest Preserve there has two golf courses, Oak Meadows and Brookwood, side-by-side. And what the bill says is the district may, in the future, wish to combine the courses and sell the extra clubhouse with adjoining property.

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This bill would permit the Forest -- would permit that to be done. The bill applies in DuPage County only, and does what I said it would do. And I would urge your support of the measure.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Daley.

SENATOR DALEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DALEY:

Senator, in committee, you indicated that on these adjacent acres, that there -- they definitely would not be for -- used for land -- landfills. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson.

SENATOR HUDSON:

I have been reassured, Senator, that that is correct. I have checked a couple of times on that point, because I have a vital interest in that, too.

PRESIDING OFFICER: (SENATOR COLLINS)

If not -- would you like to close? Senator Hudson, to close.
SENATOR HUDSON:

Only -- only to ask for your favorable vote on this measure.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 1283 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, none voting Present. Having received the constitutional majority, Senate Bill 1283 is declared passed. At the top of Page 23. Senate Bill 1291. Senator Hawkinson. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 1291.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This is a bill - Senate Bill 1291 - that's designed to get at the difficulties with executing arrest and search warrants for four to five drug houses - houses where there may be a gang member hired to be a look-out or there may be, fortified in the way of armored doors or the like or presence - known presence of firearms. This simply says that if the police officer, in obtaining the warrant, goes before a neutral magistrate, a judge, and offers proof that these circumstances exist, that the judge may authorize the execution of the warrant, by the officer, without first announcing the officer's presence and office. We amended it to make sure that we didn't interfere with the currently-existing exigent circumstances, which now allow that kind of an entry if the officer has reason to suspect that there's a fire or gunshots or the like going on in the residence. I would urge its passage, and would be happy to try and answer questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1291 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Having received a constitutional majority, Senate Bill 1291 is declared passed. Senate Bill 1295. Senator Philip. Senate Bill -- Senator Joyce, for what purpose do you arise?

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SENATOR J.E. JOYCE:

Thank you, Mr. President, Members of the Senate. I would like to rise on a point of personal privilege and welcome to the Illinois Senate a resident of my community and, more importantly, a commissioner from the Water Reclamation District, Kathleen Meany who is here with us today.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guest please rise and be welcomed by the Senate. Welcome. Senator Philip on 1295. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1295.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1295, as amended, amends the Solid Waste Act, a planning and recycling act, requires all municipal governments to adopt a separation recycling program by January 1, 1992. There were two Floor amendments that Senator Welch put on. The first one included a source separation to include plastics. The second one included counties. I have no objection to those two amendments, and I would answer any questions and hope that I would have some favorable consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall Senate Bill 1295 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, 1 voting Present. Having received a constitutional majority, Senate Bill 1295 is declared passed. Senate Bill 1296.

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Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1296.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Madam President. This bill was on the Agreed Bill List. It is an administration bill. And what it does is to -- it amends the Local Solid Waste Disposal Act to rewrite the requirements for plans adopted for different plastics. The current definitions of solid wastes terms contradict each other, one from another. And this has led to a great deal of confusion for the regulated community of local government, State agencies and the general public. Plastic coating proposal would make enforcement much clearer, limiting the requirement to single-use containers only. I don't believe it was the Legislature's intent that multi-plastic containers, such as Tupperware, should be coded as resin content for recycling purposes. So I ask for your Aye vote on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall Senate Bill 1296 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, 1 Nay, 1 voting Present. Having received the required constitutional majority, Senate Bill 1296 is declared passed. Senator Cullerton.

SENATOR CULLERTON:

Yes, Madam, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR COLLINS)

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State your point, please.

SENATOR CULLERTON:

I would like to welcome Andy Tinich, with the Abraham Lincoln School. They're in the gallery school over here. We have sixty-two eighth graders from the Lincoln School from my district. I'd like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests please rise and be welcomed by the Senate. Senate Bill 1297. Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1297.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President and Ladies and Gentlemen of the Senate, this was an administration bill - or is an administration bill. It was on the Agreed Bill List. And what it does is it amends the Illinois Parentage Act to allow the court to order DNA testing in order to determine parentage. So, right now, the court determines the type of testing. What this allows is the court would now see that right, if it so chooses, to experts to determine the tests, what kinds of tests, and the extent of those tests. So we would not put that burden on the court, but we do not preclude it. We also ask that reports of -- of these experts are to contain the combined paternity index relating to the probability of parentage. Apparently, you know, that is now being done, but it is not hard and fast. We do want it to appear in the report that comes out of this. And that's all the bill does.

PRESIDENT ROCK:

Discussion? Senator Berman.

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SENATOR BERMAN:

Will the sponsor yield?

PRESIDENT ROCK:

Sponsor indicates she will yield. Senator Berman.

SENATOR BERMAN:

You made my day. The question that I have and according to our analysis, is that the choice -- the choice of the expert is removed from the court and provided to the requesting party. Is that what the bill does?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

No. It's not in my -- my understanding that it does not do that.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

The decision -- then what does this bill do regarding the expert?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

It is my understanding the court picks the expert. The expert then determines the tests, the types of tests, and the extent of tests.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Just for the record, you're stating that, unequivocally, the court still retains the power of setting -- of -- of naming the expert. And that's not delegated to the requesting party?

PRESIDENT ROCK:

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Senator Topinka.

SENATOR TOPINKA:

Yes. The court delegates the expert. But we do not preclude the court from maintaining this power and doing it on its own, should it wish to do so.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

It -- it's your last part that confuses me. But before this bill, it's my understanding, that the court stated or designated the expert. My analysis indicates that that is taken away from the court and given to the party. Is that not true?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

The court, under this bill, would determine the expert. It retains that power to determine the expert. The expert determines the type of tests and the extent of that test. The court also can continue to do what it is doing now in terms of the tests.

PRESIDENT ROCK:

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

SENATOR TOPINKA:

I -- I realize this is somewhat complicated, but I think we are on target now. If Senator Berman nods his head, I would feel more comfortable. It's my understanding no one's in opposition, and it is clean.

PRESIDENT ROCK:

All right. Senator Berman, for the second time.

SENATOR BERMAN:

I apologize. But let me just refer the sponsor to line 23. And it says as follows: "The test shall be conducted by an expert

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or experts, qualified as an examiner of blood or tissue types, chosen by the requesting party." And what is stricken is the words "appointed by the court". Now, that's contrary to what your answer was.

PRESIDENT ROCK:

All right. All right. The Lady has requested it be taken out of the record. 1302. Senator Barkhausen. Read the bill, Madam Secretary, please. On the Order of Senate Bills 3rd Reading is Senate Bill 1302. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1302.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a administration proposal from the Illinois Criminal Justice Information Authority. And is also, I should say, supported by the Attorney General's Office. It really is in the nature of several procedural and technical clean-up items to the Drug Asset Forfeiture legislation that we dealt with last year and in prior years. It clarifies legislative intent by specifically incorporating a federal law. Currently, Illinois courts give persuasive authority to federal law interpretations. But this specifically incorporates the federal law into our Statute. It strengthens due process by requiring three publications of notice of pending forfeitures, rather than just one, and follows the Code of Civil Procedure in that respect. It further creates a mechanism for the review or appeal of a non-judicial declaration of forfeiture by the State's Attorney. It is, as I say, supported by the Attorney General's Office as well as by the administration. I would be glad to answer any of

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your questions, and otherwise urge a favorable roll call.

PRESIDENT ROCK:

Discussion on 1302? Any discussion? If not, the question is, shall Senate Bill 1302 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1302, having received the required constitutional majority, is declared passed. If I can have your attention, Ladies and Gentlemen. It is, as I indicated earlier, the intent of the Chair to work until approximately six o'clock. So we will continue on 3rd Reading right through until six o'clock. There are a couple of other matters, also. Additionally, the gentleman from the Retirement System will be with us for at least another hour or an hour and a half. So those of you who have not yet visited, if you wish to, please avail yourself of that opportunity. Senator Vadalabene, for what purpose do you arise, sir?

SENATOR VADALABENE:

Yes, thank you, Mr. President. While there's a pause in the action, I would like to announce tomorrow at twelve noon is the Memorial Day services. And let's show our guests a lot of respect and be on our seats.

PRESIDENT ROCK:

All right. The Memorial Day service, yes, will be at noon tomorrow. We will start the Session tomorrow at nine and continue right on through. 1303. Senator Ralph Dunn. Read the bill, Madam Secretary, please. On the Order of Senate Bills 3rd Reading is Senate Bill 1303. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1303.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This bill was brought to me by the Department of Mines and Minerals. They've been working with the Olin Corporation to try to get an agreement to put in the bill. Not being able to do it yet, they'd like to pass a bill over to the House and to further amend it there. So I'd appreciate a Do Pass for it.

PRESIDENT ROCK:

Discussion on 1303? If not, the question is, shall Senate Bill 1303 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1303, having received the required constitutional majority, is declared passed. 1311. Senator Philip. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1311.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1311, as amended, would require wholesalers and retailers to accept used tires. It also would require them to post a sign in their respective place of business. The number -- Amendment No. 1 in committee, took out mail orders at the request of the Illinois Retail Merchants. Senator Joyce put an amendment

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on the Floor to put a two-dollar fee on. And, quite frankly, I've no objection to that. The Illinois Retail Merchants want to take some of that two-dollar fee and pay for the administrative cost. I said, "if you want to do that, do it in the House. I have no objection." So I'll be happy to answer any questions. If not, I'd ask for favorable consideration.

PRESIDENT ROCK:

The Gentleman has moved passage of Senate Bill 1311. Discussion? If not, the question is, shall Senate Bill 1311 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 1311, having received the required constitutional majority, is declared passed. 1314. Senator DeAngelis. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1314.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator DeAngelis

SENATOR DeANGELIS:

Thank you -- thank you, Mr. President. Senate Bill 1314 is part of the streamlining process of the new administration. It abolishes two agencies that currently reside in the Lieutenant Governor's Office - the Illinois Export Council and the Illinois Export Development Authority. All proceeds from those agencies will be redeposited in the General Revenue Fund. And all outstanding obligations will be paid out of those proceeds. This is an administration bill. The functions that are currently performed by these two agencies will be done by DCCA and the not-for-profit World Trade Center. I urge the passage of Senate

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Bill 1314.

PRESIDENT ROCK:

Gentleman has moved passage of Senate Bill 1314. Discussion?
Senator Demuzio.

SENATOR DEMUZIO:

Senator, could you indicate to me -- this -- in repealing the Illinois Export Council Act and the Export Development Act and transferring all of the remaining funds into the General Revenue Fund. Can you tell me from what source the Export -- Export Council and the Export Development Act got their money originally, and how much are we talking about?

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

I believe they issued bonds to the tune of about fifteen million dollars, and it'll be paid off by the paying off of those loans, which are short-term loans, and investment proceeds.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

What is the revenue stream to pay off the bonds?

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, one of the reasons that these agencies are being abolished, not a very large amount of those bond proceeds were used. So, therefore, they remain on deposit. Right now, I believe there's -- well, close to the fifteen million dollars.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

I guess that's my point. So, apparently, it is the decision

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of the administration to repeal the Export Council and the Export Development Act and to take the fifteen million dollars that remains and transfers in to the General Revenue Fund. That's precisely, just exactly, what you told me. I'd like for you to tell me what they're going to be using the fifteen million dollars for then in General Revenue.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'm sorry. You're right, Senator Demuzio. But I thought your question is expounding the obvious. First of all, you're going to pay off the bond holders. And any money left over from that, which there is money left over, will then go into the General Revenue Fund.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, the better answer is over here -- is that seventy thousand dollars, Senator DeAngelis, is what I'm -- what I'm being told. I'm just wondering why we're doing it and how much it amounts to. It appears that, you know, we're trying to pick up as much dollars as we possibly can to put into this budget to fund whatever initiatives, I guess, that we have yet to see. Thank you.

PRESIDENT ROCK:

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

SENATOR DEANGELIS:

Just ask for a positive roll call.

PRESIDENT ROCK:

Question is, shall Senate Bill 1314 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted

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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 46 Ayes, 8 Nays, 1 voting Present. Senate Bill 1314,
having received the required constitutional majority, is declared
passed. Senator Jones, for what purpose do you seek recognition?

SENATOR JONES:

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

PRESIDENT ROCK:

State your point, please.

SENATOR JONES:

I'd like to welcome the students from Marcus Garvey Elementary
School, their teacher, Ms. Barsh, assistant principal, Joe Haley.
Give them a warm welcome to the Illinois Senate.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to
Springfield. 1316. Senator Woodyard. Read the bill, Madam
Secretary, please.

SECRETARY HAWKER:

Senate Bill 1316.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senate Bill
1316 is an administration bill with -- for Department of
Conservation. And it simply makes a lot of -- of technical
changes to the Wildlife Code in dealing with the furbearer and
pheasant stamp committees and those stamps. And that's really all
it does, but I'll be glad to answer any questions.

PRESIDENT ROCK:

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The Gentleman has moved passage of Senate Bill 1316. Any discussion? If not, the question is, shall Senate Bill 1316 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1316, having received the required constitutional majority, is declared passed. 1330. Senator Welch. 1337. Senator Collins. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1337.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 1230 -- 1337 amends the Consumer Fraud and Deceptive Business Practice Act in an effort to get at some of the -- the fraud and unscrupulous business providers who provide services and do business through telephone numbers - pay telephone numbers, advertised over, mostly over television - through television advertisement, many of whom does not disclose adequately to the caller that the caller will be charged for the call, the rate of the call, and how much they are expected to pay per minute for the call or whether or not there's a flat rate and what that rate is. Nor do they disclose, upfront to them, in many cases, just what the -- the objective of the particular services that they are going to be providing them. And what the bill does, it requires that any call that costs one dollar or more, that the -- the advertisement have to reveal to the person in -- over a brief message before the charge starts, a -- let me just read this

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because it's -- it's -- it's quite specific. "A adequate description of the services that will be provided to the caller, a accurate summation of the cost of the services, including the initial flat rate charge, if any; the per minute call, if any; the minimum per call charge, if any; the expected duration of the -- of a typical call for this type of services; a statement that the billing will begin shortly at the end of the introduction of the message." This must take place before the person's charge begin. In addition to this, it requires that the carrier maintain, on file, the names and addresses of place of business of the individual service providers and a brief description of what kind of programming that we are expected to see on the screens when this program -- when the services come up on the screen. I would be happy to answer any questions. If not, I would just ask a favorable roll call.

PRESIDENT ROCK:

All right. The Lady has moved passage of Senate Bill 1337. Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Senate Bill 1337 came before the Consumer Affairs Committee. There was a committee amendment that was recommended. And Senator Collins worked very hard with AT&T and the industry to -- to appease everyone. Illinois Bell, it's my understanding, has no objection. I'd just ask the Members on this side of the aisle to support it. It seems like a good idea.

PRESIDENT ROCK:

The question is, shall Senate Bill 1337 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1337, having received the required constitutional majority, is declared passed. 1347.

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

SECRETARY HAWKER:

Senate Bill 1347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 13 -- 1347 amends the Purchasing Act. Provides that all State contracts for goods and services shall be included in the language, requiring the vendors or contractors to maintain and make available to the Auditor General certain documentation for a period of five years. Failure to make the -- maintain the book and records creates a presumption in favor of the State for recovery of contract funds. Senate Bill 1347 was introduced at the request of the Legislative Audit Commission and stems from the audit of Department of the Public Aid contracts. According to the Auditor General, considerable delays, thus added expense, was incurred because of problems with -- the audit reports said the following: a restrictive audit class <sic> (clause) in DPA contracts, and with Delta. Because Delta contracts -- accounting system did not segregate documents and private lines of business in many areas, it was necessary for the General to have access to all the records. I ask for affirmative vote on this bill - 1347.

PRESIDENT ROCK:

Discussion? Question is, shall Senate Bill 1347 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1347, having received the required constitutional majority, is declared passed. 1353.

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

SECRETARY HAWKER:

Senate Bill 1353.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill provides for fifty-percent tuition waivers, within each public university system, for faculty and staff. The Sun Times article that you each have in front of you is a pretty good description of the program, with one exception. There is one error - that it is for children only and does not include spouses of university personnel. We've had similar legislation to this many times before us in the General Assembly. Most recently, during the last Session under Senator DeAngelis. However, this bill represents a new compromise between faculty unions, the university systems, and the Board of Higher Education. All of whom, for the very first time, strongly support these increased benefits for university employees as incentives to keep the best and the brightest right here in Illinois. This bill offers waivers to the children of both staff and faculty. The regency system currently offers similar waivers with great success, as do most of our community colleges in Illinois. Despite decreasing competitive salaries, public universities and colleges must continue to compete with private institutions, most of whom offer this benefit and are successfully luring some of our best faculty and employees in the State and nationwide. It's also important to know that the University of Illinois, without this bill, is currently tenth among other Big Ten institutions in total compensation to faculty and to staff. The dollars here involved are not new GRF funds and

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do not involve a new appropriation. Instead, they represent the dollar value of the waivers provided to employees' children. Universities would not be penalized for providing these waivers by a negative deduction from their appropriation. I would be happy to answer any questions on this particular bill.

PRESIDENT ROCK:

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator, as I understand it, the Board of Regents now has a program of tuition remission in -- in place. And I'm wondering how that program would compare with yours. Specifically, what I'm -- the question that I'm trying to get at is that if we were to enact this bill, establishing fifty-percent waivers, would that undermine in any way or call into question the program that the Board of Regents already has in place?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

No. They -- this would not interfere with their program. Any -- any system could still do more than this. This would just establish the minimums for what they would do.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

It's not clear, based on the information we have, whether or not the BOR program is a fifty-percent waiver or -- or not. If it's something different from that, then I do continue to have some -- some question as to the impact that -- that this

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legislation would have. I guess beyond that, I am concerned about the -- the precedent that -- that this would start for us in terms of -- enactment into -- into the Statutes. The various boards already have authority to establish this program. As I pointed out, BOR has already done this. And the other boards already have the authority to do it if they choose to do it. If we enact this into law, I'm afraid that we're setting a precedent that may open ourselves up not just to the children and spouses of faculty members, but there has already been legislation introduced over in the House that would provide a similar type of program for the judges of this State. I -- I think that this is the sort of thing that could very quickly get out of hand. And I think that it's -- we would be well-advised to nip this in the bud.

PRESIDENT ROCK:

All right. Fifteen have indicated they wish to be heard on this. So I would admonish the Membership to keep their remarks as mercifully brief as possible. Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I'll be brief. Senator, are we dealing with strictly in faculty, or any employees of this system?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Faculty and staff are both included in this bill.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

So, if -- if there is a janitor say of the University of Illinois at Champaign or in Chicago who has two children attending the U of I, this would -- this would cut his tuition for each child in half?

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PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

That is right. He would have to be employed for seven years by that university system in order to qualify.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Well then aren't you actually creating a tuition voucher system for the employees of the -- of the school system - exclusively for the employees of the school system? My -- my question is, Senator, is how would this be implemented? Are you creating a voucher system or a rebate or -- or just cutting down their tuition in half?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

This is -- the tuition is merely waived. There is no voucher issued.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates she will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I didn't quite understand your response when Senator Etheredge asked you whether or not we already have this law on the books now. Could you please tell me, do we already -- do we already allow a tuition waiver of fifty percent?

PRESIDENT ROCK:

Senator Holmberg.

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SENATOR HOLMBERG:

No. We do not have a law like this on the books. What I said and what Senator Etheredge, I believe, was referring to, is the fact that the Board of Regents already does this, as do, frankly, many of the community colleges. This would put the benefit across all of our public university systems in the hopes of keeping faculty and staff and some of our students here in Illinois.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Where is the money coming from?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

There are no GF -- GRF dollars. The -- they -- the tuition is just merely waived by that university.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND: -- --

Thank you very much, Mr. President, Members of the Senate. I was -- I was shocked today, as were some other Members on this side, that the Board of Regents was already granting full tuition waivers for -- for -- for staff and faculty. Senator Holmberg, do you have any idea how many individuals would be affected. Just take, for example, the University of Illinois. How many, in your view, would be affected by this?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

The Board of Higher Education is not sure at this point. It would, you know, be a certain age group - the ones who would have college-age children. And they may not all, you know, choose to

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go to college. So it -- it's impossible at this time to determine.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Let me tell you what concerns me about this. You -- you make a good point that our -- that our faculty and staff at the universities are -- are not paid commensurate with the rest of society. And I stood on this Floor, as you stood on this Floor, time after time, and talked about the need to fund higher education adequately. I think this is the wrong message to send. And let me tell you why. Each university has a limit upon their enrollment. And what we are saying as we substitute people who are contributing to the income fund through full tuition with people who then have tuition waivers, we reduce the amount of money - the real cash-in-hand, that the university has. The students are there, but the money is not there. So then we, in this Body, and I think everyone ought to listen to this, increase tuition -- increase tuition on students, and justifiably so, because the universities need the money. And -- and the other students who are there tuition-free are exempt from this. Now that really isn't fair to the rest of the tax-paying public - the individuals who are struggling to pay tuition. I understand what you're doing. It's -- it's honorable, but I think it's not fair to the rest of the full tuition-paying individuals.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I suppose in terms of following up on - to what Senator Maitland has said, which I think is -- is, you know, absolutely true in terms of its fairness. And all I can say is, I look at my own situation

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of - as a single mother trying to put my son through school. He went and got a scholarship. And he still owes the army four years to pay for that. What do these people do to do this in order to -- to get a waiver? A waiver's like a scholarship. The waiver does not address merit. It does not address need. You have to kind of take any kid that come into the system. My question would be you've got finite numbers of how many kids the -- that the universities can take. Will -- will the universities now have to take these kids, which might therefore bump those who may be wishing admission, and therefore, you know, may have higher grades, may be more acceptable and, indeed, may be the best and finest which you suggested you might want to retain in Illinois at the beginning of your discussion. Yes, that is a question.

PRESIDENT ROCK:

Sponsor indicates she will yield. Senator Holmberg.

SENATOR HOLMBERG:

Senator Topinka, we are not -- we will not be bumping anybody. All students apply for the variety of programs within the university system just as they would if they were seeking admission from outside the system.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Just so I can understand. Therefore, a waiver does not necessarily grant admission?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

No, it does not.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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Thank you, Mr. President. Now, I rise in support. In fact, I would like to be shown as a hyphenated sponsor of this bill. This bill has gone out of here previously. Previously it was full tuition. And although I fully understand some of the economic forces at work, let me point out to one that hasn't been discussed. Senator Maitland, I listened -- universities are fixed cost intensive. Losing one student doesn't reduce your cost by the full amount when the student is lost, any more than adding one more student costs the same as the previous student. The fact that they're willing to pay half the tuition could very well support the incremental cost through the incremental revenue receipt. But, let me tell you, there's a better purpose to this. You know, I've sat in this Body, and I've heard, time after time, about the loss of these professors and these valued people at universities. For crying out loud, why can't we just give them the little perk of allowing their kids, if accepted, into those schools, to get the benefit of that education at the institution at which their parents work. And they're paying enough of the freight to justify that small act of beneficence. I rise in strong support of this measure.

PRESIDENT ROCK:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates she will yield, Senator Hall.

SENATOR HALL:

Senator, is there a limit on how many of their children would be able to go free?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

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No, there's not.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Well, if I have six -- in other words, there's not. They're able to go as long as they're there. If I read you correctly. Okay. I wanted to ask that.

PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yeah. I -- I have a question. I'm sorry that I did miss part of your discussion, Senator. But, will these, for example, if -- if -- these -- the -- the -- the teacher moved from another state here and brought five children with -- with him or her. Would those children then get priority in getting into the university?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

I have answered part of that question. There would be no priority given. They would have had to be on the faculty or on the staff for seven years, and their children would have to have the admission requirements necessary for that particular college within the university.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Does it include the presidents' children, too?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

All employees. And he is an employee.

PRESIDENT ROCK:

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Senator Collins.

SENATOR COLLINS:

Will this include the janitors and their children and other workers?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

All employees.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Will the Senator yield, please?

PRESIDENT ROCK:

Indicates she will yield, Senator Butler.

SENATOR BUTLER:

I have a question based on the fact that some of our professors are not exactly among the most destitute people from some of their consulting fees and other income that they have. Is there any needs test on this?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Not currently.

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

May I question the word currently? Is there some intention?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

It is not my intent. Private colleges which offer this pretty comprehensively throughout Illinois do it the same way. And their

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-- in fact, they give full tuition, and there is no needs test.

PRESIDENT ROCK:

Okay. Further discussion? If not, Senator Holmberg may close.

SENATOR HOLMBERG:

Thank you, Mr. President. To answer one of the questions brought up during debate, because of the Board of Regents now offering full tuition. When we took a look at that, we found that it was very cost-effective for them. They have not had to increase the tuition costs there more than any other systems have had to increase tuition costs. They've been able to handle it very nicely within the monies they have. Our community colleges are doing it this way as well and are able to work within their allocated costs. Private colleges do it. Other states are doing it. In fact, one of the cheap recruiting tools that other state university systems use when they are recruiting our Illinois university professors, is to tell them how poor the benefit package is for them in the University of Illinois. They don't talk salaries. They talk benefits. This is something that would put us on a par with those other systems and enable us to keep the best and the brightest of our faculty, our staff and our students. There is no known opposition to this bill from outside this Chamber. All parties involved in the higher education system are in support of increased benefits that provide a relatively inexpensive way to retain and support quality faculty and their children at Illinois institutions. The fifty-percent waiver, as Senator DeAngelis has said, represents a compromise. We've always tried to do it at full tuition, and we have not accepted and passed that kind of legislation. This is one with the fifty percent that would help to pay any of the costs that may occur. And we see a new willingness of all involved to work together to keep Illinois in the forefront of higher education. I urge your

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support.

PRESIDENT ROCK:

Question is, shall Senate Bill 1353 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. All voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 3 voting Present. Senate Bill 1353, having received the required constitutional majority, is declared passed. 1361. Senator Joyce. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1361.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This bill, as amended, sets yearly requirements for the amount of ethanol to be contained, on the average, in gas sold by distributors in Illinois. Beginning January 1, 1992, twenty-five percent of the gasoline sold must contain ethanol. The yearly requirements phase in the percentage of ethanol gradually until the year 2002, when all gasoline sold in this State must contain ethanol. The amendment requires the Commission on Alternative Motor Fuels to determine supply to meet demand. If there's not enough ethanol to meet the yearly requirements, the Commission can change them. The amendment also establishes a mechanism that -- so -- so that distributors selling ethanol blends in excess of the requirements may arrange with another distributor to have all or part of the excess credited to that distributor. The bill contains a penalty of fifteen cents per gallon for gasoline not meeting the requirements, to be deposited in a newly-created ethanol penalty fund. Monies in the

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fund will be used, subject to appropriation, by the Department of Agriculture to administer this act and by ENR for its Ethanol Public Education Program. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Yes. I rise in opposition to this bill. The figures that I have received - we've done a great deal today for ethanol - but the figures I have received would cost this State about fifty-six million dollars. I think to mandate that we have to use ethanol by -- by the year suggested in this bill - by January 1st, 1994 - is -- is really oppressive. And I would hope that others would join with me in thinking that this bill, at the very least, is premature. I just don't think, at this particular time, that our economy can really afford, no matter what it would be, to have a ten percent ethanol by volume. I -- I think we'd better very carefully consider this mandate, because indeed it is a mandate. And I think it is a serious one. I urge your No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR GEO-KARIS:

Wasn't the amendment -- didn't the amendment change the -- the time to 1998, when ten percent -- the gasoline should be alcohol?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you for at least trying to explain that. It's two

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thousand and two as a matter of fact. Senator Macdonald, you said 1994 or something, but it's the year 2002. And all of this other stuff about how much it's going to cost - it's not going to cost anything until the year 2002.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will.

SENATOR ETHEREDGE:

Mr. President, I am told that my colleague here had not finished her line of questioning.

PRESIDING OFFICER: (SENATOR D'ARCO)

Who's that? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise in support - full support of this bill. If you recall, about ten - twelve years ago, we had the State fleet operating on gasohol. Didn't hurt the cars. I have a 1970 Buick Electra convertible that has a hundred and seventy-two thousand miles, and I had gasohol in it for many, many years. The motor's still perfect, even though the body's falling apart. Let me tell you. It's the truth. Ethanol fuels are cleaner. They're less pollusive, and more efficient. Not only that, the country of Brazil has gone full-scale ahead in using ethanol fuels instead of petroleum fuels, and they're not hurting a bit. They make it out of the -- the sugar cane and the Manioc plants. There's another thing. If you realize that the -- the time for the landfills is coming quickly over, you can make ethanol alcohol out of garbage. So we'll have some darn' good use for ethanol alcohol. And we can make it out of garbage as well as making it out -- out of waste

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plants and waste corn and what have you. I think it's a very good bill, and I certainly urge for its support. As Senator Woodyard -- Woodyard said earlier today, "are we going to keep being dependent on the Middle East for oil?" It's time that the -- right. It's time that the oil companies started using the research they have and go into ethanol alcohol and build ethanol alcohol plants. And I'm all for it.

PRESIDING OFFICER: (SENATOR D'ARCO)

WICS-TV requests permission to videotape. Hearing no objection, leave is granted. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I didn't realize at the time my colleague was going to speak in favor of this bill. If I had realized that, I wouldn't have been quite so nice. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will.

SENATOR ETHEREDGE:

Senator, it is my understanding that the Feds define gasohol having at least ten percent -- or having a minimum of ten percent ethanol. Is that correct? What is the definition that we use for gasohol here in the State of Illinois?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

We'll get it out of the code book here - Revenue's code.

PRESIDING OFFICER: (SENATOR D'ARCO)

Time is fleeting.

SENATOR J.J. JOYCE:

Why don't you ask another question why we're waiting for this?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Etheredge.

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SENATOR ETHEREDGE:

Well, what I'm trying to get at here is the -- is what this is going to cost us in -- in lost revenue. I mean, is -- is this going to be -- is the fiscal impact going to be felt in the year 2002, under the terms of your bill? And, again, I'm assuming that legislation comparable to what Senator Woodyard was proposing earlier on, would be -- eventually be enacted to -- to continue the tax subsidy which we now provide. I'm trying to figure out if the -- the fiscal impact is going to be felt in 2002 or if it's going to be felt immediately. That was the -- the basis for my line of questioning.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- Senator Joyce.

SENATOR J.J. JOYCE:

It -- it depends on when the federal definition of ethanol ends and when their program ends. But there would be no impact to the State of Illinois until the year 2002, the way things are currently.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Etheredge.

SENATOR ETHEREDGE:

Well, Senator, I've got some figures in front of me that -- that suggest that there will be losses totaling something on the order of seventy-eight or -- seventy-nine million dollars that would be felt at the -- at the State and local level and also that would be impact -- that would -- the Mass Transit money would also be impacted so that there -- I think that there is -- could very well be a very significant fiscal impact. And it's on that basis that I rise in -- in opposition to this bill. And I would encourage everyone else on the Floor to take a very close look at this and, I would hope, reject it.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in support of this legislation. You know, we're all concerned about the hit on the general revenue at -- at this time. And Senator Joyce has stated it doesn't do anything right now about -- far as bothering the general revenue. But what we need to think about, by year 2000, what will the Clean Air Act -- what kind of a hit will that put on -- on our General Revenue Fund as we try to -- to comply with the Clean Air Act? You know, there's a lot of things that ethanol can be used for besides just ten percent of the fuel. It's -- we're doing some experimental work now with -- down at SIU that really looks promising - washing high-sulfur coal with ethanol and having a usable byproduct. This could be very beneficial to trying to keep jobs with the coal industry. And also, at the same time, it could benefit agriculture. And this is also a renewable source of energy. And I -- I think we need to get serious about this.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Holmberg.

SENATOR HOLMBERG:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR HOLMBERG:

Senator Joyce, I have a car that will not run on ethanol. If the temperature gets over ninety degress, it runs too hot, and I have to take it in for repairs. Will I have to go across the border now to Wisconsin, which is adjacent to my district, and buy gasoline for my car before I come to Springfield?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

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SENATOR J.J. JOYCE:

What kind of car do you have?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Holmberg.

SENATOR HOLMBERG:

I have a Chevrolet.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

In the General Motors manual it says that they will burn ethanol. And, in fact, General Motors and Chrysler are both coming out this year saying that that is the recommended fuel. So I -- you know, perhaps you've got something else wrong with your car when it gets over ninety degrees.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Raica.

SENATOR RAICA:

Do you -- Mr. President and Ladies and Gentlemen of the Senate. I would hate to disagree with Senator Geo-Karis and those who stated that there is substantial lower pollution with gasohol. But, on the contrary, in today's Tribune, states, "requiring gasohol usage in Illinois actually could worsen air quality. Burning gasohol does reduce carbon monoxide emissions. But the problem in Illinois' largest metropolitan areas is ozone. Numerous studies by federal and State environmental agencies have shown that gasohol produces more nitrous oxide emissions than regular gasoline, leading directly to more ozone smog and respiratory diseases." So, Senator Geo-Karis, your seventy car will run great, except you won't be around to enjoy it. And I have to agree with Senator Holmberg, I don't have a seventy car, I have a high performance machine. And mine does not run on gasohol or ethanol. I refuse to put it in. And for us to sit

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here and say everybody should put it in their cars is wrong. And I don't think this does anything but for the corn farmers. And, quite frankly, I think we should just do what we have to do and vote this one down.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR DONAHUE:

Jerry -- or pardon me, Senator Joyce. In -- we were talking in -- in committee about the ozone layer and how the -- I know. Come on, guys. Let's just calm down. It's serious business. We were talking about how we have two types of areas that have problems with pollution. We had a carbon monoxide area which gasohol tends to contribute favorably to. Illinois contains two areas in this State that are nonattainment areas in the ozone. And can you say that gasohol contributes favorably to the ozone area?

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Joyce.

END OF TAPE

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SENATOR J.J. JOYCE:

Yes, thank you, Mr. President. Senator Donahue, this sheet of paper that I passed - out at the bottom of the page - it's the

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USEPA testing formula gasoline, EPA contract number so and so, by the Southwest Research Institute, San Antonio, Texas, regarding ozone formulation: "This study shows that the net hydrocarbon emissions from new vehicles is lower with ethanol than with other fuels and in octane adjusted basis, even with the increase in evaporated emissions included. This reduction in hydrocarbon emissions, plus the carbon monoxide emissions reductions, plus reactivity adjustments hopefully may offset the effect of the increase in the N-O-X, NOX emissions on the ozone formula." Now, where everyone is getting this -- this information about the fact, you know, that the ozone is going to be hurt by this is from this Sierra Research Company. Now, not to be confused, I might point out, from the Sierra Club. The Sierra Research Company is an arm of the oil company. They're the ones that are doing their research. I would guess that they're probably the same ones who said the Exxon Valdez, when that spilled, was probably good for those seals up there. So, you know, I'm not so concerned about that. I think the major oil companies are making their point in this debate, and -- you know, there's a lot of falsehoods going around about ethanol.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would say that what you just read says, "This reduction in hydrocarbon emissions, plus the carbon monoxide emission reductions, plus reactivity adjustments, hopefully may offset." And I think that's an important word, and I think to indicate that it's just the Sahara <sic> (Sierra) Club and that this is a group, an arm of the big petroleum industry is not true. Again, I'll quote the Chicago Tribune today, and it says that, "Numerous studies by federal and State environmental agencies have shown that gasohol produces more nitrous oxide

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emissions than regular gasoline." So, I think that is a question that we can't answer, and that's the problem. We are getting ready to mandate the use of gasohol. And believe me, I have a farm area, a rural area, and I support gasohol. But to mandate this - that every gallon would have it - is a little bit unconscionable to me. And it's the mandate, more than the gasohol, that I object to, and I would vote No.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I -- just a comment or two and possibly a question on the -- the information that was sent around by Senator Joyce. I just looked it over here, and it does say here in the second paragraph, it says, "The overall impact appears to present a slightly negative - i.e. gasohol increases ozone a small amount." The problem with all this is, and the Illinois Environmental Protection Agency in the Committee hearing actually said that there isn't really any concrete solution, evidence, or -- one way or another in this particular issue. I mean, they're just not sure, and I think every time we get a report somebody says something a little bit different. Now, I come from one of those areas that's considered out of compliance in the ozone emission and, as a result, all our automobiles are being tested in the metro-east area. And any of you who don't have that being done now feel -- be grateful, because it is a tremendous burden for the individuals to have to go through and have these automobiles tested. If we end up putting more and more areas of the State out of compliance because of issues such as this, of the gasohol issue, I just think we're asking for more and more problems. And I think the EPA would be glad to create probably more and more problems for us. And I just think your own -- their own study here has some confusion as to what the impact might be.

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I mean, I support the corn growers, and I have a lot of them in my district, but I think the marketplace is, quite honestly, where this belongs. Let the -- let the marketplace dictate the -- the -- the particular ingredients that's going to be in the gasoline. Don't mandate it on the -- on the petroleum industry. So, I would urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR WELCH:

Senator Joyce, has anyone talked to the Federal EPA as to whether the passage of this bill and the use of more ethanol would impact the agreement reached in the Chicagoland area concerning nonattainment of the area? Would this make it worse and end up with the Federal Government saying that we're going to take away the three hundred and fifty million dollars we threatened? Has anybody actually talked to the Federal EPA?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, yeah, we've talked to them and they're not sure. They're not sure what -- what the result will be.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator --

SENATOR J.J. JOYCE:

You know, what they -- everyone says is that anything, any fuel that automobiles or any other combustion engine burns pollutes the atmosphere. I might just point out - the Tribune has been used here a little bit - and just to point out a few of the

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things in this that are pretty interesting. It says, "In addition, the dealers who sell gasoline mixed with ethanol will get a continuing two cents a gallon tax break." Well, that's not right. Why would you want to give anyone a tax break when you mandate it? We don't have to do that. So it says that, "Joyce's ethanol mandate would raise that to an eighty million dollars according to the Illinois Department of Revenue." That's absolutely wrong. I have the fiscal note right here where it says it's not going to cost anything until the year 2002. Now there were some -- some -- some of these that were floated around and passed out by the oil companies that were wrong, and they've since corrected them. Also, another one of their -- thing says, "Bob Dole, Republican of Kansas. They had to appease him because he comes from the corn power broker state." They raise wheat in Kansas, folks - from the Tribune. I mean, just something they ought to think about. Also, it says that, "He knows that a coalition of farmers, ethanol producers, consumer advocates and environmentalists convinced Congress last year to change the Clean Air Act." Now, isn't that strange that the environmentalists were involved in this? Every environmental group in the State of Illinois are for these bills, but the only one -- the only environmental group who is opposed to them is the oil company's - their environmental group opposes it. Everybody else is for them.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this bill. You know, let's even assume that Senator Joyce and Senator Raica's comments are correct - that cars don't run as well, et cetera, on ethanol. This doesn't go into effect until 2002. I hope that even by that time the auto manufacturers, if those arguments are correct, even they

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should be able to adjust by that time, even though they haven't in many other areas where technology has passed them by. I think the main crux of the matter here is that we have been using gasoline since the beginning of cars. The gasoline industry has a tremendous stake in this. But, folks, gasoline just hasn't been cutting it. It's giving us the ozone; it's giving us the carbon dioxide. Anything we can do to help break that up a little bit, I think, is fine. I think the oil companies are really a little bit misguided in being concerned with this. In fact, if anything, I think this is going to add to their integrity, and I think it's going to add to their believability if they would come out in favor of this. Because otherwise, they are asking us, just as Senator Geo-Karis has said, to be dependent on foreign oil. And we just lost lives over there to make sure that we're not going to be dependent on that. And I stand by my good friend, Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I -- I've certainly been a supporter of ethanol. The biggest problem I have, I guess, is with the manufacturers of ethanol. I have a friend that is a distributor of gasoline. He tries to buy ethanol in Illinois. He finds that he has to pay a good bit more than customers being sold in Minnesota, Iowa and Indiana have to pay. Now if we start mandating that we use this at a certain percentage, what is -- what in this bill is going to protect those independents who try to buy ethanol to blend with their gasoline? They have to pay ten, fifteen cents a gallon more in Illinois where it's manufactured than people in Iowa, Minnesota and Indiana. This is what bothers me. It's bothered me for years. And I was in on the initial discussion when we put on the subsidy. And I was assured

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by Pekin Energy and others that they wanted this subsidy in order to develop capacity in Illinois. But the manufacturers certainly haven't treated Illinois blenders and independents fairly. So, I'm -- that's what concerns me. And what, in your bill, Senator Joyce, can protect Illinois merchants who are trying to produce and sell ethanol gasoline to support Illinois farmers?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JOYCE:

Thank you. Well, what it does - how it would help Illinois producers and manufacturers - it would make a stable market out there. There would be a certain percentage of the gasoline that would use ethanol. So, as it is currently, those people that are producing it are -- are relying on that tax, the tax incentive, to be continued. And they're not sure, so they don't go out and invest the amount of money that it would take to develop a stable market. If this bill passes, then they can go out, build those facilities and have a stable market, and that should bring the price down.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis, for the second time.

SENATOR GEO-KARIS:

I apologize for speaking a second time, but some of the remarks that have been made here are really shocking to me. First of all, gasoline is made with benzene. They can substitute alcohol fuel for it instead of benzene, because benzene is carcinogenesis. I've been to a lot of seminars, one in -- in New Orleans that late Senator Shapiro sent me when he was Minority Leader, where people came from all over the world. And let me tell you, ethanol alcohol is a source of energy and a good one. It reduces carbon monoxide which is a very bad thing. And not only that, it doesn't hit the ozone as bad. It is cleaner; it's

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more efficient; it's less pollusive; and It's a source of energy. And Illinois could be the energy capital of the whole country if we'd move ahead. I think the bill is good and we should support it. I'm tired of being dependent on Middle East, and I'm tired of the oil companies running the country. It's high time the people had something to say about it. Let's vote for this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce, to close.

SENATOR J.J. JOYCE:

Thank you, Mr. President. Well, a lot of this -- a lot of it's been said here, but I think -- a couple of things that I want to touch on - that this would be such a tremendous boon for the State of Illinois, not only downstate and farmers, but all over. It would create a lot of jobs, and it would be -- would be very much appreciated by the people in downstate Illinois if we could get some -- some very strong support from the more urban areas. And I think one thing that hasn't been said and that's the -- we've talked about the cost. You know, when they figure in all of the costs for oil, when we have -- we just sent five hundred thousand young American men and women over to the Gulf. What was that for? That was for oil. The cost on that was tremendous. And to be able to be independent of that would be something that would be just of tremendous importance for the State of Illinois. And you know, I guess to close I'll just make one comment. I've never heard of anybody fighting a war over corn. So, I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall Senate Bill 1361 pass. Those in favor vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 33 Ayes, 21 Nays, 2 voting Present, and Senate Bill

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1361, having received the required constitutional majority, is hereby declared passed. 1363. Senator Joyce. Senator Joyce.

SENATOR J.J. JOYCE:

Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce. Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This one extends the -- the tax exemption on gasohol for five years, until 1998. This is very similar to Senator Woodyard's bill, except that his bill went to the year 2000, I believe.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 1363 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 37 Ayes, 12 Nays, none voting Present. And Senate Bill 1363, having received the required constitutional majority, is hereby declared passed. Top of Page 24. 1364. Senator Joyce. Read the Bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1364.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

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SENATOR J.J. JOYCE:

Thank you. This -- Mr. President, this requires the Secretary of State to include materials containing information on the benefits of gasohol in their registration renewal and expiration notices and so forth and requires ENR to develop an education program for retailers and consumers for the benefits of using gasohol. Perhaps it would help Senator Holmberg with her automobile.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 1364 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 44 Ayes, 4 Nays, none voting Present. And Senate Bill 1364, having received the required constitutional majority, is hereby declared passed. 1365. Senator Joyce. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1365.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This one amends the Consumer Fraud and Deceptive Business Practices Act to misrepresentation of the effects of gasohol use. It prohibits persons from making any false or misleading statements regarding gasohol.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If -- Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I've supported all of your bills,

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Senator, but I have a couple of questions about this. Obviously, there's some debate -- there is some debate about the effects of gasohol. We've heard quoted from the Tribune today and others. I assume that today's editorial, in your judgment, would not be -- subject them to these criminal penalties, would they?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

No, but probably they ought to be.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, trying to raise a serious question here. There is obviously some -- some debate over certain aspects of -- as Senator Holmberg and others have indicated, and I -- I tend to favor your position on these, but I don't want to be subjecting people to criminal penalties either where there's a legitimate difference of opinion. And I -- I'd just like to hear what the language is of the bill itself, so that we're not overreaching here in the area of our criminal law.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Yes, Senator, seriously, it deals with warranties, and that's what it -- that's what it's limited to. An Illinois ethanol supplier was told that a service manager at a local car dealer told a long-time customer his warranty could be invalidated if he burned ethanol. You know, and that's just not the case. So, it deals with warranties.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

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I should have been listening, and I was commenting to my good friend, Geo-Karis, on my left here. Senator Joyce, does this have anything to do - obviously you heard Senator Holmberg and I speak about our automobiles. Does this have anything to do with -- if our owner's manual or whatever suggests that we don't use ethanol in the car? I mean, would that be considered -- considered misleading or deceptive?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

No. It's -- if your owner's manual said you can use it and your dealer said you cannot.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

One more time -- if the -- if -- if the -- let's just say the owner's manual suggests that we don't and the -- and the dealer says that -- he highly recommends that we don't. Is that -- go ahead, Senator.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

If the owner's manual says don't use it, don't use it. That's not deceptive.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill -- Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Will the Gentleman yield, please?

PRESIDING OFFICER: (SENATOR D'ARCO)

Yeah, he indicates he will.

SENATOR BUTLER:

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Following your answer to Senator Raica, I'm more confused than ever. Who is this aimed at? Is it aimed at the kid at the gasoline pump who might make some sort of a comment that gasohol is not good? And it says "misrepresentation." Is there some legal procedure that someone would have to go through to prove this up? It seems to me that it's wide open.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, let me just read from the bill. It says, "Misrepresentation of effect of use of gasohol on motor vehicle warranties. No person shall make any false or misleading statements or representations to any person concerning the legal effect of the use of gasohol as a motor vehicle fuel on the adaptability of any coverage under a warranty made with respect to a motor vehicle."

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Butler.

SENATOR BUTLER:

Are we at cross-purposes now, Senator? We just got through mandating it. Now we're going to say it's misrepresentation, I would presume, in some form if the owner's manual said not to use it. What's the -- how are you going to get around that? How is Senator Raica going to run his car now?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Well, I don't believe that there's any owner's manuals out now in new cars that say you can't -- or that you cannot burn ethanol. And by the year 2002 I would be quite certain there wouldn't be.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Butler. All right. The question is, shall Senate

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Bill 1365 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 36 Ayes, 14 Nays, 1 voting Present and Senate Bill 1365, having received the required constitutional majority, is hereby declared passed. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Yes, thank you, point of personal privilege.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR WATSON:

Thank you. Inadvertently, I was voted No on Senate Bill 1363. I was off the Floor, and I'd like to have the record indicate that had I been here I would have voted Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

The record will so reflect. 1372. Senator Philip. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1372.

PRESIDING OFFICER: (SENATOR D'ARCO)

I'm sorry. I'm sorry.

SECRETARY HAWKER:

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1372 requires the Department of Central Management to study a comparison of service performed by the private entity versus the State agency. Be happy to answer any

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questions, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Will the -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will.

SENATOR JACOBS:

Is this a -- would this be considered a privatization type of legislation, Senator, or is this just a study to determine if we do a better job than the private sector or vice versa?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Philip.

SENATOR PHILIP:

I guess you could -- you could describe it that way. All we're saying is if there is a way to save the State of Illinois and the people money and we can do it out in the free enterprise system, we ought to be able to have a chance of doing it.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah, I'm sorry. Just real quick then, just to -- this would establish a cost comparison. It wouldn't necessarily mean that you would have to accept one or the other. This would just establish that cost comparison? This bill does not mandate that you accept either the lower of the two or whatever the case may be?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Philip.

SENATOR PHILIP:

That is correct, Senator. All it does is -- they're

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recommending to us - whether we'll ever do it or not - who knows?

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 1372 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present, and Senate Bill 1372, having received the required constitutional majority, is hereby declared passed. 1377. Senator Hawkinson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1377.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 1377 would allow Illinois prosecutors to use "use immunity". We passed this bill in the Senate last year, Senate Bill 2105 by a vote of 49 to 2. Prior to my tenure here, Senator Sangmeister passed this bill twice out of the Senate and the result has been the same - the House has not approved it. Two years ago, Senator Berman introduced similar legislation. Right now in Illinois, in order to grant immunity, a prosecutor has to grant complete immunity, what is called "transactional immunity" in Illinois. That means if you're going to use the testimony, you have to give that person absolute immunity from the charge. "Use immunity" would allow, as is done in the federal system, a prosecutor to obtain evidence of the guilt of an individual, to seal it before a court so that he or she can prove that they had independent evidence of guilt, and then to grant someone "use immunity" so they could take them

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before the grand jury. They could not use that testimony against that person or any fruits of that testimony; that is, anything that that testimony leads to. And that reason that they're able to establish that in practice is that they commonly seal the evidence that they already have before they take that testimony. We've passed it overwhelmingly before. Senator Daley has a somewhat more limited version of that bill that I'm also a co-sponsor of. But I would urge us to adopt this again and perhaps the House will have a different view this year.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 1377 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 50 Ayes, 1 Nay, 2 voting Present, and Senate Bill 1377, having received the required constitutional majority, is hereby declared passed. Senate Bill 1390. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1390.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1390 includes, among the offenses for which nonconsensual wiretaps can be conducted for investigative purposes, a list of offenses which basically include the most serious felony offenses. We, by amendment, limited this opportunity for prosecutors and law enforcement officials to use this investment -- investigative advise to eighteen -- for eighteen to actually twenty months. It would extend to September

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of 1993. I'd be happy to answer your questions. I know there is occasionally a little bit of controversy on this subject matter, but I would -- I would point out again, as the proponents of this legislation have in the past, that federal law already applies to a whole range of the most serious offenses. So that is, in essence, what we are attempting to do with this legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will.

SENATOR CULLERTON:

Senator Barkhausen, the current law is limited to violations of the Controlled Substance Trafficking and the Controlled Substance Act, is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Cullerton.

SENATOR CULLERTON:

You -- you're extending this to cover all Class X, Class 1 and Class 2 felonies and then you add additional violations that would be covered. What are -- what are some of the offenses that -- some of these other violations? There's 12.6, 32.2, .3, .4, 4(a). What are those?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

They include - I'm not sure that this list is comprehensive,

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but they include intimidation, perjury, subornation of perjury, communication with jurors or witnesses, harassment of jurors or witnesses, bribery to excuse jurors, tampering with public records or official misconduct.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Cullerton.

SENATOR CULLERTON:

Official misconduct and bribery are included. Let me ask you this. There's a hundred and two State's attorneys in the State. Isn't it possible to go to any one of them and obtain a wiretap and then take that wiretap and go into any other county?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I honestly don't know the answer to that question, Senator.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Cullerton.

SENATOR CULLERTON:

I think the answer is yes. And I think that it's a deficiency in your Statute. You can go to Putnam County - I don't know what the population is, but I think it's the smallest - you could obtain a -- five thousand people -- you could obtain a wiretap from that particular State's attorney and since -- then you can go up to Sangamon County and maybe put a little of these wires, maybe in some of the secretaries' desks and say you're fishing around for official corruption and bribery. And there's no limit on it. When we passed this law, we were promised that this was going to be limited to the fight on drugs, the war on drugs. And we talked about the incredible abuses that could take place as a result of the politics of the methods by which these State's attorneys get elected. And I think that's a real deficiency, and I think it's something that people should think twice about when they extend it

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to all these -- these offenses.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I suppose that in any given Calendar where you've got three or four hundred bills on the Calendar, there has to be a clinker. This takes the cake. This is one that ought to be rejected out of hand. We argued on this Floor and they argued across the rotunda about the authorization for nonconsensual wiretapping with respect to drugs and we were assured, by virtually everyone who was interested in the passage of that legislation, that the war on drugs was bigger than all of us. And so we could, in fact, suspend the civil rights of our constituency and afford this kind of opportunity for the law enforcement officials. Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR ROCK:

How many --

PRESIDING OFFICER: (SENATOR D'ARCO)

Hello.

SENATOR ROCK:

Hello. How many times has this law, this authorization, been used since this authority was granted?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I really don't know, Senator Rock, because there's been no official reporting to us or to the Administrator of the Court System or the Supreme Court, as yet. So, there's really no way of knowing.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

The answer to the best of my information, it has not been utilized at all. And I think everybody will admit we are probably losing the war on drugs. And I suggest to you that before that State's attorney or any one of the hundred and two or the -- or the Chief of the State Police or any law enforcement person comes back to this Body and says, "We want the authority to -- for nonconsensual wiretapping" - now they've got a laundry list. And so what we're going to do is afford the hundred and two State's attorneys the opportunity to be Inc. and Sneed and all those other gossip - the National Enquirer and just literally engage in open-ended fishing expeditions and, I suppose, to the detriment of the war on drugs, which is what this is all about in the first place. I didn't support that authority then. And now, to enlarge it to the point where it's wide open just seems to me to be an absolute abdication of our responsibility and, more importantly, an abdication of our responsibility to the constituents that we took an oath of office to -- to protect. This is absolutely terrible, and I would urge an overwhelming No vote, so that we can put this baby to rest once and for all.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. When this bill came up in the -- in committee -- in the Judiciary Committee, I asked the witness from the Cook County State's Attorneys Office about the bill that we passed allowing this for drugs and how often that had been used and what was the experience, so we had some empirical evidence to decide whether we wanted to expand that. And he said, "To my knowledge, it hadn't

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been used," as Senator Rock mentioned. Well, the fact is, if we don't have any experience on drugs, which is our number one war in the crime area, why are we expanding it now? We don't know what's going to happen, how it's going to be used or abused and we -- we would like everything focused on the drug war. Why are we expanding -- and it's going to take a lot of resources. This equipment is very expensive. It's going to take more manpower to overhear all these conversations. Why aren't we focusing on the drug issue, which hasn't been used yet and which they promised us, when this bill was passed, that it was just going to be for drugs, not expanded and we'd see what the evidence and the experience was when we used it in drugs? We've seen no evidence, no experience. This is too great an expansion. It goes too quickly. Let's slow down and let's attack the war on drugs and use the nonconsensual eavesdropping for the war on drugs that it was intended to be used for, instead of branching out, diminishing our limited resources and not focusing on the drug war where it should be.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hall.

SENATOR HALL:

I just wanted to ask the Chairman of that Judiciary Committee how -- what was the vote on that bill when it came out of committee?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR HALL:

He's not the Judiciary --

PRESIDING OFFICER: (SENATOR D'ARCO)

Oh, I'm sorry. Who is the Chairman? I don't -- Joyce.

SENATOR HALL:

Well, I mean, he -- he would know. It was his bill. He could tell.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen, what was the vote?

SENATOR BARKHAUSEN:

5 to 3.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President, in closing, let me just quickly point out a couple of things. In the first place, before one of these wiretaps can ever be conducted, there are a number of procedural hoops that need to be complied with. In the first instance, the law enforcement official has to go to the State's attorney and get his or her approval. State's attorney then has to go to the judge and get his or her approval - in the process of doing so has to establish to the satisfaction of the court that there is probable cause to believe that one of these enumerated crimes is being committed. So, it is not some sort of arbitrary decision made on -- single-handedly on the part of a law enforcement official or a State's attorney to decide to go on some -- what's been described as some sort of a fishing expedition that might arguably put somebody's rights at peril -- in peril. There has to be probable cause and that is not an easy thing to establish. Secondly, these are all serious offenses that we're talking about here. Granted, we -- we collectively thought that the range of drug offenses was the best reason to -- to authorize this investigative means, but what about -- what about murder, for example? Do you want to continue to tie the hands of our law enforcement officials in investigating murder because we're -- we're so sensitive about civil liberties that we don't think there should be wiretaps to investigate a murder? Well, that -- that is collectively what so far we have denied our State's attorneys and our law enforcement officials the right to do. Let's get serious people. Who's side

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are we on? I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 1390 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 31 Ayes, 24 Nays, none voting Present. And -- and Senate Bill 1390, having received the required constitutional majority, is hereby declared passed. Senator Rock.

SENATOR ROCK:

Request a verification, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. There has been a request for a verification of the affirmative roll. Will the Secretary please call the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Butler, Daley, Davidson, Donahue, Dudycz, Ralph Dunn, Etheredge, Friedland, Hawkinson, Hudson, J.E. Joyce, Karpziel, Keats, Kelly, Lechowicz, Madigan, Mahar, Maitland, Philip, Raica, Rigney, Schaffer, Schuneman, Severns, Topinka, Watson, Weaver, Welch, and Woodyard.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Do you question the presence of any Senator, Senator Rock?

SENATOR ROCK:

Senator Schaffer.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer. He is waving his hand.

SENATOR ROCK:

Proudly, I'm sure. I have no further questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Thank you. The roll has been verified. Senate Bill 1393.
Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1393.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1393 requires the court to determine if it's in the best interest of a child to maintain a sibling contact after termination of parental rights. If the court determines that it is in the best interest of the child, then the court may order continued contact between the child and his or her siblings following termination of parental rights. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 1393 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted -- have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And Senate Bill 1393, having received the required constitutional majority, is hereby declared passed. Senate Bill 1409. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1409.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

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SENATOR BERMAN:

Thank you. This is a Legislative Reference Bureau codification Act. Be glad to respond to any questions and ask for your affirmative --

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 1409 pass. Those in favor, vote Aye. Opposed Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. And Senate Bill 1409, having received the required constitutional majority, is hereby declared passed. 1420. Senator Rock. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1420.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1420, as amended, is an amendment to the School Code, and this proposal came out of the Education Committee unanimously. As you will recall, currently we allow up to -- allow the State Board of Education to utilize up to five percent of the money for early childhood education in the form of grants for research and personnel training at public colleges and universities. This bill would allow private colleges and universities the opportunity, if the State Board decides, to also participate in this grant program. To date, I call tell you that the State Board has not yet implemented this Section, but the fact is that this was requested by Rosary College, next door to my district, on the

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basis that the public universities simply do not have extensive enough programs to -- for early childhood education certification. I know of no objection, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 1420 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 1420, having received the required constitutional majority, is hereby declared passed. 1425. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1425.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I want to assure the Members, Mr. President, this is not a clinker. It amends two separate provisions of the Criminal Code. It codifies the law with regard to entrapment and it represents a -- kind of an agreed bill between both the Bar Association and the Cook County State's Attorneys' Office. It -- on the other hand, it creates a certification process for analysis reports relating to -- coming from forensic drug labs. The administration feels that there needs to be a certification process for lab -- laboratories that are engaged in this type of work. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 1425 pass. Those in favor, vote Aye. Opposed, Nay. The voting

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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 54 Ayes, 1 Nay, none voting Present. And Senate Bill 1425, having received the required constitutional majority, is hereby declared passed. Senate Bill 1427. Senator Macdonald. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1427.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This is an administration bill. Actually, it is a shell bill that was put out hopefully to address the fee per reactor schedule between the Department of Nuclear Safety and the utilities. They have not come to an agreement yet. This bill came out on the Agreed Bill List from committee, and I would like to keep it alive and pass it on over to the House in the hopes that there can be some agreement made by the utilities and by the Department.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 1427 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, 57 Ayes, no Nays, none voting Present. And Senate Bill 1427, having received the required constitutional majority, is hereby declared passed. 1438. Senator Welch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1438.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is allow the use of hazardous waste funds to cover the cost of annual medical checkups to former employees of Superfund sites - businesses that were operated on Superfund sites. We are still negotiating with the Department of Public Health. They think that they may be able to find money from the Federal Government to pay for all of this, and I've agreed to -- if we get it over to the House to try to amend it in the House to reflect either money they find or narrow the bill to particular Superfund sites so that we have a better handle on exactly how much the bill will cost. My estimate of the cost of the bill is less than twenty thousand dollars, all of which would come out of a Hazardous Waste Fund or the Superfund itself, which deals with Superfund sites.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Senator Fawell.

SENATOR FAWELL:

You're saying, Senator Welch, that -- that anyone who has worked for longer than a year as an employee will be able to get money to check up on their -- on their health? Is that the idea?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Anyone who worked at a designated Superfund site that's being cleaned up, and worked there more than one year, would be allowed an annual medical exam to see if the effects of working on the Superfund site had an effect on their system.

PRESIDING OFFICER: (SENATOR D'ARCO)

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All right. Senator Fawell.

SENATOR FAWELL:

Are you talking, for instance, about the Kerr-McGee cleanup? Was that included?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

When we amend the bill in the House, it probably will not be included. The Department of Public Health does not want to include very many sites, and they asked that the bill be restricted to actual sites in which there was a building in which people were working as opposed to dumping tailings in a mound outside of a building.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Well, the reason I'm asking the question, that particular company was going for something like a hundred and twenty-five years and, at one time I think, employed half the City of West Chicago. There are literally hundreds of employees that will be covered by this bill. And if you're talking about twenty thousand dollars - that's going to be a drop in the bucket.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

That's why we're going to amend the bill in the House, Senator, is to restrict the number of people who are subject to it. Basically, we're looking for groups of people who've been complaining that their health is affected. We haven't heard of any complaints from anyone who has worked at Kerr-McGee - that thorium tailings affected their health. But we have in some other situations where PCBs are involved.

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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 1438 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 1438, having received the required constitutional majority, is hereby declared passed. Senate Bill 1443. Senator Smith. Senate Bill 1457. Senate Bill 1460. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1460.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1460 requires that 15- and 16-year-olds charged with aggravated battery with a firearm, aggravated discharge of a firearm, possessing a sawed-off shotgun or a silencer shall automatically be transferred from Juvenile Court to Circuit Court and tried in Circuit Court. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? It's too bad. The question is, shall Senate Bill 1460 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 49 Ayes, 1 Nay, none voting Present. And Senate Bill 1460, having received the required constitutional majority, is hereby declared passed.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Ladies and Gentlemen, we're going to start at the beginning on Page 13, Senate Bill 3. Page 13. Senate Bill 3, on 3rd Reading. Senator Collins, do you wish to call Senate Bill 3? Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. Senate Bill 103 <sic> (Senate Bill 3) is an attempt to address a very serious problem with school dropouts before it happens. Most of our efforts in the State - and I have to admit we do have some good alternative programs and are making some headway after the students drop out of school - but it is far less costly if we would, in fact, focus more of our dollars and our attention on prevention. What the bill does is very simple. It says that in those areas where there is a disproportionate number of student dropouts and learning disability problems, that that school district should in fact -- would in fact have to develop a plan for early identification and intervention into those student's problems to prevent dropouts. I would be -- that's all the bill does. The Board does not require this to be done now. I would be happy to answer any questions. If not, I would just ask a favorable roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate.

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Senate Bill 3 is -- is legislation that, in my view, is absolutely unnecessary and just imposes upon school districts yet another mandate. And as one speaker had said earlier, it -- it actually will create more work than any direct benefit that it might provide. Right now in this State, we identify -- we identify the students who are at risk of academic failure, and we are targeting dollars to those students to make sure that they are on -- on track. And I just believe that -- first of all, school districts know what the problems are and they are attempting to address this. To make them file a plan, whatever that might be, simply is burdensome and not necessary, and I think this is one -- and we have no idea what this is going to cost local school districts. No idea whatsoever. So I think a proper vote on Senate Bill 3 would be a No vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any further discussion? If not, Senator Collins may close.

SENATOR COLLINS:

Yes, according to the State Board, we're talking about minimum costs, if any. We do have a fiscal impact statement here. And, Senator, you know, I am sorry, but if you came from a school district where fifty-five percent of the high school -- one, eighty percent of the high school students dropped out, then maybe you will understand that whatever it is that the school boards are doing, that they are not doing a good enough job. I'm really sorry that -- that you don't see the need for us to -- to require those school districts to prevent <sic> a plan. This is all it's saying. Let the State know what you're doing and we would like to hold you accountable for what you're saying that you're doing. We're not mandating that you have any specific program. But tell us what you're doing for early identification and intervention to keep these kids from dropping out of school. And if you develop a good plan, maybe the State then -- we could have some

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justification here to provide some additional dollars to help those districts with the problem, hopefully that they would be able to do this. And I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall Senate Bill 3 pass? Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that, the Ayes are 30, the Nays are 25, none voting Present. Senate Bill 3, having received the required constitutional majority, is declared passed. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. A verification of the affirmative roll call, please, sir.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Maitland has requested a verification. Will all the Senators be in the seat -- in their seats. The Secretary will read the affirmative votes.

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Maitland, do you question the presence -- presence of any Senator?

SENATOR MAITLAND:

Senator Carroll.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Carroll in the Chamber? Senator Carroll is in the

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back of the Chamber.

SENATOR MAITLAND:

Senator Luft.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Luft? Senator Luft is standing right there.

SENATOR MAITLAND:

Senator Welch.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Welch.

SENATOR MAITLAND:

What are you doing in there, Senator Welch? Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

On that question, the vote is 30 Ayes and 25 Nays, none voting Present. Senate Bill 3, having received the required constitutional majority, is declared passed. Senate Bill 13. Senator Dunn. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 13.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Take it out of the record, please. Senate Bill 25. Senator Severns. Senator Severns. Senate Bill 25. Senator -- Senator Dunn. Senate Bill 39. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 39.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is the bill known as the

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Disaster Area Relief Act, and what it provides for is that if your area has been struck by a tornado, like Senator Mahar's has or Senator O'Daniel or mine, and you have to pay replacement sales tax on an item, whether it be personal or real, you will be reimbursed by the Department of Revenue if you apply within three years.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any -- any discussion? If not, then the question is, shall Senate Bill 39 -- I'm sorry. Senator Schuneman.

SENATOR SCHUNEMAN:

I'm sorry, Mr. President, question of the sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Says he'll yield.

SENATOR SCHUNEMAN:

Senator, I was concerned -- or interested in what your bill does. Apparently, if you're struck with a disaster of this kind, no sales tax applies, or you can apply for a refund. Is that basically what you're saying? What do -- what do you do about those cases where people are insured for replacement cost and they receive full value under their insurance for replacing their property, are they going to get a refund of the taxes?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dunn.

SENATOR T. DUNN:

No, Senator, they're excluded by the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, how is it excluded by the bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dunn.

SENATOR T. DUNN:

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Let me read from the bill. The language states, quote "The Department of Revenue shall not reimburse any amounts that are reimbursable through insurance maintained by the owners period," close quote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I guess that brings up the question then of the -- discrimination against people who properly insure in favor of those who don't properly insure. And -- but -- but I accept what you're saying. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Senator Dunn, to close.

SENATOR T. DUNN:

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Question is, shall Senate Bill 39 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 14 Nays and 1 voting Present. Senate Bill 39, having received the required constitutional majority, is declared passed. Senate Bill 72. Senator Joyce. Senate Bill 72. Senator Joyce. Senate Bill 78 is on the Recall List. Senate Bill 83. Senator Collins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 83.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

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Yes, thank you, Mr. President and Members of the Senate. Senate Bill 83, which was already introduced at the time, basically codifies first on the income tax extension the Governor's Executive Order, and it adds the provision for delayed taxes -- property taxes on homestead property. I would be happy to answer any questions. If not, I would just ask a favorable roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? Hearing none, the question is, shall Senate Bill 83 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 83, having received the required constitutional majority, is declared passed. Senate Bill 90. Senator Davidson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 90.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this bill does exactly it says -- calls for fingerprinting of bus drivers. This has come about from the number of people who did show up that have been convicted of felons. And we did amend it so a temporary permit could be given to satisfy the private contractors, as well as the State Police, during the time that it takes to get their fingerprints ran through. It takes a little longer. And so, this would be -- and if the person comes back with a felony conviction from the fingerprint, the temporary license is automatically

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cancelled. And also, if the applicant would lie or fail to reveal any required information, they'd be guilty of a Class A Misdemeanor. That was put in at the request of State Police. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong opposition to this legislation. This was brought up last year and, thank God, we beat it up a little bit up last time. But, you know, we've got so many problems with this bill. Most of the school teachers are -- are part-time people, and retired people; that they really don't have other employment. And, for them, thirty-five dollars is a lot of money. And it's not just thirty-five dollars, because if that thirty-five dollars goes into paying for the fingerprint cost and it happens to come back, which it always does from our illustrious State Police, it comes back and says we can't read them. Let's do them again. So, there's another thirty-five dollars that goes into that. So, now you've got these poor people that aren't making much more than seventy/eighty dollars a week, in many cases, now having to pay seventy dollars and still -- still it may take up to a year. So, who's going to be driving those school buses in that period? Temporary permit? Nah, it's not going to be there. I think we should vote against this legislation and put it to a quick death.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, if I might ask a question of Senator Davidson. Who does

--

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

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SENATOR DEMUZIO:

Who does pay the cost? Who's going to pay the cost? Is it going to be the part-time bus driver that pays the cost, or is it going to be the school district, or who's it going to be?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

It's left open. The applicant can pay the cost. And it's thirty dollars, Senator Jacobs. Or -- pay attention. Or the school district can pay the thirty-dollar fee and ask for reimbursement out of the State Board of Education, which we have a line item appropriation for that purpose - or the school district or the Regional Superintendent. Presently, we pay for a criminal background check. This fingerprint bill would do away with that. Consequently, that money can be applied to pay for this or reimbursement to the applicant. It's a thirty-dollar charge, one time only. And, Ladies and Gentlemen, if you want to argue about someone part-time - it hasn't anything to do with teachers - it has to do with school bus drivers. And if you don't think thirty dollars by someone to pay for the investigation to make sure someone convicted of a felon, of child abuse, sexual abuse, drug pushing, et cetera, to protect your children or your grandchildren or someone else's children from that bus driver, then I think you got your priorities wrong.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Senator Davidson echoed what I was going to say, but let me emphasize that a school driver has an awful lot of control over a bunch of youngsters, and I think it behooves us to be sure that we don't have someone driving a bus that molests children or what have you.

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And the best thing to do is get them fingerprinted. Thirty dollars is nothing compared to what the life of a child can be affected if some moronic driver is in charge of a bus.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of this bill. I heard the bill in the Transportation Committee, it came out 6 to 3. And the question is the security of the children that are riding on those school buses. And I don't know if you've heard or read the stories as I have - unfortunately, we had incidences in the City of Chicago and suburban areas where there were felons and dope heads and some other perverts driving those buses. Last year, there was a -- one of our candidates on the State ticket requested this type of legislation to be introduced and Senator Davidson has now introduced it this year. I think it was good then; it's good now. For a cost of thirty dollars, you've got security for the families that are involved, and I strongly encourage an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the Sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Says he'll yield.

SENATOR DeANGELIS:

How many people currently in the educational area are required to be fingerprinted and have a criminal check done?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

To my knowledge, there is no requirement for fingerprinting,

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if you have other knowledge, but what we have done is they have to give their name and Social Security number. And even those who give false names and Social Security numbers, they still come up each year with a number of people who have been convicted of felons, even with that miniscule look at them. Fingerprinting would let them prove once and for all that they're either innocent or not innocent. And in response to Senator Jacobs, the Regional Superintendents that I know of send them down to the police station for their fingerprinting to be done and there is none of this misguided -- if you listened to the witness in the Transportation Committee, with a new fingerprinting identification the State Police have now, there's only about -- those which go through a police department only have less than a six-percent error. In other words, ninety-four percent of them are correct.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Are they Regional Superintendents the ones that want this bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

No, the people in Springfield, Illinois who had three bus drivers who turned out to be convicted felons hauling their kids came to me and say, "There's got to be a way to identify them." These people showed up even with only using names and Social Security numbers as a convicted felon. And I know it's happened in suburban area, because a couple of years ago, and particularly when Mayor Daley was State's Attorney Daley, we had this bill together at that time because of the convicted -- turned out they were convicted later, but indicted bus drivers, thirty or forty of them who were hauling kids in the City of Chicago who were pushing

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drugs.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I feel like we're picking on the people that are probably the ones who make the least amount of money in the whole educational hierarchy and imposing them -- upon them an inspection far more severe than people who have a much greater impact on the kids. Now, a responsible employer in that field, I would imagine, ought to go back and check the -- the criminal background. But I'll tell you, the first thing I'd like to see them check is the driving record. Now, you're going to go after the felony and the guy could sit there and not be able to even drive -- or the person. I just think this is massive overkill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Raica. Further discussion?

SENATOR RAICA:

Thank you, Mr. President. I think this does deserve the merit of a good vote, but I have a question of the sponsor if he'll yield.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR RAICA:

Senator Davidson, the thirty-dollar fee - is that paid to the -- or the State Police, or is it the Department of Public Regulation -- Professional Regulation?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

The thirty dollars is -- and I forgot how it's split. Twenty dollars to FBI or ten dollars to State Police, or vice versa. It goes ten dollars to the State Police for the fingerprint check and

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twenty dollars to the Federal Government - you got to pay to have the FBI run it through the federal check.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Raica.

SENATOR RAICA:

Senator Davidson, I guess my question is, nine times out of ten, you don't get a clear print. It will come back smudged and there will be problems reading the print. If someone goes for their driver's license -- or they go to get their fingerprint, and they pay the thirty dollars and they have to submit new prints, which happens every day with the Department of Public Regulation -- Professional Regulation, I mean. They send them back if you apply for detectives or security. They send -- you might have to get two or three times and each time you do that, you have to pay an additional fee. I mean, I know the State's short of money. But my question is, how many times -- is it a one time fee that you pay, or each time the prints come back and you got to have them redone, there's an additional thirty-dollar fee?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

Senator Raica, I can't give you a total, clear-cut answer to it. The witness from the State Police said with the new procedure they have and the fact that the Regional Superintendents who this permit has to go through, send them over to the local police station, there's about six-percent error. In other words, ninety-four percent of them correct. As it stands now, we have to pay the fee -- the thirty dollars each time you do it. We will try to work with the State Police and find out also from the FBI whether that has -- that fee has to be paid each time or whether they only pay it once, and if a smudged print -- if they resubmit it, if -- whether there's another fee. At this moment, we

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understand the thirty-dollar fee - ten to the State, twenty to the FBI is there every time you do it. And we'll try to find out in relation to a smudged print.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Brookins or Keats. Whichever. Senator Brookins.

SENATOR BROOKINS:

Will the -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR BROOKINS:

Senator Davidson, what happens when these fingerprints are held up in the police check and et cetera, what provisions are made for the buses to roll?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

I'm sorry. You're going to have to repeat the question. My one good ear is being interfered with over here. Will you repeat the question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Is there some -- is there some provisions when a driver can drive while the -- the fingerprints are being checked, as we know it takes a period of time to do that? So that the buses will be all clogged up and we'll have no buses running, is there a mechanism in place that a permit can be given or a waiver of some type?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

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Yes, there is, Senator Brookins. That's what we amended, in agreement with the private transportation and State Police. A temporary permit will be issued to that person when they apply for the permit to do it. They will be given a temporary permit to drive while the fingerprinting is being done, and it takes from thirty to forty-five days for the information to be given to us. But they can drive during that time. And if it comes back then it's automatically cancelled, if they come back with a record.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

To the bill: then that means -- then that means that under any circumstances, we would still have that same unwanted individual. So, we're saying, "Driving a bus isn't exposed to the children," while they're checking the permit and carrying on. So, I can't see where this bill is of any benefit at all other than to cause a congestion in hiring bus drivers and also could cause the hiring on the least persons that can afford to pay these bills. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. I stand in strong support of Senate Bill 90. What the Senator is trying to do is simply to make sure when parents put their children on a school bus that they can feel safe that that child -- that that individual who is driving the bus does not have a criminal record. I urge passage of this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Severns. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Would the sponsor yield for a

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question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR SEVERNS:

Senator Davidson, I -- I expect those bus drivers in my district are similar to the ones in your district and Senator Maitland's district, and at least the bulk of those bus drivers are mothers who, after their children have gone to school, are simply trying to add or to supplement the income of their spouse to better make ends meet. Is this the population that you're targeting through this bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

I'm not targeting any particularly population. I'm targeting those people who are bus drivers, and I respect what you said. But we have a private contractor here that furnishes the transportation in Springfield, and we had three convicted felons; one for sexual abuse and two for drug pushing, that were hired by this independent contractor. I'm sure there's mothers in there, but whether a mother or not, I know they all have the right purpose, but we still have to find out whether we have a legitimate person that's driving that bus and not expose these children to any adverse situations if we can prevent it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Senator Davidson. I would also be concerned about those individuals driving the bus. My concern is simply this: when we have people like we have in your district and my district and Senator Maitland's district and other districts who might be considering voting for this bill, when the bulk of those people

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really are the mothers and the housewife whose kids are in school and their very clear intention is to drive a bus that will be safe, deliver their children safely to school and simply to supplement their income and their spouse's income in the process - is this really the -- the action that you want to take? Isn't there a better way than this bill to address the concerns that you have locally within your district? I would hope that there would be.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

Well, first and foremost, there's nothing in the bill that prohibits the school bus -- Howard, I can't see her. There's nothing in this -- I'm going to sign your death certificate yet. There's nothing in this bill that -- that says the school district cannot reimburse the people if they so desire. And some people do that. And I agree - most of your bus drivers and my bus drivers are mothers. But we have a responsibility -- most all the laws that we pass around here is because some bad actor. And what we're trying to do is prohibit those bad actors from our children being exposed to them. And I'd say -- I didn't think anybody could be in Springfield, but when they showed me three convicted felons last year, it made me change my mind.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Sorry for speaking for the second time, but, Senator Davidson, our analysis did show thirty-five dollars. That's what we were told by the State Police. That's why I mentioned thirty-five dollars. But just in closing, let me just state what I've heard so far in this -- in this debate -- and so we're not taken in by the stuff that we're either for the kids

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or we're against the kids. Here's what I have heard. We are going to take part-time mothers and -- I mean -- or mothers who are going to be part-time bus drivers - we are going to make sure that we fingerprint them so we protect our kids and that we're going to take them to a teacher who is not fingerprinted, who is going to have them all day long, and that's going to solve the problems. How does fingerprinting someone and waiting a year solve the problem of potential abuse? It just does not do it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson, to close.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, in spite of what the last speaker said, we're not out to prohibit someone - but there's a lot of people out there who are driving these school buses - they're not mothers or part time or trying to do their income some addition. What we're after is to give your children, your grandchildren or the other people's children, to protect them from being exposed to people that are convicted felons. And I didn't really get excited about this bill until it was driven home to me when someone would have told me prior to last year that three convicted felons were driving school buses in Springfield, hauling children around - one for sexual abuse and two for drug conviction - that it could happen in this kind of a town. And then it turns out when talking to the different people in authority that with -- under the present system of Social Security and/or name, even with the people doing false names and false Social Securities -- Social Security numbers, we're still coming up with nine or ten or twelve percent of these people being caught as it is. This is a one time charge only. It's thirty dollars. If the school district wants to reimburse, they can. Many of them can go back and reimburse themselves <sic> from the State Board of Education in the line item -- the appropriation which I just mentioned. And I think

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this is a very good, timely bill to give your children and your neighbor's children protection from the kind of people we want to protect them from. I'd appreciate an Aye vote.

END OF TAPE

TAPE 6

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Question is, shall Senate Bill 90 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 24 Nays and 3 voting Present. Senate Bill 90, not receiving the required constitutional majority, is declared failed. Senate Bill 145. Senator Rea. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 145.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rea.

SENATOR REA:

Thank you -- thank you, Mr. President, Members of the Senate. You notice that this is a Rea-Hudson bill, spelled R-E-A to begin with. He made sure I spelled that out. But this is a Worker's Comp shell bill that we would like to send over to the House. There's meetings -- are being held this week - have been called by the Governor on Worker's Comp - of Labor and Management, and we'll have this bill in place should something be worked out.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Any discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR FAWELL:

What kind -- what kind of problems have we got with the Workman's Comp that we're putting out a shell bill on it?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rea.

SENATOR REA:

This is something that we will -- we will find out I'm sure through the meetings, and the Minority Spokesman -- I've cleared this with the Minority Spokesman of the Labor Committee as well.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just for the record. Senator Rea and I have -- have agreed to move this on over to the House. Now we're doing it to keep this open as a, what should I say, a recipient of anything that might come out of the meetings that are starting this week between Business and Labor. And this bill in the House, my understanding is, correct me Jim if I'm wrong, that this bill in the House will be used for nothing, repeat nothing, except the results or the product of our so-called agreed bill process, the summit process, call it what you will. That's the understanding, for the record.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any further discussion? Senator Rea, to close.

SENATOR REA:

Thank you, Mr. President. That's the sole purpose for Senate Bill 145. Would ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall Senate Bill 145 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. Senate Bill 145, having received the required constitutional majority, is declared passed. Senate Bill 160. Senator Cullerton. 160. Senator Cullerton. 176. Senator Severns. Senator Severns. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 176.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This bill is identical to the bill that we passed out of here with a healthy margin last year. It's a product of three years work now working with SBE and the various different concerns to -- to address ways to reverse the growing dropout trend. It's a bill that in essence says if a student drops out of school, they lose their license. If they return to school or an alternative form of education they can gain that license back. If not, they cannot obtain it until they turn eighteen. Senator Collins spoke earlier about the high dropout rate in her district. In my district, downstate, in the City of Decatur, it's approaching a twenty-seven percent dropout rate. I don't pretend that this bill is a panacea, quite the contrary. I do believe, based on the experience in West Virginia where the dropout rate has been reduced by thirty-three percent with similar language on the books, that it's at least worth a try. We have built in a four-year sunset provision. If it

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doesn't work on its own, it should die. What I ask here today is that we give this bill a chance. Senator Kelly and Schaffer and Brookins and others have been good enough to, not only add their names, but be supportive in the past. The intent of this bill is not to hold students captive, it's to change their minds. I hope we give this bill and chance, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senator, you indicated the bill is identical to the one that you had last year and my opposition is identical to my opposition of a year ago. I -- I think this is the wrong way to go. Let me -- let me offer to the Body a couple of -- couple of concerns. First of all, we have mandatory attendance law in this State that suggests that you stay in high school until age sixteen. I mean, that's the law. There -- there literally is no law that says you -- you can't drop out of school. I mean, there just isn't -- after the age of sixteen. So -- so what we're suggesting here is that on one hand we require students to stay in school to age sixteen and then if they choose to they can drop out. Wrong as you and I may believe it to be, they still can do that. And they choose then to go get a job or do whatever they might want to do. So I think that is fundamentally wrong. The two issues are not consistent, but think about the sixteen- or seventeen-year-old student that drops out of school and has not yet received a high school diploma, it's rough out there. It truly is rough out there. And they find out, after they've been out for a while, that by golly, you know, I ought to be back in school. They've been out there driving without a license, trying to provide for themselves and you've made a criminal out of them in that respect as well. I just believe that there's an inconsistency here, and

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clearly we want the -- the kids to stay in school. We clearly want them to get their high school diploma. This is the wrong approach, I believe and I think we ought to, once again, reject this and -- and vote No.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I rise in support for this concept in this bill, as I have in the past. I've had an opportunity, despite our busy schedule, to speak to a half a dozen high school classes in the last few weeks and this subject has come up in several of those classes. And it's obvious to me that that driver's license is still a strong motivating factor, as it was even in the dark ages when I was in high school. There still are people dropping out of high school to go get a car and all the freedom and the status or whatever that at that age seems to go with an automobile. And that's -- that's short-sighted, but by the time they figure out the mistake they've made in many cases it's too late. Frankly, I am one who thinks we probably ought to move that mandatory age from sixteen to eighteen, but we haven't been successful in that. So I think this is a logical first step. We ought to do everything in our power to encourage kids to get a high school diploma. You haven't got a chance in this life nowadays without at least a high school diploma. And anything we can do that doesn't cost a great deal of money that adds another incentive for kids to get a good start in their life, is something we ought to do.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Indicates she'll yield.

SENATOR dEL VALLE:

Senator Severns, have we made provisions in this bill for, what we have called in the past, "hardship cases"? In other words, individuals who would prefer to be in school, but for economic reasons have had to drop out, maybe temporarily or have had to attend for a sick parent in a female-headed household. Have we made provisions for those individuals?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

Yes. There is a provision in the bill, and -- and it results from working with the interested parties and SBE a year ago. It, in fact, suggests that if there is a legitimate hardship case, the decision be made at the local level and it be reported to the Secretary of State, along with a report to the SBE.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator del Valle.

SENATOR dEL VALLE:

By a local level, you mean the school district?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

Yes.

SENATOR dEL VALLE:

Does -- does that mean that each school district will determine its own policy and definition of hardship cases?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

The -- the intent in the bill is clear that it be, in fact, a hardship case, and the accountability measure for districts, not

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to use this as an easy way to just say, "We want those who don't want to attend out of the classroom." That's the purpose for the reporting mechanism both to the Secretary of State and SBE.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Last year I wasn't a great fan of -- of this piece of legislation. However, this year I -- I've changed my mind. I think it's a good idea. You know, the -- I'm surprised that all of the folks supporting Governor Edgar aren't behind this idea, because the Governor has proposed taking those individuals who are single males off of general assistance on the theory that they should look out for themselves. They can get jobs. They can go to work if they'll just look. And I think the idea of looking out for yourself is a good one. And I think it should also apply to high school students. If they're under eighteen they should look out for themselves. If they want a driver's license, stay in school. Very simple. It says to individuals who are under age eighteen, "Your fate is in your own hands," which seems to me to be what Governor Edgar is saying to individuals on general assistance who are single and male. I think that the logic follows through on both issues and I think that voting for one should require voting for the other.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I would ask Senator Welch, Senator Severns is going to have enough trouble passing this bill, partisan the tax on people like Senator Schaffer and myself, is digging her in a deeper hole, and she's not tall enough to dig out of those real deep ones. But I think this is an excellent bill, and have asked to be a co-sponsor

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of it, and I don't know why I wasn't added, but -- but -- so the bill will pass, thanks, John. But sincerely, the easiest way to guarantee you will be a failure in life is to drop out of high school. It is almost tattooed on you forehead the moment you drop out of high school, you want to be a failure. Now, there are reasons to drop out we won't get into, but you might as well tell that kid the moment they walk out the door of that school and say, "I've decided to be a failure," that they're going to be lumped from day one. They're not going to have their driver's license. They're going to have a hard time finding a job. They have virtually no way to be self-supporting. Tell them day one, while they are still young enough to realize the errors of their ways, and go back to school. You know, it's real hard to go back to school when you're twenty-eight years old and haven't worked in ten years, and frankly, you have really put yourself in such a deficit, you almost can't get out. You're better off telling them day one, "Kid it is going to be rough". And this is just another signal saying, "You drop out of high school and you are not going to make it in life." And for that reason, I think it's important that this bill be there as an early message to -- to make these kids realize what they're walking into. I would solicit your support for it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. This bill flew out of here the last two years in a row, and it should again. I'm proud to be hyphenated sponsor with Senator Severns on her bill. I would say that Senator Maitland was at the hearing when Senator Berman polled a young classroom, in fact a very large classroom, to get their opinion whether or not they supported this concept, and it was unanimous that they were in -- very strongly in favor of this

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legislation. So the -- the kids are for it, we should be too.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. While driving is a privilege, this is somewhat of a difficult vote, because it cuts both ways. As Senator Maitland pointed out there are some kids who have difficulty in school, but by the other token we have today in our urban areas a mobilized urban guerrilla terrorists known as gangs. And what they do today is -- is the vehicle provides them the ability to go from neighborhood to neighborhood and to literally pass by a spot at sixty miles an hour and fire a round from -- or several rounds from an Uzi and continue on out of the neighborhood into the next neighborhood. This bill, I think, would serve a good purpose. The kids that are driving those cars are not high school graduates and they're not in school where they belong. I support this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. All you have to do is come down in some place where we've got such high unemployment, and many kids have to drop out of high school, because there's so many in the family, they go to work, and just because a person doesn't finish high school shouldn't keep them from getting their driver's license. I'm telling you, many of them have a GED. Does this apply to a person who dropped out of high school, even if they had a GED? You mean to tell me that they can't get a driver's license? Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates she'll yield. Senator Severns.

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SENATOR HALL:

Senator Severns, a person with a GED, you mean to say that they would not be able to get a driver's license?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

If -- if a student is in a GED program, or if they've obtained a GED, they will not be impacted by this legislation. They would, in fact, be considered, obviously, in an educational program.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hall.

SENATOR HALL:

Jobs is such a premium down in some parts of where I am that I'd hate to see something like this pass out that a person who could not go to high school, I mean who has to fall out -- drop out of high school, it is really tough out here, I'll tell you and -- but -- so I think it's a bad move.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Friedland.

SENATOR FRIEDLAND:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I move the previous question.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well. Maybe we should add one more thing to this bill, and that is that if they do drive, or we let them drive, they ought have the license plate that says, "Dropout".

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor for clarification.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

She indicates she will yield.

SENATOR COLLINS:

You do have provisions in this bill that deals with hardship cases where the -- this bill would not, in any way, inhibit someone from obtaining a driver's license who had to drop out of school for some legitimate reason, and especially to get a job to support themselves or their family.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns.

SENATOR SEVERNS:

Yes.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. I rise in support of this bill. I supported it last Session, and will support it again. I, too, took a poll in my community, and a poll of my young daughter and she indicates that this is a discussion that young folks have. They want automobiles. They will take jobs in the community, even the McDonald jobs, and save their money and buy automobiles, and then ride all over the community in it, and they think that they have arrived at that stage of the game. What this bill is actually saying is, "No, this is not the ultimate. This is not all life is about is to have an automobile and to be able to drive all over the town in it." What is more important is that education and is that high school diploma. There has been provisions made in this bill that if it is hardship, if you have to drop out of school, then there is a provision for that. That you could have a driver's license and you can continue to work. So I ask that you support this bill, that it is worthwhile, that it is a -- it is good legislation.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Severns, to close.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. The only reason I bring this bill back is because we have a change of Governor's and we still have the problem that -- that has existed in the past. I believe that Governor Edgar is on the record, not only in his inaugural address, but his subsequent State-of-the-State address, that he wants to exhaust all efforts to reverse the growing dropout trend. I would appreciate very much, a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall Senate Bill 176 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 12 Nays, 1 voting Present. Senate Bill 176, having received the constitutional majority, is declared passed. Senate Bill 200. Senator Marovitz. Senate Bill 203. Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 203.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Senate Bill 203 addresses a small problem that we've had in my part of the State, and I suspect others. Simply put, occasionally a municipality will notify, as they are required to do, that a piece of ground is to be considered for annexation by the city, the township road commissioner. With that

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notification the road commissioner then assumes that that piece of ground is now in the city, and he's -- he or she is not responsible for that road any more, but occasionally the city, even though the ground is up for annexation, rejects the annexation and there was no requirement to let the road commissioner know what was going on. All this bill does is require the municipal court to notify the highway commissioner when a piece of property is annexed into the city. Sets up some standards for liability in case this doesn't happen and requires registered mail notice. I believe it's worked out between the Municipal League and the Township Officials. I am unaware of any opposition.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any discussion? If not, the question is, shall Senate Bill 2-0-3 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none -- no voting Nay, none voting Present. Senate Bill 2-0-3, having received the required constitutional majority, is declared passed. Senate Bill 2-0-4. Senator Dunn. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2-0-4.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. What this bill says is that if you are in a automobile accident and you declare bankruptcy to wipe out the debt to the other side, that the Secretary of State need not give you your driver's license until you make an effort to pay

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back some of the money to that opposing person. I have put a graduated scale into the bill that provides certain payments for certain amounts.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, the -- the question is, shall Senate Bill 2-0-4 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, none voting Nay, and 1 voting Present. Senate Bill 2-0-4, having received the required constitutional majority, is declared passed. Senate Bill 213. Senator Jones. Senate Bill 222. Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 222.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this bill is -- is more than a bill; it's almost a plea to the General Assembly, because in our district and in Northern Illinois - basically in Cook County and the collar counties - we've just run out of ways to deal with this problem. And I'm -- I'm sorry to bring it to the Legislature, but I don't know that we have any other redress. This would ask that trucks carrying aggregate matter mandatorily use tarpaulins. Now last year I had a bill that was statewide in scope. My Central and Southern Illinois colleagues convinced me - and I think rightfully so - that it should not be that pervasive, because indeed this was not a problem in Central and Southern Illinois. But it is a problem in

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Cook and the collar counties where, indeed, we have most of our delivery of this type of material going on on north-south major State thoroughfares. It causes all sorts of problems, because it continually pings the cars that are there. It breaks windshields. And finally, I suppose the last straw was when one of these pieces of gravel flipped off, actually jumped a lawn and broke the window in a home. In fact, even as we considered this bill in committee, we had two Members who just recently - at least enough in -- in the memory of the time of dealing with this bill - noted that their windshields had been broken by this kind of flying matter.

It's something that is very serious to us, because you've got to figure that windshield replacement costs run somewhere between two hundred and four hundred dollars. And according to Allstate, eighty percent of the comprehensive claims for auto insurance premiums are for glass breakage. And that's mostly for windshields. We've had tremendous loss on this, with people complaining right and left. We held a public hearing on this in our district. And we've had, you know, numerable petitions. We've also tried to negotiate this out in the past by noting through the law that local police, if they could immobilize the truck, having seen the stuff fall off, that indeed they could make an arrest. But we've run out of police, because not only does this immobilize the truck, it immobilizes the police. And we just don't have enough police in our suburban areas to be immobilized with these trucks. Most of these trucks already have tarpaulins. They remain rolled up right next to the cabs, and they're not put over this material. It not only breaks windshields, pings cars, but it falls into our streets and plugs our sewers. The bill is supported by the Department of Transportation, the Illinois State Police, the Teamsters, the Township Officials of Illinois, the Illinois Municipal League, the West-Central Municipal Conference, the Township Supervisors Association. I thank the trucking

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associations for trying to do whatever voluntary programs they have been able to do. They aren't working. I don't know where else to go but to you, and I would ask a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in strong opposition to this legislation. As -- as Senator Schaffer stated yesterday, this is another example of mass -- massive overkill. You know, we already have a tarpaulin law -- bill -- that requires trucks that are spilling anything on the highway, or sand blowing off, or anything -- they're required to be tarped. And -- and also, it's -- it's a moving violation. It goes against the driver's driving record. You know, she -- Senator Topinka said in committee they didn't have enough law enforcement people to -- to take care of it. What makes her think there's going to be any more of them? You know, it's already -- we already have a law. Does she want more State Police and more Department of Transportation people out there working? But this -- this bill -- we already have legislation to take care of this. And she's exempted local governments. It's unbelievable how much material local governments haul into town, and this, that and the other. She's exempted all those. So, you know, I think this is -- this is something that we don't need; we already have. It's over-regulation. And I would hope that this legislation was defeated.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates she'll yield.

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SENATOR LEVERENZ:

This -- the bill would require tarps on trucks. Does that include the entire box, as it's known? Because, as you know, there are siderails, the lower rail, the upright and structural supports for the truck. So when they fill up down at the quarries - probably just south of your district - much of the aggregate sits on the tailgate, so would that be included? Would this totally wrap around the entire box or just over the top?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Well, this bill does not address sweeping of tailgates or the side of the trucks, which the Trucking Association stated to us in public hearing that they would attempt to do voluntarily.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Now, let us suppose -- let us suppose there are three bombers coming from McLean County carrying material up to Chicago. Where would they have to stop and tarp their truck?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

The -- at the border of whatever collar county they would come through.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

What is the cost, for example, that might be incurred by a small trucking company with three or five trucks? What would the cost per vehicle be to tarp their trucks?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Topinka.

SENATOR TOPINKA:

I don't know.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Industry did not communicate to you that it costs roughly fifteen hundred dollars per unit to tarp it? And then every time the driver of the truck, which might be receiving some fifteen or twenty dollars an hour -- it costs twenty minutes of time to tarp, twenty minutes of time to untarp so you can drop the load, therefore it might take a third of the day in tarping and untarping the truck rather than hauling things. Even though they are not blowing off the tarp of the truck, let alone to say the material that falls off the side of the truck into oncoming traffic or traffic following behind the truck, and probably just as many windshields are cracked because of rocks picked up in the lugs of the tires and thrown backward or bouncing off the side of the box. You don't have anything that would stop that from happening, do you?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Well, Senator Leverenz, I suppose this is quoting some -- well not some, but all the mayors in your area, which are supportive of this through the West-Central Municipal Conference, because we share common roads, and it's your problem as well as mine. For all practical purposes, the majority of these trucks already have tarps and are not using them. And I think you have to base what would be the overall cost of the tarp versus the number of windshields which have to be replaced at between two hundred and four hundred dollars a piece, plus the gross public inconvenience

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of having that car immobilized while that windshield is replaced.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

The fact of the matter is, to every company -- and I as a Democrat - in this case and a number of other cases - are trying to do something for small businesses. And should you require all trucks to be tarped, you will cause each one to expend about fifteen hundred dollars for the equipment, let alone the reduced amount of haulage time that they would have, even though they are not losing anything off the top of the truck. This flies in the face too, in the matter that we need no more laws than what we have on the books already; that the Secretary of State Police said that it can enforce the laws which you are designing Senate Bill 2-2-2 to address with existing laws on the books today. Is that not correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Could you repeat that please? I didn't catch the last part of your question.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Well, let's just deal with the last part. I inquired of the Secretary of State Police Division I, 1701 So. First Avenue, and said, "Do we have to tarp all trucks to implement Senate Bill 2-2-2?" I was told laws exist on the books now. Therefore, this is redundant - if anything, overkill. They can stop any truck that is losing material of any kind off of a truck and cite it. Therefore, I think this is an exercise in futility.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Any further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates she will yield.

SENATOR HALL:

Senator, I've got two -- two windshields cracked and they weren't on no roads. They were right going across the bridge there that's between Missouri and Illinois, from the flying things. But what I want to ask, if we've already got a law on the books, why are we putting another one on?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Mr. President, -- and Senator Hall, the law, as it currently reads, says if the police see aggregate matter falling off of the truck, they are within their rights to immobilize that truck and keep it immobilized until a tarp is produced. Our problem is -- is that it also immobilizes our police. Now, it would be my contention that it would be far better having the police on the street doing something in the realm of real life heavy law enforcement and protecting the public safety than being immobilized baby-sitting with a truck that is flipping off aggregate matter and breaking windshields and pinging cars and -- and plugging sewers, rather than -- than being out doing what they should be doing. And that is why this law. We have tried every other way, including voluntary ways. We've also tried very hard to keep our public from trying to get trucks off of our main thoroughfares. And they've been understanding about this. Everyone has tried to cooperate voluntarily. It has not worked. And this is my last recourse.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Hall.

SENATOR HALL:

Do I read right to where this just applies to Chicago and other places that are contiguous to that?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Applies to Cook and the collar counties. So when Senator O'Daniel gets concerned, I would point out to him, it does not apply to his area.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Hall.

SENATOR HALL:

It's -- you know, that when you do that, you're applying it to just one area. I -- I would be very upset if you just applied it to my area and didn't apply it to others. But nevertheless, remember this, that when you stop some of these trucks, the tarp could come loose, but they have what they call moving violations, so he could put -- he could bill the man on something else, too. It -- this could run up to a -- big figure.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

No further discussion? Senator Topinka may close.

SENATOR TOPINKA:

Well, again, I -- I -- I find it somewhat painful to come to the Legislature with this. But I think we have just absolutely exhausted every other possibility. I think my colleagues were quite correct in noting that this is a problem limited to Northern Illinois where, indeed, we do have the population density. We do have the buildup of trucks. It is consistently going on. Our public is asking for something to be done. I -- I think by virtue of just the sheer list of groups that I have named - that have asked to support this bill - that it would make it perfectly clear

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that we do need some help. And now the Legislature is the only place we could turn. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall Senate Bill 2-2-2 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 23 Ayes, 28 Nays, 1 voting Present. Senate Bill 222, having not received the required -- required constitutional majority, is declared failed. Senator Daley. Senate Bill 230. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President, Members of the Senate. Senate Bill -- Senate Bill 230 requires individuals to sign an affirmation that they have liability insurance when they get their driver's license. It also increases fees for reinstatement for summary suspensions and DUI offenses. It increases fees for restricted driving permits and judicial driving permits. It extends the summary suspension from six to nine months, and it would require persons who have DUI offenses to pay up to five-hundred-dollars reimbursement to the local emergency services -- the local community. I know that there might be some questions from the Secretary of State Office. I have indicated to Mr. Madigan from that office, that I'm willing to work with his office to address some of their concerns. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in reluctant opposition to this bill for a couple reasons. These amendments were placed on yesterday. When this bill went out of the Transportation Committee as an agreed bill there was going to be one amendment agreed to with the Secretary of State, now we have loaded this up with a -- many changes in the law. Not the least of which, is a graduated scale of reinstatement fees up to three hundred and fifty dollars to reinstate your license when you haven't been convicted of a thing. You can go through the process. You can pay your attorney's fees. You -- if you are convicted you can pay, in a lot of counties, five-hundred and seven-hundred and fifty dollar fines. And then instead of an eight-dollar fee to reinstate your license, you may have to pay up to three hundred and fifty dollars to reinstate. And for some of those it's for summary suspensions when they may have had the case dismissed or have been found not guilty of driving under the influence. These are extreme changes. I point these out, not because all of them are bad ideas - that perhaps some of the fees shouldn't be raised, but so the Members will understand what they're voting for if they vote for this bill. I think there're some problems. The sponsor's already acknowledged there are some problems. These should have gone through committee. If there's a bill coming over from the House, I'd suggest that the sponsor pick that up and put them on, but to send this out in this shape without any hearings and with these kinds of changes, I think, would be a mistake.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Indicates he'll yield.

SENATOR WATSON:

Thank you. Senator, on the Floor Amendment No. 3, which says that the fee for a restricted driving permit will now go from eight dollars to one hundred dollars, is that on just DUI, or is that on all applications for a restricted driving permit?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

It is on all, Senator. And that's, as I indicated to you, that -- that was pointed out and that's one thing that could be -- would be corrected in the House. For DUI -- it's meant for DUI cases.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

Okay. Well, I think the record, hopefully, will reflect your intent of changing that, because that certainly a lot to ask for someone who's maybe had three moving violations and ask for a restricted driving permit, to have to pay a hundred dollars when -- just to be able to provide for his family. Another question, where does the money go from these fees in Floor Amendment No. 2? Where does this -- what kind of a fund does this go into?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

The -- the money goes to the Drunk and Drugged Driving Prevention Fund, as well as the Crime Victims Assistance Fund. And that, as well as I indicated to the Secretary of State's Office. I know they have a concern with that, and I'm willing to work with them with the House sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Watson.

SENATOR WATSON:

Yes. Thank you. With the agreement that you're going to continue to work with the Secretary of State, because they do have some major concerns about this legislation, well then -- and I hope that you will do that and you've made that commitment and I that's fine and I appreciate that. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I remember yesterday you amended a bill that would require information of an applicant for a vehicle registration as to whether or not that applicant had insurance on the car, am I not correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

Senator, to get you driver's license you have to sign this affirmation.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

That's exactly my point. The -- the automobile insurance generally follows the vehicle and has no relation to the driver's license. There's no -- there's no requirement of any kind that -- that in Illinois we show that each driver has an insurance policy in his name. Our requirement in Illinois is that each auto must be insured, and that's how the drivers get their insurance. I

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really don't see the point of what it is you're trying to accomplish here. For example, many people who do not own automobiles will have no insurance to list when they apply for a driver's license. They may drive my car or their parent's car or their sister's car or somebody, which has insurance and -- so I don't think that this requirement is the right way to get at your problem. If you're trying to show -- have people show that they have insurance on all the vehicles they might drive, this is -- this won't accomplish it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

Senator, is that what you're doing, because -- is that the intent of the legislation or is that some kind of -- one of the deficiencies that you're going to work on?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

That is the intent and the first amendment that was put on yesterday was given us -- to us by the Secretary of State's Office, and it indicates when applicable.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

So, Senator, -- what you've actually done is extend that the Mandatory Liability Insurance Act to include everyone who has a driver's license. And -- and that's not the intent even -- I mean, I was opposed to that under the circumstances of not having any insurance rate regulations in this State, and the hardship that it imposes upon people in my area because of the excessive rates that they have to pay for all insurances. Surely you don't expect my son or -- or your children to -- to have to have proof

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of insurance -- liability insurance in order to get their driver's license renewed. That can't be the intent.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

No, Senator. It's -- if it is registered in your name then there's -- there shall be insurance in force.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

But isn't that already a part of the law that says that if you don't -- if -- if it is found that you don't have liability insurance and when you -- of course, when you go to reapply for your driver's license renewal that -- that you would have to indicate it already. Isn't that already a part of the law?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

Senator, where a permanent -- again, when you -- when you do renew your driver's license. So it's when you renew that application that you are affirming this.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

Okay. Then -- you know, I -- I can understand you saying that you're going to work with the Secretary of State on this bill, but I really cannot, in good conscience, support it, because I -- first of all, I was opposed to the mandatory insurance laws without some kind of rate -- rate control and accountability on the part of the insurance industry, and I most certainly would not support a bill that would lend itself to tightening or strengthening that law in the absence of those regulations. So I would have to

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oppose your bill for that reason.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. In committee it was understood, or I thought it was understood, that we would just put one amendment on this bill and with that understanding it came out of committee flying, but then we've loaded it up with every imaginable bad idea that has ever come before this General Assembly. And with reluctance I'm going to ask that we take a No vote on this bill. It's made a bill -- it's made a terrible bill out of it. It's a problem now and with that I'm going to encourage us to vote No on this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. I, for one, like the direction that the bill is going and I intend to vote for it. I just have one question to Senator Daley regarding the Floor Amendment No. 5.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR DUDYCZ:

Our staff analysis, Senator Daley, states that as a condition of supervision the court may require restitution to a public agency for emergency response if a person receives supervision for a violation of the DUI law. Can you just clarify to me what -- what emergency response we're referring to?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley.

SENATOR DALEY:

He would have to pay for the -- ambulance cost.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Any further discussion? Hearing none, the question is --
Senator Daley may close.

SENATOR DALEY:

Simply, I would ask for favored vote -- roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Question is, shall Senate Bill 230 pass. Those
in favor, vote Aye. Opposed, vote Nay. The voting is open.
Have all voted who wish? Have all voted who wish? Have all voted
who wish? Take the record. On that question, there are 18 Ayes,
31 Nays, 2 voting Present. Senate Bill 230, having not received
the -- the required constitutional majority, is declared failed.
232. Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 232.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is create a task
force under the authority of the Attorney General to combine
environmental legal resources throughout the State to determine
exactly where we're spending our money on environmental problems.
In counties and cities we have environmental groups trying to
clean up the environment, as well as on the State level. What we
are trying to do is create a task force for the Attorney General
to review the law to determine if there should be any changes to
more effectively utilize the scarce resources we have designated
for cleaning up the environment. The task force will consist of
the Attorney General or a designee; two members appointed by the
Governor representing agencies with environmental
responsibilities, such as EPA and ENR; one member appointed by

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each legislative leader; and appointed by -- one appointed by the Attorney General; one member representing the environmental community; and one representing business. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. What this bill actually does is create an oversight agency to monitor the actions of the Pollution Control Board, the EPA, the ENR, Nuclear Safety, Conservation and other local and intergovernmental agencies. Why do we need it? That means more money, more staffing and we got the agencies to do the job, and I don't think that we should go ahead with this bill at this time when we are so short of funds. One billion two hundred million dollars is the shortage that we got, and since we have all the agencies who do that I don't think we need this bill, at this time. And I rise to speak against it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Welch.

SENATOR WELCH:

Senator, you're speaking to the original bill that created environmental advocate - we took that out of the bill at the request of the Attorney General. This doesn't create the environmental advocate. In fact, we also put an amendment on here that doesn't even pay anybody for showing up at meetings. We don't think it's going to cost any money at all, frankly. And the idea of it isn't to oversee what the Pollution Control Board does, as much as it's to oversee State expenditures on environmental problems that may overlap with local expenditures or federal expenditures. So it's mainly a task force for trying to oversee the money that's spent, not to tell the Pollution Control Board

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what to do, Senator.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any further discussion? If not, the question is, shall Senate Bill 232 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 2 Nays, 1 voting Present. Senate Bill 232, having received the required constitutional majority, is declared passed. Senate Bill 228. Senate Bill 248. I'm sorry. Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 248 provides that the medical histories of adopted and foster children go -- go with those children. We've made amendments to address the concerns of the Department of Children and Family Services, and to assure the anonymity of both the biological parents and biological siblings. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? Hearing none, the question is, shall Senate Bill -- Senate Bill 248 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, none voting Nay, and none voting Present. Senate Bill 248, having received the required constitutional majority, is declared passed. Senate Bill

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257. Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 257.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Currently the Metropolitan Water Reclamation District is represented by nine trustees, all of whom are elected at large from the County of Cook. Senate Bill 257 will state and mandate that in -- for the 1994 and subsequent elections, those trustees will be elected by district, which nine districts are to be drawn by this Body prior to the 1994 election. The purpose of this, in my judgment, is obvious. It is to afford more accountable representation than an at-large election currently affords. In addition, we have taken an amendment suggested by the sitting trustees to honor the terms of office of those elected in 1992 - or 1990 and 1992. They are currently elected for a six-year term. There is no intent on our part to, in any way, truncate their term by operation of law, we will afford them the opportunity to serve out their term, but the fact is I think that the election at -- by district as opposed to at large will afford a better and more accountable representation. And I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? If not, the question is, shall Senate Bill 257 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 3 Nays, none voting Present.

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Senate Bill 257, having received the required constitutional majority, is declared passed. Senate -- Senate Bill 259 is on a Recall List. Senate Bill 267. Senator Schuneman. Senate Bill 269 is on a Recall List. Senate Bill 270. Senator Maitland. Senator Maitland. Okay. Senate Bill 293. Senator Cullerton. 293. Senator Cullerton. 322. Senator DeAngelis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 322.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill, Senate Bill 322, allows educational service center programs to offer to private schools - it's permissive - after all public schools have been afforded adequate access. This bill came out of a situation that occurred in my area where the educational service center convened a meeting of a scientific literacy program and after several meetings it was determined that one of the teachers attending was from a parochial school, and he advised that person that she could not be there and refused, even after the director of the program said she could be there, he said he refused to do it without authorization. This bill simply permits that activity to occur.

PRESIDENT ROCK:

Gentleman has moved passage of Senate Bill 322. Discussion? If not, the question is, shall Senate Bill 322 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. Senate Bill 322, having received the

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required constitutional majority, is declared passed. All right. Ladies and Gentlemen, with leave of the Body, we're going to move to the Order of Recalls. The Recall List has been passed out. Members have indicated they want the opportunity to present their amendments. It will help the Enrolling and Engrossing and clerical if we can get it done this evening. So I would ask your attention and your indulgence as we go through the Recall List. At the conclusion of the Recall List, there are Members who have indicated -- there's a resolution on the Secretary's Desk that Senator Alexander has requested leave to attend to, and there are Motions in Writing sponsored by Senators Etheredge and Maitland that they've asked that we attend to. So we are not completed, but we promise you we will be out of here by six o'clock. Page 13 on the Calendar. On the Order of Senate Bills 3rd Reading, Senator Topinka seeks leave of the Body to return Senate Bill 78 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 78, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka, on Amendment No. 3.

SENATOR TOPINKA:

Yes. This amendment, Mr. President, Ladies and Gentlemen of the Senate, addresses the county clerks' concerns with the Fax bill, and basically is their agenda.

PRESIDENT ROCK:

Senator Topinka's moved the adoption of Amendment No. 3 to Senate Bill 78. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 14 on the Calendar. Senator Ralph Dunn. On the Order of Senate Bills 3rd Reading is Senate Bill 259. Senator Ralph Dunn seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 259, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Ralph Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This merely changes the letter "e" to the letter "a" in "effecting" to "affecting," and I move its adoption.

PRESIDENT ROCK:

Senator Dunn has moved the adoption of Amendment No. 3 to Senate Bill 259. 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. Bottom of Page 14. On the Order of Senate Bills 3rd Reading, is Senate Bill 269. Senator Jacobs seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 269, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Jacobs and Keats.

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PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The amendment to -- Amendment No. 1 to 269 clarifies the computation for the prepayment of interest as specified in the Interest Act - that it shall not affect the prepayment provisions of the installment loan rate, consumer installment and the Retail Installment Sales Act. This is -- the genesis of this is to straighten up a number of class actions suits that have been brought forward.

PRESIDENT ROCK:

Senator Jacobs has moved the adoption of Amendment No. 1 to Senate Bill 269. 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 Friedland. The middle of Page 15. On the Order of Senate Bills 3rd Reading, is Senate Bill 3-8-9. Senator Friedland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 389, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Friedland.

PRESIDENT ROCK:

Senator Friedland, on Amendment No. 2.

SENATOR FRIEDLAND:

Thank you, Mr. President. At this time, I'd ask leave -- or pursuant to an agreement from staff on both sides of the aisle,

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I'd ask leave to Table Amendment 1.

PRESIDENT ROCK:

All right. Senator Friedland, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 389 has been adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Madam Secretary, Senator Friedland now moves to Table Amendment No. 1 to Senate Bill 3-8-9. Discussion? If not, all in favor of the motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Friedland.

PRESIDENT ROCK:

Senator Friedland, on Amendment No. 2.

SENATOR FRIEDLAND:

Thank you very much, Mr. President. This is the window amendment that we agreed to, and I promised the committee I'd do this and I'm doing it. Thank you.

PRESIDENT ROCK:

Senator Friedland has moved the adoption of Amendment No. 2 to Senate Bill 389. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 16. On the Order of Senate Bills 3rd Reading is Senate Bill 460. 4-6-0. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for the purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill

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460, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank -- thank you, Mr. -- Mr. President. Amendment No. 1 is a clarifying amendment and what it does is states that human remains cannot be cremated till a permit is issued and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 460. Discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President. Amendment No. 2 is really -- merely a technical amendment that cleans up the bill, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Middle of Page 16 is Senate Bill 507.

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Senator Watson seeks leave of the Body to return Senate Bill 507 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Senate Bills 2nd Reading is Senate Bill 507, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

I'm -- I'm withdrawing that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator DeAngelis seeks leave to withdraw. Leave is granted. Further amendments?

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. First of all, I'd like to thank Senator DeAngelis for relinquishing the sponsorship of this legislation, allowing me to put this amendment on and hopefully carry it on to 3rd Reading. This particular amendment - Amendment No. 1 to Senate Bill 507 addresses the Prompt Payment Act and it's for Medicaid providers. Those individuals out there are providing Medicaid assistance to the -- the poor of this State, such as pharmacists, that -- which I am, as I'm sure all of you are aware of, hospitals, nursing homes, doctors, and what this would do is state that after July 1st of 1992 - we put that provision in there, July 1st 1992, because Governor Edgar is making an effort now to try to go to sixty days on a Prompt Payment Act through the appropriations process for the Medicaid providers. So we're going to give him that year and then next year, starting July 1st of

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'92, the -- it would go to thirty days. That's one of the provisions of the amendment. This would be called a Thirty-day Prompt Payment Act. Secondly, if -- if that payment is not due then automatic interest penalties of two-percent a month become a reality and would be done so without any kind of a provision or requirement of the Medicaid provider to file any kind of affidavit or statement or billing or voucher or whatever in order to collect that. It would be automatically added to the next check or a warrant, which would be made available from the Comptroller's Office. Another concern, and we had the bill in committee in the subcommittee on State Government Operations, a concern was from the Comptroller's Office that this might preempt the Common School Fund payment. Well that certainly isn't the intent here, and we put a provision in this that says that, "nothing in this Act shall be interpreted as requiring the Comptroller to prioritize the payment of obligations." Hopefully that addresses that particular concern. So I'd appreciate the adoption of the amendment and move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has moved the adoption of Amendment No. 1 to Senate Bill 507. Discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I rise in opposition to this amendment. First of all, Senate Bill 507, when it came to our State Government Committee on Organization, Administration it was in entirely different form. It was reported out on an agreed list with the understanding that there would be no amendments added to the bill, and in fact, it's been entirely stripped and a bill that remained in the subcommittee, Senator Watson's bill, Senate Bill 30 has now become the bill on 507. So in fact, I think there is an attempt to circumvent the process, which is unfortunate. But to the amendment itself: our committee

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held -- held -- appointed a subcommittee to hold hearings on the several Prompt Payment bills introduced before the Senate. Senator Leverenz chaired that subcommittee. Senator Carroll and Mahar were good enough to be Members of the subcommittee, as well, and heard lengthy testimony on the various different prompt payment bills before them. The concern voiced by the Department, the concern voiced in my conversations with Comptroller Netsch is what, in fact, the intent of SB30, now SB507, would really mean. And at least in the words of Senator <sic> (Comptroller) Netsch, when responding to my questions on SB30, which has now become the bill that -- the amendment to 507, she expressed concern that if this case would go to court, the State, in fact, would be forced to pay these bills prior to paying bills into the Common -- dollars into the Common School Fund. The departments, in fact, said they could not process the bills in the thirty days that this bill would require. There's not a one of us in this Chamber who don't regret and prefer to change the outstanding Medicaid bill situation. And we put plans and programs forward to do so, but Amendment 1 to 507 is not the way to do it, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in opposition to this amendment, and I would ask the Gentleman if he would be kind enough to withdraw it. What he's doing here is we are striking the title and everything after the enacting clause and literally starting over. And if this was such a hot idea, it really ought to have been offered in committee. Let me suggest also, two other things that really trouble me. The Governor is proposing to bring the -- bring the vendors down to a sixty-day payment cycle based upon a five-percent cut, and all

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you're doing here is saying, "A year from now we're going to make it thirty days, and that'll entail another five-percent cut under his theory of government." That doesn't make a lot of sense to me. And thirdly, I don't think we ought to put the Director of the Department of Public Aid, irrespective of party or personality, in a position where he or she can direct an elected official - namely the Comptroller, to do anything. That simply flies in the face of a constitutional office. Now everybody admits we've got a problem, but I -- trust me, this is not the solution, and I would ask the Gentleman to withdraw or else I urge opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

I thank you, Mr. President. I think the both -- the two prior speakers have said enough on the whole thing. It was heard in committee and it was the subcommittee's choice that the bill not come out, and I would encourage this to be withdrawn and if not, defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to join with my colleagues in suggesting this a poor amendment to an idea that unfortunately is a problem that needs to be solved. And needs to be solved because of the inability of the State to pay its bills. Senator DeAngelis had a bill that dealt specifically with contractors. The subcommittee felt that was an important area to be dealt with separate and aside. Senator DeAngelis, through representatives agreed that upon moving the bill there would be no amendments, or anything else and it would deal just with the area of contractors. Now, of course,

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that's all been stripped out by this amendment and -- and now it deals with something that the departments had indicated, through numerous hearings of the subcommittee, could not physically be done. Senator Leverenz, at the request of Senator Severns, had several meetings with the subcommittee, and it was decided that a sixty-day prompt payment bill was doable and important to do so that the penalty -- the penalty to the State for nonpayment be severe enough to force a payment. We never wanted the interest factor to come into play - for not only the benefit of the State, but for the benefit of the vendors. Department of Public Aid indicated it was absolutely impossible to meet a thirty-day time frame. Absolutely impossible. To say to them, "We're going to force you to do something you cannot do. We're going to pay funds that are needed for other purposes for interest." Even though I am firmly committed to the idea, that the State must be penalized if it's not paying in an acceptable timely fashion, but to pay interest after thirty days, when the Department said that there's just no way that they can process the paper, verify the bill, which they have to do in Public Aid, get the approval of the vendor, as well and get it over to the Comptroller and then let the Comptroller process it - those thirty days are just an unreachable number. And then what happens with the interest? The interest comes out of money that would have gone to pay for services to people. Be it nursing homes or hospitals, and those are nonreimbursable from federal government spendings. So that, not only will there be a five-percent reduction, but because a thirty-day level is not achievable, we will actually be taking money away from those who need it the most, the vendors for the services they're providing. That's why Senator Leverenz's subcommittee recommended a sixty-day cycle, because sixty days is not only achievable, but something where a penalty should really apply if we're not meeting it. I think this is a -- a nonworkable

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piece of legislation and the amendment should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson may close.

SENATOR WATSON:

Well, thank you, Mr. President. And I appreciate the remarks of all speakers, and I know that there's a lot of people anguishing over this particular process right now, and maybe it isn't necessarily something that I like either, but -- and especially Senator DeAngelis, and -- and quite honestly, Senator DeAngelis and Senator Watson neither one were ever a part of any kind of an agreement that was made between the committee and -- and either of us. My -- my approach to this was to introduce a bill, which was Senate Bill 30, and I did so. It was put into the State Government Operations Committee, and assigned to a subcommittee and we had a fair hearing. I was told by the chairman of the committee that I would then have an opportunity to have that bill heard by the committee as a whole, and I was told at that particular time that it would be held on a Friday. Well, the committee met on -- I'm not sure what day of the week it was, but it was earlier in the week and they cancelled the Friday meeting. And as a result my bill, quite honestly, wasn't given an opportunity to be heard by the committee. I felt that that was an injustice and I told the chairman that and we've talked about it and -- and so here we are at this particular situation and -- and as I said, it's not necessarily one that I relish either. But I do think that we have a problem in this State, and one thing that we have to do is establish priorities when it comes, not only to the budgetary process, but also by which the Governor approves our budget. The Medicaid providers of this State are hurting. And I know all of you in this Chamber know that. I'm -- you've got to be aware of that. Nursing homes are on the verge of closing throughout this State. Pharmacies, especially those in

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the metropolitan area in which service a great deal of the poor, having fifty, sixty, seventy percent of their business being public aid. There's drug stores in this State that are owed a quarter of a million dollars. In one particular instance there's drug store owed over two million dollars by this State. He's in the bank borrowing -- borrowing money, as are nursing homes, as are hospitals just to stay afloat. What this attempt to do is to establish a priority by which the State will pay their bills in a timely fashion. Now, Senator Carroll mentioned that the Department of Public Aid said they couldn't live with thirty days. Now I didn't hear that statement from those folks, because I sat right next to them and they said they could get this done within thirty days, and other states do it within fifteen days. Other states do it in less than fifteen days. There's no reason why this State can't live up to its financial obligations and make its payments to the providers of this State -- the Medicaid providers in a timely fashion. Well, with that I'll -- that's it. I'll close and appreciate your support and a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has moved the adoption of Amendment No. 1 to Senate Bill 507. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 24, the Nays are 30, 1 voting Present. The amendment fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 542. Senator Maitland. On the -- Senator Maitland seeks leave of the Body to return Senate Bill 542 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd

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Reading is Senate Bill 542, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. Members of the Senate, Amendment No. 1 to Senate Bill 542 attempts to narrow greatly the scope of this legislation. In the original bill we grant the State Police one more category with which to give to felons a -- a FOID card, and my bill originally suggested that anyone who had received a Gubernatorial pardon could also be considered for -- for a FOID card. We have narrowed that and exempted -- or stated that -- that the applicant cannot -- could not have been convicted of a first degree murder, second degree murder or any offense punishable as a Class X felon -- felony, and it narrows the scope greatly. Mr. President, I would move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland has moved the adoption of Amendment No. 1 to Senate Bill 542. I'm sorry. 542. 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)

3rd Reading. Page 18 is 745. Senator Collins seeks leave of the Body to return Senate Bill 745 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Senate Bills 2nd Reading is Senate Bill 745, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Collins.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. The amendment really was a committee amendment, put on in committee and somehow there was a little confusion here, but what it does is just clarifies the intent. It's an intent clause put on the legislation. I would just move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins has moved the adoption of Amendment No. 1 to Senate Bill 745. Is there discussion? If -- if not, 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)

3rd Reading. 7-7-0 on Page 18. Senator Keats seeks leave of the Body to return Senate Bill 770 to the Order of 2nd Reading for the purpose of -- of an amendment. Is leave granted? Leave is granted. Senate Bills 2nd Reading is Senate Bill 7-7-0, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SECRETARY HAWKER:

Pardon me. Excuse me. That was Floor Amendment No. 2 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. This is an amendment that is

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purported to be one that we will eventually call an agreed amendment. At the moment it is not completely agreed. We're going to put it on the bill. The bill will go back to 3rd Reading, but the bill goes nowhere if this is not an agreed amendment. It's just a time question to get it on and keep moving.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, if I can interject in the middle of this since people are starting to walk out - there will be a Republican Caucus tomorrow morning at 8:30 a.m. in Senator Pate Philip's office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The big breakfast tomorrow morning. Further -- Senator -- discussion? Senator Hall.

SENATOR HALL:

Mr. President and Members of the -- of the Senate. The Chairman, Marovitz is away, but I'm the Vice Chairman of the Executive Committee and he has discussed this with the understanding that this bill goes no place until there is an agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Keats 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:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 8-3-0. Senator Berman seeks leave of the Body to return Senate Bill 830 to the Order of 2nd Reading for the

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purpose of an amendment. Is leave granted? Leave is granted.
Senate Bills 2nd Reading is Senate Bill 8-3-0, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. In reviewing this bill, Senate Bill 830, I noticed that there was an error. This bill deals with denial of coverage, rather than cancellation. What this amendment does is delete the word "cancelled" from the bill. I move the adoption of Amendment No. 1 <sic> (2).

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman moves the adoption of Amendment No. 2 to Senate Bill 830. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 873 on Page 19. Senator Etheredge seeks leave of the Body to return Senate Bill 873 to the Order of 2nd -- for the purpose of an amendment. Is leave granted? On -- leave is granted. Senate Bills 2nd Reading is Senate Bill 873, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment does what Senate Bill 1643 did last year, and it

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passed the Senate 54 to nothing, and unfortunately that bill was used as a vehicle for some unrelated issue. But this amendment extends the civil liability provisions that apply to a minor under the Juvenile Court Act for a dissolution involving public or community service to a stationhouse adjustment provided for under the Act, and I would ask for your support and move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue has moved the adoption of Amendment No. 1 to Senate Bill 8-7-3. Discussion? If not, 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)

3rd Reading. 1046. Senator Carroll. 1-0-4-6. On Page 20 -- seeks leave of the Body to return 1-0-4-6 to the Order of 2nd for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1-0-4-6, Madam Secretary.

END OF TAPE

TAPE 7

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

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

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After discussion today -- earlier today with representatives of the life insurance companies and others who felt we were singling them out on asking all those who utilize the Office of the Comptroller for purposes of withholding and submitting payments to them, that we were not intending to single them out. Amendment No. 1 would clarify that it would be any of those services performed by the Comptroller for any purpose other than the ones that are truly related to State employment, that the Comptroller could be -- could charge a fee in order for the Comptroller's Office to be made whole and to produce about eight hundred thousand dollars in General Revenue to the State. I would move adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll has moved the adoption of Amendment No. 1 to Senate Bill 1046. Discussion? If not, 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)

3rd Reading. Page 38. Senator Jones seeks leave of the Body to return Senate Bill 1077 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Senate Bills 2nd Reading, Senate Bill 1077, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Amendment No. 1 extends the nursing home pilot licensure survey termination date to 12/31/93 and -- as reporting date to the Governor and Members of the

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General Assembly to June 30th, 1992, and I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 1077. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further Amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 1202. Senator Hall. On Page 22. Senator Hall seeks leave of the Body to return Senate Bill 1202 to the Order of 2nd for the purpose of an amendment. Leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1-2-0-2, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Mr. President and Ladies and Gentlemen of the Senate, at the advice of this august Body that I recall - and the amendment's going on - and what it does, it deletes everything and becomes the bill. It requires each local emergency services and disaster agency to submit emergency operation plans for review and approval by ESDA. This amendment represents an agreement between ESDA and the Audit Commission. I move for the adoption of this...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Hall has moved the adoption of Amendment No. 1 to Senate Bill 1-2-0-2. If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

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No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 40 is 1310. Senator Schuneman seeks leave of the Body to return Senate Bill 1310 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1-3-1-0, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Schuneman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This amendment was furnished to me by the Legislative Reference Bureau who discovered a technical error in the bill. So, this amendment is strictly technical in nature, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman has moved the adoption of Amendment No. 1 to Senate Bill 1310. Is there discussion? If not, those in favor will indicate by saying Aye. Those opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. If you'll now turn to Page 58. Page 58 of your Calendar. Secretary's Desk, Resolutions. Page 58 of your Calendar, Secretary's Desk, Resolutions. With leave of the Body, we'll go to that order. Leave is granted. Is House Joint Resolution 34, Madam Secretary.

SECRETARY HAWKER:

House Joint Resolution 34. Senator Alexander offers Amendment No. 1.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander, on Amendment No. 1.

SENATOR ALEXANDER:

To the Body: House Joint Resolution 34 - the amendment deletes all of the prior information. You should have had a copy on your desk as of Monday morning. This amendment reflects a bipartisan effort to express concern over the census undercount, and I ask for the passage of this amendment. I'll answer any questions, if there be any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander has moved the adoption of Amendment No. 1 to House Joint Resolution 34. Is there discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you. Kind of talkative, aren't I? I want to just tell the Membership that I appreciate Senator Alexander's work and help on making this resolution something that we can all support. It's an agreed-to amendment, and we would move for its adoption as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Alexander has moved the adoption of Amendment No. 1 to House Joint Resolution 34. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Is there any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On House Joint Resolution 34, as amended, Senator Alexander. Senator Alexander.

SENATOR ALEXANDER:

Thank you. I move that House Joint -- House Joint Resolution 34 be adopted, be voted upon and passed out of this...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Alexander has moved the adoption of House Joint Resolution 34, as amended. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. House Joint Resolution 34 is adopted. If you'll turn to Page 59. Page 59. Motions in Writing. Motions in Writing. Page 59, is Senate Bill 309, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5(c) and that the Committee on Appropriations II be discharged from further consideration of Senate Bill 309 and that it be placed on the Senate Calendar on the Order of 2nd Reading.

Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll. All right. Senator -- Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a substantive bill; however, it was referred to the Appropriations II Committee and it was not taken up until after the deadline for the passage of substantive bills. I believe that this discharge Motion is supported by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Hall.

SENATOR HALL:

He's absolutely correct, and I concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge has moved to discharge the Committee on Appropriations II from further consideration, and that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Bill 309 has been discharged, and is -- will be posed on the Order of 2nd Reading. Further Motions in Writing, is Senate Bill 598, Madam Secretary.

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SECRETARY HAWKER:

I move to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 598 and that it be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. First of all, I'd like to ask leave of the Body to have Senator Jones shown as a hyphenated co-sponsor of this legislation, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

There's been a request for a roll call. Senator Maitland has -- has requested leave to add Senator Jones. Is leave granted? Leave is granted. So ordered. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 598 was heard in committee and was held there -- was heard in subcommittee, was held there and was thought to have been a part of the pension bill that comes out later in the Session. Senator Jones, and I have both agreed that this is not a pension issue. There is, as far as we know, no disagreement on this legislation. I think there's support on both sides of the aisle to discharge the committee and have the bill placed on 2nd Reading. I renew my motion, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion. Senator Jones.

SENATOR JONES:

The Gentleman is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland has moved to discharge the Committee on

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Insurance, Pensions and Licensed Activities from further consideration and that -- of Senate Bill 598, and that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Senate Bill 598 has been discharged. It now is -- will be on the Order of 2nd Reading. On the Motions in Writing with respect to Senate Bill 1-2-3-7, Senator -- Madam Secretary, please. 1-2-3-7.

SECRETARY HAWKER:

I move to discharge the Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 1237 and that it be advanced to 2nd Reading.

Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This has been a bill about which there have been a number of -- or a certain amount of misinformation and a number of questions, but hopefully those have now been resolved. It -- this is -- this bill is identical to one which is being advanced by Representative Morrow over in the House. It would establish, on a pilot basis, three sites here in Illinois where a learn fair system would be -- would be set up. It has a two-year sunset in it. And I would be happy to answer any questions that you might have. This program is -- there is no fiscal impact, by the way, and the program is supported by the Department of Public Aid.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge has moved to discharge the Committee on Public Health, Welfare and Corrections. Is there discussion? Senator Smith.

SENATOR SMITH:

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Thank you, Mr. President. And to my colleague, I understood that there was supposed to have been an amendment to this legislation. Do you have the amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, indeed, Senator, I do have an amendment which makes it identical to Representative Morrow's bill, and that will be offered if this motion is successful. Senator Smith.

SENATOR SMITH:

I'd concur with my colleague.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge has moved to discharge the Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 1-2-3-7, and that the bill be placed on the Order of 2nd Reading. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. So ordered. Senate Bill 1-2-3-7 will be on the Order of 2nd Reading. Further -- we have a number of pieces of paper to move. Senator Rock.

SENATOR ROCK:

Thank you. I just wanted to alert the Membership, I think we have concluded a good day's work. There will be no more roll calls. We do have some housekeeping matters, and we have to convene and adjourn the Special Session, but I would encourage you all, please, there's a Republican Caucus at 8:30 tomorrow morning. We would like to go on the Floor and commence our business as close to nine o'clock as possible. We will have another full day from 9:00 to 6:00 tomorrow with the sole break being the Memorial Day Service that I encourage all of us to participate in. So, I would wish you a good evening and, Mr. President, please continue with the paperwork.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Messages from the Governor.

SECRETARY HAWKER:

To the Secretary of the Senate - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask your concurrence in and confirmation of these appointments of your Honorable Body. The dates previously placed before you were incorrect. Please note the correction. File by Jim Edgar, Governor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive appointments. Message from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 45.

Was adopted by the House on May 20, 1991.

It is congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 406 offered by Senator Ralph Dunn.

Senate Resolutions 407 and 408 offered by Senator Topinka.

Senate Resolution 409 offered by Senator Lechowicz and all Members.

Senate Resolution 410 offered by Senator Topinka.

Senate Resolution 411 offered by Senators Vadalabene, Hudson and Geo-Karis.

Senate Resolution 412 offered by Senator Holmberg.

Senate Resolution 413 offered by Senator Holmberg.

Senate Resolution 414 offered by Senator Geo-Karis.

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Senate Resolution 415 offered by Senator Davidson and all Members.

Senate Resolution 416 offered by Senator Karpziel.

Senate Resolution 417 offered by Senator Hall, President Rock and all Members.

Senate Resolution 418 offered by Senator Geo-Karis.

Senate Resolution 419 offered by Senator Geo-Karis.

Senate Resolution 420 offered by Senator Demuzio and all Members.

And Senate Joint Resolution 57 offered by Senators Topinka, Keats, Weaver and all Members.

They're all congratulatory and death resolutions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. -- Rock, we have about twenty-five bills on House Bill 1st. Do you want to do those, or do you want to wait until in the morning? House -- On the Order -- Let's move to the Order of -- leave of the Body, to House Bills 1st Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill No. 5 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 147 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 179 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 592 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 685 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1109 offered by Senators Jacobs and DeAngelis.

(Secretary reads title of bill)

House Bill 1216 offered by Senator Jones.

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(Secretary reads title of bill)

House Bill 1245 offered by Senator Jones.

(Secretary reads title of bill)

House Bill -- pardon me -- 1333 offered by Senator Karpiel.

(Secretary reads title of bill)

House Bill 1364 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1408 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1700 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1815 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 1852 offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 2019 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 2022 offered by Senator Karpiel.

(Secretary reads title of bill)

House Bill 2042 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2139 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2147 offered by Senator J.E. Joyce.

(Secretary reads title of bill)

House Bill 2148 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 2208 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2392 offered by Senator Karpiel.

(Secretary reads title of bill)

And House Bill 2512 offered by Senator Topinka.

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(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Committee on Assignment. All right. Further business to come before the Senate? Senator Rock moves that the Senate stands adjourned until tomorrow morning at the hour of nine o'clock. Senate stands adjourned until tomorrow morning at the hour of nine o'clock.

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